

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 20, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on February 20, 1987 at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: Reps. Moore, DeMars and O'Connell were excused. All other committee members were present.

CONSIDERATION OF HOUSE BILL NO. 792: Rep. Wallin, House District #78 and sponsor of the bill, stated the bill would provide compensation for necessary expenses incurred by the members of the Montana Health Facility Authority. The board was created in 1983, and the authorizing legislation did not do a very good job regarding how the members were to be paid for their expenses. HB 792 will provide the per diem expenses just like every other board. The money does not come out of the general fund. It comes from fees collected by the board.

PROPOSERS: Bill Leary, representing the Montana Hospital Association, stated his support for the bill. It is a good bill to correct a slight oversight.

Carolyn Doering, representing the Department of Commerce, stated her support for HB 792.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 792: None

Discussion of HB 792 was closed by Rep. Wallin.

DISPOSITION OF HOUSE BILL NO. 792: A DO PASS motion was made by Rep. Pistoria, seconded by Rep. Peterson. Motion carried with a unanimous voice vote.

CONSIDERATION OF HOUSE BILL NO. 818: Rep. Nathe, House District #19 and sponsor of the bill, stated this is a committee bill coming from a subcommittee of the House Appropriations Committee. HB 818 would allow the Superintendent of Public Instruction to print a complete and updated volume of the school laws of the state at its discretion. The program pays for itself and has no fiscal impact.

PROPOSERS: Marilyn Miller, representing the Office of Public Instruction, stated the Office would appreciate the flexibility of being able to print these laws every two years.

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 818: None

DISPOSITION OF HOUSE BILL NO. 818: A DO PASS motion was made by Rep. Peterson, seconded by Rep. Pistoria. The motion carried by a unanimous voice vote.

CONSIDERATION OF HOUSE BILL NO. 767: Rep. Fritz, House District #56 and sponsor of the bill, stated HB 767 attempts to repeal a law that has always been cumbersome and unworkable, and proposes a very straightforward procedure that would allow the Department of Administration some flexible alternatives to buy or construct a building. The state currently rents some of its office space, and this bill would simply allow the state to enter into a rental with an option to buy agreement if that is in the interest of the agency and the state. It would not encumber the state beyond the biennium. If a state debt is incurred through these arrangements, the issue would have to be brought before the legislature for a 2/3 vote of approval. This bill is simply an effort to save the state a little money as a lease/purchase option is sometimes more practical than just straight leasing or constructing of a building.

PROPOSERS: H. S. Hanson, representing the Design Professions of Montana, stated his support of the bill and submitted a proposed amendment included here as Exhibit #1.

OPPONENTS: Lloyd Lockren, representing Montana Contractors Association, stated opposition to the bill as drafted. The Associated General Contractors of America and the Montana Contractors Association are based on the fundamental concept of construction by contract. That concept brings in the competitive bid process which gives the state quality construction at the lowest possible price. He stated the provisions under Section 2 are extremely loose and do not guarantee the state will follow the competitive bidding process.

DISCUSSION OF HOUSE BILL NO. 767: Rep. Cody asked Rep. Fritz how the state would pay for the "option" in a lease/option to buy situation. He replied he could not answer that question since this was not dealing with a specific situation. Rep. Whalen asked Mr. Lockren if it was his understanding that the part HB 767 is attempting to repeal, in fact, has never been used. He replied that he could not say whether or not it has ever been used. Rep. Phillips asked Rep. Fritz how the Department of Administration feels about this bill since it didn't appear that any of its employees were present. David Ashley, Deputy Director for the Department of Administration, stated the Department has no problem with the bill. The part being repealed is cumbersome and has been an unworkable law. Rep. Sales asked Mr. Ashley if he saw any problems with amending the bill to include reference to the bidding process. Mr. Ashley replied that competitive bidding is somewhat

contrary to the intent of this statute. Competitive bidding works well in building a new structure, but when you are buying an existing structure, you're always comparing apples and oranges. Competitive proposing is more appropriate in the situation of an existing structure. Rep. Sales indicated that in areas of acquisition, renovation, and construction, it would appear a bidding process would be in order. Mr. Ashley replied that there would be a competitive proposal process but not a competitive bidding process where the dollar amount is the only matter taken into consideration. Rep. Sales asked about having an amendment to that effect. Mr. Ashley replied that he could guarantee that under Section 2, if the bill passes, acquisition will be based on a competitive proposal process. Rep. Sales then stated that if Mr. Ashley could guarantee that, why shouldn't we put that into the law. Mr. Ashley replied that he would be happy to work with Rep. Fritz and Lois Menzies, Staff Researcher for the Committee, to draft language in the bill that addresses these concerns. The language could also be placed in a Statement of Intent as well. Rep. Jenkins asked Dave Ashley how often they have to look for space outside the Capitol complex. He replied that at the present time, the only request he has had for outside space is for the Lottery Commission. Rep. Jenkins asked Mr. Ashley if the Lottery Commission could have been worked into an existing state building somewhere, and he replied "no, they had very specific requirements". Rep. Peterson stated her concern with the proposed bill having the word "construction" in it. Rep. Fritz agreed with her concern and stated he would address that concern in his closing remarks.

Discussion of HB 767 was closed by Rep. Fritz who stated he supports the amendments submitted by Mr. Hanson (Exhibit #1). Rep. Fritz also stated that since the bill does mention construction, some additional amendments may be needed. If it is different from the normal competitive bidding process, then the competitive proposal process needs to be further elaborated. We must either eliminate construction or get competitive bidding mentioned in some way. I will work with the supporters of the bill to address that question. There are a number of safeguards in the bill so we don't get into a reckless purchase or construction process, i.e. the two-thirds vote of the legislature for the creation of a debt, etc. I offer the bill as an option to the state so that existing arrangements are not frozen and with the intent of saving money. If it is more economical to the state to lease with an option to purchase rather than to pay continuous rent, then I think it is in the interest of the state to pursue that arrangement.

DISPOSITION OF HOUSE BILL NO. 767: Rep. Sales asked for a motion on the bill before the amendments are considered. Rep. Roth moved a DO PASS, seconded by Rep. Pistoria. Rep. Pistoria moved a DO PASS on the amendments submitted by Sonny Hanson (Exhibit #1), seconded by Rep. Roth. The motion on the amendments CARRIED by unanimous voice vote. It was agreed that Rep. Whalen, Rep. Fritz and Lois Menzies would get together and come up with acceptable language for the amendments so the bill could be voted on.

The committee went into executive action at 10:20 a.m.

DISPOSITION OF HOUSE BILL NO. 229: Rep. Roth made a motion to MOVE HB 229 OFF THE TABLE. The motion was seconded by Rep. Cody. Rep. Sales expressed some concerns with this bill, and said it goes back to his relationship with Rep. Bardanouve for many years trying to protect the retirement systems for the employees. I really think the process of borrowing against the retirement for a 1% increase in take home pay is crazy to begin with. By the time taxes are paid on the 1%, you're looking at .8% which is quite minimal. Another concern I have is the fact that when we were up here last session, the unfunded liability for PERS was 36 1/2 years; this session, it's 28.24 and the reason is due to the drop in inflation. That unfunded liability could go up just as quickly as it went down because we do not know what inflation is going to do in the next few years. When you have a \$200 million problem, I don't see where a \$985,000 savings is that big a deal. Borrowing from the retirement system in order to save the general fund less than \$1 million really bothers me. Rep. Peterson stated all the retirement funds need to be protected, and make them as sound as possible. Rep. Roth stated that one of the reasons he liked HB 229 was because it would provide over \$1 million to the university system. Rep. Cody stated there were a lot of unanswered questions in the bill, and every time we turn around, some actuary is making some more assumptions. There are never facts, only assumptions. Rep. Jenkins stated he has a real problem with this bill. I want the retirement funding there, and I want the system actuarially sound so that people don't have to worry about whether or not there will be a pension check in their retirement years. It is our responsibility to be sure that program is sound, and it is our obligation to protect the retirement benefits. Rep. Campbell stated he didn't see anything wrong with the bill. These people have not gotten a raise in a long time. Rep. Sales responded that the employees have nothing to lose, but the state is still required to meet the requirements of those benefits. That's why I'm saying, if you take it out now, you're going to have to put it back in again somewhere down the road. If you drop the state 1 1/2% now, you're going to have to add 1 1/2% down the road or maybe 2% to get the system back to where it was.

Rep. Nelson made a SUBSTITUTE MOTION to leave HB 229 ON THE TABLE. The motion passed on a roll call vote 11-5, Reps. Campbell, Cody, Holliday, Moore and Roth voting no.

RECONSIDERATION OF HOUSE BILL NO. 767: Rep. Fritz stated he has spoken to the Department of Administration and with the supporters of the bill, and we agreed that the best thing to do is to take "construction" out of the bill, because that does involve a lengthy competitive bidding process. The bill is not intended for new construction. It is mainly renovation and alteration. The Statement of Intent will have competitive review added to it, but it already states the Department will go through and evaluate the process for responsive and competitive bids based on a grading

system that evaluates the proposals, project specifications, etc. Rep. Whalen felt the term "acquisition" still leaves a loophole in the bill whereby a new building could be acquired by having it constructed through a lease/purchase arrangement and still circumvent the bidding process. We should not only remove the word "construction", but should have some affirmative language that this is only to be used in situations where you are looking at a presently existing building that has been there for some time. Rep. Whalen feels the term "acquisition" is vague and doesn't think removing the word "construction" solves the problem.

RECONSIDERATION OF HOUSE BILL NO. 459: Larry Akey from the Secretary of State's Office explained that the revised grey bill (Exhibit #2) attempts to incorporate concerns of the local election administrators. Exhibit #2 incorporates all the amendments that the Secretary of State's Office, the school clerks and the county election administrators have agreed upon. With this process in place, he will try to hammer out the remaining disagreements. Rep. Keenan's amendments are included as Exhibit #3. Rep. Sales stated the whole thing boils down to whether or not you think that a combined presidential primary with the surrounding states is a good idea. If you think it is, let's go ahead and add the amendments and send it to the floor.

Rep. Jenkins moved DO PASS on the bill, seconded by Rep. Whalen. Rep. Jenkins then moved the amendments, seconded by Rep. Phillips. The motion on the amendments CARRIED on a unanimous voice vote. The bill received a DO PASS AS AMENDED on a 13-2 vote, Reps. Nelson, Hayne and Compton voting no.

The committee recessed at 10:10 a.m. and reconvened at 10:20 a.m. to hear HJR 31.

RECONSIDERATION OF HOUSE BILL NO. 767: Rep. Whalen explained the purpose of the amendment addressing the vagueness of the word "acquisition" essentially states that "the purpose of this bill is to allow lease/options on buildings that have been in existence and were not constructed for the purpose of state use". This will not allow circumventing the bidding process. Rep. Whalen moved the amendments, seconded by Rep. Phillips. The motion passed unanimously. A DO PASS AS AMENDED WITH STATEMENT OF INTENT motion was made by Rep. Fritz, seconded by Rep. Roth. The motion passed 14-1, Rep. Whalen voting no.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 31: Rep. Whalen, House District #93 and sponsor of the resolution, stated HJR 31 would put the legislature of the state of Montana on record as being in support of the United Farm Workers grape boycott. He distributed two handouts (Exhibits #4 and #5). Rather than explaining the purposes of the grape boycott, I will do that through the video presentation that I have to show to you committee members. The decision to boycott grapes would be made as a legislative body, but we leave it up to the people of the state as to whether or not they are going to support the boycott. However, we encourage that they do so. The purpose

of the grape boycott is to prohibit unsafe amounts of pesticides from being used in California. The large corporate farm growers are not using adequate protection when applying these chemicals, either for the workers, the communities or for the consumers who eat the table grapes. The other important issue is that the United Farm Workers have asked the grape growers to test the grapes in the supermarkets, and they have refused to do so. The video presentation portrays the dangerous results of the imprudent use of pesticides. The committee then viewed a video presentation entitled "The Wrath of Grapes". Rep. Whalen asked the committee to give their support to HJR 31.

PROPONENTS: Jim Murry, representing the Montana State AFL-CIO, stated his wholehearted support for HJR 31. Potentially hazardous levels of toxic pesticides endanger farm workers, their families and quite possibly consumers. The boycott is in the best interests of farm workers, consumers and all socially responsible Americans. His written testimony is included as Exhibit #6.

OPPONENTS: Alan Eck, representing the Montana Farm Bureau and the Montana Chapter of Women in Farm Economics, stated he opposes HJR 31. His written testimony is included as Exhibit #7. It would be unfair of Montana to join this transparent, spiteful attempt to stifle the livelihood of a majority of grapeworkers who are opposed to a boycott as well as the philosophy and tactics of the United Farm Workers Union. He asked a do not pass recommendation.

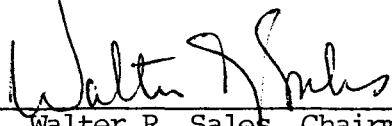
DISCUSSION OF HOUSE JOINT RESOLUTION NO. 31: Rep. Jenkins asked Rep. Whalen what control we had on what other countries spray their crops with. Rep. Whalen stated he could not answer that question, but he did not think we imported much table food. Rep. Jenkins then asked Rep. Whalen how our farm workers can be helped if we import food from other countries when last year our import of agricultural products was more than our export of agricultural products. Rep. Whalen replied that the question that had to be asked is this: Right now, there is no incentive for the grape growers in California to protect the workers, consumers and communities that are impacted by this. Grapes can be grown without using pesticides. Over one-half of the chemical pesticides used in the U.S. are used on grapes and vegetables grown in California. As far as the import question is concerned, we have to ask ourselves if we want to support our own industry at any cost. I think the answer to that has to be no. This is not just affecting those who buy the grapes, but this involves the communities where the grapes are grown. Rep. Roth asked why the expensive pesticides are used if grapes can be grown without the use of pesticides. Rep. Whalen responded that it is cheaper to use pesticides because of the volume of growth than to have an increase in the labor force. Mr. Murry interjected that if grapes are grown without the use of pesticides, the growing process becomes much more expensive and labor intensive because closer attention has to be paid to the crop. Rep. Peterson stated it was the Federal Food and Drug Administration's duty to check these things. Rep. Whalen stated

it is also the duty of the Environmental Protection Agency to ensure that the population is adequately protected, but we all know that is not being done. Rep. Peterson asked if the purpose of the film was more for union organizing or against pesticide use. Rep. Whalen replied that the laws are only as good as the efforts used to enforce them are.

Discussion on HJR 31 was closed by Rep. Whalen and the committee took executive action on the resolution.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 31: A DO PASS motion was made by Rep. O'Connell, seconded by Rep. Pistoria. Rep. Campbell suggested the amendment include all farm workers and boycott all table grapes. I cannot see singling out the United Farm Workers and the state of California. A SUBSTITUTE MOTION TO TABLE HJR 31 was made by Rep. Jenkins. On a roll call vote, the resolution was TABLED, 11-6, Reps. Cody, Fritz, Moore, O'Connell, Pistoria and Whalen voting no.

ADJOURNMENT: There being no further business to come before the committee, the hearing adjourned at 11:00 a.m.



Walter R. Sales, Chairman

DAILY ROLL CALL

State Administration COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date _____

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars			
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore			
Richard Nelson	✓		
Helen O'Connell			
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

EXHIBIT #1
DATE 2/20/87
HB 767

HB - 767

be amended as follows:

1. Page 1, line 7.
Following: "Renovation"
Add: "Energy Conservation"
2. Page 1, line 9.
Following: "renovation"
Add: "energy conservation"
3. Page 1, line 20.
Following: "renovation"
Add: "energy conservation"
4. Page 1, line 21.
Following: "building"
Add: "or buildings"
5. Page 2, line 1.
Following: "renovation"
Add: "energy conservation"

EXHIBIT #2
DATE 2/20/87
HB 459

HOUSE BILL 459

INTRODUCED BY KEENAN, FARRELL, OTHERS

BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE OF THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS; AMENDING SECTIONS 13-1-104, 13-1-302, 13-10-401, 13-10-402, 13-10-403, ~~13-38-204~~ AND 20-20-105, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-104, MCA, is amended to read:
"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8 of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held on REGULAR school election day, ~~THE FIRST TUESDAY OF APRIL OF EACH YEAR,~~ and is subject to the election procedures provided for in 13-1-401."

Section 2. Section 13-1-302, MCA, is amended to read:

"13-1-302. Election costs. (1) Unless specifically provided otherwise, all costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(2) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county election administrator and the school district election administrator.

(3) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.

(4) THE COSTS OF THE PRESIDENTIAL PREFERENCE PRIMARY PROVIDED FOR IN 13-10-401 SHALL BE PAID BY THE COUNTY EXCEPT, WHEN THE PRIMARY IS HELD IN CONJUNCTION WITH A REGULARLY SCHEDULED SCHOOL ELECTION, THE COUNTY AND THE SCHOOL DISTRICT SHALL EACH BEAR A PROPORTIONATE SHARE OF THE COSTS AS DETERMINED BY THE COUNTY ELECTION ADMINISTRATOR AND THE SCHOOL DISTRICT ELECTION ADMINISTRATOR.

(5)~~(4)~~ Costs of elections may not include the services of the election administrator or capital expenditures.

(6)~~(5)~~ The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.

(7)~~(6)~~ Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.

(8)~~(7)~~ The proportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

Section 3. Section 13-10-401, MCA, is amended to read:

"13-10-401. Date of presidential primary. In the years in which a president of the United States is to be elected, a

presidential preference primary election will be held on the same day as the ~~primary~~ election provided for in ~~13-1-107~~ 20-20-105."

Section 4. Section 13-10-402, MCA, is amended to read:

"13-10-402. Ballot. The regular party primary ballots A SEPARATE BALLOT SEPARATE BALLOTS FOR EACH POLITICAL PARTY shall be used for the presidential preference primary election. The ~~presidential~~ section of the ballot shall be placed before any other section, national, state, or local."

"SECTION 5. SECTION 13-10-403, MCA, IS AMENDED TO READ:

13-10-403. FORM OF BALLOT THE PRESIDENTIAL PREFERENCE BALLOT FOR EACH POLITICAL PARTY SHALL LIST ALL CANDIDATES NOMINATED IN ACCORDANCE WITH THE PROVISIONS OF THIS PART AND SHALL, IN ADDITION, INCLUDE A PRESIDENTIAL BALLOT POSITION WHICH SHALL BE DESIGNATED AS "NO PREFERENCE" AND A BLANK WRITE-IN SPACE."

SECTION 3. SECTION ~~13-38-201~~, MCA, IS AMENDED TO READ:

~~"13-38-201. ELECTION OF COMMITTEEMEN AT PRIMARY. (NOTE: This section included in the original bill with amendments is now stricken from the bill, leaving Election of Committeemen unaffected by the presidential preference primary.)~~

Section 5. Section 20-20-105, MCA, is amended to read:

"20-20-105. Regular school election day and special school elections. The ~~first~~ fourth Tuesday of ~~April~~ March of each year shall be the regular school election day. Unless otherwise provided by law, special school elections may be conducted at

such times as determined by the trustees."

NEW SECTION. Section 6. Precedence of SCHOOL election provisions. Except as otherwise provided in this title, presidential preference primary elections must be conducted and canvassed and the results must be returned in the same manner as primary elections EXCEPT THAT PRESIDENTIAL PREFERENCE PRIMARY RETURNS MAY BE CANVASSED AND REPORTED BY POLLING PLACE, RATHER THAN BY PRECINCT, WHEN THE PRESIDENTIAL PREFERENCE PRIMARY IS CONDUCTED IN CONJUNCTION WITH A REGULARLY SCHEDULED SCHOOL ELECTION. If a conflict arises between the requirements of this title and the provisions of Title 20 relating to school elections, the provisions of Title 20 prevail WHEN THE TWO ELECTIONS ARE ADMINISTERED TOGETHER. WHEN THEY ARE NOT ADMINISTERED TOGETHER, THE PROVISIONS OF TITLE 13 SHALL PREVAIL.

NEW SECTION. SECTION 7. ARRANGEMENT OF NAMES. THE PROVISIONS OF 13-12-205 SHALL NOT APPLY TO THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT, BUT EACH ELECTION ADMINISTRATOR WILL DETERMINE BY LOT THE ORDER OF CANDIDATES' NAMES ON THE BALLOT FOR THAT COUNTY.

NEW SECTION. Section 8. Extension of authority. Any existing authority of the secretary of state to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 9. Codification instruction. Sections 5 6 AND 7 are intended to be codified as an integral part of Title 13, chapter 10, part 4, and the provisions of

Title 13, chapter 10, part 4, apply to sections S 5 6 and 7.

NEW SECTION. Section 10. Contingent effective date. This act is effective on passage and approval of legislation OR ADOPTION OF PARTY RULES establishing the fourth Tuesday of March as the presidential preference primary election date or presidential caucus date in any two of the following states: Idaho, Oregon, or Washington.

-End-

EXHIBIT #3
DATE 2/20/87
HB 459

SPONSORS'

AMENDMENTS TO HB459

1. Title, line 7.
Following: "SECTIONS"
Insert: "13-1-104, 13-1-302,"
2. Title, line 7.
Following: "13-10-402,"
Insert: "13-10-403,"
3. Title, line 7.
Strike: "13-38-201,"
4. Page 1, line 11.
Following: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
MONTANA:"
Insert:

Section 1. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8 of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held on REGULAR school election day, THE FIRST TUESDAY OF APRIL OF EACH YEAR, and is subject to the election procedures provided for in 13-1-401."

Section 2. Section 13-1-302, MCA, is amended to read:

"13-1-302. Election costs. (1) Unless specifically provided otherwise, all costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(2) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county election administrator and the school district election administrator.

(3) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.

(4) THE COSTS OF THE PRESIDENTIAL PREFERENCE PRIMARY PROVIDED FOR IN 13-10-401 SHALL BE PAID BY THE COUNTY EXCEPT, WHEN THE PRIMARY IS HELD IN CONJUNCTION WITH A REGULARLY SCHEDULED SCHOOL ELECTION, THE COUNTY AND THE SCHOOL DISTRICT SHALL EACH BEAR A PROPORTIONATE SHARE OF THE COSTS AS DETERMINED BY THE COUNTY ELECTION ADMINISTRATOR AND THE SCHOOL DISTRICT ELECTION ADMINISTRATOR.

~~(5)(4)~~ Costs of elections may not include the services of the election administrator or capital expenditures.

~~(6)(5)~~ The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.

~~(7)(6)~~ Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.

~~(8)(7)~~ The proportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

Renumber: subsequent sections.

5. Page 1, line 19.

Strike: "A separate ballot"

Insert: "Separate ballots for each political party"

6. Page 1, line 22.

Following: Old Section 2, renumbered Section 4.

Insert:

"Section 5. Section 13-10-403, MCA, is amended to read:

13-10-403 Form of ballot. The presidential preference ballot for each political party shall list all candidates nominated in accordance with the provisions of this part and shall, in addition, include a presidential ballot position which shall be designated as "no preference" and a blank write-in space."

7. Page 1, line 23.
Strike: Section 3 in its entirety.
Re-number: subsequent sections.
8. Page 3, line 1.
Strike: "school"
9. Page 3, line 5.
Following: "elections" .
Insert: "except that presidential preference primary returns may be canvassed and reported by polling place, rather than by precinct, when the presidential preference primary is conducted in conjunction with a regularly scheduled school election"
10. Page 3, line 7.
Following: "prevail"
Insert: "when the two elections are administered together. When they are not administered together, the provisions of Title 13 shall prevail"
11. Page 3, line 9.
Following: Old Section 5, renumbered Section 6.
Insert:

"NEW SECTION. Section 7. Arrangement of Names. The provisions of 13-12-205 shall not apply to the presidential preference primary ballot, but each election administrator will determine by lot the order of candidates' names on the ballot for that county.

Re-number: subsequent sections.
12. Page 3, line 14 (in renumbered Section 9, Codification instruction.)
Strike: "5"
Insert: "6 and 7"
13. Page 3, line 16.
Strike: "5"
Insert: "6 and 7"
14. Page 3, line 18.
Following: "legislation"
Insert: "or adoption of party rules"

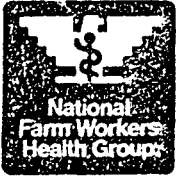


EXHIBIT #4
DATE 2/20/87
HB HJR 31

La Paz
Keene, California 93531
(805) 822-5571

National Farm Workers Health Group

Main Office

Statement of Dr. Marion Moses, Medical Director of the
National Farm Workers Health Group
Regarding Farmworker Health and Safety

To the Maryland State Legislature

February 26, 1986

Farmworkers' illness and injury rate of 48 per 1000 is the highest in the state of California, and compares with 36 per 1000 for workers in general industry. Farmworkers represent only 3.9% of the states' workforce, yet they account for 9% of reported fatalities, 8% of doctors reports, and 5% of compensable illness and injuries.

California law requires that doctors report any pesticide-related illness, and more than a thousand cases are reported annually. Since it is estimated that only 1% of pesticide poisonings in farmworkers are reported by doctors, the actual extent of work-related illness is even greater than the above statistics indicate. Workers exposed to field residues are the most likely to incur a pesticide-related illness and over one half of all pesticide related illness for which crop data are reported involve the cultivation or harvesting of grapes, the largest fruit crop in California.

Approximately 8 million pounds of more than 130 different pesticides are used annually in grape production in California. Most pesticides applied to grapes and other food crops have not been adequately tested to determine whether they cause cancer, birth defects, chronic effects, or affect genetic material (DNA). Approximately one third of the pesticides used on grapes in California are suspect or proven carcinogens.

Pesticides are, by nature, poisons and there is no such thing as a safe pesticide. Pesticides used in agriculture pollute the air, contaminate the food supply and are contaminants of ground water, an irreplaceable resource. Pesticides are found in human breast milk, and in the blood and tissues of newborn babies.

Extensive ecological damage is caused by pesticides from effects on fish and wildlife and by the killing of bees and beneficial natural predators. Resistance of pests continues to increase, and even greater amounts of even more toxic pesticides are required adding to the chaos.

Neither biological controls, nor safer and more selective pesticides, or alternatives to pesticides will be developed or used as long as agribusiness and the agricultural industry continue to refuse to accept responsibility for the actual and potential harm their products cause workers, consumers and the environment. The burden should not be on us to prove that pesticides are

harmful, but on the producers and the users to prove that they are safe.

Federal and state regulatory agencies have failed to protect farmworkers from toxic pesticides. The EPA has waited 12 years to even begin to consider setting worker protection standards for pesticide exposed workers. And proposals currently under consideration will not even provide basic protections afforded other workers. Public health concerns are not even addressed, merely the least common denominator acceptable to agribusiness and agrichemical interests. Workers should be protected before they are poisoned not because they are poisoned. It is just such an approach to regulation that requires, and indeed relies on "body counts" before taking any action that treats farmworkers as guinea pigs, and results in continuing episodes of worker poisoning, often with the same chemicals, under the same types of circumstances.

Because of unacceptable health risks and the lack of enforcement of the few standards that do exist, we are proposing the banning of five pesticides used in grape production in California. These are not all of the pesticides we would like to see banned, but we realize the growers are "pesticide junkies" and cannot withdraw from their habit all at once. There are some chemicals are so toxic or pose such an unacceptable risk to the public health that they should no longer be used on food crops or in agriculture.

These pesticides are: methyl bromide, parathion, Phosdrin, Dinoseb and Captan. A short description of each pesticide and our basis for wanting it banned follows.

Methyl bromide

Methyl bromide belongs to a class of highly toxic chemicals called fumigants and is extremely poisonous to all forms of life. It is a potent mutagen, even more powerful than mustard gas and a suspect carcinogen. It kills insects, nematodes, weeds, bacteria, fungi, even viruses, as well as rats, ground squirrels and gophers.

Methyl bromide has been responsible for more occupationally - related deaths than any other single pesticide in California. Lower level non-fatal exposure can cause severe, irreversible effects on the nervous system, with permanent brain damage, or blindness. Workers poisoned with methyl bromide have been incorrectly diagnosed as being drunk, on drugs or mentally ill. Testicular cancer has been found in young men who worked in a plant manufacturing the pesticide.

About 10 million pounds of methyl bromide are used annually in agriculture in California, of which about 900,000 pounds are used in grape production, mostly as a soil fumigant. We know nothing of the environmental fate of methyl bromide, which is of concern because it is in the same family as the banned carcinogen, DBCP, which it has largely replaced. DBCP was used for many years in the San Joaquin Valley and now there are many wells that cannot be used because of the high level of contamination.

Parathion and Phosdrin

Parathion and Phosdrin are two of the most toxic chemicals used in agriculture in California. They are members of a class of compounds called

organophosphates, which are similar to nerve gas. Together they are responsible for the great majority of deaths and serious poisonings of farmworkers.

Parathion breaks down on leaf surfaces to an even more toxic pesticide called paraoxon which is readily and rapidly absorbed through the intact skin. Phosdrin can be rapidly fatal and workers who suffer residue poisoning from this chemical become ill in as little as 20 minutes. Workers whose only contact with these pesticides is from residues on crops they are harvesting are at risk of serious illness from what is called reentry poisoning. There have been approximately 1000 reported cases of residue or reentry poisonings of field workers in California from 1949 to 1983. About 75% of them were due to parathion or Phosdrin. Death has occurred from residue poisoning.

Drift is a very serious problem with highly toxic chemicals such as parathion and Phosdrin. It has been shown that only 10 to 15% of most pesticide applications actually reach the intended site and that the other 85 to 90% can drift miles away (as far as 22) from the site of application. This poses a great danger to workers in adjacent fields, to surrounding rural populations and to passers by. Recently a busload of school children were poisoned with Phosdrin as a result of drift, and there have been many cases of entire crews of workers being poisoned by drift overspraying them while working.

Dinoseb

Dinoseb is a member of a very toxic group of pesticides that includes dintirophenol and dinitrocresol. Acute poisoning with these chemicals, which can resemble heat stroke, has caused many occupational deaths.

A young farmworker in Texas was spraying Dinoseb with a backpack sprayer wearing his regular work clothes. After three days working in very hot weather (which increases the toxicity of Dinoseb) he collapsed in the fields, was taken to a hospital where he was inappropriately treated with aspirin and died about an hour later.

Eye injuries have been reported with Dinoseb and we know of a young farmworker in California who is losing vision in his eye after Dinoseb splashed into it.

We also know of several cases of workers poisoned with Dinoseb; none of these workers were told of the dangers of the chemical they were working with, nor were they provided with protective clothing as the law requires, nor were they given proper instruction.

Dinoseb is an example of a pesticide that cannot be used safely under the conditions of agricultural practice in the United States. It is much too toxic; employers do not protect or instruct their workers; doctors do not know how to treat poisoned workers; and because it is slowly excreted from the body, the margin of safety is much too narrow as workers can accumulate potentially lethal amounts of it in their bodies.

Captan

Captan is a widely used fungicide which is a carcinogen, teratogen (causes birth defects) and mutagen (causes changes in DNA). Its biggest use in California



DATE 2/30/87
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NEWS FROM UFW

UNITED FARM WORKERS OF AMERICA, AFL-CIO
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FOR RELEASE: November 15, 1986

"WRATH OF GRAPES" CAMPAIGN GAINS MOMENTUM
AS UFW BEGINS STORE BOYCOTT AND RELEASES NEW FILM

Under the theme of "The Wrath of Grapes," the United Farm Workers' boycott of all California table grapes continued to gain momentum with farm labor leader Cesar Chavez keeping up a relentless travel schedule throughout the U.S. and Canada, with the UFW widening its boycott to include stores that sell grapes, and with the recent release of a new boycott film entitled "The Wrath of Grapes."

"All across North America, state and federal lawmakers, big city mayors and city councils, labor and religious leaders, minorities, students, and consumers are taking the grape boycott pledge and spreading the word," he said. "We have already received hundreds of official endorsements from individual leaders and organizations."

The UFW initiated its latest grape boycott in July 1984 after it became clear that Republican Gov. George Deukmejian, elected in 1983 with more than a million dollars donated by growers, would no longer enforce the Agricultural Labor Relations Act (ALRA) passed in 1975 after the last UFW grape boycott. His re-election in November for four more years insured that farm workers have no other recourse but to seek justice through the boycott.

Because farm workers are no longer protected under the law, the boycott was renewed to force growers: (1) to insure free and fair elections and bargain in good faith, (2) to stop using the most dangerous pesticides

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(Captan, Dinoseb, Parathion, Phosdrin, and Methyl Bromide); and (3) to take part in a joint UFW-grower program to test residues on table grapes in stores, with the results to be made public. " 'The Wrath of Grapes' symbolizes the threat posed to farm workers, townspeople, and consumers by the reckless use of deadly poisons in agriculture," Chavez said.

PESTICIDE THREAT TO FARM WORKERS

Regarding farm workers, Chavez cited a World Resources Institute report showing that 300,000 U.S. farm workers are poisoned by pesticides annually. "But in some cases," he said, "it's more than just another poisoning. It's a matter of life and death."

Chavez gave as an example the case of Juan Chabolla, a 32-year-old farm worker at Mirada Farms in rural San Diego County who in August 1985 was ordered to go to work in a tomato field sprayed only an hour before with Monitor, a highly toxic pesticide. A few hours later he collapsed in the field. The grower, instead of driving him to a nearby hospital for emergency aid, took him across the Mexican border and left him at a Tijuana clinic. He was dead on arrival. Left in dire poverty were his widow, Maria Soledad, and four little children.

"Of course, no charges were filed against the grower, and his pesticide supplier was only given a slap on the wrist," Chavez said.

Only two months after Chabolla died, Gov. Deukmejian, to please the powerful grower lobby, vetoed a bill that would have required growers to post warning signs in fields recently sprayed with pesticides. Paying for the cost of the signs was more than agribusiness -- a \$14-billion-a-year industry -- could afford, he said.

PESTICIDE THREAT TO TOWNSPEOPLE

The pesticide threat to townspeople is no less tragic. In McFarland, California, 13 children have been afflicted with cancer and six have already died (as of October 1986).

Health authorities believe the cancer in McFarland is caused by: (1) nitrates that leach into the underground water supply after growers apply nitrogen fertilizers to the soil and (2) pesticides that growers inject into the soil or spray on crops.

And just recently, another small community, Fowler, was officially declared a "cancer cluster." There several children have been diagnosed with leukemia.

In addition, townspeople and children riding in school buses have been poisoned by dangerous pesticides drifting from helicopters and airplanes spraying nearby fields.

PESTICIDE THREAT TO CONSUMERS

The pesticide peril reaches out to consumers through poisonous residues left on fruits and vegetables they purchase at the market. In July 1985, approximately 1,200 consumers in western U.S. and Canada were poisoned by watermelons that reached the market contaminated with Aldicarb, a carbamate sold by Union Carbide under the brand name Temik.

An earlier pesticide-residue investigation in California in 1983 by the San Francisco-based Natural Resources Defense Council (NRDC), which tested fresh produce sold in San Francisco markets, revealed that 44 percent of the 71 fruit and vegetable samples contained residues of 19 different pesticides. And 13 of the samples showed residues of more than one

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pesticide.

Grape growers have contributed their share of the threat to consumers. At least four pesticides used on grapes are as dangerous to workers and consumers as Aldicarb. They are Parathion, Phosdrin, Methyl Bromide, and Dinoseb. A fifth, Captan, while not an acutely toxic poison, should also be banned because it causes cancer and birth defects.

In June 1985, Tulare County agricultural officials quarantined a 26-block area at the A. Caratan, Inc. grape ranch near Delano because residues of the pesticide Orthene were found in the vineyard. Orthene is illegal for use on table grapes.

GROWERS CALLOUS

The reaction of growers to repeated warnings about pesticide residues on produce consumers buy is callous. After the watermelon poisoning of 1,200 people in July 1985, one grower wondered what all the fuss was about. "After all, nobody died," he said.

And Bruce Obbink, president of the California Table Grape Commission, referred to warnings about pesticide dangers as "hoaxes" or deliberate lies "reminiscent of the Third Reich Minister Joseph Goebbels...preying on the fears of people."

"I doubt if the people poisoned by watermelons and the parents of the several children who died of cancer in McFarland would consider pesticide warnings a hoax or Goebbels-like fear tactics," Chavez said.

GROWER INFLUENCE ON PESTICIDE AGENCY

Pesticide regulatory agencies in California have offered little

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protection to farm workers, townspeople, and consumers. The best example of how these agencies are influenced by the powerful agricultural and chemical industries is the California Department of Food and Agriculture. Clare Berryhill, the CDFA director, is himself a San Joaquin Valley grower.

On August 29, 1986, one day after the Environmental Protection Agency issued a warning against the pesticide Dinoseb because it caused birth defects and male sterility, Berryhill issued a ban in California. Five days later, he caved in to the pressure of growers and relaxed it.

The day after Chavez and several prominent environmentalists called for a total ban of Dinoseb at a press conference in San Francisco on October 6, the EPA announced a ban on all sales and use of Dinoseb. That ban is now in force in California -- no thanks to Berryhill and the CDFA.

Grape growers have strenuously resisted a UFW proposal to participate in a joint program with the union to test table grapes for pesticide residues. The UFW says its only conditions are that the grapes be tested by an independent laboratory, that the test be random samplings at the supermarket level, that the results be made public, and that both parties share the costs.

Chavez asked: "If, as Obbink says, grape growers are already policing themselves adequately, why would they fear such a test? Are they afraid of the results?"

UFW WIDENS BOYCOTT

A new phase in the UFW boycott of table grapes opened at the end of October when Chavez and the New England boycott staff inaugurated a boycott against A & P grocery stores in New York. At the kickoff in front of a

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Greenwich Village A & P, Chavez was joined by hundreds of members of New York City's trade unions and other activists.

At the rally in front of the store, Chavez called on New Yorkers "to send a direct message to California growers that you will no longer tolerate poisoned grapes in your stores." The best way to do that, he said, is to boycott grapes and A & P stores.

UFW RELEASES NEW BOYCOTT FILM

With the generous help of professional writers and film producers, the UFW recently released a new film with the same name as its boycott campaign, "The Wrath of Grapes."

According to critics and first viewers, the 14-minute color documentary takes its rightful place among the list of past exposés of migrant farm worker miseries -- from John Steinbeck's "Grapes of Wrath," Carey McWilliams' "Factories in the Fields," Edward R. Murrow's "Harvest of Shame," and "Fighting for Our Lives" (nominated for an Academy Award in 1975) to the newly released "Wrath of Grapes."

The new film, narrated by actor Mike Farrell, dramatically illustrates the cruelties that have caused farm workers to boycott California table grapes again.

The film is being widely distributed throughout the U.S. and Canada in 3/4" video, 1/2" VHS video, and 16mm. It can be obtained free of charge by contacting the United Farm Workers, La Paz, Keene, CA 93570. Telephone: (805) 822-5571.

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CHAVEZ OPTIMISTIC

Although corporate growers and chemical producers dominate the California state government and the farm labor law is now more a weapon for growers to oppress farm workers than a vehicle to protect them, Chavez was optimistic. "We're fighting back!" he said. "Grape growers can hide from the law, but they can't hide from the boycott."

Chavez was heartened by boycott support documented in the Mervyn Field "California Poll" in September 1985 which showed 42% of the public will support the grape boycott if they know about it.

Just as supportive were the results of an August 1986 survey conducted by researchers at the Indiana University-Purdue University at Indianapolis (IUPUI). Under the direction of Kenneth Barger, IUPUI anthropology professor, the survey showed that Chavez won a 70% positive response compared to 52% for Gov. George Deukmejian. And 72% thought the UFW is more likely to improve conditions of farm workers than growers (43%) or laws (51%).

A whopping majority supported the UFW's role in obtaining pesticide protection for farm workers and consumers: 92% for the UFW's goal to seek pesticide-free foods, 81% for a ban of the most dangerous pesticides used by growers, and 86% for the UFW's goal to have fields and foods tested for pesticide residues.

The Barger survey showed that 57% approve the boycott as a means for the UFW to obtain its goals, and 22% said they had participated in at least two UFW boycotts. Also, 8% said they are now supporting the current UFW table

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grape boycott. In addition, 64% of those who have heard about the boycott so far said they are not buying grapes.

Chavez was pleased with both polls. "In our previous grape boycotts, we found that we can win with only six or seven percent support," he said. "In 1975, for example, 12% of the adults boycotted grapes -- it was devastating to the growers."

Chavez concluded: "We will continue to boycott until our workers can again vote in free and fair elections, until growers again bargain in good faith, until they stop poisoning farm workers, townspeople, and consumers with their reckless use of dangerous pesticides, and until they agree to join us in a residue-testing program of grapes in stores."



EXHIBIT #4
DATE 2/20/87
HB HJR 31

Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE JOINT RESOLUTION 31 BEFORE THE HOUSE STATE ADMINISTRATION COMMITTEE, FEBRUARY 20, 1987

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS JIM MURRY AND I AM HERE TODAY ON BEHALF OF THE MONTANA STATE AFL-CIO TO GIVE WHOLE-HEARTED SUPPORT FOR HOUSE JOINT RESOLUTION 31.

MEMBERS OF THE COMMITTEE, OUR LABOR FEDERATION ALONG WITH THE NATIONAL AFL-CIO, HAS SUPPORTED THE STRUGGLE OF THE UNITED FARM WORKERS OF AMERICA SINCE ITS INCEPTION OVER TWENTY YEARS AGO. THE LABOR MOVEMENT HAS ALWAYS STOOD BESIDE MIGRANT FARM WORKERS IN THEIR STRUGGLE TO ACHIEVE COLLECTIVE BARGAINING RIGHTS, FAIR WAGES AND DECENT WORKING CONDITIONS.

THROUGH THE COURAGEOUS AND ONGOING EFFORTS OF UNITED FARM WORKERS PRESIDENT CESAR CHAVEZ, THE PLIGHT OF MIGRANT FARM WORKERS HAS REACHED BEYOND THE FIELDS AND VINEYARDS AND INTO THE HEARTS AND MINDS OF ALL AMERICANS.

IN THE MID 1970s, IT WAS ESTIMATED THAT 17 MILLION AMERICANS HONORED CESAR CHAVEZ'S CALL TO BOYCOTT CALIFORNIA TABLE GRAPES. HE CALLED THE BOYCOTT TO IMPROVE WORKING CONDITIONS FOR MIGRANT WORKERS AND TO COMPEL GROWERS TO RECOGNIZE FARM WORKERS' INHERENT RIGHTS TO COLLECTIVE BARGAINING.

BY REACHING AND PERSUADING AMERICAN CONSUMERS TO BELIEVE IN HIS JUST CRUSADE, CESAR CHAVEZ'S BOYCOTT MOVED AMERICANS TO VOTE WITH THEIR POCKETBOOKS. THE CONSUMER BOYCOTT WAS INSTRUMENTAL IN SWAYING PUBLIC OPINION LEADING TO COLLECTIVE BARGAINING FOR FARM WORKERS.

TODAY, CESAR CHAVEZ IS ONCE AGAIN CALLING FOR A BOYCOTT OF CALIFORNIA TABLE GRAPES TO HALT DANGEROUS PESTICIDE USAGE. ACCORDING TO CESAR CHAVEZ, POTENTIALLY HAZARDOUS LEVELS OF TOXIC PESTICIDES ENDANGER FARM WORKERS, THEIR FAMILIES AND QUITE POSSIBLY CONSUMERS.

CESAR CHAVEZ SHOWS DRAMATIC EVIDENCE PORTRAYED IN THE FILM ENTITLED THE "WRATH OF GRAPES," THAT THERE IS A DIRECT CASUAL LINK BETWEEN PESTICIDE EXPOSURE AND BIRTH DEFECTS, CANCER AND EVEN DEATHS.

HIS STRUGGLE TO HALT EXCESSIVE PESTICIDE APPLICATIONS HAS BEEN CONSTANTLY THWARTED BY GROWERS AND INDIFFERENT PUBLIC OFFICIALS. WE AGREE WITH CESAR CHAVEZ THAT FARM WORKERS SHOULD NOT BE TEST SUBJECTS OR "CANARIES" IN EFFORTS TO ASSESS SAFE, NON-TOXIC, PESTICIDE LEVELS.

HIS RECENT TRAVELS THROUGHOUT THE NATION TO BOYCOTT TABLE GRAPES DRAMATIZES THE PLIGHT OF FARM WORKERS IN THEIR NEVER-ENDING STRUGGLE TO IMPROVE WORKING CONDITIONS. THIS BOYCOTT IS IN THE BEST INTERESTS OF FARM WORKERS, CONSUMERS AND ALL SOCIALLY RESPONSIBLE AMERICANS.

ATTACHED TO THIS TESTIMONY IS A PARTIAL LIST OF RELIGIOUS GROUPS SUPPORTING THE GRAPE BOYCOTT FOR YOUR PURUSAL.

WE AGREE WITH REPRESENTATIVE WHALEN THAT "THE PEOPLE OF MONTANA MUST STAND WITH THE UNITED FARM WORKERS IN THEIR RESOLVE TO IMPROVE THE LIVES OF FARM WORKERS AND TO HALT THE SENSELESS PESTICIDE POISONING TAKING PLACE IN CALIFORNIA."

FOR THESE HUMANITARIAN REASONS, WE STRONGLY URGE YOU TO SUPPORT HJR 31.

A PARTIAL LIST OF ORGANIZATIONS SUPPORTING THE GRAPE BOYCOTT

RELIGIOUS

CATHOLIC

SOCIAL JUSTICE COMMISSION, ROMAN CATHOLIC ARCHDIOCESE OF EDMUNTON, ALBERTA
URSULINE PROVINCIALATE, CRYSTAL CITY, MISSOURI
AUXILIARY BISHOP JOHN H. RICARD, S.S., PH.D., BALTIMORE, MD
OUR LADY OF THE HOLY ROSARY CHURCH, MISSION, TX.
ARCHBISHOP ROBERT SANCHEZ, ARCHDIOCESE OF SANTA FE, NM
BISHOP RAYMUNDO J. PENA, EL PASQUEEN OF PEACE CHURCH, HARLINGEN, TEXAS
BISHOP JOHN SULLIVAN, KANSAS CITY, KANSAS
THE DIOCESAN PASTORAL COUNCIL, HARLINGEN, TEXAS
JESUIT CENTER FOR SOCIAL FAITH AND JUSTICE
SISTERS OF CHARITY CORPORATE RESPONSIBILITY, MOUNT ST. JOSEPH, OHIO
FRANSISCAN SISTERS OF THE POOR, BROOKLYN, NEW YORK
AREA COMMITTEE ON JUSTICE SISTERS OF ST. FRANCIS DUBUQUE, IOWA
CLUSTER H OF FERNDALE, KALAMAZOO, MICHIGAN
BISHOP W. THOMAS LARKIN, ST. PETERSBURG, FLORIDA
NATIONAL ASSOCIATION OF HISPANIC DEACONS
SISTERS OF ST. FRANCIS OF ASSISI, MILWAUKEE, WISCONSIN
SISTERS OF SAINT JOSEPH NAZARETH, MICHIGAN
ST. GERARD CHRISTIAN SERVICE COMMISSION, DETROIT, MICHIGAN
DOMINICAN SISTERS, EXECUTIVE COUNCIL, AKRON, OHIO
CHRIST THE KING PARISH, DETROIT, MICHIGAN
PASTORAL TEAM, HOLY CROSS PARISH, ST. PETERSBURG, FLORIDA
SISTERS OF MERCY JUSTICE COMMITTEE, PROVINCE OF DETROIT, MICHIGAN
BISHOP MOSES B. ANDERSON, ARCHDIOCESE OF DETROIT, MICHIGAN
CATHOLIC INTERRACIAL COUNCIL, DETROIT, MICHIGAN
DEPT. OF CHRISTIAN SERVICE, ARCHDIOCESE OF DETROIT, MICHIGAN
ST. MARTIN DE PORRES, WARREN, MICHIGAN
JESUIT COMMUNITY SS. PETER & PAULS CHURCH DETROIT, MICHIGAN
CENTRAL ADMINISTRATION OF SISTERS HVI
CENTER CITY REGION/ARCHDIOCESE OF DETROIT, MICHIGAN GOVERNING BOARD OF
SISTERS OF ST. FRANCIS OF DUBUQUE, IOWA
CATHOLIC DIOCESE OF ORLANDOS OFFICE FOR FARMWORKER MINISTRY
EXECUTIVE COUNCIL OF SISTERS OF CHARITY OF NEW YORK
JOVENES CATOLICOS EN ACCION, BOSTON, MASSACHUSETTS
SISTERS OF THE ASSUMPTION, SOCIAL CONCERNS COMMISSION, SALEM, MASSACHUSETTS
SISTERS OF SAINT MARY, SAINT LOUIS, MISSOURI
BISHOP WALTER J. SCHOENERR, ARCHDIOCESE OF DETROIT, MICHIGAN
JUSTICE AND PEACE COMMITTEE, ST. JOSEPH'S CHURCH SALEM, MASSACHUSETTS
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CLUSTER A OF THE NORTHEAST PROVINCE, DETROIT, MICHIGAN
LEADERSHIP CONFERENCE OF WOMEN RELIGIOUS (LCWR), NATIONAL CONVENTION

THE FRANCISCAN FRIARS OF THE SANTA BARBARA PROVINCE
NORTHEAST PROVINCE I.H.M., STERLING HEIGHTS, MICHIGAN
P.A.D.R.E.S.
PARISH COUNCIL OF OUR LADY OF GUADALUPE, FLINT, MICHIGAN
RELIGIOUS COUNCIL OF WOMEN IN THE BROWNSVILLE DIOCESE
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CHRISTIAN SERVICE COMMISSION, ST. MARTIN DE PORRES CHURCH,
BOSTON, MASSACHUSETTS
DIOCESAN PASTORAL COUNCIL, BROWNSVILLE
DOMINICAN SISTERS, Prioress and Council, OXFORD, MICHIGAN
EXECUTIVE COUNCIL OF THE DOMINICAN SISTERS OF AKRON, OHIO
GUARDIAN ANGELS CATHOLIC CHURCH, DETROIT, MICHIGAN
ST. SYLVESTER PARISH, WARREN, MICHIGAN
ST. BONIFACE - ST. VINCENT PARISH, DETROIT, MICHIGAN
THE HALLINAN CENTER, CLEVELAND, OHIO
THE PROVINCIAL ADMINISTRATIVE TEAM, SISTERS OF MERCY,
DETROIT, MICHIGAN
THE BASILIAN FATHERS OF STE. ANNE, DETROIT, MICHIGAN
THE AREA COMMITTEE ON JUSTICE OF THE SISTERS OF ST. FRANCIS
(DUBUQUE) OF CHICAGO, ILLINOIS
ST. MARGARET MARY SOCIAL JUSTICE COMMITTEE, WINTER PARK, FLORIDA
SOCIAL CONCERNS COMMISSION, DIOCESE OF SACRAMENTO, CA
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ASSOCIATION OF CHICAGO PRIESTS, COORDINATING BOARD

PROTESTANT

REDWOOD PRESBYTERY, PRESBYTERIAN CHURCH (USA) CHURCH AND WORD COMMITTEE
MASSACHUSETTS CONFERENCE, UNITED CHURCH OF CHRIST
REV. JOHN HOWELL, NEW MEXICO CONFERENCE OF CHURCHES
METHODIST FEDERATION FOR SOCIAL ACTION, NORTH CAROLINA CHAPTER
METHODIST FEDERATION FOR SOCIAL ACTION, NORTHERN CALIFORNIA CHAPTER
CHURCH WOMEN UNITED, DELAND, FLA.

SOCIAL ACTION COMMITTEE, BAPHORE PRESBYTERIAN CHURCH, TAMPA, FLORIDA
SERVING COMMITTEE, APOSTLES LUTHERAN CHURCH, BRANDON
PARK SLOPE UNITED METHODIST CHURCH, BROOKLYN, NEW YORK
CHURCH AND COMMUNITY COMMISSION-FLORIDA CONFERENCE UNITED CHURCH OF
CHRIST
CHURCH WOMEN UNITED, WINTER PARK UNIT
ST. JOHNS MISSION COUNCIL, UNITED CHURCH OF CHRIST
UNITED METHODIST GENERAL BOARD OF GLOBAL MINISTRIES
COMMUNITY CHURCH OF BOSTON, BOARD OF DIRECTORS
CHURCH WOMEN UNITED, ILLINOIS
CHURCH WOMEN UNITED, COMMON COUNCIL (NATIONAL)
DIVISION OF THE AMERICAN BAPTIST CHURCHES OF THE WEST
EPISCOPAL DIOCESE OF MICHIGAN
THE SOCIAL CONCERNS COMMISSION OF THE SOUTHERN CALIFORNIA CONFERENCE
OF THE UNITED CHURCH OF CHRIST
UNITED CHURCH OF CHRIST, GENERAL SYNOD
METHODIST FEDERATION FOR SOCIAL ACTION, EXECUTIVE BOARD
CONFERENCE BOARD OF CHURCH AND SOCIETY
CHURCH WOMEN UNITED OF GREATER JACKSONVILLE, FL
UNITED CHURCH OF CHRIST, MASSACHUSETTS CONFERENCE
SOCIAL ACTION COMMITTEE, FT. LAUDERDALE UNITARIAN CHURCH

JEWISH

RABBI LEONARD HELLMAN, SANTE FE, NEW MEXICO
UNION HEBREW CONGREGATIONS, LOS ANGELES, CALIFORNIA
THE JEWISH COMMUNITY CENTER, LONG BEACH, CALIFORNIA
THE RABBINICAL COMMISSION OF METROPOLITAN DETROIT, MICHIGAN
CENTRAL CONFERENCE OF AMERICAN RABBIS, NEW YORK
JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER BOSTON, MASSACHUSETTS
JEWISH LABOR COMMITTEE-NATIONAL OFFICE
AHAVAT SHALOM
UNION OF AMERICAN HEBREW CONGREGATION, PACIFIC SOUTHWEST COUNCIL
THE BOARD OF RABBIS OF SOUTHERN CALIFORNIA
TEMPLE BETH ISRAEL BOARD OF TRUSTEES, POMONA, CALIFORNIA

RELIGIOUS ORGANIZATIONS

TEXAS MIGRANT COUNCIL
SOCIAL CONCERNS COMMISSION, DIOCESE OF SACRAMENTO
NORTH CAROLINA CHAPTER OF METHODIST FEDERATION FOR SOCIAL ACTION,
ROANOKE RAPIDS, N.C.
SOCIAL CONCERNS COMMITTEE OF THE CATHOLIC CHURCH OF HOLY REDEEMER OF
MARSHALL, MINNESOTA
EDEN SEMINARY SOCIAL ACTION COMMITTEE, ST. LOUIS, MISSOURI
SOCIAL CONCERNS COMMISSION OF THE DIOCESE OF SACRAMENTO, CALIFORNIA
NATIONAL COUNCIL OF THE FELLOWSHIP OF RECONCILIATION
LA MARIPOSA SANCTUARY PROJECT, LANSING, MICHIGAN
MIGRANT MINISTRY COMMITTEE, NORTH CAROLINA COUNCIL OF CHURCHES
WASHINGTON ASSOCIATION OF CHURCHES, WASHINGTON STATE
BLACK CATHOLIC AFFAIRS/INTERCULTURAL FORMATION CENTER, DETROIT, MICHIGAN
CLEARWATER SUPPORT COMMITTEE OF THE NATIONAL FARM WORKER MINISTRY
OHIO COUNCIL OF CHURCHES



P.O. Box 6400
~~502 South 9th~~

Bozeman, Montana 59715
Phone (406) 587-3153

TESTIMONY BY: Alan Eck
BILL # HJR 31 DATE 2/20/87
SUPPORT _____ OPPOSE XXXX

DATE 2/20/87
HJR 31

Mr. Chairman and members of the committee, for the record my name is Alan Eck. I'm speaking for the Montana Farm Bureau in opposition to HJR31. Since 1975 there have been 65 United Farm Workers elections among the table grape workers in California. There are now no U.F.W. contracts in the California table grape industry. There are 5 other active ag worker unions in California. From 1981 to 1986 there were 31 decertification elections where workers were voting whether to maintain the U.F.W. as their representative. The United Farm Workers lost 22 out of those 31.

Before 1975 the U.F.W. represented almost 100% of the table grape workers, now they represent less than 3% of California's table grape workers.

The Montana Farm Bureau believes that it would be unfair of Montana to join this transparent, spiteful attempt to stifle the livelihood of a majority of grapeworkers who are opposed to a boycott as well as the philosophy and tactics of the United Farm Workers union. For these reasons we would ask for a "do not pass" recommendation on HJR-31.

SIGNED: Alan Eck

STANDING COMMITTEE REPORT

February 20, 19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report NB 459

- do pass be concurred in as amended
 do not pass be not concurred in statement of intent attached

Change date of Montana presidential primary

Chairman

1. Title, line 7.

Following: "SECTIONS"

Insert: "13-1-104, 13-1-302,"

Strike: "13-10-402, 13-38-201,"

Insert: "through 13-10-403,"

2. Page 1.

Following: line 10

Insert: "Section 1. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8 of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held on regular school election day, the first Tuesday of April of each year and is subject to the election procedures provided for in 13-1-401."

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Section 2. Section 13-1-302, MCA, is amended to read:
"13-1-302. Election costs. (1) Unless specifically provided otherwise, all costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(2) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county election administrator and the school district election administrator.

(3) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.

(4) The costs of a presidential preference primary provided for in 13-10-401 must be paid by the county; however, if the primary is held in conjunction with a regularly scheduled school election, the county and the school district each shall bear a proportionate share of the costs as determined by the county election administrator and the school district election administrator.

(5) ~~Costs of elections may not include the services of the election administrator or capital expenditures.~~

(6) ~~The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.~~

(7) ~~Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.~~

(8) ~~The proportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election."~~

Renumber: subsequent sections

3. Page 1, line 19.

Strike: "A" through "ballot"

Insert: "Separate ballots for each political party"

4. Page 1, line 23 through line 19, page 2.

Strike: section 3 in its entirety

Insert: "Section 5. Section 13-10-403, MCA, is amended to read:

"13-10-403. Form of ballot. The presidential preference ballot for each political party shall list all candidates nominated in accordance with the provisions of

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this part and shall, in addition, include a presidential ballot position which shall be designated as "no preference" and a blank write-in space."

5. Page 3, line 1.

Strike: "school"

6. Page 3, line 2.

Following: "."

Insert: "(1)(a)"

Following: "title"

Insert: "and subsection (1)(b)"

7. Page 3, line 5.

Following: "."

Insert: "(b) Presidential preference primary returns may be canvassed and reported by polling place, rather than by precinct, if the presidential preference primary is conducted in conjunction with a regularly scheduled school election.

(2)"

8. Page 3, line 8.

Following: "prevail"

Insert: "if the two elections are administered together. If they are not administered together, the provisions of Title 13 prevail.

NEW SECTION. Section 8. Arrangement of names. The provisions of 13-12-205 do not apply to the presidential preference primary ballot. An election administrator shall determine by lot the order of candidates' names on the ballot for that county."

Renumber: subsequent sections

9. Page 3, line 14.

Strike: "Section" through "is"

Insert: "Sections 7 and 8 are"

10. Page 3, line 16.

Strike: "section 5"

Insert: "sections 7 and 8"

11. Page 3, line 18.

Following: "legislation"

Insert: "or adoption of party rules"

7051b/L:JEA\WP:jj

STANDING COMMITTEE REPORT

February 20

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 767

do pass be concurred in as amended
 do not pass be not concurred in statement of intent attached

Chairman

Allow use of alternative financing arrangements to acquire state buildings

1. Title, line 7.

Strike: "CONSTRUCTION"

Insert: "ENERGY MODIFICATION"

2. Title, line 9.

Strike: "CONSTRUCTION"

Insert: "ENERGY MODIFICATION"

3. Page 1, line 15.

Strike: "construction"

Insert: "energy modification"

4. Page 1, line 20.

Strike: "construction"

Insert: "energy modification"

5. Page 2, line 1.

Strike: "construction"

Insert: "energy modification"

6. Page 2.

Following: line 2

Insert: "(3) This section prohibits acquisition through the use of financing arrangements provided for in subsection (1) of a building constructed specifically for sale to the state."

7. Page 2, line 5.

Strike: "construction"

Insert: "energy modification"


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STATEMENT OF INTENT

House Bill No. 767

A statement of intent is required for this bill because section 2 grants the director of the department of administration authority to adopt rules for the acquisition, renovation, and energy modification of state buildings using financing arrangements provided for in section 1. These rules are intended to ensure the most economical, efficient, and cost-effective facilities for use by state agencies and the public and may not confer additional rights upon applicant lessors or vendors.

Rules adopted by the director may provide for the following:

- (1) a register of and notice to prospective applicant lessors and vendors;
- (2) a procedure for developing facility specifications that reflect the views of the agency that is to use the building;
- (3) life cycle cost benefit analysis of building specifications and of responsive bids that is based on all significant projected costs of the building over its useful life, including but not limited to:
 - (a) operating costs;
 - (b) maintenance expense;
 - (c) energy costs;
 - (d) lease or other contract payments; and
 - (e) residual or salvage value to the state at the end of the projected useful life of the facility.
- (4) an evaluation process for responsive and competitive bids based on a grading system that fairly evaluates the proposals submitted by applicant lessors and vendors based on the operational requirements of the user agency as expressed in project specifications, contract performance, and cost criteria.

STANDING COMMITTEE REPORT

February 20

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 792

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

Provide compensation for members of Montana Health Facility Authority

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STANDING COMMITTEE REPORT

February 20

19 57

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 613

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

**Allow OPI to print update of school laws at least once every
2 years**

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intable*

ROLL CALL VOTE

State Administration

COMMITTEE

DATE _____ BILL NO. 229 NUMBER _____

NAME	AYE	NAY
Walt Sales	✓	
John Phillips	✓	
Bud Campbell		✓
Dorothy Cody		✓
Duane Compton	✓	
Gene DeMars		
Harry Fritz	✓	
Harriet Hayne	✓	
Gay Holliday		✓
Loren Jenkins	✓	
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell		
Mary Lou Peterson	✓	
Paul Pistoria	✓	
Rande Roth		✓
Tonia Stratford	✓	
Timothy Whalen	✓	

TALLY

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Secretary

Chairman

MOTION: _____

To Table

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 2/20 BILL NO. HR 31 NUMBER _____

NAME	AYE	NAY
Walt Sales	✓	
John Phillips	✓	
Bud Campbell	✓	
Dorothy Cody		✓
Duane Compton	✓	
Gene DeMars		
Harry Fritz		✓
Harriet Hayne	✓	
Gay Holliday	✓	
Loren Jenkins	✓	
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell		✓
Mary Lou Peterson	✓	
Paul Pistoria		✓
Rande Roth	✓	
Tonia Stratford	✓	
Timothy Whalen		✓

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Secretary

Chairman

MOTION: _____

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

HJR
BILL NO. 31

DATE 2/20/87

SPONSOR H. H. H. H. H.

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Alan Eck	Montana Farm Bureau		X
Kay H. H. H.	WIFE		X
Jim H. H.	Mont. State Aff-40	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.