

Committee in session at 8:30 a.m. Senator Floyd R. Lamb  
in the Chair.

PRESENT: Senator Floyd R. Lamb, Chairman  
Senator James I. Gibson, Vice Chairman  
Senator Eugene V. Echols  
Senator Norman D. Glaser  
Senator Thomas R. C. Wilson  
Senator Lawrence E. Jacobsen  
Senator Clifford E. McCorkle

OTHERS  
PRESENT: Mr. Ronald W. Sparks, Chief Fiscal Analyst  
Mr. Eugene Pieretti, Deputy Fiscal Analyst  
Mr. Howard Barrett, Budget Director.  
Mr. William Hancock, Secretary-Manager, Public  
Works Board  
Mr. Andrew Grose, Research Director, Legislative  
Counsel Bureau  
Mrs. Peggy Glover, Director, Department of General  
Services  
Mrs. Eunice Garrett, Principal Accountant, Dept. of  
General Services  
Mr. Michael F. Meizel, Superintendent of Buildings  
and Grounds Division  
Mr. Gordon Harding, Administrator, Central Data Processing  
Mr. Fred Dugger, Central Data Processing  
Mr. Terry Sullivan, Administrator, Purchasing Division  
Mrs. Ruth Rink, Purchasing Division  
Mr. Donald L. Bailey, Sr., Superintendent, State Printing  
Division  
Ms. Alice McMorris, KOLO TV and Radio  
Mr. Lester Wisbrod, KLAS TV

S.J.R. 8 - Requests Congress to call convention to amend the U.S.  
Constitution. Senator Lamb read the summary of the bill. (See  
Attachment A.)

Senator McCorkle moved "Do Pass" on S.J.R. 8.

Seconded by Senator Jacobsen

#### Discussion

Senator Wilson asked if testimony would be taken on whether the  
Convention would be bound to the issue raised by the resolution.  
Senator Gibson referred the Committee members to a 1974 study by  
the American Bar Association (see Attachment B). He said the  
study concluded that it could be limited. Senator Gibson referred  
to Article V of the U.S. Constitution, describing methods of  
Amendments (see Attachment C). He said whatever comes from the  
Constitutional Convention is still submitted to the states for  
approval, of which three-fourths of the states must approve. He  
said there have been two attempts in Congress to set up rules for  
a Convention. They passed the Senate but were not processed in  
Congress because there was nothing pending. Senator Gibson said  
he thought S.J.R. 8 would pressure Congress into starting the Con-  
stitutional Amendment.

He added that the Amendment of the Constitution that set up the  
present method of electing U.S. Senators was finally enacted be-  
cause they came within one state of calling a Constitutional Con-  
vention. Senator Gibson said 25 states have approved a version  
of S.J.R. 8 so far. He said, "Congress is already starting to  
squirm on this thing, and if control is ever gotten of federal  
spending, it has to come from the people. Congress will not do  
it."

Senator Glaser asked Senator Gibson how many times Congress has  
reacted to this type of a mandate from the states. Mr. Grose  
answered over 350 requests have been made from the states calling  
for Constitutional Conventions. The State of Nevada has requested

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them 12 times, 6 times regarding the direct election of Senators. He remarked that in 1967 the U.S. came within one state of having a Convention called on reapportionment, trying to revise the one man-one vote rulings of the Supreme Court. He said that historically Congress has reacted as the number of states has grown behind an issue.

Senator Wilson said his only reservation to backing this bill is if it should endanger the Convention process. Senator Gibson referred to a copy of the Constitutional provision (see Attachment C). He read Article V and said the same language prevails either amendment route that is pursued. Mr. Grose said, regarding safeguards, according to the two bills passed by the U.S. Senate, Congress determines what petitions are valid, that is if there are 34 petitions on the same subject, then Congress issues the call for the Convention where Congress also defines the subject of the Convention. After the Convention has done its work, Congress has another opportunity, at which time they say whether the product of the Convention was within the parameters of the call of the Convention.

Senator Wilson stated that the parameter of the call itself is jurisdiction.

Senator Gibson said they contacted Senator Sam Ervin, who was Chairman of the Senate Judiciary Committee at that time. He indicated the premise on which those bills were introduced, and it is still valid. Senator Gibson said an initiative was being started in North Carolina to request Congress to develop the bill controlling the Constitutional Convention.

Senator Jacobsen asked Mr. Grose if those bills already proposed are alike enough. Mr. Grose said he did not know at this time. Senator Gibson said Senator Jim Clark, Chairman of the Finance Committee in Maryland, is spearheading this effort and the language in the Nevada bill is the standard language adopted by almost all or all of those states that have adopted this bill. Three states have approved it since January 1.

Senator McCorkle asked what keeps the federal government from continually raising taxes to balance the budget, thus defeating the purpose of this measure. Senator Gibson replied that they do not raise taxes because pressure on Congress keeps taxes down.

Senator Glaser said a liberty amendment has already been passed to go along with this which will take away one large source of revenue from Congress (income tax).

Senator Lamb called for a vote on the motion.

Motion carried unanimously.

#### DIVISION OF BUILDINGS AND GROUNDS - Page 69

Senator Lamb told Mr. William Hancock, Secretary-Manager of the State Public Works Board, that the Committee was concerned about elected officials wanting to rent space outside the Capitol Building. He said he would like to see elected officials in the Capitol Building. He asked Mr. Hancock how the space is to be allocated and what it would take to renovate the Octagon Building at the Capitol. Mr. Hancock said the Capitol Building is adequate for the staffs of everyone except the Controller's staff. He said the Controller's staff was never in the Capitol Building. He said his office has provided space for everyone who was previously in the Capitol Building. He said they have a plan to adapt the Octagon Building and his Board and the Governor's Office supports the renovation of this building. Mr. Hancock said it would cost about \$300,000 to do it. He said the building itself does not have the structural problems the Capitol Building had; but due to its shape it is not a flexible building and should be designed for a specific purpose and left that way.

Senator Gibson asked Mr. Hancock to provide the Committee with additional information on renovating the Octagon Building to include in the budget. Mr. Hancock said he would. He added they already have schematic plans that the Controller's Office has approved.

Senator Gibson asked if this was something that could be worked into the present project so the two projects could be completed simultaneously. Mr. Hancock said if money were made available the job might be done between Admission Day (October 31) and the first of the year.

Senator Lamb asked if the job would have to be bid. Mr. Hancock replied it would.

DEPARTMENT OF GENERAL SERVICES - Page 67

Mrs. Peggy Glover, Director of the Department of General Services, briefly described each Division in her Department. She said her budget supports the Director, a secretary, and operation costs.

Legal and Court Expense

Mrs. Glover said the \$11,000 for Legal and Court Expense is for the Department's share of the Deputy Attorney General.

Senator Jacobsen asked if the Deputy was utilized to this extent. Mrs. Glover said yes, for leases, legal problems with Lost City Museum, and others. Mrs. Glover said they pay only 1/3 of the Deputy's cost. The other part is divided between the Department of Administration and Personnel.

Equipment

Mrs. Glover said she has requested \$700 the first year for Equipment to replace 4 chairs in the Director's Office which had been borrowed from Surplus Property for six years; and she would like to return them.

Senator Lamb asked why Longevity was omitted. Mrs. Glover said at the time the budget was made the secretary and the Director were supposed to retire. The secretary did, but the Director did not. Now there is only longevity for the Director.

Senator Lamb asked why the Governor budgeted more money than the Agency requested. Mrs. Glover said probably the increase was in salary for the Director. Mr. Barrett said she did not recommend an increase for that position, but the administration was doing so. He said additional costs included retirement and group insurance.

GENERAL SERVICES ACCOUNTING - Page 83

Mrs. Garrett briefly described services of the Accounting Division. She said they were requesting 2 new Accountant Clerk positions: one to meet the increased workload and 1 which would be filled only if sufficient funds were received from CETA. This person would assist the administration of CETA programs. She added that this position requires no State funds.

Travel

Mrs. Garrett said \$50 for Travel provides for mileage and lunches when Accounting personnel assist in the Property Sales held in Reno each summer.

Operating Expenses

Mrs. Garrett said these are current expenses plus about 10 percent more for inflation.

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### Office Furniture and Equipment

Regarding this item, Mrs. Garrett said she is requesting a desk, chair, and credenza to outfit the new position.

### Training

She said Training money would pay for courses for entry-level employees.

Senator Lamb asked Mrs. Garrett why her office did not do the Governor's budget. She answered the Governor's Office requested to do their own and she did not know why. Mr. Barrett added that in the past the Governor's Office did not have a person with accounting experience; now this Governor does and it is easier to handle it in-house.

CETA

Senator Lamb asked Mrs. Garrett why the rent has increased so much in a state-owned building. Mrs. Garrett answered her office had to move to new quarters in the Blasdel Building. She explained that there were 5 CETA positions in her office plus one other position funded by CETA; therefore, due to expansion caused by the CETA Program, she needed more space.

Senator Lamb asked what would happen if the CETA Program was abolished. Mrs. Glover answered she did not know. Mr. Barrett said the CETA positions are not really much help; they create more problems than they solve.

Mrs. Garrett said 3 of CETA positions in her office are working on CETA programs, and if CETA were terminated, those 3 positions would go. There would be no space problem in her office. She added that her staff instituted new procedures, spending less time on certain accounts; so mainstream employees are absorbing duties which CETA employees have been working on.

Senator Echols, referring to state-owned building rents, asked Mrs. Garrett to explain why she requested a large increase. He noted the Governor did not approve it. Mrs. Garrett answered they received administration monies from the CETA Program for the work done, and any shortage in rent was made up by these administration monies. She said she thought it fair to use these monies for rent since CETA required extra space.

Senator Echols asked if that was pointed out to Mrs. Garrett after she made her budget request. Mrs. Glover explained that at the time budgets were prepared, they're working with a different square footage figure. Mr. Barrett added that his Office had quoted a higher rate to Mrs. Garrett, then they reduced the rate per square foot, so her rent was reduced.

### Communications Expense

Senator Jacobsen noted that this figure was up about 38 percent; he asked why. Mrs. Garrett said that the expense was due to CETA-held telephones.

### DIVISION OF BUILDINGS AND GROUNDS - Page 69

Mr. Mike Meizel, Superintendent of Buildings and Grounds, described the structure of his organization. He said most revenue comes from services charged to the agencies. He described the services his office provides.

Senator Lamb, referring to page 71, asked if General Building Tradesman was for the maintenance of the Governor's Mansion. Mr. Meizel said yes.

Mr. Meizel said they have cut back on 9 positions and they were requesting 1 new position which is tied to the cutback in positions. He said in the past the Governor's Mansion had been maintained by

prison labor. When inmates no longer functioned in maintenance categories, Buildings and Grounds provided workers. He said, due to cut-backs, the Mansion would be dependent on 1 inmate there. The General Building Tradesman is to relieve the dependence on the inmate. He added it is difficult to get good help from inmates due to high turnover.

Senator Lamb asked why Mr. Meizel does not use more prison labor. Mr. Meizel said they do not use any because several years ago they used prison labor and it was not adequate. He said the ineffectiveness of prison laborers was demonstrated by his Department not having to add new positions when prison labor was cut back.

Mr. Meizel stated there was probably only one area where inmates could be used; and that was grounds maintenance. But, he said, the grounds can be done more easily with 3 students in the summer and 4 groundsmen. He said one of the problems with using inmates was that he did not have enough people to supervise them. He said his employees used time supervising prisoners that the employees could have used to do the work themselves. He said he did not believe there would be a savings in staff by going back to inmate labor.

Senator McCorkle said supervision seems to be the key to using prison labor. He asked why couldn't prison security guards supervise inmates, leaving Mr. Meizel's men free. Mr. Meizel said he thought supervision would still be needed. Senator McCorkle said skills of prisoners ought to be used.

Senator Lamb said prison administrators have reported that a more diversified program was needed for prisoners.

Mr. Meizel pointed out that when the State discontinued the prison work program, no new positions were added to take over the workload.

Senator Glaser said using prison labor should be looked into and he said he has heard that some prisoners were low risk. He asked Mr. Meizel to estimate the number of prisoners he could utilize. He also asked Mr. Meizel if prisoners were paid. Mr. Meizel said yes, at a low rate.

Senator Glaser asked Mr. Meizel to project the amount of savings he would realize by using inmates. He suggested Mr. Barrett might be able to help him with the analysis.

Mr. Sparks remarked that the inmate program discontinued because a prisoner attacked a girl in the Capitol Building. Mr. Barrett said that after that incident, it was felt prison labor could not be used unless prisoners were heavily supervised, keeping them in sight all times.

Senator Wilson asked the circumstances of this case. Mr. Barrett described the incident.

Senator Wilson asked what offense the prisoner in question had originally been jailed for. Mr. Barrett answered that he did not know. He added that prisoners had been screened for being most likely to succeed on the outside.

A discussion followed over the advantages and disadvantages of using prison labor. Mrs. Glover said that the proximity of the prisoners adversely affected the morale of female state personnel.

Senator Jacobsen pointed out that prison laborers are successfully tending the grounds of the Legislature. He suggested that agencies could contract for labor from the prison, as they might contract for other kinds of services. Mr. Meizel said using prisoners for outside maintenance was fine with him, but they were more difficult to supervise inside.

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Senator McCorkle requested a recommendation from Mr. Meizel on how he might use prison help.

Senator Gibson said Mr. Meizel has cut 9-1/2 people. He asked how this was done. Mr. Meizel answered that some positions, such as grounds and custodial workers, have a turnover so a couple of positions will be held open for those July 1. He explained that when someone leaves, they hold the position open until July 1.

Senator Gibson asked if the quality of work would suffer, given the cutbacks. Mr. Meizel said he thought they could do the job with the cutbacks. Senator Gibson commended Mr. Meizel for cutting back. Mrs. Glover added that more work is being done by the custodial workers now that they work day shifts.

#### Electric Power

Senator Wilson asked why there was a 25 percent increase in Electric Power over the Actual 1977-78 compared to the Agency Request for the first year of the biennium, and a 20 percent increase over that the second year. Mr. Meizel answered the large increase the first year is because they will be getting the Capitol Building back. He said this will add about 18 to 20 percent to the power bill. He said the rest is to provide leeway, because in previous years they were short on electric power and all utilities.

Senator Wilson asked if this amount could be cut down by volunteer conservation methods. Mr. Meizel said that one reason they began day-time custodial work was to cut utilities, and utilities were cut. He said they were already using all the conservation methods they know of aside from renovating buildings. He named the various energy-saving practices of his Division. He said another reason energy costs go up is as the State grows, it uses more computer-related equipment which is a high power usage.

#### Taxes and Assessment - (Page 72)

Senator Lamb asked about this figure. Mr. Meizel explained that the \$17,000 is the sewer assessment that Carson City charges each year for all the buildings. It is usually between \$16,000 and \$18,000. He said the reason it does not appear in 1977, is because the City sent the bill too late.

Senator Jacobsen asked if the sewer assessment was related to water usage. Mr. Meizel answered that the City gets figures from the State Health Department of the number of fixture units from all the state buildings. The City then bases its assessment on all the fixture units, so it is tied back to the water usage. This assessment relates only to Carson City.

#### Buildings and Grounds

Senator McCorkle asked what is last year's \$140,000 for Maintenance of Buildings and Grounds. Mr. Meizel said it was primarily for materials for everything he does; such as putting up walls, plumbing, electrical work, etc. He said some materials were charged back to state agencies; for example if an agency requests a wall, they are charged for it. The expense is reflected in the Maintenance of Buildings and Grounds category. He added that Contractual Services, Page 71, is for outside contracting.

Senator McCorkle asked what was typical pay for a skilled technician, such as a carpenter, compared to private industry. Mr. Meizel answered a carpenter is paid about \$18,000.

Senator Glaser, referring to Water, page 72, asked if this was what the State owed the Carson City Water Distribution, or did it refer to Marlette Lake. Mr. Meizel answered these were water charges throughout the State.

Mr. Meizel said the Statewide Lease Program is basically leasing

office space for state offices that cannot be housed in state buildings. He said this year there is a change in this program. Agencies will pay their own leases directly; their leases will not be paid through Buildings and Grounds. He said this should save money because Buildings and Grounds will not have to pay its accounting section to process these bills. He said the figure remaining in this category is one building in Elko where a master lease is paid and several agencies are housed.

Senator Wilson asked if Mr. Meizel still kept the records of leases in his office. Mr. Meizel said yes.

Senator Wilson asked if Mr. Meizel would summarize the rents of all the agencies, if possible including cost per square foot. Mr. Barrett replied that Senator Wilson would have it next week.

Senator Wilson asked if it could be a part of the Budget in the next biennium. Mr. Barrett said he could provide this information each session but it would add more paper to the Budget.

#### LOST CITY MUSEUM - Page 77

Mr. Meizel said there were no new positions and only inflationary increases in operating expenses.

Senator Gibson said he visited the Museum and they have not been able to fill the Museum Attendant II position because of the salary. He asked Mr. Meizel if he had considered increasing this salary. Mrs. Glover said the reason the salary has not been changed is that consolidation is expected. She said if it is consolidated, it should be up to the new Division to make salary decisions.

#### MARLETTE LAKE - Page 79

Mr. Meizel said this Division is charged with getting water to state buildings and other places. He said at present water is sold to the State, Virginia City, Carson City, and the Lakeview Development. The budget is funded through water sales.

#### GENERAL SERVICES WORKING CAPITAL FUND - Page 81

Mr. Meizel described services of this budget. He said it was funded by a percentage rate on mail and telephone equipment.

#### In-State Travel

Senator Jacobsen asked about the \$166 percent increase in In-State Travel. Mr. Meizel said the Communications Analyst will be traveling to Elko this year because the State is going into a new building and his office will devise the telephone system.

Senator McCorkle asked if telephone calls were monitored. Mrs. Glover answered that they were.

#### STATE PRINTING OFFICE - Page 88

Mr. Donald L. Bailey, Sr., Superintendent of State Printing, described the services of his office.

Senator Lamb asked if there was not a lot of needless printing done. Mr. Bailey answered the agencies did a lot of printing, but he could not judge the importance of their materials.

Senator Lamb suggested uses of printing needs to be reconsidered. Mr. Bailey said the Department provided educational programs so agencies would use less and cheaper materials. Mr. Barrett added that printing costs have decreased since the Legislature has stopped printing Annual Reports and other documents once required by law.

Senator Lamb said the printing budget was up 25 percent. He pointed

out there was much waste. Legislators receive many materials they have no time to read. Mr. Bailey said he was already working with the Directors to try to cut costs.

#### Raw Material

Senator Wilson asked if this item referred to paper. Mr. Bailey said yes. He said there has been a paper strike for eight months. He said paper costs are expected to go up.

Senator Wilson asked how much latitude Mr. Bailey had in controlling quality and cost of paper used in reports. Mr. Bailey said at present they used about twenty varieties of paper.

Senator Wilson asked who decides the quality of paper used for reports. Mr. Bailey said usually the Printing Division. He said they try to steer agencies away from using expensive paper.

Senator Wilson asked if budget increases are the result of estimates that the volume of printing is going to increase or of estimates that cost per unit will increase, or both. Mr. Bailey replied both.

Senator Glaser asked if printing costs reflected only agencies printing costs or are printing costs for the Legislature included in this budget. Mr. Bailey said all costs, Legislative side and Executive side, are included in this budget. He said the stock needed every two years is also included.

Senator Glaser asked where the Legislature's printing costs are found in the budget. Senator Gibson replied these costs are in the Session budget and are paid for from the appropriation for the Session. Mr. Bailey added that Legislature's printing is 48 percent of the Printing Division's work.

Senator McCorkle asked if Mr. Bailey and Mrs. Glover could make a recommendation on how the Legislature can discourage agencies from distributing unrequested reports. Mr. Bailey said yes.

Senator Lamb asked if the Legislature cut back personnel in printing, would that cause the amount of printing to go down. Mr. Bailey said in the two years he has been there, they have added no new positions. He said they will be losing two members of the staff due to retirement and he uses attrition and retraining to conserve staff.

Senator Lamb emphasized there was much waste. Mrs. Glover asked if these expenses could be controlled through the agencies' budgets. Mr. Bailey added that they have begun conservation programs to reduce costs; revenues saved go back into the Printing Fund.

Senator Wilson suggested that the agencies' reports might be printed on newsprint and stapled together rather than covered. He asked how much this practice would cut the cost of raw materials. Mr. Bailey said about 25 percent. He added that the cost of newsprint was climbing rapidly. Senator Wilson said 25 percent was a substantial savings. Mrs. Glover said using the cheaper format could be easily implemented if a directive came from the Legislature.

Senator Jacobsen said agencies may do their own printing if they are heavily restricted. Senator Lamb asked where agencies would get the money to do this. Senator Jacobsen said they would do it within their own budgets.

Senator Wilson asked what the other basic elements were in stock inventories, various inks, and other raw materials costs. Mr. Bailey said it includes materials strictly used in the printing process. He added that the color separations were in the Special Projects Reports category.



Senator Wilson asked how agencies could be required to use newsprint. Senator Lamb replied by cutting their appropriation. Senator Gibson added, cutting it by 25 percent. Mr. Bailey said this should be done in the individual budgets.

Senator Glaser asked for samples of work in newsprint. Mr. Bailey said the Journals and Histories for the Legislature are on newsprint. Senator Wilson added that the Congressional Record is on newsprint.

#### Maintenance of Buildings and Grounds

Senator Jacobsen noted this item was up about 1500 percent. Senator Wilson pointed out there are progressive increases from the 1977-78 Actual to the Agency Requests. Mr. Barrett said it was probably a miscoding. He said the last line of operating showed \$12,000 in Buildings and Grounds Improvement and only \$1,000 next year. Mr. Bailey said there is a switch in the two categories. Buildings and Grounds Improvement relates to activities his agency goes outside for, such as plumbing, or replacement of glass.

#### ONE-SHOT - Page A17

Mr. Bailey said, regarding A.B. 6, the reason this request was made is because two years ago S.B. 270 permitted them to go to computerized type-setting. He said they own all the equipment except the computer. He said they are requesting operating funds to support the computer for two years and also to drive the word-processing system on the Legislative Counsel Bureau side. Mr. Bailey described the procedures involved in the latter system. He said they hope to drive the entire system, including the bills, on the computerized system. He said the Printing Division could not carry the leases on the computer itself, which is about \$90,000 per year. He felt they needed help in this area.

He said \$198,500 is also something he talked about two years ago. He said when an antiquated system is modernized, all components of that system must be modernized. He said they are asking, on a loan basis for a pay-back of 5 percent, a new press, film processor, vacuum framer, cutter, and plate processor. He said this would complete the total system.

Senator McCorkle said that Mrs. Glover had recently indicated to him that no cost analysis had been done on the Printing Office. He asked if she was attempting to do this, incorporating some of the economy of the computer system. He said he would like to compare costs to those if they had contracted it out privately.

Senator Gibson asked Senator Jacobsen when this was last done. Senator Jacobsen said about four years ago. Senator Glaser stated that one of the advantages of having a printing press is, that when the Legislature is in session, turnaround time is fast.

Senator Gibson said these items must have been anticipated last session. He said the Legislature did not fund everything last time. Mr. Bailey said that is right. Senator Gibson asked how the present new equipment is performing. Mr. Bailey replied better than he expected, especially in turnaround time.

Senator Jacobsen asked what happened to all the lead that belonged to the Counsel Bureau. Mr. Bailey said he still had it. Senator Jacobsen asked if it had value. Mr. Bailey said yes, they will eventually recycle the lead into the open market. They will refund the Legislative Counsel Bureau share of it. The remaining amount will go back into the Printing Fund.

#### RECORDS MANAGEMENT SERVICES - Page 91

Mr. Bailey described the characteristics of this agency.

Senator McCorkle asked why the Records Management Division does not

have its own record retention schedule. Mr. Bailey answered that they do. Senator McCorkle said, according to the Audit, they do not. Mr. Bailey said at the time of the Audit, they did not; but they do now.

PURCHASING ADMINISTRATION - Page 95

Mr. Sullivan described the services of his Division. The total amount of business amounted to about \$21,000,000 last fiscal year; about \$5,000,000 more than the previous year. He said they were funded by a service charge of 4 percent. He said he cannot estimate the total amount of money saved by this agency. However, he gave savings estimates on certain categories, such as office furniture, which exhibited savings of hundreds of thousands of dollars. He noted that the savings they gain by warehouse storage is more than he is asking for in the budget.

New Positions

He said they were requesting 2 new positions because of increased workload: a Storekeeper for the Warehouse, and in the second half of the biennium, a Purchasing Technician. He said the budget did not show it; but some positions have been reclassified downward.

Out-of-State Travel

He said they were asking for the amount listed to go to other states to negotiate prices for contracts or to attend a training conference.

In-State Travel

He said this amount is necessary to contact the political subdivisions using their facilities, and also relates to the Las Vegas Warehouse.

Operating

Mr. Sullivan described some large items in this category: communications expense, insurance, advertising, other government services.

Equipment

He said that they would need a new tractor in 1981 to replace an existing one that has about 500,000 miles on it. He said they also want to purchase 3 new secretarial units for \$3,000. One is for the new position if it is approved; and two are for replacement of old equipment.

Other Government Services

Senator Lamb requested information on this category. Mr. Sullivan said this was his office's portion of the cost of the General Services Director and the Accounting section. Senator Lamb said it was a considerable increase. Mr. Sullivan said this was the figure provided to him. He said it was 1/4 of Mrs. Glover's operating expenses.

Land Repayment in Las Vegas

Mr. Sullivan said this referred to some property they want to buy in Las Vegas that adjoins the existing warehouse. He said it was 15,000 square feet and costs \$2.67 a square foot, less than the amount paid two years ago for identical land. He said they have accumulated many vehicles in Las Vegas for excess sales. They borrowed space from the City of Las Vegas and the County. Eventually the local governments tired of this arrangement. Then state-owned land was located, but vehicles placed there were vandalized. He said they were presently leasing the land they want to buy.

Senator Lamb asked how many positions Personnel recommended curtailing. Mr. Sullivan answered 3 positions. He said they

eliminated 1 he intended to eliminate anyway. Because Mr. Sullivan did not agree with the productivity study, he discussed the other 2 positions with Personnel and they eventually agreed not to recommend elimination of these positions. Mr. Sullivan said they asked the Budget Office to allow them to refill the eliminated position at a lower grade. They needed an MCST Operator.

Senator McCorkle asked why every other year there seems to be a disproportionate increase in purchasing. Mr. Sullivan said it was probably due to high spending after the biennium when there is more money in the budget. Mr. Sparks explained that usually each biennium new positions were added the first year which explains some of the irregularity.

Senator Echols asked what kind of tractor Mr. Sullivan was going to buy. Mr. Sullivan replied a regular diesel highway unit which pulls one or two trailers. The cost includes only the tractor. He said it will be an International, a Ford, or possibly a Mack.

Senator Jacobsen asked if there were agencies now outside Mr. Sullivan's jurisdiction that do not come through Purchasing. Mr. Sullivan said the Judicial system and the Legislative branch are the only ones excepted. The University by law uses the warehouses.

Senator Lamb asked if Mr. Sullivan allowed agencies to go outside when they can get purchases at a lower price. He replied no; most of the time the items are not really cheaper.

Senator Jacobsen asked about the prison dairy farm. He said that going through Purchasing to get feed to cut the feed bill sometimes resulted in an inferior product. Mr. Sullivan said they look at it in the field, and bid it to give all the farmers a chance. Senator Jacobsen said he found that when they went to individual farmers they could get a better price. Mr. Sullivan said that may be true, but the law requires they give all the farmers a chance.

Senator Lamb asked if Mr. Sullivan still gave in-state builders a 5 percent break. Mr. Sullivan said no.

#### CAPITAL IMPROVEMENTS - Page 807

Mr. Sullivan said they were asking for funds to add to their existing warehouse in Reno. The original structure was built in 1963. He said the justification for the new addition is that right now they pay \$35,000 a year in outside storage charges. He said they will have to store additional food commercially which last year would have cost \$74,000. Part of this was kept in the warehouse, but because of lack of space it will have to be put on the open market; which means \$100,000 in outside storage costs in the coming years. He said there were many items he does not carry for lack of storage space.

Senator McCorkle asked if this warehouse would require anything more than an ordinary warehouse. Mr. Sullivan said yes, a walk-in freezer and a refrigerator to store food. Senator McCorkle asked how big these would be. Mr. Sullivan said he was asking for 1,500 square feet in refrigeration and 3,000 square feet of freezer space. He explained that food is moved in and out rapidly; 3,000 square feet would hold a carload.

Senator Gibson asked if Mr. Sullivan would pay back this warehouse as he had before. Mr. Sullivan said yes; and also the land at 2 percent a year for 50 years.

#### SURPLUS PROPERTY SECTION - Page 98

Mr. Sullivan explained this was property made available by the

federal government. He described characteristics of this program and praised the merits of it.

COMMODITY FOOD PROGRAM - Page 101

Mr. Sullivan said the food program receives donated food from the federal government and distributes to eligible schools, institutions, aging services and needy families on reservations. He said the last category is supported largely by federal funds, but \$10,000 has been requested from the General Fund as the State's share. Mr. Sullivan pointed out the large increase in volume. He said he is asking for a new position to offset the increase in food handling.

Senator Wilson asked Mr. Sullivan to explain the balance brought forward, second line of Income - Page 102. Mr. Sullivan said they received a lot of food last year and they assess a service charge for each case of food. He said they received more money than expected, so reduced the price of food. He said that is why there was a large carry-over. He said food now costs \$1.50 for dry food and \$1.75 for refrigerated or frozen commodities.

Senator Gibson asked where the Storekeeper would be. Mr. Sullivan said in Carson City or Las Vegas, depending on where he is needed.

Senator Gibson asked if he was distributing food to every county now. Mr. Sullivan said every county, and nearly every city in the state and the Indian reservations.

Senator Echols asked how the Balance Forward cash was utilized. Mr. Sullivan said he would reduce the price of food until the amount is used up. He said right now, it is in the Treasurer's Office.

Equipment

He said they need a new pickup to replace the worn-out existing one that has 150,000 miles on it.

Senator Gibson said there was \$31,000 for trucks. He said that must be more than the pickup. Mr. Sullivan said that is for a refrigerated trailer which costs about \$25,000. He said this is in addition to their fleet. He said right now they have no refrigerated trailers. They use dry ice when they haul food; and they are concerned about losing food hauled this way. He said they almost lost a load last summer valued at \$60,000, which the State would have had to replace.

Senator Gibson asked what has happened to this program in the President's Budget during the next two years. Mr. Sullivan said it looks very good. It looks as if it will at least stay the same, and probably increase. He said some of the school districts may have the option of getting cash or commodities. He said Clark County wants cash, and this may change the program slightly.

Senator McCorkle asked if the storage expense would be eliminated if the new warehouse were built. Mr. Sullivan said yes, except for refrigerated commodities in the Las Vegas area; these would still have to be stored.

Senator McCorkle asked what capital outlay for equipment was for. Mr. Sullivan said the trucks. He said in this budget it was for a pickup and a refrigerated trailer. Senator McCorkle said then that is including your trucks. Mr. Sullivan answered yes. Senator McCorkle asked if each year he bought a new truck. Mr. Sullivan said they actually replaced units as they wear out; and they put a lot of miles on their trucks. He said the State's policy for discarding a truck is about 70,000 miles and his Department puts at least 100,000 miles on theirs. They try to put 500,000 miles on diesels which is standard for industry.

CENTRAL DATA PROCESSING - Page 85

Mr. Gordon Harding said there were two things his Division does not do: they do not do the Controller's Account, and they do not run the State Computer Facility. Mr. Harding described their association with the Computer Facility. He said there were several significant things about his budget. They are reducing programmer positions by 3 because they have obtained greater productivity from the staff. He described how this has occurred. He said this means that over the last three bienniums the professional staff has been reduced by 15 percent. He noted that at the same time they have increased the amount of work done by 20 percent per year compounded.

Senator Lamb asked why his budget was up 26.5 percent. Mr. Harding said his budget has increased over this year's Work Program, compared to next year, by 4 percent. Mr. Sparks explained that the 26.5 percent comes from comparing the new budget to last year's Actual expenditures.

Mr. Harding said this increase related to three things. He said in a line item there is a provision for an 8 percent wage increase which is in that budget. Also, the computer charges from the Computer Facility have increased 17 percent. The volume of work done for agencies has increased 20 percent. He said if wage increase and computer charge were eliminated, the actual percentage of work done by the Facility has only increased 1-1/2 percent but the bill from that agency has increased by 17 percent.

Senator Wilson asked why the charge from the Computer Facility went up. Mr. Harding said he would return to this question.

Mr. Harding said the reduction in personnel costs has allowed them to reduce charges to agencies for data processing services.

Operating Supplies

Mr. Harding said the original agency request was \$10,000 and the Governor recommends \$40,000. He said in December they put into service an on-site printer and card reader which allows direct communication with the Computer Facility, eliminating messenger services. He said that the paper cost which was formerly in the Computer budget on Page 109, is now in his budget. He said their budget has dropped \$32,000 and his (Mr. Harding's) has increased \$30,000.

Other Contract Services

Mr. Harding said this item covers the maintenance of in-house data processing equipment, certain software packages that have to be purchased, contract services for peak load data-entry work. He added that he used women inmates for data-entry work to avoid having to add additional positions and to reduce overtime expense. He said it works very well; and is an excellent rehabilitation program. He said recidivism is zero for women who have been in this program.

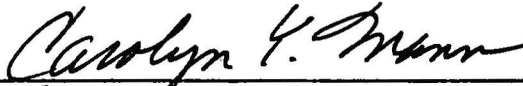
Senator McCorkle asked if an inmate could take the place of the new Data Processing Technician. Mr. Harding said that person is being hired to run the printer on the off shift and the inmates are day workers. A supervisor would be needed at night.

Senator McCorkle asked if a day person could be moved to night and use the prison worker in the day. Mr. Harding said this might be possible, but he hesitated to use a person to print checks, who might be incarcerated for forgery or a related crime.


Senator McCorkle said if it has worked successfully before, he did not understand why it would not work in this case. Mr. Harding said he has been very selective about the programs the prison inmates work on. He stresses that if mistakes are made, they number in the thousands in computer work.

Meeting adjourned at 10:30 a.m.

Respectfully submitted,

  
\_\_\_\_\_  
Carolyn Y. Mann, Secretary

APPROVED:

  
\_\_\_\_\_  
Floyd R. Lamb, Chairman

\*\* ATTACHMENT A **S. J. R. 8**

SENATE JOINT RESOLUTION NO. 8—SENATORS GIBSON, CLOSE, ECHOLS, DODGE, BLAKEMORE, LAMB, KEITH ASHWORTH, GLASER, JACOBSEN, RAGGIO, DON ASHWORTH, YOUNG, SLOAN, HERNSTADT, WILSON, McCORKLE, NEAL AND FAISS

JANUARY 23, 1979

Referred to Committee on Finance

SUMMARY—Requests Congress to call convention for proposing amendment to Constitution of the United States to require balanced budget in absence of national emergency. (BDR 893)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

SENATE JOINT RESOLUTION—Requesting the Congress of the United States to call a convention limited to proposing an amendment to the Constitution of the United States which would require a balanced budget in the absence of a national emergency.

- 1 WHEREAS, Proper economic planning, fiscal prudence and common
- 2 sense require that the federal budget include all federal spending and be
- 3 in balance; and
- 4 WHEREAS, The annual federal budgets continually reflect the unwilling-
- 5 ness or inability of the legislative and executive branches of the Federal
- 6 Government to balance the budget; and
- 7 WHEREAS, The national debt now amounts to hundreds of billions of
- 8 dollars and is increasing enormously each year as federal expenditures
- 9 exceed federal revenues; and
- 10 WHEREAS, The inflation and other results of the fiscal irresponsibility
- 11 of the Federal Government demonstrate the need for a constitutional
- 12 restraint upon excessive spending; and
- 13 WHEREAS, Article V of the Constitution of the United States provides
- 14 that on the application of the legislatures of two-thirds of the states, Con-
- 15 gress shall call a convention for proposing amendments to the Constitu-
- 16 tion; now, therefore, be it
- 17 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
- 18 That this legislature requests the Congress of the United States to call a
- 19 convention limited to proposing an amendment to the Constitution of the
- 20 United States which would provide that, in the absence of a national
- 21 emergency, the total of all federal appropriations for any fiscal year must

ATTACHMENT B

Art. IV, § 4

U. S. CONSTITUTION

Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. Republican form of government and protection guaranteed to states. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

MODE OF AMENDMENT

Amendments to Constitution. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

ARTICLE. VI.

MISCELLANEOUS PROVISIONS

Constitution, federal laws and treaties are supreme laws; oaths of federal, state officers to support Constitution; religious test as qualification to office or public trust. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

(1973)

25620



As of January 30, 1979, the following states had passed resolutions calling for a constitutional convention to propose an amendment on balanced budget:

Alabama  
Arizona  
Arkansas  
Colorado  
Delaware  
Florida  
Georgia  
Illinois  
Kansas  
Louisiana  
Maryland  
Mississippi  
Nebraska

New Mexico  
North Carolina  
North Dakota  
Oregon  
Oklahoma  
Pennsylvania  
South Carolina  
Tennessee  
Texas  
Utah  
Virginia  
Wyoming

Total 25

The following have resolutions introduced:

Alaska  
California  
Idaho  
Indiana  
Iowa

Montana  
Nevada  
South Dakota  
Vermont

Total 9

E X H I B I T B

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710

LEGISLATIVE COMMITTEE (702) 885-5627

RONALD R. NELLO, Chairman, Chairman  
Arthur J. Palmer, Director, Secretary

INTERNAL FINANCE COMMITTEE (702) 885-5627

THOMAS A. CAMPBELL, Senator, Chairman  
Richard V. Harris, Senate Fiscal Analyst  
William A. Biele, Assembly Fiscal Analyst

ARTHUR J. PALMER, Director  
(702) 885-5627

FRANK W. DAYKIN, Legislative Counsel (702) 885-5627  
JOHN R. CROSSLEY, Legislative Auditor (702) 885-5620  
ANDREW P. GROSE, Research Director (702) 885-5637

January 30, 1979

M E M O R A N D U M

TO: Senator James I. Gibson  
FROM: Andrew P. Grose *AG* Research Director  
SUBJECT: Amendment of the U.S. Constitution by the Convention Method

The U.S. Constitution has never been amended as a result of a constitutional convention. There has never been a convention called. Therefore, no one can say with absolute certainty what the exact form of convention calls must be, how delegates would be selected or how the convention would operate. There are, however, a number of authorities on the Constitution who have given opinions both on the way a convention would work and on the advisability of a convention. In addition, the U.S. Senate twice passed legislation providing for procedures for a convention. Those bills offer guidance to Congressional thinking. It seems appropriate first to look at what the framers had to say.

In the Federalist No. 43, Madison said:

"That useful alterations [in the Constitution] will be suggested by experience, could not but be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other."

In Federalist No. 85, Hamilton said:

In opposition to the probability of subsequent amendments it has been urged, that the persons delegated to the administration of the national government, will always be disinclined to yield up any portion of the authority of which they were once possessed. \* \* \* I think there is no weight in the observation just stated. \* \* \* [But] there is yet a further consideration, which proves beyond the possibility of doubt, that the observation is futile. It is this, that the national rulers, whenever nine states concur, will have no option upon the subject. By the fifth article of the plan the congress will be obliged, "on the application of the legislatures of two-thirds of the states (which at present amounts to nine) to call a convention for proposing amendments, which shall be valid to all intents and purposes, as part of the constitution, when ratified by the legislatures of three-fourths of the states, or by conventions in three-fourths thereof." The words of this article are peremptory. The congress "shall call a convention." Nothing in this particular is left to the discretion of that body.

Clearly Madison and Hamilton saw the convention method as a safety valve for those subjects on which Congress would not initiate action but about which there was considerable concern in at least two-thirds of the states. In fact, it has tended to work that way. There have been over 350 applications, representing every state, calling for a convention on one subject or another. Nevada has done this 12 times on five subjects. Texas with 15 calls, leads all states. Many of the states have used conventions for revisions of their own constitutions. There have been about 200 state constitutional conventions. The 17th amendment providing for the direct election of senators was proposed by Congress when the call for a convention was only two states short. In 1967, the call for a convention to offset in some way the effects of the several one man-one vote decisions of the

Supreme Court fell only two states short. Many issues raised by calls for a convention have been disposed of by the normal amendment procedure. The Bill of Rights, prohibition and limit to presidential terms are only three examples.

It was the reaction of the states to reapportionment that caused Senator Sam Ervin to introduce a bill to establish ground rules for the convention method of amendment proposal. That was S 2307 of 1967. It was not until 1971 that a similar bill, S 215 passed the Senate 84-0. The House took no action. The Senate passed S 1272 in 1973. Again, it died in the House and no subsequent action has been taken. It is anticipated that a similar bill will be introduced this year by Senator Bayh's Constitution Subcommittee of the Senate Judiciary Committee. In a conversation with Senator Ervin, we learned that he still strongly favors such legislation and that he intends to urge the North Carolina legislature to pass a resolution calling for a convention on a balanced budget.

The 1967 hearings on Ervin's bill brought together many of the foremost constitutional scholars who offered their understandings of Article V. Unfortunately, it is a subject on which great and respected legal minds differed. Any analysis of the several questions that everyone asks on this issue can only report on the weight of opinion. There are no sure, definitive opinions. A listing of the major questions follows with a conclusion, where possible, on the weight of opinion. The conclusions are not those of the Research Division but rather of the American Bar Association's Special Constitutional Convention Study Committee.

1. If the legislatures of two-thirds of the states apply for a convention limited to a specific matter, must Congress call the convention?

The Constitution provides for a convention on a limited subject or a general convention. In either event, Congress' duty to call the convention is mandatory.

In the absence of statutory guidance, of course, there is room for disagreement as to whether the requisite number of state petitions are sufficiently similar to be calls for the same purpose. The Federalist Papers quoted as well as Madison's record of the Debates of the Convention all attest to the mandatory nature of Congress' responsibility.

2. If a convention is called, is the limitation binding on the convention?

Congress has the power to make available to the states a limited convention when that is the type convention applied for. Such legislation could not prevent a call for a general convention as there is nothing in the history of Article V that would support a precluding of a general convention if the states petitioned for one. In the case of a call for a particular subject, Congress would have to define the subject at least to the extent necessary to determine if the several petitions were all on the same subject.

3. What constitutes a valid application which Congress must count and who is to judge its validity?

The approach used in S 1272 is endorsed by the ABA. That bill would require the passage of a resolution by the state legislatures calling for a convention to propose one or more amendments. The resolution would be passed in the same manner as a statute in each state, except the governor would not have the right to veto. The ABA believes that Congress' judgment as to validity should be reviewable by the courts. S 1272 gives Congress sole authority. This is a matter of preference. The ABA does not say that the S 1272 approach is unconstitutional. A resolution would have to make it clear that a convention was being called for. A call for a convention simply to vote a proposal

up or down would not likely be valid. A convention would have to have latitude. The late Professor Bickel of Yale strongly supported the latter point and Professor Phillip Kurland of the University of Chicago concurs.

4. What is the length of time applications for a convention will be counted:

There is nothing in the history of Article V to answer this question. It is a political judgment. In S 1272, 7 years was set as the limit for a state resolution to be considered active.

5. How much power does Congress have as to the scope of a convention; as to procedures such as the selection of delegates; as to voting requirements in the convention; as to refusing to submit to the states for ratification the product of a convention?

Congress could establish the scope of a convention consistent with the resolutions calling for the convention but no more than that.

The ABA believes that delegates would have to be apportioned on a one man-one vote basis, such as seats in the House of Representatives. Other authorities cite the original constitutional convention and its votes by state. On balance, it seems that population will have to play a major role. S 1272 gives each state delegates equal to its senators and representatives, thus following the Electoral College model. Delegates would be elected one from each congressional district and two at-large in each state under S 1272.

Opinion is divided over whether the convention could be required to propose an amendment by more than a majority. The ABA feels that the voting rules of a convention must be left to the convention. S 1272 requires a

two-thirds vote to propose an amendment, making the requirement analogous to that for Congress in proposing an amendment.

Expert opinion is divided on whether or not Congress has any discretion in sending an amendment proposed by convention to the states for ratification. S 1272 allows Congress, by concurrent resolution, to disapprove of an amendment outside the scope of the convention and to refuse to send it out for ratification.

6. What are the roles of the President and state governors in the amending process?

In Hollingsworth v. Virginia, the Supreme Court confirmed the prevalent practice saying in regard to the President, "\* \* \* he has nothing to do with the proposition or adoption of amendments to the Constitution." Most constitutional opinion agrees that this observation applies in the convention method too. The President will have a role in the approval of a bill setting up procedures for a convention, just as he would on any bill.

The experts are similarly agreed that state governors would have no role either in resolutions calling for a convention or in the ratification of amendments sent to the states. S 1272 specifically excludes governors from any role in the process.

There is no certainty as to whether or not a state may rescind its call for a convention. The ABA thinks it should be able to and the Senate in S 1272 made such a provision allowing a rescission at any time prior to the receipt by Congress of petitions from two-thirds of the states. After that, rescission would not be allowed.

8. Are issues arising in the convention process justiciable?

In S 1272, the Senate provided to Congress the sole role in deciding all questions arising under the convention method. It is not clear whether such an approach would, in fact, preclude a role for the courts. It is especially doubtful that the courts could be excluded if Congress refused to act in the face of the requisite number of apparently valid petitions for a convention.

9. Who is to decide questions of ratification?

Congress, under Article V, has the power to decide whether ratification will be by state legislature or state convention. Only for the repeal of prohibition were state conventions used.

Conclusion

In the absence of legislation passed by Congress, there are many questions about the amendment by convention method that must remain unanswered. S 1272 at least offers a guide to probable congressional thinking and its provisions are referred to extensively in the foregoing. It is clear that Congress must convene a convention if two-thirds of the states petition. Few other matters on the subject are clear. Based on S 1272, it appears that Congress could define the subject matter of the convention, determine how delegates would be chosen and what the internal rules of the convention would be. It could also refuse to submit to the states a proposed amendment that was outside the guidance provided by Congress as to subject. Finally, Congress would determine how a proposed amendment would be submitted for ratification; by state legislatures or state conventions.

On advisability of a constitutional convention, opinions cover the full spectrum. Among those in the negative is political scientist C. Herman Pritchett saying:



These unknowns are so serious that it would be well for Congress to adopt general implementing legislation before it is faced with a valid convention call. However, it would be preferable not to use the convention method at all. The principal support for the convention device has come from interests sponsoring proposals which could not gain congressional approval. It is an alternative attractive to manipulators of opinion who find it more congenial to work in the recesses of fifty state legislatures than in the glare of the congressional spotlight. The national interest in the amending process is best protected by leaving the responsibility for proposing amendments in the halls of Congress.\*

The framers of the Constitution, of course, put the convention method in to guard against a situation in which the national government had a certain vested interest in conflict with the interests of the people or the states. In the hearings on S 2307, the predecessor of S 1272, Senator Roman Hruska said:

Much in the manner of Chicken Little skittering to and fro telling all who would listen the sky is falling, much alarm has been expressed at what a Constitutional Convention might do. "The Bill of Rights will be repealed," "the Supreme Court will be abolished," are just two of the more irrational alarms being trumpeted from the rooftops by some who have felt compelled to exclaim rather than reason.

Fears of this kind have no foundation in reason, logic, or experience. They should be dismissed.

\*Pritchett, C. Herman, The American Constitution, 3rd Ed. (McGraw-Hill, New York, 1977), p. 27.

I think it is more important to recognize a Constitutional Convention for what it is and what it can do. First, it is a perfectly valid method of proposing amendments to the Constitution. It is a right reserved to the States and guaranteed by article V of the Constitution. The fact that we have never had one does not diminish the right of the people to have one if they wish.

As to what a Constitutional Convention might do to existing rights or to governmental structure, it could do nothing more than what the Congress has authority to do--it can propose amendments to the Constitution. Alone, it can make no change in the Constitution; it can change no rights. In the final analysis, three-fourths of the States, a total of 38, either by legislative action or by State convention, must ratify any amendment the Convention might propose before it becomes a part of the Constitution. Precisely the same procedure that applies to amendments proposed by the Congress must be observed so far as ratification is concerned.\*

\*Senate Judiciary Committee, Subcommittee on Separation of Powers, Ninetieth Congress, First Session, Hearings on S 2307, October 30 and 31, 1967, p. 220.

APG/jld

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Senate Judiciary Committee, Subcommittee on Separation of Powers, Hearings Before the \* \* \*, S 2307, Oct. 30-31, 1967 (U.S. Government Printing Office, Washington, D.C., 1968).