



MT AFL-CIO Legislative Update

March 2023



On January 2nd, the Montana Legislature convened to formally kick off the 68th legislative session. Legislators from across the state requested a record number of bill drafts – **4,625 in total**. And while not every bill was introduced, there were many ideas proposed, both good and bad, that would have a direct impact on Montana workers and the health of our local economies.

In the first half of the session, dozens of bills directly attacked unions and the rights of workers to organize and negotiate for fair wages, benefits, and safe working conditions. Dozens more sought to undermine professional occupational licensure and accreditation standards, chip away at worker's compensation and unemployment insurance, undercut local communities' ability to fund public services, criminalize the free speech and professional standards of educators, undermine pensions for retirees, and dismantle our public education system. There were also good ideas proposed, including measures to provide for an historic pay raise for state employees, increase Montana's minimum wage, provide paid sick leave, institute a family and medical leave insurance pool, increase healthcare benefits for educators and worker's compensation coverage for first responders, provide for staffing standards and safer working conditions, and boost provider rates for caregivers across the state.

The Montana Labor Movement was united in our efforts to beat back anti-worker legislation while supporting and advancing policies that allow working Montanans and their families to get ahead. **We are proud to say that we worked with Republicans and Democrats to defeat every anti-union bill before the midpoint of the session.** Many believed that the odds were stacked against us going into a legislative session where one party controlled a supermajority in the Legislature and the Governor's Office. But the outcomes demonstrate that the Montana Labor Movement has no party affiliation, that an overwhelming number of Montanans want to see their workplace freedoms preserved, and that unions are Montana. While not all of the good ideas that we championed will advance, we should all feel positive about the consistent vision that we laid out for a Montana where every worker and their family has a chance at their version of the American dream.

ANTI-UNION LEGISLATION

The first half of the session saw a record number of anti-union bills, including both repeat attacks from prior sessions and new ideas to undermine the power of working people to organize their workplaces and negotiate for fair wages, good benefits, and safe working conditions. By working together, the Montana Labor Movement was able to defeat all of these bills, resisting efforts to advance measures to floor votes and building strong bipartisan coalitions. Much of our success is owed to union members serving in the Legislature, on both sides of the aisle, who went to work every day to fight for the freedoms of workers to organize for a better future.

Senate Bill 140 *Revise Union Membership Laws*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**



Sponsored by Senator Keith Regier (R-Kalispell), this was the first anti-union bill that received a hearing in the 68th Montana Legislature. This bill would have implemented right to work in the non-profit sector, banning union security clauses and putting additional barriers in place for employees to have dues payments deducted from their paycheck. This bill was a verbatim copy of a bill considered in the 2021 Legislature carried by Representative Matt Regier (R-Kalispell) who now serves as the Speaker of the House.

During the hearing, opponents of the bill spoke to the legal issues, the clear government overreach presented by this legislation, and the impacts that this policy would have, particularly on the recruitment and retainment of quality staff

in healthcare facilities across the state. Disappointedly, several hospital representatives came in to support the measure, even going so far as to claim that unions were a contributing factor to the healthcare worker shortage across the state. In spite of this, the bill was voted down and then tabled unanimously.

COMMITTEE VOTES AGAINST SB 140

Chair Jason Small* (R-Busby): Jason.Small@legmt.gov

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Senate Majority Leader Steve Fitzpatrick (R-Great Falls):

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Senator Chris Pope (D-Bozeman): Christopher.Pope@legmt.gov

Senator Walt Sales (R-Manhattan): Walt.Sales@legmt.gov

Senator Terry Vermeire (R-Anaconda): Terry.Vermeire@legmt.gov

* = fellow union member!

House Bill 216 *Generally Revise Laws Related to Public Employees and Labor Organizations*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

Carried by Representative Bill Mercer (R-Billings), this was a far-reaching attack on Montana's public employees and their chosen union. Under the guise of maintaining compliance with the *Janus v. AFSCME* Supreme Court decision, proponents backed a measure that ended union contracts annually, inserted the government into private contract negotiations between public employees and their union, and imposed unfair barriers to payroll deduction for union dues. There was not a single public employee that



came to speak in support of the bill, but anti-union special interest groups, including the union-busting "Freedom Foundation," showed up in force. Opponents to the bill spoke to the clear sideboards of the *Janus* decision, emphasized the bill's inappropriate and

unconstitutional insertion of government into private contract negotiations, and implored legislators to respect the voluntary association of public employees who have opted for union membership.

Three weeks after the initial hearing, the House State Administration Committee voted to table the bill 17-1.

COMMITTEE VOTES TO TABLE HB 216

Chair Julie Dooling (R-Townsend): Julie.Dooling@legmt.gov
Vice Chair Kelly Kortum (D-Bozeman): Kelly.Kortum@legmt.gov
Representative Denise Baum* (D-Billings): Denise.Baum@legmt.gov
Representative Marta Bertoglio (R-Clancy): Marta.Bertoglio@legmt.gov
Representative Tony Brockman (R-Kalispell): Tony.Brockman@legmt.gov
Representative Greg Frazer* (R-Deer Lodge): Gregory.Frazer@legmt.gov
Representative Paul Green (R-Hardin): Paul.Green@legmt.gov
Representative Gary Parry (R-Colstrip): Gary.Parry@legmt.gov
Representative Linda Reksten (R-Polson): Linda.Reksten@legmt.gov
Representative Tyson Running Wolf (D-Browning): Tyson.RunningWolf@legmt.gov
Representative Frank Smith (D-Poplar): Frank.Smith@legmt.gov
Representative Courtenay Sprunger (R-Kalispell): Courtenay.Sprunger@legmt.gov
Representative Ed Stafman (D-Bozeman): Ed.Stafman@legmt.gov
Representative Kenneth Walsh (R-Twin Bridges): Kenneth.Walsh@legmt.gov
Representative Marvin Weatherwax (D-Browning): Marvin.Weatherwax@legmt.gov
Representative Zack Wirth (R-Wolf Creek): Zack.Wirth@legmt.gov
Representative Mike Yakawich (R-Billings): Mike.Yakawich@legmt.gov

* = fellow union member!

HB 448 *Revise Laws Related to Right to Work*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

This was the much-anticipated Right to Work bill of the session. Largely the same as the version from the 2021 session, this bill was an all-out assault on the rights of workers to organize and negotiate with their private sector employers. It also included further restrictions on the ability of public employees to organize, required employers to post signage in their workplaces about the rights of workers to not associate with a union, and infringed on the voluntary relationship of both private and public sector employees and their chosen union.



The bill saw only 5 proponents, one of whom was the legislator who carried this bill last session, and 4 of whom were from outside special interest groups. Workers flooded the Capitol for the hearing, packing the halls on the first floor.

Over 80 business representatives, working Montanans, retirees, and their families got to the mic to speak against HB 448 and the disastrous impact it would have on working people in this state.

The two largest private sector employers in the State - Northwestern Energy and Stillwater-Sibanye Mine – spoke out in opposition to the bill, along with other private sector business

leaders. Following the hearing, hundreds of workers and their families gathered on the steps of the Capitol to rally and hear from legislators, union leaders, and workers about the longstanding partnership between business and unions that have defined Montana’s history.

The week following the bill hearing, the House Business and Labor Committee voted the bill down 12-7. As we neared the transmittal deadline, where general policy bills introduced in one chamber must be transmitted to the other chamber, there was an attempt made to “blast” this bill from the committee to the floor of the House. **An overwhelming coalition stood against this attack, with only 28 Representatives voting to hear the bill on the floor and 71 legislators voting “no.”**

COMMITTEE VOTES AGAINST 448

Chair Ed Buttrey (R-Great Falls): Ed.Buttrey@legmt.gov

Vice Chair Derek Harvey* (D-Butte): Derek.Harvey@legmt.gov

Representative Fred Anderson (R-Great Falls): Fred.Anderson@legmt.gov

Representative Bob Carter (D-Missoula): Bob.Carter@legmt.gov

Representative Ross Fitzgerald (R-Power): Ross.Fitzgerald@legmt.gov

Representative Steve Gist (R-Great Falls): Steve.Gist@legmt.gov
Representative Jonathan Karlen (D-Missoula): Jonathan.Karlen@legmt.gov
Representative Denley Loge* (R-St. Regis): Denley.Loge@legmt.gov
Representative Jennifer Lynch* (D-Butte): Jennifer.Lynch@legmt.gov
Representative Eric Matthews* (D-Bozeman): Eric.Matthews@legmt.gov
Representative Greg Oblander (R-Billings): Greg.Oblander@legmt.gov
Representative Katie Sullivan (D-Missoula): Katie.Sullivan@legmt.gov

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SB 343 *Generally Revise Public Sector Unions Law Related to Use of Taxpayer Resource*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

The Freedom Foundation – a corporate billionaire-funded think-tank whose mission is to dismantle public sector unions – was back again with SB 343, a bill that would have prohibited paid leave in contracts for employees to conduct “union activities” on the job. The bill would prohibit negotiated compensation for employees to engage in a number of activities, including attending union-sponsored trainings and conferences, filing and processing grievances, attending disciplinary hearings at the request of a colleague, and negotiating or administering a collective bargaining agreement.

The bill had one supporter – a representative from the Freedom Foundation – and numerous opponents including labor leaders and management of public sector workplaces. Representatives from management spoke clearly about how important it is for both sides of the bargaining table to have negotiated leave for union activities, and spoke to how integral these activities are to a functional, cooperative, and successful workplace. Opponents stressed how this bill would be in direct conflict with existing Montana code, and would create unworkable, adversarial, and even dangerous workplace conditions.

The day following the hearing, the Senate Local Government Committee voted to table SB 343 on a 6-3 vote.

COMMITTEE VOTES AGAINST SB 343

Chair Chris Friedel (R-Billings): Chris.Friedel@legmt.gov
Vice Chair Mary Ann Dunwell* (D-East Helena): MaryAnn.Dunwell@legmt.gov
Senator Ellie Boldman (D-Missoula): Ellie.Boldman@legmt.gov

Senator Chris Pope (D-Bozeman): Christopher.Pope@legmt.gov
Senator Jeremy Trebas (R-Great Falls): Jeremy.Trebas@legmt.gov
Senator Terry Vermeire (R-Anaconda): Terry.Vermeire@legmt.gov

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HB 698 *Generally Revise Laws Related to Exclusive Representatives of Public Employees*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

In the final week before transmittal, the Freedom Foundation launched its third attack on public employees and their chosen unions. HB 698, sponsored by Representative Lyn Hellegaard (R-Missoula) would have undone decades of administrative rule and procedures governing the organizing, recognition, and decertification of public sector unions. The bill would have prohibited public employers from voluntarily recognizing their employees' union, eliminated card check, and would have created a "wild west" scenario for decertification petitions to be filed at any point 12 months following an election – including when there is an active contract in place. This bill would have undermined the authority of the Board of Personnel Affairs, created willful barriers to the freedoms of public sector workers to organize their workplaces, and would have allowed for an often small minority of dissenters to undermine their colleagues in their voluntary decision to unionize.

Within hours of the bill's hearing, the House State Administration Committee took a vote on HB 698 and voted the bill down 14-4.

COMMITTEE VOTES AGAINST HB 698

Vice Chair Kelly Kortum (D-Bozeman): Kelly.Kortum@legmt.gov
Representative Denise Baum* (D-Billings): Denise.Baum@legmt.gov
Representative Marta Bertoglio (R-Clancy): Marta.Bertoglio@legmt.gov
Representative Tony Brockman (R-Kalispell): Tony.Brockman@legmt.gov
Representative Greg Frazer* (R-Deer Lodge): Gregory.Frazer@legmt.gov
Representative Gary Parry (R-Colstrip): Gary.Parry@legmt.gov
Representative Tyson Running Wolf (D-Browning): Tyson.RunningWolf@legmt.gov
Representative Frank Smith (D-Poplar): Frank.Smith@legmt.gov
Representative Courtenay Sprunger (R-Kalispell): Courtenay.Sprunger@legmt.gov
Representative Ed Stafman (D-Bozeman): Ed.Stafman@legmt.gov
Representative Kenneth Walsh (R-Twin Bridges): Kenneth.Walsh@legmt.gov

Representative Marvin Weatherwax (D-Browning): Marvin.Weatherwax@legmt.gov
Representative Mike Yakawich (R-Billings): Mike.Yakawich@legmt.gov
* = fellow union member!

ANTI-WORKER LEGISLATION

In addition to direct attacks on workers' freedom to organize and join a union, the first half of the 2023 Legislature saw a slew of other anti-worker bills. These measures included attempts to undermine Montana's prevailing wage law and efforts to undercut Montana's unemployment, workers' compensation and public employee pension systems. Some of these bills successfully passed through one chamber of the Legislature, and our focus during the second half of the session will be working to put these bad ideas to bed.

SB 276 *Revise Laws Related to Prevailing Wage*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

In 2021, the Montana Legislature considered a number of bills that sought to undermine Montana's prevailing wage laws. Following a year-long interim committee study, there were no recommendations put forward by the Legislature to alter Montana's prevailing wage law. In spite of this, Senator Steve Hinebaugh (R-) introduced SB 276, a bill that would eliminate all zone pay for workers on public works projects.

With only one proponent on the bill – a representative from Americans for Prosperity - the Committee heard from dozens of opponents, led by the members of the Montana State Building Trades Council. Workers spoke to the challenges facing the construction industry and



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how eliminating compensation for travel will only worsen Montana's workforce shortage. Opponents underscored the positive economic impacts of prevailing wage laws and demonstrated that states who had undermined or repealed their prevailing wage laws had suffered the economic consequences.

The Senate Business and Labor Committee voted the bill down on a 4-6 vote and then tabled the bill unanimously.

COMMITTEE VOTES AGAINST SB 276

Chair Jason Small* (R-Busby): Jason.Small@legmt.gov
Vice Chair Willis Curdy* (D-Missoula): Willis.Curdy@legmt.gov
Senator Mike Fox (D-): Mike.Fox@legmt.gov
Senator Chris Pope (D-Bozeman): Christopher.Pope@legmt.gov
Senator Walt Sales (R-Manhattan): Walt.Sales@legmt.gov
Senator Terry Vermeire (R-Anaconda): Terry.Vermeire@legmt.gov
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ATTACKS ON UNEMPLOYMENT INSURANCE

HB 468 *Revise Unemployment Insurance Laws Related to Job-Attached Employees*
MT AFL-CIO Position: **OPPOSE**
Status: **PASSED BY THE HOUSE**

Sponsored by Representative Jane Gillette (R-Bozeman), HB 468 would require job-attached employees to commit to job searches in order to collect unemployment benefits. This bill undermines the economic benefits of job-attached status where employers are able to retain skilled and trained workers. Even though the bill exempts union-attached employees, it is a bad policy that will only serve to undermine Montana's unemployment insurance system.

This bill narrowly passed the House with only 51 of 100 legislators voting in favor.

HB 652 *Revise Unemployment Insurance Law Related to Benefit Duration*
MT AFL-CIO Position: **OPPOSE**
Status: **PASSED BY THE HOUSE**

Montana ranks first in the nation for benefit duration for unemployment insurance. Representative Steven Galloway's (R-Great Falls) HB 652 would take Montana from the top two to the bottom four in the nation. By reducing unemployment benefit duration

from 28 weeks to 20, this bill puts Montana out of step with 40 other states, including our neighbors in North Dakota, South Dakota and Wyoming.

This bill will spell disaster for those workers who suffer from involuntary job loss in communities where there are few employment opportunities. The bill passed the House 67-33.

ATTACKS ON WORKERS' COMPENSATION

HB 506 *Revise Workers' Compensation Laws Through Freedom of Competition*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

HB 506, sponsored by Representative Nelly Nicol (R-Billings) allows for the privatization of the Montana State Fund. Removing public sector employees from the State Fund would destabilize the fund, resulting in much higher claims, primarily for those workers in dangerous jobs.

The House Business and Labor Committee voted to table this bill 18-0.

HB 678 *Generally Revise Workers' Compensation Laws*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

Sponsored by Representative Nicol (R-Billings), HB 678 would have unraveled Montana's worker's compensation system. The bill tipped the scales in favor of insurance companies over injured workers, allowed non-practicing medical examiners to second-guess practicing Montana medical professionals, and removed all liability for insurance companies who failed to pay claims in a timely fashion.

The bill was defeated on the House floor in a 10-90 vote

ATTACKS ON PENSIONS

HB 569 *Generally Revise Pension Laws*

MT AFL-CIO Position: **OPPOSE**

Status: **PASSED BY HOUSE**

Sponsored by Representative Terry Moore (R-Billings), HB 569 changes Montana's public employee pensions to adopt a layered amortization system. This approach

threatens to destabilize the health of public pensions overall. An effort to amend the bill to allow members of law enforcement to draw from their pension after 20 years of service or at age 50 failed on a 47-53 vote.

The bill passed the House 62-37.

SB 348 *Revise Pension Laws to Eliminate GABA for New Hires*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

Sponsored by Senator Tom McGillvray (R-Billings), SB 348 would have eliminated the GABA or cost-of-living adjustment, for all new hires. This would have undermined the ability for municipal, local and state governments to remain competitive in employee recruitment and retention.

Due to the hard work of our affiliates, the bill failed on a 22-28 vote on the Senate floor.

OCCUPATIONAL & PROFESSIONAL LICENSURE

SB 365 *Eliminate the Board of Plumbing*

MT AFL-CIO Position: **OPPOSE**

Status: **DEFEATED**

In the final week before transmittal, legislators on the Senate Business and Labor Committee heard a bill to eliminate the Montana Board of Plumbers. Sponsored by Senator Jeremy Trebas (R-Great Falls), SB 365 would have moved decision making on licensure and occupational standards for plumbers to the Department of Labor.

There were no supporters of the bill, and opponents including current board members, licensed plumbers (union and non-union), and business owners. Opponents spoke to the dangers of removing the expertise of industry experts from licensure and industry standards.

Shortly following the hearing, the bill was tabled on a 9-1 vote.

COMMITTEE VOTES AGAINST SB 365

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Senator Mike Fox (D-Hays): Mike.Fox@legmt.gov

Senator Mark Noland (R-Kalispell): Mark.Noland@legmt.gov

Senator Chris Pope (D-Bozeman): Christopher.Pope@legmt.gov

Senator Walt Sales (R-Manhattan): Walt.Sales@legmt.gov

Senator Terry Vermeire (R-Anaconda): Terry.Vermeire@legmt.gov

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HB 87

MT AFL-CIO Position: **OPPOSE UNLESS AMENDED**

Status: **IN COMMITTEE**

Sponsored by Representative Bill Mercer (R-Billings), HB 87 is part of a larger package of bills under the Red Tape Initiative. HB 87 seeks to standardize board governance for all professional licensure boards in Montana.

As written, the bill would prevent individuals who serve on executive committees of labor organizations and JATC programs from serving on the boards. The bill also imposes term limits on board members, sets overly strict requirements on who can serve as a member of the public, and prior to the Department of Labor accepting an amendment, would have allowed the Governor to dismiss board members with or without cause.

HB 152

MT AFL-CIO Position: **OPPOSE UNLESS AMENDED**

Status: **IN COMMITTEE**

HB 152, also sponsored by Representative Mercer, is another bill in a larger package to reform licensure programs in Montana. This bill deals more specifically with standards for licensure itself. It greatly expands the possibility of license reciprocity, whereby license holders from other states, even those with less strict standards, can acquire a license in Montana. Notably, the bill moves much of the decision-making authority from the licensing boards to the Department of Labor, and diminishes the importance of apprenticeship programs to satisfy licensure requirements.

MOVING MONTANA FORWARD

While much of the first half of the session was focused on defeating bad legislation, there were dozens of bills proposed that would help working Montanans and their families get ahead. Many of these bills were priorities for our affiliates, who worked overtime in the first half of the session to move Montana forward for workers.

HB 13 *State Employee Pay Plan and Revising Law Governing State Employees*

Sponsor: **Rep John Fitzpatrick**
(R-Anaconda)

MT AFL-CIO Position: **SUPPORT**
Status: **PASSED THE HOUSE**

HB 490 *Generally Revise Laws Related to Independent Contractor Tax Evasion & Fraud*

Sponsor: **Rep Steve Gist** (R-Great Falls)

MT AFL-CIO Position: **SUPPORT**
Status: **PASSED THE HOUSE**

HB 201 *Revise Montana's Minimum Wage Law*

Sponsor: **Rep Kelly Kortum**
(D-Bozeman)

MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

HB 568 *Establish Safe Nursing Standards for Hospitals*

Sponsor: **Rep Mary Caferro** (D-Helena)

MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

HB 355 - *Appropriate Funds for Local Government Infrastructure Projects*

Sponsor: **Rep John Fitzpatrick**
(R-Anaconda)

MT AFL-CIO Position: **SUPPORT**
Status:

HB 651 *Establish the Montana Family and Medical Leave Insurance Act*

Sponsor: **Rep Derek Harvey** (D-Butte)

MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

HB 386 *Establish Requirement for Paid Sick Days*

Sponsor: **Rep SJ Howell** (D-Missoula)

MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

HB 590 *Revise Labor Laws Relating to Violence Against Healthcare Workers*

Sponsor: **Rep Ed Buttrey** (R-Great Falls)

MT AFL-CIO Position: **SUPPORT**
Status: **PASSED THE HOUSE**

HB 651 *Establish the Montana Family and Medical Leave Insurance Act*

Sponsor: **Rep Derek Harvey** (D-Butte)

MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

HB 702 *Repeal Termination Date Relating to Certain Workers' Compensation Programs*
Sponsor: **Rep Derek Harvey** (D-Butte)
MT AFL-CIO Position: **SUPPORT**
Status: **PASSED THE HOUSE**

SB 340 *Revise Laws Related to Insurance Coverage of Insulin*
Sponsor: **Sen Jason Small** (R-Busby)
MT AFL-CIO Position: **SUPPORT**
Status: **PASSED THE SENATE**

HB 719 *Revise Workers' Compensation Laws Related to Designation of Treating Physician*
Sponsor: **Rep Greg Oblander** (R-Billings)
MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

HB 803 *Revise Railroad Crew Requirements*
Sponsor: **Rep Bob Phalen** (R-Lindsay)
MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

SB 175 *Generally Revise Economic Laws Related to Public Works Projects*
Sponsor: **Sen Mary Ann Dunwell** (D-East Helena)
MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

SB 146 *Revise Laws Related to Wage Transparency*
Sponsor: **Sen Shane Morigeau** (D-Missoula)
MT AFL-CIO Position: **SUPPORT**
Status: **TABLED IN COMMITTEE**

SB 310 *Revise Presumptive Occupational Disease Laws*
Sponsor: **Sen Jason Small** (R-Busby)
MT AFL-CIO Position: **SUPPORT**
Status: **PASSED THE SENATE**