

MINUTES

MONTANA SENATE  
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By VICE CHAIRMAN JIM BURNETT, on February 13,  
1997, at 3:14 p.m., in Room 413/415

ROLL CALL

Members Present:

Sen. Thomas F. Keating, Chairman (R)  
Sen. James H. "Jim" Burnett, Vice Chairman (R)  
Sen. Sue Bartlett (D)  
Sen. Steve Benedict (R)  
Sen. C.A. Casey Emerson (R)  
Sen. Dale Mahlum (R)  
Sen. Debbie Bowman Shea (D)  
Sen. Fred Thomas (R)  
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Eddy McClure, Legislative Services Division  
Gilda Clancy, Committee Secretary

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 302; 2-7-97  
Executive Action: None.

HEARING ON SB 302

Sponsor: SENATOR THOMAS KEATING, SD 5, Billings

Proponents: Fred Happel, Executive Director Montana Right To  
Work  
Dick Rolfe, Representing Self  
Riley Johnson, National Federation Independent  
Business

Opponents: Don Judge, Montana State AFL/CIO  
Bob Waltmire, Representing Self  
Frank Marceau, United Transportation Union  
John Forkan, Representing Self  
Mike Lukert, Local Union 44

Rondy Crawford, Representing Self  
Frank Taggert, Representing Self  
Rep. Vicki Cocchiarella  
Ray Linder, Montana Nurses' Association  
Don Herzog, Electricians' Union (IBEW)  
Tom Foley, Representing Self  
Melissa Case, Hotel/Motel Union  
Pam Miller, Food Union

Opening Statement by Sponsor:

SEN. THOMAS KEATING, SD 5, Billings, stated SB 302 is commonly called the Right To Work bill. This bill states there will be no more closed shop in a facility or an establishment which has a bargaining unit. It does not interfere with collective bargaining at all. Any establishment, any employment can be unionized through the normal National Relations Acts procedures. If people want to belong to a union they may do so. All this bill does is state the employer may not force an employee to be a part of the bargaining unit in that establishment. That is all that this bill does.

SEN. KEATING explained why this bill has come to committee for consideration. During the 1980's, we began to lose jobs and facilities in this state primarily because of high taxes and high Workers' Compensation rates. As a consequence, our employment declined considerably, primarily in the manufacturing and processing industries which had machinery and equipment. Now we have corrected the personal property rates to some extent and there is more interest in the State of Montana.

We have also adjusted the Workers' Compensation program so that the rates are fair and more attractive and things are beginning to come back. But Montana, in order to have jobs and opportunities for the creation of new wealth, we have to compete, not only with the surrounding states, not only with the other states in the United States, but we have to compete internationally.

We are in the northwest region, very close to the Pacific rim, and that is where our opportunities lie for export and trade. But we have to compete with Korea and China and Mexico and every place else. If we want to have any kind of high paying jobs in this state, we have to be attractive to investment people who want to risk their money to build a factory or a plant in this state.

Numerous studies show that states which are not right to work states are avoided by people looking for a place to invest. They go elsewhere. Idaho became a right to work state a number of years ago and their economy boomed. They began to have facilities there, jobs increased, wages were good and people made a decent living. That state became competitive. That's what

**SEN. KEATING** hopes that Montana will have the opportunity for if they reduce this one barrier to opportunity.

If Montana were to become a Right To Work state, we would be attractive. Our personal property tax rates are going down and manufacturing equipment is coming into this state. We have increased 5600 new high-paying manufacturing jobs in the last three or four years at \$13 per hour, which is only \$3 less than the \$16 per hour in the mining industry.

This bill is here to help promote high paying jobs. There are other studies which indicate that in the Right To Work states, those people in jobs in those states have more after tax spendable income than they do on non-right to work states. Those studies are credible studies, thorough studies done by various institutions.

**SEN. KEATING** said to say that if we become a Right To Work state, our wages will not be as high because the wages someplace else are not as high as the wages here, that may be true on a dollar for dollar on the wage, but when those states are compared with one another, the Right To Work states have lower taxes overall, they have a lower cost of living over all, so the wages become higher as spendable income. So in the Right To Work states, the workers are better off with spendable income than those states which are non-right to work. Those studies are pretty clear.

For the first time that **SEN. KEATING** has presented this bill or been involved with this bill, he has received as many letters in support of the bill as he has in opposition to the bill. So the scales are somewhat being balanced in this state. A larger percentage of people in Montana are beginning to see the benefits of becoming a Right To Work state.

He asks favorable consideration for SB 302 to make Montana a Right To Work state. **(EXHIBIT 1)** was added to the record. This exhibit is Citizen's Petitions to the Senate in support of a Right To Work state.

**Proponents' Testimony:**

**Fred Happel, Executive Director, Montana Citizens for Right To Work**, gave testimony in support of SB 302. See **(EXHIBIT 2)**.

**Dick Rolfe, Bozeman, Montana, Representing Self**, stated he is a state employee and present by invitation on his own time and own expense.

The past 14 months he has been a floor manager at MSU. His job entails taking care of and coordinating efforts between three of the livestock agriculture experiment stations which are tied into the Department of Animal and Range Sciences at MSU. These are ranches except they have more corrals and more pens and more buildings because they do teaching and research and extension

work out of these facilities and they are doing a good job at it. In every situation he can go out and get the best deal for the taxpayer when he is buying seed, if he is buying equipment, if he is buying supplies, he can make calls, he can do phone bids and if it is too big, he can put it through the state bidding system. He can get the best deal that he can give the state. One area he cannot do that, and that area is through Facility Services which is an unionized shop at MSU. They've got some good quality workers, he is not putting down these good quality workers.

But the system that they are trapped in, **Mr. Rolfe**, does not like. It does not allow them to do what they need to do for the price they need to do it. It costs two to five times more for labor from the Facility Services than when they do it themselves.

The thing that really bothered **Mr. Rolfe** was that last summer they needed to complete a plumbing and electrical project. This entailed providing adequate water to the feed lot and adequate water to the livestock nutrition center. It wasn't a real tough job but it did require some plumbing and electrical work. Being a new kid on the block, **Mr. Rolfe** got started and then got shut down and was told they were breaking union contracts. He tried to play by the rules and waited eight weeks for a quote. For four weeks after that he waited and did not get any type of work back on when this was going to be done.

**Mr. Rolfe** had a time constraint on this project, they had cattle to water and had to have more water pressure in the nutrition center. He got frustrated and they did the work themselves and the system works great. Most of the guys that work out there are unionized, most belong to the Montana Public Employees' Association but they weren't plumbers or electricians. They had twelve weeks of getting nothing done but within two hours, when the union shop found out they did their own work, **Mr. Rolfe's** boss got a call telling them they would have union grievances filed against them along with a fine and both of those things have happened. What he found this to be is a union issue.

Without the Workers' Freedom Act in place, we have an imbalance of power towards the unions when the freedom of choice is taken away. **Mr. Rolfe** believes it is a crime when an attitude of being untouchable is what they get from these people. He feels it is a crime when rules and regulations are in place to do nothing more than ensure jobs in an inefficient system.

It is great to have rules and regulations for public safety, but there is much more than that there. **Mr. Rolfe** said he has been trying to read these rules and regulations since they got slapped, but these people do not have a real good sense of humor when you do this. It is a crime when people fear to stand up to this system. This Workers' Freedom Act is the first positive change in labor issues in the State of Montana in the public and the private sectors.

In **Mr. Rolfe's** situation the options are as follows. Appropriate him another \$30,000 to \$40,000 to follow the rules and take care of the needed repairs when they need to be taken care of. The next option is to keep going at it as it is, we will leave the needed repairs undone because we don't have the money to do it, which is also the case of previous Farm Managers with administrations all over the campus. The third option is to change the inefficient system.

He believes with the Workers' Freedom Act we can break down that imbalance of power, we can give the people a right to choose whether or not to belong to a collective bargaining organization, we can take away the fear of resisting a strike or standing up and there are several people in the Montana Public Employees' Association, for example, who don't want to strike but they do fear crossing the picket line.

**Mr. Rolfe** stated he realizes he broke union contracts and he is not trying to pick on the union. In the January 30th Chronicle it says that you all break the rules too when you speed down the highway. This article stated that you are four times more likely to get a speeding ticket than **Mr. Rolfe** did. His speeding ticket cost him a little more than the union did, and he was considered to be insubordinate, but he does not believe he is the criminal that he has been told he is. Both got them were each needed to go on time.

**Mr. Rolfe** said if you took the union issue entirely out of this, which is the greater health hazard, speeding on Montana Highways or doing your own plumbing? He challenged involvement to consider this problem and make a positive labor change for generations to come. **Mr. Rolfe** believes this could be a legacy for all to come, not against unions, not against collective bargaining organizations, but for the freedom of choice.

**Riley Johnson, National Federation Independent Business**, said as many realize, they survey their members and that is how they set their positions on all issues in the legislature. They have had the right to work law on state ballots as well as the opportunity to work law three times in the past five or six years. All three times, their members have voted overwhelming in favor of the Right To Work Act.

The **National Federation of Independent Business** believes a non-right to work state is a barrier to opportunity and it is also a matter of freedom of choice. They would like to see Montana brought to the 21st century and bring more jobs to Montana. They support SB 302.

#### Opponents' Testimony:

Don Judge, AFL/CIO, opposed SB 302. (EXHIBIT 3)

(EXHIBIT 4) was submitted for record from SEN. BARTLETT.

(EXHIBITS 5 & 6) were submitted for record.

**Bob Waltmire, Columbia Falls, Representing Self**, stated he joined the union during the third administration of Franklin D. Roosevelt. He has spent more than 40 years in collective bargaining, negotiating and arbitrating. He was a member of a union of 1,000 members for awhile and has been on all kinds of bargaining committees. He taught university graduate school collective bargaining. This issue regarding changing the exclusive representation provision, he can't remember anything in the 60 years of legislation dealing with collective bargaining and case law, which would allow such a convoluted answer to what collective bargaining is.

**Mr Waltmire** said that **SEN. KEATING** has a perfect right as a citizen of America to introduce this, but it amazes **Mr. Waltmire** that he of all people would introduce it when he belongs to a union which is so strong that **Mr. Waltmire** could not represent anyone in court or his union would persecute him. He stated one of the members of **SEN. KEATING'S** union would prosecute him, another member of his union would judicate him and send him to the penitentiary for practicing his craft.

**Frank Marceau, State Legislative Director, United Transportation Union**, said the members he represents have asked him to express their opposition to this bill. In an attempt to give more members a chance to speak, the transportation and communications representative has also asked **Mr. Marceau** to express his members' opposition. One thing they are all in agreement with is that Montana is a great place to live. It is a great state and **Mr. Marceau** is urging the committee to keep Montana the last best place by voting against this anti-worker, anti-Montana, anti-union, so-called Right To Work bill.

**John Forkan, President, Montana State Building Trades' Council**, stated the information they are getting is not true.

First of all forced union dollars used for political contributions is a violation of federal labor law and it does not take place. People go to jail for doing that. All union campaign money is voluntarily contributed.

The second is the statements that are constantly made that more industry would come to Montana is a fallacy. They are building a \$500 Million silicone plant in Butte that is breaking ground right now. If Right To Work was in Montana that would not have anything to play with it. Montana is now a Right To Work state and they are still bringing this in. The third comment, because he is a very admirable person to **Mr. Forkan**, is Thomas Jefferson and the misquote stating about forcibly taking money from people, he does not believe Thomas Jefferson was referring to union dues but to taxation.

**Mike Lukert, Local Union 44, International Brotherhood of Electrical Workers'**, stated he is a fifth generation Montanan to tell the committee with the utmost honesty this bill is misleading and wrong. Everything about this measure would hurt **Mr. Lukert** and his family and his grandchildren for generations to come. It will hurt the Montana people as a whole.

His privilege in his union will give him a retirement, also medical and death benefits. They give him unconditional family support in times of crises and hardships. His union has given him work and have been good and kind to him. They have given him a hope, a voice and an apprenticeship.

Under the Right To Work legislation, they have adopted how to loose all of this and have his wages drastically reduced. This bill would gut his family and destroy all their current standard of living as they know it today.

Some of the opponents called the union membership tyranny, **Mr. Lukert** calls it privilege. They say the union is radical, he says there is nothing more honest and just. His opponents promise better standards of living, yet wage scales in right to work states are considerably less. His opponents promise more freedoms.

**Mr. Lukert** says they will be under an umbrella of fear. His union asks the committee, the people they elect, to rescind this bill and forever lay it to rest.

**Kevin Flynn, Local Union 98, Billings, Representing Self**, stated he does have the freedom to join or not to join the union.

He has worked both sides of the fence and has three children, ages 3, 4, and 14 and he also has a wife. He has poured concrete, he has built houses non-union at \$6 per hour. He cannot raise his family on \$6, he has no health insurance without the union. He is a fourth generation union member. His family has been with the union since 1912.

He cannot live without the union. Today he is unemployed and his welfare is covered until October for the hours he has put in. He worked on the express pipeline without a closed shop. With a closed shop 40% of the workers on the express pipeline which came through Montana were Montanans. 60 to 70% were from out of state, from Oklahoma, Texas, New Orleans and Mississippi.

The union gave his wife a job this summer. **Mr. Flynn** stated they have freedom to collective bargaining and a freedom to negotiate. We cannot compete with the manufacturers from China, Korea and Mexico if we are making a hundred dollars an hour. It is slave and child labor. Mexicans get paid \$3 per day. Unions are the only way.

**Rondy Crawford, Boilmaker's Local Union 11, E. Helena,** opposed SB 302. He stated the Right To Work will not protect or create a job and it certainly does not convey any meaningful employment rights. He has based his facts on the first-hand knowledge and information shared with brothers and sisters at family gatherings. By today's standards he comes from a large family.

*{Tape: 1; Side: B; Approx. Time Count: 3:55 p.m.}*

He stated that ironically, the brothers and sisters who end up in states with right to work laws in comparison of those living in the State of Montana have more depressed wages and lesser benefits, if any at all.

**Mr. Crawford** said the reason he and the membership he serves resent and oppose Right To Work laws. They do not want to be forced to subsidize the benefits of people who are not willing to pay their fair share. They resent the right to be able to exercise the American right of majority rule when the majority decides to have a union security binding everyone.

He stated they further resent that they would not even have a job safe democracy anymore. He asked if everyone could imagine what would happen if our own democratic system could not make electoral decisions by majority rule. Suppose we had a system where citizens who do not like the outcome of the election are free to refuse to abide by laws passed by those who are elected. Or suppose we refuse to pay our fair share in taxes simply because everybody we voted for lost.

We see most of these scenarios right here in our own state with the anti-government groups. The American Medical Association, the American Bar Association, the National Association of Manufacturers, the Chamber of Commerce apply for their annual affiliation fees and are persistent about being included in this group, **Mr. Crawford** said he does not think so. Forty-three percent of union households voted for Republican candidates and he does not think it was their endeavor to have a right to work law imposed on them.

**Mr. Crawford** feels this bill impedes rights to free bargaining grievance.

**Frank Taggart, Operating Engineers #400,** said he is from Shepherd, Montana but originally from Wyoming and he has seen what the Right To Work bill does.

Its initial causes were growth, more jobs, better wages, better representation but none of that has occurred. A good friend and relative of his has tried for years to entice business to the State of Wyoming to no avail. They have no skilled labor, a low wage scale and inappropriate places to work.



**Mr. Taggart** said if we are to carry the burden of taxation in Montana, we should be allowed to represent ourselves. This Right To Work bill benefits no one.

**REP. VICKI COCCHIARELLA, HD 64, Missoula,** said she is taking a huge risk coming before the committee because she knows pay backs are difficult when bills get to the House.

She is present to make a complaint about citizen's access to their government in this hearing process today. The halls are filled, this room is too small, there should have been other arrangements made so the citizens of Montana, hundreds packing these hallways could be here to tell what they think of this piece of legislation.

**REP. COCCHIARELLA** said there are very few situations she has seen in this legislature where she has seen such a deplorable example of limit of citizens' participation in their government.

**Ray Linder, Labor Relations Director, Montana Nurses Association,** said he is speaking for the executive director of the association as well as the 1400 members of the association.

They believe that this committee knows the technicalities. For example, they believe the committee has the knowledge of the existing law which provides that no worker may be required to join a labor union, it simply is not done. They prefer to focus on what the affects of these changes would be.

The word in the title is freedom. He looked freedom up in the dictionary and it is the quality or state of being free. Free is having the legal and political rights of a citizen. He noticed it is an adjective.

**Mr. Linder** said he also noticed the word freeloader. Freeloader means to impose upon another's generosity or hospitality without sharing in the cost or responsibility involved. Labor organizations exist to represent the members in collective bargaining.

This bill will weaken the ability of labor organizations to represent their members in enjoying the benefits of freedom because it will increase the number of freeloaders. (EXHIBIT 7)

**Don Herzog, Electrician's Union,** said he belongs to the Electrician's Club since the union seems to be stereotyped he will refer to his organization as a club. His comment is that people do have the right to go to work for a closed shop or for an open shop.

From the data **Mr. Herzog** has received, there is about 80% of the companies which are open shops. Let them go to work for the open shop if that is what they wish.

Tom Foley, American Federation of State, County & Municipal Employees, (AFSCME), urged a 'no' vote on this bill. (EXHIBIT 8)

Melissa Case, Hotel/Motel & Restaurant Employees Union, said they are strongly opposed to this bill.

Pamela Miller, United Food & Workers' Union, said she represents nearly 2,000 members. Their food and commercial workers, their journeyman, clerks and meat cutters make in excess of \$13 per hour because they have strong union contracts. She urged the Committee to vote no on Right To Work. (EXHIBIT 9)

(EXHIBIT 10) was submitted for record.

Questions From Committee Members and Responses:

SEN. WILSON asked Fred Happel in regard to allegations he made about forced political contributions exist.

SEN. WILSON said the union he belongs to did not force him to give \$10 a month for political purposes, it was something he signed up for. He stated Mr. Happel seemed to have characterized this situation in a different light.

Mr. Happel responded the best answer he could give is that Duke Zeller, who is a Teamster Public Relations Chief, is the source of the \$500 Million figure during the 1996 election in an article Mr. Happel had in this possession.

SEN. WILSON asked in regard to the \$500 Million figure Mr. Happel said that unions contributed, if he had done any research into the political contributions given to candidates in the Fortune 500 properties in the United States.

CHAIRMAN SEN. BURNETT stated that Mr. Happel wasn't in a position to answer that question.

SEN. WILSON then asked Mr. Happel if it was his contention that Fortune 500 might contribute as much or more to candidates for political office.

Mr. Happel responded he does not know what is donated to candidates.

SEN. WILSON pointed to Mr. Happel's statement about the Right To Work states and work laws which have been put into place, that union membership has remained constant or risen, how has Right To Work law in Idaho has affected union membership?

Mr. Happel responded he does not have precise figures on Idaho or any other state.

SEN. WILSON asked Don Judge the same question.

**Mr. Judge** responded the union membership in Idaho has fallen almost two-thirds since the passage of the Right To Work Law over ten years. The membership prior to Right To Work used to be in excess of 40,000 members and are now approximately 15,000 members in Idaho in the AFL/CIO.

**SEN. WILSON** asked **Fred Happel** if there was anything in this proposed law which would allow a labor organization not to represent an employee if they opted out of union membership or would they still have to represent that employee?

**Mr. Happel** responded that private sector employees are governed by the National Labor Relations Act which he addressed in his testimony, public sector employees would be exempted out.

**SEN. EMERSON** asked **Don Judge** regarding the number of members the labor union has lost in Idaho, what has happened in the remaining United States?

**Mr. Judge** responded labor unions have lost a percentage of the work force but have remained relatively close on the total number of membership represented across this country over the last couple of decades. We have an increasing number of jobs in this country and in many of those part-time, seasonal jobs, the union still represents around 13 to 14 million members, but because the work force has increased substantially, that is a smaller percentage of the work force.

**SEN. EMERSON** stated that in Idaho **Mr. Judge** said he lost a percentage of the work force.

**Mr. Judge** responded in Idaho they lost actual membership, but of course in the past 60 days or so in Nevada, they have increased membership in one union by 10,000 members.

**SEN. MAHLUM** asked **Don Judge** if he was talking about states in the west, if Washington and Oregon are Right To Work states.

**Mr. Judge** responded they are not, they are free bargaining states.

**SEN. MAHLUM** asked if North and South Dakota were.

**Mr. Judge** responded North and South Dakota are Right To Work states as well as Wyoming and Utah.

**SEN. BARTLETT** asked **SEN. KEATING** in regard to his testimony, he cited a number of studies which show that various consequences from Right To Work, most of them positive, if he would be giving the committee the names or sources.

**SEN. KEATING** responded he would.

**SEN. BARTLETT** asked **Don Judge** regarding **SEN. KEATING'S** testimony and the studies, what has his experience been in what he has read about the affects of Right To Work on education, wage and spendable income levels in the Right To Work states.

**Mr. Judge** responded he had the privilege of representing the National AFL/CIO in the Right To Work hearing which took place in the U.S. Senate Labor Committee just a few months ago and the proponents of that legislation also said there was a study available and they would produce it and they never saw the study. So he hopes this study is available and would like to take a look at it. What he has found in using the statistics not put together by organized labor, but by the U.S. Department of Labor, the U.S. Department of Education, and other entities similar to those, is that in hourly wages Right To Work states fall short in average hourly wages from most states which are free bargaining states.

For example, Montana's hourly wage ranks about 11th in the country. That is well above any of the Right To Work states which surround us, including Idaho. The weekly wages in Montana currently rank 30th in the country. There are 21 Right To Work states. In Montana we have a problem and that is a short work week. We average about 32.5 hours per week, so the hourly wage is high and the work week is a little shorter.

In terms of education, Montana's drop out rate ranks 10th in the nation, Right To Work states drop out rate is much higher than that. In provision of health insurance, Montana ranks 20th, in Right To Work states it all falls short of that. In child health we rank 21st in the nation, Right To Work states typically fall far below that average. In almost every measure in determining the quality of life issues, free bargaining states rank well above Right To Work states on the average.

**SEN. BARTLETT** stated to **Mr. Judge** she realizes in the last session there was another bill and contractors came in and were concerned about the impact of that bill relating to prevailing wages on the apprenticeship programs and their ability to secure trained employees. What happens to apprenticeship programs in a Right To Work state since we are interested in a highly skilled and employable labor force?

**Mr. Judge** responded that what has been found in both Idaho and Utah is that they cannot train enough qualified workers to fill the jobs that they need filled in the building and construction trades industry. Idaho has done a substantial study through the university system and he would be willing to provide a copy to the committee for review. They have found with the passage of Right To Work is a deterioration of the membership base in the local unions and as the membership base deteriorates you have a coinciding reduction in the amount of resources the union puts in to joint apprenticeship sponsored programs.

Those are particularly important in the construction industry. When you have that declining amount of money going into the apprenticeship programs, the results are a declining number of apprentices and declining number of journeymen.

Utah is frightened about this because they have the Olympics coming up in less than six years and **Mr. Judge** would not be surprised to see a lot of our Montana journeymen going to work in Utah and making some pretty good money there as they beg for those workers.

**SEN. MAHLUM** said he recently read there are workers in North Dakota coming into Montana for jobs in specialized areas. He asked **Don Judge** since they are coming into Montana from North Dakota if there is more work for them?

**Mr. Judge** said perhaps there is some more work going on in Montana but it also has to do with the rates of pay. He cannot give the exact rate comparison to North Dakota, perhaps some of these building trades representatives could, but he can say it has not been long ago that carpenters in Wyoming were making an average of \$7.50 per hour and in Montana they were making in excess of \$13 or \$14 per hour. It is not unusual to find workers from Right To Work states moving into free bargaining states in order to get the wages.

**SEN. WILSON** stated to **Fred Happel** in regard to his testimony he referred to Micron in Butte and that he had given a scenario that we had lost it and that Right To Work was the reason for them neglecting to come. He asked where **Mr. Happel** got this information.

**Mr. Happel** stated this was in a newspaper article in the Daily Oklahoman. Oklahoma was another state where the Right To Work bill was being heard in 1995, at the same time this was heard in Montana. An official of Micron stated that Right To Work was the key to their decision.

**SEN. WILSON** asked under what venue did this official say this?

**Mr. Happel** answered this is from an article in the Daily Oklahoman dated February 24, 1995.

**SEN. WILSON** asked if this article directly related that Micron in Butte that Right To Work figured into the decision.

**Mr. Happel** answered it did not mention Butte.

**SEN. SHEA** asked **Fred Happel** about the sample of the polling which he or someone else had done.

**Mr. Happel** responded the Right To Work Citizens' Commission conducted a poll about a week ago and that he has just received the results.

**SEN. SHEA** asked if they would be able to see that poll.

**Mr. Happel** responded that he would make sure the committee had a copy before executive action was taken.

**Closing by Sponsor:**

**SEN. KEATING** stated the National Institute of Labor Relations research obtained a case study in Idaho regarding economic and Right To Work and the director of the Idaho Department of Commerce publically states the economic gains probably would not have been possible without Right To Work. He will have copies made for the members of the committee.

**SEN. KEATING** said he appreciates everyone who came to testify. He belonged to a union himself at one time. He addressed the fact that he is not a lawyer to **Mr. Waltmire**. He was a laborer hod carrier when he was going to college and was also a janitor in the Safeway store and a bartender and a few other things, so he has had experience in the work field. He was a painter until he became an independent contractor, then was in the house building business. When he was building a house and finishing it one of the trades went out and then all went out and he had all his money wrapped up in a spec-house and got hurt pretty bad.

**SEN. KEATING** stated he has been both places. He is not bringing this bill because he has anything against the unions. He believes collective bargaining is a necessity in our society and appreciates it. He does not believe in closed shop and does not believe anybody should have to belong to union to get a job. He did and didn't like it.

He does not like freeloaders either. But we have freeloaders in every area of our society, not just in unions but everywhere. The work force in this state has dropped to about 300,000 and came back to around 400,000.

**SEN. KEATING** stated when he first came into the legislature in 1981, the work force was about 390,000. At that time the unions comprised 44% of that work force. There was a decline both in the work force and the unions. Then the work force began to come back. He noticed people did not go back to the unions like they had before. In fact, the mine in Butte, Local #1, which went down and back up did not reorganize.

At the present time, the union membership is about 12% of the work force. There has been give and take. As **Mr. Judge** has said they've maintained union membership fairly steady, but the work force has increased so unions comprise a smaller percentage of the work force. That is neither here nor there, that is not good nor bad. People have the right to belong to a union if they want to. They should also have the right in this state not to belong if they don't want to.

**SEN. KEATING** said he has been a salesman and sold appliances for awhile, and he had to impress people on the fact that the product he had was worth the money which he was charging for his product. If they didn't like the price, they didn't buy it. If the unions have something to offer, then join them and pay the dues. But no one should have to join a union in order to get a job. That is the point he is making with this bill. There are good people and bad people everywhere. Union people are good people, he has no problem with that.

The **National Federation of Independent Business** comprises of about 65,000 employees. They are in support of Right To Work.

He stated he is going to contradict **Mr. Judge** in that the other day **SEN. KEATING** was listening to a testimony on a bill and something struck him in what **Mr. Judge** said. In verbatim language from the tape **SEN. KEATING** quoted **Mr. Judge** as stating "right now you are going to find the Montana contractors coming into this state asking people to develop an apprenticeship program to the state because they can't find enough electricians, they can't find enough operating engineers, they can't find enough workers to do the work in the state. Why? Well, for one thing, we don't pay as well in Montana as they pay in some of the states around here."

**SEN. KEATING** said he took **Mr. Judge** at his word and the surrounding states are Right To Work states. He said **Mr. Judge** can contradict him in the newspaper if you want, but he does not know if **Mr. Judge's** statement is a slip of the tongue or what. The big thing here is the comparison of the wage. The argument on one side is that unions have higher pay, on the other side, they don't have higher pay. The worker gets paid for the work he does. There are unions in low-paying jobs and there are unions in high-paying jobs. There are non-union high-paying jobs and there are non-union low paying jobs. That argument belongs to every individual to choose where he wants to work and what he wants to work for. If you don't like the price, don't work.

**SEN. KEATING** is trying to make this state a Right To Work state so it will appear as a healthy place to do business. It is his opinion the union has never found a job for anybody. It is the investor, the stockholder, those who put up the money to build a factory and buy the machinery. Those are the people who create jobs. Jobs are created by entrepreneurs, small business people and they look for a place where the economic climate will allow them to get a fair return on their investment. That is how investment is made and jobs are created.

If other things such as taxes and Workers' Compensation are equal and this state becomes a Right To Work State, we will be appealing to much more investment and much more machinery and equipment will be coming into this state and that will require people to work. If you get the job and want to belong to the union, that's fine.


What **SEN. KEATING** wants to see is the job to be there. That is what he believes Right To Work will do for this state. Arkansas is a Right To Work state and they have the largest, most modern steel plant in the world and it is unionized. This argument about wages and compulsory unionism and everything else is not what **SEN. KEATING** talking about. He is talking about the economy of Montana, to give the world the appearance that Montana is a place to do business so everyone can have jobs. Jobs come first then after that comes the freedom to choose whether or not you want to belong to a union.



ADJOURNMENT

Adjournment: 4:26 p.m.

  
\_\_\_\_\_  
SEN. THOMAS F. KEATING, Chairman

  
\_\_\_\_\_  
GILDA CLANCY, Secretary

TFK/GC