

## **MINUTES**

### **MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DON HARGROVE**, on February 21, 1997,  
at 10:01 a.m., in Room 331.

#### **ROLL CALL**

**Members Present:**

Sen. Don Hargrove, Chairman (R)  
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)  
Sen. Vivian M. Brooke (D)  
Sen. Delwyn Gage (R)  
Sen. Fred Thomas (R)  
Sen. Bill Wilson (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** David Niss, Legislative Services Division  
Mary Morris, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SJR 12, 2/19/97;  
SB 384, 2/19/97  
Executive Action: SJR 12, A; SB 384, DPAA;  
SB 320, DP; SB 367, DPAA;  
SB 330, TABLE; SB 366, TABLE

#### **HEARING ON SJR 12**

**Sponsor:** SEN. MIKE FOSTER, SD 20, TOWNSEND

**Proponents:** Terry Minow, Self  
Don Judge, Self  
Don Waldron, Rural Education Association of  
Montana

**Opponents:** None

**Opening Statement by Sponsor:**

**SEN. MIKE FOSTER, SD 20, TOWNSEND**, stated that the drama team at  
Boulder's Jefferson High School has been invited to the American

High School Theater Festival. They are the first team from Montana ever to be invited. The team will be traveling to Scotland for the festival. The accomplishment deserves recognition from the legislature.

**Proponents' Testimony:**

**Terry Minow, Self**, commended the drama team and expressed her support for SJR 12.

**Don Judge** supported SJR 12 on behalf of himself and his wife, who is a graduate of Jefferson High School.

**Don Waldron, Rural Education Association of Montana**, asked that the legislature recognize the drama team and the honor it has brought to the state.

**Opponents' Testimony:** None

**Questions From Committee Members and Responses:**

**SEN. KEN MESAROS** asked **SEN. FOSTER** if he would get to be the official chaperon if the resolution were passed.

**SEN. FOSTER** responded that whoever is asked to chaperon will be a very fortunate person.

**Closing by Sponsor:**

**SEN. FOSTER** thanked the committee and proponents. He stated that Linda Piccolo from Boulder could not attend the hearing, but will be in attendance when the resolution is heard on the floor.

**EXECUTIVE ACTION ON SJR 12**

**Motion/Vote:** **SEN. VIVIAN BROOKE** moved that SJR 12 BE ADOPTED. The motion CARRIED UNANIMOUSLY.

**HEARING ON SB 384**

**Sponsor:** **SEN. CASEY EMERSON**, Senate District 14, Bozeman

**Proponents:** Linda Friend, Self

**Opponents:** Don Judge, Montana AFL-CIO  
Tara Mele, Montana Public Interest Research Group  
Russell Hill, Montana Trial Lawyers  
Brad Martin, Montana Democratic Party  
George Hagerman, AFSCMC  
Debra Smith, Montana Common Cause

**Opening Statement by Sponsor:**

**SEN. CASEY EMERSON, SD 14, BOZEMAN**, stated the bill is simple but could have good consequences. Initiative 125 was passed in the last election. That initiative stopped corporations from contributing to issues. Corporations had been prohibited from contributing to candidates years before.

The prohibitions were imposed because the average citizen could not compete with the money and power held by the corporations. The prohibitions were also imposed because the money used by the corporations for an issue was often the money of stockholders, many of whom may have had an opposing view of the issue.

SB 384 imposes the same prohibition on labor unions. Labor unions are so big that the average person can't compete. The money used by unions also belongs to the people against whom the union may be posed.

The bill is different from I-125. I-125 provided that the corporations could not use money for an issue. SB 384 makes the same prohibition on unions, but also adds the prohibition for contributing to candidates.

**Proponents' Testimony:**

**Linda Friend**, presented written testimony attached (**EXHIBIT 1**).

**Opponents' Testimony:**

**Don Judge, Montana AFL-CIO**, stated the legislation is unnecessary because it is duplicative. The House is in the process passing similar legislation, HB 575. HB 575 is far more inclusive in that it applies to any organization that wants to contribute to a ballot issue. SB 384 is different from HB 575 because it deals with political campaigns as well as ballot issues.

The Western States Center's study on money and politics shows that in the last legislative election the business community contributed \$478,245 to the campaigns. The labor movement, individuals and PACs combined, contributed only \$44,195. PAC contributions from the business community totaled \$102,512. PAC contributions from the labor movement were \$41,900. Of the \$41,900, only \$7,375 came from union dues. The rest was voluntary contributions to the PACs.

The Beck decision was adopted by the federal courts several years ago. It says if a union member objects to the use of dues which are not used for the purposes of collective bargaining, administration, enforcement of a collective bargaining agreement, or representing membership in legislation that directly affects the members, the member may request a reduction in dues for the amount going into the activity.

The AFL-CIO sees the legislation as unnecessary and restrictive. The organization is not a corporation that makes a profit off the money it has and the money is not used against its members. Labor unions are among the most regulated organizations in the country.

**Tara Mele, Montana Public Interest Research Group**, stated MtPIRG is one of the groups that put I-125 on the ballot. She presented written materials (**EXHIBITS 2 & 3**). Initiative 125 was drafted to include only corporations because the courts have determined that is the only area of contribution "speech" that can be prohibited. There is a distinct difference between contribution "speech", that has at its root a form of commercial profit, and the contribution "speech" of advocacy groups, citizens groups or organizations that band together for that purpose.

There is currently a case in court on I-125. HB 575 and SB 384 are underhanded attempts to influence the case and to make I-125, on its face, unconstitutional. This is unfair to the people of Montana who passed I-125. It has been suggested that people were unaware that I-125 included only corporations. This is not true; the issue of what was to be included in the initiative was heavily debated prior to the vote.

**Russell Hill, Montana Trial Lawyers**, presented written testimony. (**EXHIBIT 4**)

**Brad Martin, Director of the Montana Democratic Party**, stated the party strongly supports the many forms in which Montanans organize themselves to participate in the political process. This bill is of concern because it makes a wider slap at a group of citizens participating in the democratic process. There is no Beck decision for corporations. Unions provide an option to recover money spent on activities with which the payer does not agree.

**George Hagerman, Director of Montana Council AFSCMC**, opposed the bill for the same reasons given by Mr. Judge.

*{Tape: 1; Side: A; Approx. Time: 10:29 a.m.; Comments: None.}*

**Questions From Committee Members and Responses:**

**SEN. FRED THOMAS** commented that **Ms. Mele's** statements regarding the differences in free speech generated by contributions seems to be a self-anointment of purity.

**Ms. Mele** stated that the reason there is a difference between corporate speech and citizen advocacy speech, in the sense of contributions, is because corporations' contributions into the political process stem from commercial profit. If she buys a Pepsi product, and the Pepsi corporation then uses its profits against an initiative she supports, she cannot get a refund for the product she bought.

**SEN. THOMAS** stated his wife has not been able to get back her dues, which must be involuntarily paid, since the union used the money in a manner with which she did not agree.

**Mr. Judge** stated Montana has two vehicles for receiving a refund for dues. For employees in the public sector, there is a provision in state law that allows that if an employee has a religious or moral objection to the payment of union dues, he/she may appeal to the Board of Personal Appeals. If the appeal is deemed valid, the Board can divert the dues to a non-union charitable organization. That has happened several times in Montana.

Under the Beck decision, if an employee has an objection to the use of union dues, he/she can apply to the local union for a rebate of the dues based upon the portion contributed to the objectionable activities. The activity does not have to involve politics. Upon the request, the union is required to provide the employee with the rebate, as well as the formula that determines what portion of the dues is going toward the objectionable activity. Such situations have also happened in Montana.

**SEN. BILL WILSON** asked whether the rebate process is easily accessible, or whether it is a burdensome, complicated process.

**Mr. Judge** said that, never having to use the process, he is not certain how difficult or easy it is. He does know that the international unions have gone out of their way to tell local unions they must comply with the process.

**SEN. DEL GAGE** asked whether an individual would be able to recoup court costs if he/she successfully sued the union for a rebate.

**Mr. Hill** responded that he does not know the answer to that. He commented that he believes the request for a rebate of union dues can also be made on prospective use of the money, not just after the fact.

**SEN. GAGE** questioned whether a disservice has been done to the mom-and-pop corporations. **Ms. Mele** responded that individuals are not prohibited from giving contributions. A CEO of a corporation can, as an individual, contribute whatever he/she wishes.

**SEN. GAGE** asked whether the contribution could be deducted as a business expense if the mom or pop contributed to the opposition of something that would be detrimental to the business. **Ms. Mele** noted that the issue goes back to the question of whether a consumer's money should be used to contribute to an issue to which the consumer may object.

**SEN. WILSON** pointed out that when he pays dues, he is able to deduct the amount. But he cannot deduct money he voluntarily gives to a PAC.

*{Tape: 1; Side: A; Approx. Time: 10:40 a.m.; Comments: End of Tape 1, Side A.}*

**SEN. VIVIAN BROOKE** asked **Ms. Mele** to explain how SB 384 will affect the court case on I-125. **Ms. Mele** responded that SB 384 is amending the language of I-125 to include a group that the courts have already ruled may not be regulated in such a manner. This would make I-125, on its face, unconstitutional. The case has just been filed in court, and if amended by SB 384 or HB 575, would arrive in court in the amended form.

**SEN. THOMAS** asked if I-125 is based on the premise that corporations can use their profits to support issues opposed by their consumers. **Ms. Mele** responded that the premise of I-125 is that Montanans give too much money to politics, especially in the initiative process. There have been many initiatives in Montana that have been so overspent by corporations and industries, that people's votes didn't even have a chance. The use of corporations' profits is also a premise of I-125. A corporation's voice becomes louder than the citizens' by using the very money the citizens give the corporation.

**SEN. THOMAS** noted that products are bought voluntarily while union dues are paid involuntarily.

**CHAIRMAN HARGROVE** asked **Mr. Martin** to explain the difference between this legislation and I-125 in terms of "taking a slap" at a group of people. **Mr. Martin** responded that SB 384, while addressing a small area of concern, has a very good legal provision which goes after an entity that is democratically organized and operated. With the Beck decision in place, the punishment of the bill oversteps the concern. It must be argued, therefore, that the legislation has been proposed because of a larger concern over the opinions of unions and how they participate in the process. There are separate concerns with corporations that were voted on by Republicans and Democrats alike. The issue of whether or not to extend restrictions to labor unions was decided in preparing I-125.

**CHAIRMAN HARGROVE** asked **Mr. Martin** if he is saying SB 374 is an insult to the rank-and-file union member. **Mr. Martin** replied that the bill raises the question of "why is this being done to us?"

**CHAIRMAN HARGROVE** asked **Mr. Hill** if he would like the bill amended to include partnerships. **Mr. Hill** said that, if the bill is to have a chance at being upheld as Constitutional, labor unions cannot be singled out. Other groups similar to corporations must be included, the best example being partnerships. Lawyers were viewed as supporting I-125 because most lawyers are in partnerships. Amending partnerships into the bill would, in fact, pull in a lot more business people than trial lawyers, in which case, the bill would probably not go through. A severability clause or a non-severability clause

needs to be added to the bill. Without either of these, if the court finds that a provision of the law is unconstitutional, it is not indicated whether the whole bill should go with it.

**CHAIRMAN HARGROVE** asked **Mr. Judge** whether his statement that unions contribute very little to the political process means he does not really care one-way or the other whether the legislation passes. **Mr. Judge** stated that he absolutely does not feel that way. It is very important that the legislature not say unions have no right to participate in electoral politics. The issue is also important because the bill is unconstitutional.

**CHAIRMAN HARGROVE** commented that during his career in the Air Force, he was prohibited from any kind of political participation. He could make personal contributions, but could not participate in a campaign or rally. He asked if there is a parallel between his situation and the provisions of the bill.

**Mr. Judge** noted that **CHAIRMAN HARGROVE** would have also been prohibited from joining a union. He does not believe **CHAIRMAN HARGROVE's** rights should have been restricted as they were. The AFL-CIO has constantly fought against federal and state regulations that prohibit the right of workers to engage, full-blown, in politics.

**SEN. GAGE** asked what the difference is between prohibiting a mom-and-pop corporation from contributing, when the mom and pop can contribute individually, and prohibiting a union from contributing when the members can contribute individually.

**Ms. Mele** stated that corporations and unions are simply different entities. Corporations members can still form PACs in order to contribute.

**SEN. GAGE** asked if unions can form PACs. **Ms. Mele** conceded that unions can form PACs, but the crux of the issue is that a corporation is not union. Union money comes from a membership base, as opposed to commercial profit.

#### Opponents' Testimony:

**Debra Smith, Montana Common Cause**, arrived late to the hearing and submitted written testimony previously distributed by **Ms. Mele**. (see EXHIBIT 2)

*{Tape: 1; Side: B; Approx. Time Count: 10:56; Comments: None.}*

#### Closing by Sponsor:

**SEN. EMERSON** argued that the court case will not be affected by this bill. This bill could, however, cause its own court case. If unions dealt with politics as little as testimony has indicated, it is not likely the people today would have appeared to testify. He belonged to the MEA for years. Some of the dues

went to the NEA. About 2/3 of the teachers were opposed to the NEA's support of the Carter campaign. None of them, however, wanted to go through the effort of getting a rebate on dues because they were happy to be members of MEA and such a small amount went toward the campaign.

If the union to which an individual belongs contributed to two different causes with which the individual disagreed, he/she would have to apply twice to get the rebates. Also, by the time the process has been completed to get the rebate, the campaign is finished.

If the desire is to have restrictions imposed on partnerships, a bill should be proposed in order to accomplish that. In regard to corporations, once the profit is received by a corporation, the money belongs to that corporation and its stockholders and not the consumer. Even if SB 384 goes through, individual labor union members would still be able to do whatever they desired for a political campaign. Reports he has read indicate unions contribute to political processes as frequently as corporations. Political processes should be given back to the people of Montana.

He asked **Mr. Niss** if the definition of labor union would need to be added to the bill. **Mr. Niss** responded that the definition would be helpful. He was unable to find a definition in the computer database of state statutes. **SEN. EMERSON** requested that **CHAIRMAN HARGROVE** work with him in creating the definition of a labor union.

#### EXECUTIVE ACTION ON SB 367

Amendments: SB036701.adn (EXHIBIT 5)

Motion: **SEN. BROOKE** moved that **AMENDMENTS 1 & 2 OF SB036701.ADN BE ADOPTED.**

#### Discussion:

**David Niss, Legislative Services Division,** reviewed amendments 1 & 10 of sb036701.adn.

Vote: The motion **CARRIED UNANIMOUSLY.**

Motion: **SEN. BROOKE** moved that **SB 367 DO PASS AS AMENDED.**

#### Discussion:

**SEN. GAGE** proposed a change resulting in amendment 11 of sb036701.adn. **Mr. Niss** clarified the amendment. **SEN. GAGE** stated that a large portion of Section 2 is opinion and should not be codified. **SEN. BROOKE** agreed with **SEN. GAGE's** concern, but asserted that the findings about increases in spending are valuable and should be used when codifying sections of the bill.



*{Tape: 1; Side: B; Approx. Time Count: 11:08; Comments: TAPE  
INAUDIBLE DURING MAJORITY OF COMMENT MADE BY SEN. BROOKE.}*

Mr. Niss pointed out that if the bill were to pass both Houses and be signed into law, Section 2 would still be law, whether codified or not. It would be found quite easily in the session laws, just not as easily as if it were codified.

SEN. BROOKE asked if the bill being passed in its current form would provide the courts with the necessary proof that limits must be set. Mr. Niss responded that the only difference between the NCA and what is passed into law, is that the NCA is Greg Petesch's idea of what is most useful to lawyers, libraries, etc. Language stating that an action is mandatory is equally as binding in statute as it is if the language is codified.

*{Tape: 1; Side: B; Approx. Time Count: 11:14; Comments: End of  
Tape 1, Side B.}*

Motion/Vote: SEN. GAGE offered a substitution motion that AMENDMENT 11 OF SB036701.ADN BE ADOPTED. The motion CARRIED UNANIMOUSLY.

Discussion:

SEN. THOMAS stated he would like to change the numbers on page 5 to make the primary and general election totals uniform. He made suggestions resulting in amendments 3-9 of sb036701.adn.

SEN. BROOKE noted that the term limits will create a lot of activity in the next primary election and reducing those limits may not be a good idea.

SEN. MESAROS commented that the spending limits would still be the same for all candidates.

Motion: SEN. THOMAS moved that AMENDMENTS 3-9 OF SB036701.ADN BE ADOPTED. -

Discussion:

SEN. BROOKE asked SEN. THOMAS what his rationale is for changing the figures to the ones he has proposed. SEN. THOMAS responded that he found the gubernatorial limits reasonable, so he carried those limits forward with a 1:3 ratio.

SEN. BROOKE questioned whether changing the limits from \$20,000 to \$45,000 would fall within the limit the sponsor would deem as reasonable. SEN. THOMAS agreed the figures are higher than they need to be, but for the sake of uniformity, they are where they should be.

**SEN. GAGE** made a suggestion resulting in amendment 10 of sb036701.adn.

**CHAIRMAN HARGROVE** questioned whether \$20,000 would be enough if that amendment were passed. **SEN. GAGE** suggested making the \$20,000 an aggregate limit.

**SEN. MESAROS** noted that in the last campaign he faced an opponent in the primary election, but not in the general election.

**SEN. BROOKE** suggested that altering the bill too much will negate the main purpose of the bill, which is to provide a cap.

**SEN. THOMAS** argued that his suggestions do not alter the intent of the bill. He indicated that a candidate that has money, or has family members with money, can find a way to get more money into the campaign, regardless of what limits are in place. An aggregate limit may not be a bad idea in that it allows flexibility.

Vote: The motion **CARRIED** with **SEN. BROOKE** and **SEN. WILSON OPPOSED**.

**SEN. GAGE** made further suggestions regarding amendment 10 of sb036701.adn.

**SEN. BROOKE** stated that the amendment allows for a lot more spending and contradicts the purpose of the bill.

Motion/Vote: **SEN. GAGE** moved that **AMENDMENT 10 OF SB036701.ADN BE ADOPTED**. The motion **CARRIED** with **SEN. BROOKE** and **SEN. WILSON OPPOSED**.

Motion/Vote: **SEN. GAGE** moved that **SB 367 DO PASS AS AMENDED**. The motion **CARRIED UNANIMOUSLY**.

*{Tape: 2; Side: A; Approx. Time Count: 11:30; Comments: None.}*

#### EXECUTIVE ACTION ON SB 366

Motion: **SEN. THOMAS** moved that **SB 366 BE TABLED**.

#### Discussion:

**SEN. BROOKE** stated she is impressed with the creativity of the bill. She hasn't seen any other bill come before the legislature that limits federal spending in the state. The bill is complex and challenging for those who want to run for office. However, the increase in spending obscene. She asked **SEN. THOMAS** if his reason for tabling the bill is due to its complex and onerous nature.

SEN. THOMAS stated that Constitutional issues would arise from the bill.

*{Tape: 2; Side: A; Approx. Time Count: 11:33; Comments: TAPE INAUDIBLE FOR STATEMENT MADE BY CHAIRMAN HARGROVE.}*

SEN. GAGE stated that the bill is nothing short of blackmail.

Vote: The motion CARRIED with SEN. BROOKE OPPOSED.

EXECUTIVE ACTION ON SB 330

Amendments: SB033001.adn (EXHIBIT 6)

Motion: SEN. BROOKE moved that AMENDMENT SB033001.ADN BE ADOPTED.

Discussion:

Mr. Niss reviewed the amendment.

Mick Robinson, Department of Revenue, stated that the fiscal note does not include the impact of the amendment. The amendment allows the cost of payment to be spread over four years. For the first year, the \$3 million amount could be divided by four. For the second year, the figure could be halved. In terms of General Fund, there might \$400,000 in the first year and \$800,000 in the second year. He requested that the term "actuarial cost" on line six of the amendment not be included in the bill because it is not present law.

SEN. GAGE pointed out that actuarial costs were put in SB 296, which, in effect, caused the individuals involved not to be able to take advantage of the resulting law.

CHAIRMAN HARGROVE asked if GABA went down in the House. Mr. Robinson confirmed that it did.

SEN. GAGE asked if there was a ballot issue on GABA that required that the retirement system remain actuarially sound. Mr. Judge responded that the ballot initiative prohibits government from taking the money out of the retirement system and using it for other purposes and it protects the integrity of what goes into the retirement system.

SEN. GAGE expressed concern that a failure to maintain the actuarial soundness of the retirement system will increase costs for all using it.

Vote: The motion CARRIED UNANIMOUSLY.

Motion: SEN. BROOKE moved that SB 330 DO PASS AS AMENDED.

Discussion:

SEN. THOMAS stated the sick leave system was set up to pay people for being sick and the bill is paying people for not being sick. Men accumulate a majority of the sick leave because, in general, women are the ones who stay home with a sick child. The bill would cause an element of discrimination. He does not support the bill at all.

SEN. WILSON raised the concern that people would come to work sick and spread their illness in order to accumulate sick leave.

SEN. GAGE noted there is a statute which provides that employees can put their sick leave in a pool. This bill would discourage that practice.

Motion: SEN. MESAROS offered a substitute motion that SB 330 BE TABLED. The motion CARRIED UNANIMOUSLY.

*{Tape: 2; Side: A; Approx. Time Count: 11:49; Comments: None.}*

EXECUTIVE ACTION ON SB 320

Motion: SEN. BROOKE moved that SB 320 DO PASS.

Discussion:

SEN. BROOKE referred the committee to a previous handout about existing protections, from **LeRoy Schramm, Legal Counsel for the Montana University System**. She contended that SB 320 goes beyond the protections cited on the handout. The bill has merit.

Mr. Niss explained that he looked at the material upon which the bill is based, which is a model act written by the group represented by SEN. KEATING (PEER). SB 320 is very dissimilar to the federal version. There are some parts of SB 320 that are duplicated in some ways in existing state law for some people. By no means is the whole bill duplicated in state law.

SEN. GAGE relayed a situation where eight people who reported to him about situations in their departments quit state government due to the pressure they received for doing so. He is really concerned about the situation.

*{Tape: 2; Side: A; Approx. Time Count: 11:55; Comments: End of Tape 2, Side A.}*

SEN. BROOKE stated that the bill is in no way intended to get back at department heads, administrators or policy makers. Her experience in the legislature has helped her see how important it is to have good, dedicated government employees. The information from employees is very important to legislators. **Mickey Gamble**, for example, had high ideals that had no basis in reality. A lot

of his employees, even 25 year employees, had their opinions shoved aside.

**SEN. WILSON** noted that the use of fraud hotlines has expanded. He questioned whether the expansion isn't enough to cover what is intended by the bill.

**SEN. BROOKE** acknowledged that the hotline does handle many calls. The bill would allow people to come forward and have the information handled in an administrative way. The bill would provide a greater feeling of security and prevent frivolous complaints.

**CHAIRMAN HARGROVE** characterized the bill as a preventative measure.

**SEN. GAGE** pointed out that individuals reporting abuses are not just employees, but tax-payers with that interest to protect as well. **SEN. THOMAS** expressed concern that some employees make erroneous decisions by taking it upon themselves to determine what is illegal and are defiant in their jobs when it is not their place to be so.

**SEN. GAGE** likened the situation to the Marine Corps. In the Corps, a person does what he/she is told and then uses the channels that are in place for challenging the order.

**Vote:** The motion **CARRIED** with **SEN. THOMAS** opposed.

#### EXECUTIVE ACTION ON SB 384

**Amendments:** SB038401.adn (EXHIBIT 7)

**Motion:** **SEN. WILSON** moved that SB 384 BE TABLED.

#### Discussion:

**SEN. WILSON** stated the bill is redundant due to the mechanism under the Beck decision that allows for a rebate of dues. Most people do not object to the use of their dues. There was no one at the hearing to support **SEN. CASEY EMERSON'S** contentions that the bill is necessary. The bill is a punitive measure and the labor unions should not be singled out and put into an "us-them" situation. Even if the bill were to single out partnerships, for example, it would be unfair.

**SEN. BROOKE** stated she is a member of the League of Women Voters which supported I-125. She would like to see the initiative challenged on its face in the Supreme Court. She opposes the bill for this reason. The citizens of Montana want to know what the result of the challenge will be on the initiative for which they voted.

**SEN. GAGE** commented that labor unions are getting a bum rap if it is indicated they are contributing significantly to the political process when they aren't.

**SEN. THOMAS** pointed out that dues are not political contributions, they are mandatory. There are excess dues and revenue beyond the necessary collective bargaining. It is particularly inappropriate to use the excess dues in a political manner when union households are close to divided on how they vote on elections. There is not a lot of difference between the Democratic Party and the AFL-CIO.

**Motion:**               **SEN. THOMAS** offered a substitute motion that **SB 384 DO PASS.**

**Motion/Vote:**       **CHAIRMAN HARGROVE** offered a motion that **AMENDMENT SB038401.ADN BE ADOPTED.** The motion **CARRIED** with **SEN. THOMAS** opposed.

**Vote:**               The motion that **SB 384 DO PASS AS AMENDED CARRIED** with **SEN. BROOKE** and **SEN. WILSON OPPOSED.**

ADJOURNMENT

Adjournment: 12:11

  
SEN. DON HARGROVE, Chairman

  
MARY MORRIS, Secretary

  
ELAINE BENEDICT, Transcriber

DH/EMB