



TEAMSTERS



Teamsters in the 2009 Montana Legislature: Leadership called for, and leadership given.

The 2009 Montana legislative session was marked by good representation and solid accomplishments for members of Montana Teamsters locals. While many in the field of labor stood in line to be heard, the Montana Teamsters were providing clarity and certainty for Montana's elected representatives on a broad range of issues that directly effect working people. With a sense of quiet competence the Teamsters Union stood out amongst its' piers, provided much needed leadership, and very often carried the day for its members.

The Teamsters Union provided a critical role in shaping public policy on issues ranging from energy production to economic stimulus, and was active in both public and private sector issues. The Montana Teamsters were called upon by the Schweitzer Administration to a lead a coalition that attempted to overturn the ban on project labor agreements. The Teamsters Union was called upon by Senate Minority Leader Carol Williams to defeat tip credit legislation. The Teamsters Union was called upon by many to bring a reasonable tone to the conversation over energy permitting. When friends of organized labor asked for help in the 2009 Montana Legislature, the Teamster's Union answered the call.

Time after time the Montana Teamsters led the way. On the issue of how the State of Montana should regulate independent contractors and deal with employee misclassification, the Teamsters were the only labor organization that testified on behalf of more protection for workers at every hearing. On the issue of immigration, the Teamsters delivered thoughtful and effective



Montana Leaders: Dwyer, Larson, and Schweitzer

testimony during a hearing that was clearly designed to drive wedges and inflame passions. The Montana Teamsters were only one of two labor organizations that consistently lobbied for better conditions under Montana's workers compensation system for workers who are injured on the job.

In February, with assistance from the Montana Public Employees Association, the Teamsters organized a weeknight gathering of legislators and labor representatives. The purpose of this gathering was to encourage good communication between (Continued on Page 2)

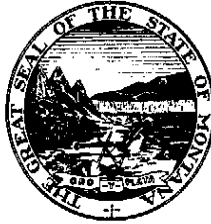


NOT AN IDEPENDENT CONTRACTOR!

(Continued from page 1) organized labor and people who decide the fate of labor related bills. It was attended by both democratic and republican legislative leadership, and was the only one like during the whole of the session.

More than anything, the 2009 legislative session demonstrated both the need and the opportunity for Montana Teamsters to take an even bigger role in shaping public policy. There will assuredly be discussion in the interim as to the best way to utilize this opportunity, and your input will be valued. Thanks to the Montana Teamsters' members and their representatives, all of Montana's workers were better served by the 2009 Montana legislature. Congratulations, and keep up the great work!

Montana State Senate



SENATOR CAROL WILLIAMS
SENATE DISTRICT 46
MINORITY LEADER

HELENA ADDRESS:
PO BOX 200500
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COMMITTEES:
RULES
FINANCE AND CLAIMS

The Big Sky Country

February 4, 2009

Jason Miller
Teamsters
1012 Livingston
Helena, MT 59601

Dear Jason,

I want to take a moment to thank you for your help defeating the two minimum-wage bills that the Senate considered last week.

I am overjoyed and re-energized knowing that we did a good thing for the people of Montana. It was such a thrill to see the 29-21 vote to defeat the Tip Penalty bill up on the board. I couldn't have asked for a better birthday present!

Your input and dedication contributed greatly to our success and I want you to know that your efforts are truly appreciated. Keep up the good work and thank you for all you do for the people of Montana.

In Solidarity,


Carol Williams

FedEx Misclassification and the Montana Teamsters

On June 25th of 2009 eight State Attorney Generals from around the country sent notification to FedEx Corporation that they intended to jointly pursue a remedy for that companies blatant misclassification practices over long periods of time. This signaled the beginning of an effort by many jurisdictions to work collaboratively toward changing FedEx practices that have been troublesome for individual states in their enforcement of workers compensation, unemployment insurance, and wage and hour law. While completion will likely take time, it is the first effort of its kind to deal specifically with the issue of employee misclassification across multiple jurisdictions and one that Montana Teamsters can proudly and correctly say they have had and will continue to have leading role in.

Notification of this joint effort came to FedEx by way of the office of the Montana Attorney General. Newly elected and Teamster endorsed, Steve Bullock played a leading role in communicating with other State's Attorney Generals about the importance of presenting a united front, and made the FedEx misclassification issue a top priority immediately upon taking office. Showing outstanding leadership, Montana Attorney General Steve Bullock has seized the initiative on solving a problem that has long frustrated various state agencies, in addition to tens of thousands of Teamster members, nationwide.

Beyond the obvious importance of Steve Bullock's willingness to be a leader on a tough issue, there is another reason that the Montana Attorney General has played such a large role in the FedEx misclassification. Montana has what is likely the most comprehensive independent contractor/ 1099 enforcement program in the nation. Created by statute in 2005, the Montana Independent Contractor Enforcement Unit has been responsible for reducing the number of self identified independent contractors from the Montana workforce from 34,000 in 2005 to 17,000 today. Done largely through outreach and education, the Montana Independent Contractor Enforcement unit sets what is possibly the highest standard in the nation for becoming and maintaining an independent contractor status within the state.

Montana's aggressive involvement in independent contractor/ 1099 and misclassification issues has ultimately put the spotlight on bad actors like FedEx. As a result of Montana State Government prioritizing the need to resolve misclassification issues there has been good communication and cooperation between various state employment law agencies and the Montana Attorney General's office. For all of these reasons Teamster involvement in promoting good workers compensation, unemployment insurance and prevailing wage policy continues to correlate directly to the ability of its' members to compete in the Montana workforce.

The Teamsters were thoroughly involved in the debate over employment law issues during the 2009 legislature, and provided needed leadership on key issues that protect Teamster members as well as the Montana workforce as a whole. Ultimately success in the effort to change FedEx's employment practices has been, and will continue to be, dependent on Teamster members doing the heavy lifting of ensuring that Montana's workers are receiving the best protections possible under the law.

For more information about Montana's Independent Contractor Enforcement Unit go to:

<http://erd.dli.mt.gov/wcregs/iccu.asp>

For more information about the Montana Attorney Generals Office go to:

<http://www.doj.mt.gov/resources/attorneygeneral.asp>



Montana Attorney General Steve Bullock and Jim Larson working hard for Montana Teamsters.

The Labor/ Management Advisory Council on Workers Compensation and Safety

The Montana Labor Management Advisory Council on Workers Compensation and Safety, or LMAC for short, was chartered in January of 2007 for the purpose of finding consensus based solutions for workers compensation issues. Chaired by Lt. Governor Bohlinger, and made up of equal numbers of labor and management representatives, the LMAC has been charged with the task of making Montana's workers compensation system competitive, while at protecting workers at the same time, which is no easy task.

Working on a supermajority consensus, the LMAC has provided clear policy direction to the Montana legislature in all aspects of the workers compensation arena, including the subject of independent contractors and employee misclassification. LMAC Vice-chairs Bob Worthington, representing Montana's self insured employers, and Jason Miller, representing the Montana Teamsters, lead the committee in vetting each of the 22 major bills that proposed changes to workers compensation law during the 2009 session.

With one minor exception, every recommendation that was issued by the LMAC resulted in legislative concurrence during the 2009 session, a testament to both the success of the LMAC and the dedication of its' committee members. These recommendations included continuing to uphold high standards for regulating independent contractor. The LMAC is meeting monthly during the legislative interim. It will stay busy taking on high priority issues, coordinating with its' own subcommittees on various subjects and interfacing with the economic affairs interim committee of the Montana legislature. You can find out more information about LMAC here: <http://erd.dli.mt.gov/wcstudyproject/labormngmntadvisorycouncilonwc.asp>

Immigration Reform: Challenges and Opportunities

The 2009 legislature saw several attempts by various legislators to involve Montana in the growing debate over what to do about the so called 'illegal alien' problem. No fewer than eleven bills were brought forward and debated. None passed. The reasons for the failure of the Montana legislature to successfully pass a bill to regulate illegal aliens in 2009 are varied, but usually have something to do with the separation of powers between state and federal governments.

Simply put, the State of Montana currently has no jurisdiction in regard to federal immigration policy. Moreover, state agencies currently do not have the ability to accurately track a persons' immigration status. Many of the legislative attempts to involve Montana in policing unauthorized aliens seem to have been well intended, but failed because of these reasons.

Other attempts to involve Montana in policing unauthorized aliens, however, seem to have been crafted only to drive wedges between specific individuals and inflame some constituencies' anxieties. The debate over immigration has, it seems, become less about problem solving and more about politics.

The Teamsters stood up to oppose one such bill. SB 379 by Senator Gary Perry, R- Manhattan, would have made it a felony offense to 'aide and abet' an unauthorized alien. This extremely broad measure could have made a union business agent potentially culpable under the new law for enforcing provisions of a collective bargaining agreement if any unauthorized aliens happened to be in a bargaining unit. It would add immigration police duties to a union agent's job description, a task for which the bill offered no resources.

Those who are wondering what can be done in regard to correcting the behavior of unethical employers when they exploit vulnerable workers should remember that the State of Montana does have jurisdiction in regard to the policing of workers compensation, unemployment insurance, prevailing wage and other employment law. One way to reduce bad employment practices, including the exploitation of unauthorized workers, would be to empower the State of Montana to adequately police employers who use 'illegals' to skirt employment law and thereby create a competitive advantage. We may not be able to impact Federal Immigration Policy from the Montana Legislature, but Montana Teamsters can, and should, demand that all employers operating in Montana play by the rules.



Montana Human Rights Network

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Phone (406) 442-5506 • Fax (406) 442-5589

Montana Teamsters
Political Department
437 Kuhlman Lane
Billings MT, 59105

Dear Teamsters,

This letter is an acknowledgement, and a note of appreciation, for the work that the Teamsters did during the 2009 Montana Legislative Session on behalf of all low-wage workers in Montana. The 2009 session brought an unprecedented number of bills that the Network categorized as "anti-immigrant." While labor interests were split on many of these bills, the Teamsters understood the dangers the bills posed. The Teamsters lobbyist correctly identified these proposed policies as designed to wedge workers against each other, and diminish workplace and wage protections and enforcement in this state.

The Network appreciated the help in terms of strategy, information sharing, and testimony that the Teamsters provided through-out the session as many groups worked together to defeat 11 anti-immigrant bills. Labor should be a strong voice in the fight to enforce wage laws and workplace protections for all workers in Montana. The Teamsters did this during the 2009 session and we look forward to working together in the future to make sure that all families in Montana can make a living that ensures human dignity.

Sincerely,

Kim Abbott
Director of Organizing
Montana Human Rights Network



Storm on the Horizon: Right-to-Work in the 2009 Legislature and Beyond

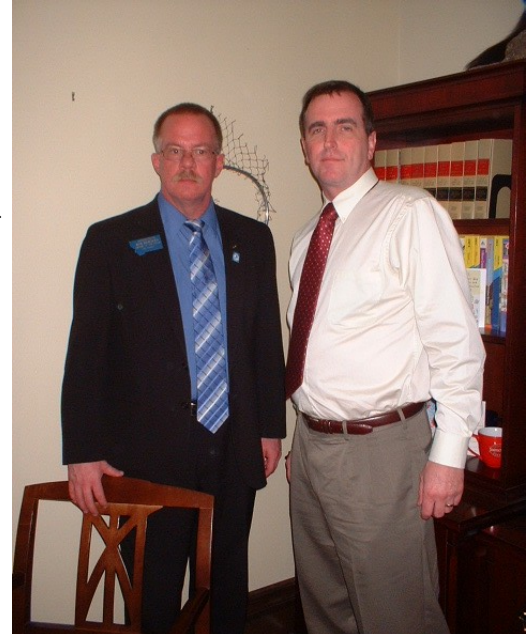
Some observers will say even now that Right-to-Work will never take hold in Montana, that a ‘special’ network of long-existing relationships between some in labor and some in the legislature will stave off any attempts to bring Montana into the win column for Right-to-Work advocates. Others will claim, on the contrary, that this kind of wishful thinking is dangerous from the perspective of those who believe that Montana may be on the verge of receiving a full frontal assault from the National Right-to-Work committee.

Right-to-Work hearings in the legislature have become a long endured semi-annual ritual that provide for what is usually the largest gathering of organized labor representatives during any particular session. The outcome of this ritual has been a predetermined fact for many years, with the pro right-to-work forces coming to testify in numbers of ones and twos, and pro labor forces coming to hearings to put their opposition on record in packs of dozens.

Neither democrats, moderate republicans, nor even many conservative republicans would support a right-to-work related bill or motion during the no-so-distant past. Pro right-to-work advocates were usually locally grown, with national right-to-work interests paying little attention to Montana. The right-to-work proponents were customarily seen at their hearing and then not heard from again for two years.

It seems that times have changed.

On February 23rd of 2009 a motion to move House Bill 625 (‘The Workers Freedom Act’ by Lee Randall, R- Broadus) from the Speaker’s desk to the house Taxation committee, where it would not be subject to normal transmittal deadlines, got the support of every republican legislator present on the house floor on that day. The 49 yes to 50 no vote was unique in the recent history of the legislature, and has put more Montana legislators on the record as supporting Right-to-Work than at any previous time.



Jim Larson with Montana Speaker of the House Bob Bergren, who’s leadership helped end the Right- to- Work effort in 2009.

Much of the speculation as to why the Montana legislature has ‘warmed up’ to right-to-work centers around Christian LeFer, a national right-to-work operative who was present in the house republican caucus the day of this particular motion. LeFer, who before coming to Montana was the Executive Director of the Colorado right-to-work organization, is now listed on many publications as the main contact for the Montana right-to-work organization. This circumstances, and others that seem to indicate an increase of nationally based right-to-work organization involvement in Montana, lead many to speculate that a full on effort is a likely for the not-so-distant future.

During the 2009 legislature there was, however, a flip side to the menacing right-to-work coin. Senate Bill 339 by Greg Hinkle, R-



Senator Don Steinbeisser

Thompson Falls, failed to pass out of the republican controlled Senate Business and Labor Committee after a hearing where Teamsters members were well represented. Every democrat as well as two prominent republicans stood with organized labor and defeated this bill. A special thank you goes to Senator Roy Brown, R- Billings, and Senator Don Steinbeisser, R- Sydney for their willingness to do right by us on this important issue.



Senator Roy Brown

The 2009 Montana Legislative Scorecard

This scorecard represents how the Montana legislature voted on issues important to Montana Teamsters in 2009. One of the challenges in scoring a legislature with split control (R's in the Senate, and D's in the House) is that most of the bills that were bad for Teamster members died in one committee or another. Very few bills saw the floor of both legislative chambers unless they had a broad base of support from a wide variety of interests.

The other challenge in scoring the 2009 Montana legislature has to do with how public funding was packaged and ultimately passed by the Montana Legislature. Individual funding items, such as the several bills having to do with Transit Authorities, may not have received the same level of support from legislators that the Federal Stimulus Package, which also contained funding for Transit Authorities ultimately did.

Therefore, great care has been taken to present a voting record that is both consistent and fair. Beyond this scorecard, there are bills of interest that are noted and explained for general information purposes.

How to Read this Guide:

A Vote <u>for</u> a Teamster position	X
A Vote <u>against</u> a Teamster position.	O
No record due to an excused absence	E
No record due to an absence.	A



Representative Elsie Arntzen

Description of Score Card Bills

HB 119- Revise Employment Laws Including Workers Compensation

Sponsor: Chuck Hunter (D-Billings)

HB 119 was a 'catch basin' bill that had consensus support from the Labor Management Advisory Council on workers' compensation. Among the many items addressed by HB 119 closing a loophole that had been used by a certain religious organization to avoid workers compensation obligations and making it easier for tribal members to be covered away from their domicile reservation were two of the more important.

TEAMSTER POSITION: SUPPORT Senate-2nd Reading, 3/16/09 House- Second Reading 1/20/09

HB 283 – Revise Workers Compensation Act on Exemptions, Claims Examiners, Safety Funding

'An Act Revising Workers Compensation Laws'

Sponsor: Dennis Himmelberger (R- Billings)

This good Bill was the result of the work of the Labor Management Advisory Committee on Workers Compensation's interim work during the interim. It provides consensus based solutions for several areas of concern including: providing for a voluntary system to license claims examiners, providing for a specific procedure for applying for exemptions to the Montana Workers Compensation Act, and in its original form, to authorize funding for the Public/ Private partnership safety program Work Safe Montana. The funding portion had to be cut due to budget constraints and an alternative method of funding was located. Having consensus from both management and labor allowed this bill to get pass the legislature by a wide margin.

TEAMSTER POSITION: SUPPORT Senate- 2nd Reading 3/16 09 House- 2nd Reading 1/30/09

(Continued on Page 10)

Senate District	Name	HB 119	HB 283	HB 483	HB 645	SB 194	SB 253	SB 308	SB 371	
1	Aubyn Curtis- R	0	X	X	X	0	0	0	0	38%
2	Ryan Zinke- R	X	X	X	X	X	X	X	0	88%
3	Bruce Tudvedt- R	X	X	X	X	0	0	0	0	50%
4	Gregory Barkus- R	X	X	X	0	0	0	X	0	50%
5	Versell Jackson- R	0	X	X	0	0	0	0	0	25%
6	John Bruggeman- R	X	X	X	X	0	X	X	0	75%
7	Greg Hinkle- R	0	X	X	0	0	0	0	0	25%
8	Carol Juneau- D	X	X	0	X	X	X	X	X	88%
9	Rick Ripley- R	X	X	X	X	0	0	0	0	50%
10	Brad Hamlett- D	0	X	X	X	X	X	X	X	88%
11	Trudy Schmidt- D	X	X	0	X	X	X	X	X	88%
12	Mitch Tropila- D	X	X	0	X	X	X	X	X	88%
13	Joe Tropila- D	X	X	0	X	X	X	X	X	88%
14	Jerry Black- R	X	X	X	X	0	0	0	0	50%
15	Jim Peterson- R	X	X	X	0	0	0	0	0	38%
16	Johnathan Windy Boy- D	X	X	0	X	X	X	X	X	88%
17	Ken Hansen- D	X	X	0	X	X	X	X	X	88%
18	John Brenden- R	X	X	X	0	0	0	0	0	38%
19	Don Steinbeisser- R	X	X	X	X	0	0	0	0	50%
20	Kieth Bales- R	X	X	X	X	0	0	0	0	50%
21	Sharon Stewart- Peregoy- D	0	X	0	X	X	X	X	X	75%
22	Taylor Brown- R	X	X	X	0	X	X	X	0	75%
23	Kelly Gephardt- R	0	X	X	X	0	0	X	0	50%
24	Kim Gillan- D	X	X	0	X	X	X	X	X	88%
25	Roy Brown- R	X	X	X	0	0	0	X	0	50%
26	Lynda Moss- D	X	X	0	X	X	X	X	X	88%
27	Gary Branae- D	X	X	0	X	X	X	X	X	88%
28	Jeff Essman- R	X	X	X	0	0	0	X	0	50%
29	Dan McGee- R	0	X	X	X	0	0	0	0	38%
30	Robert Story- R	0	X	X	X	0	0	0	0	38%
31	John Esp- R	0	X	X	X	0	0	0	0	38%
32	Larry Jent- D	X	X	0	X	X	X	X	X	88%
33	Bob Hawks- D	X	X	0	X	X	X	X	X	88%
34	Joe Balyeat- R	0	X	X	0	0	0	0	0	25%
35	Gary Perry- R	X	X	X	X	0	0	X	0	63%
36	Debbie Barrett- R	X	X	X	X	0	0	0	0	50%
37	Steve Gallus- D	X	X	X	X	X	X	X	X	100%
38	Jim Keane- D	X	X	X	X	X	X	X	X	100%
39	Terry Murphy- R	X	X	X	0	X	X	X	0	75%
40	Mike Cooney- D	X	X	0	X	X	X	X	X	88%
41	Christine Kaufmann- D	X	X	0	X	X	X	X	X	88%
42	Dave Lewis- R	X	X	X	X	0	X	X	0	75%
43	Jesse Laslovich- D	X	X	0	X	X	X	X	X	88%
44	Rick Liable- R	X	X	X	X	E	X	0	0	71%
45	Jim Shockley- R	X	X	X	0	0	0	0	0	38%
46	Carol Williams- D	X	X	0	X	X	X	X	X	88%
47	Ron Erickson- D	X	X	0	X	X	X	X	X	88%
48	Carolyn Squires- D	E	E	0	0	E	X	X	X	60%
49	David Wanzenried- D	X	X	0	0	X	X	X	X	75%
50	Cliff Larsen- D	X	X	0	X	X	X	X	X	88%

House District	Name	HB 119	HB 283	HB 483	HB625	HB 645	SB 308	SB 371	
1	Gerald Bennett- R	0	X	X	0	0	0	0	29%
2	Chaz Vincent- R	X	X	X	0	0	X	0	57%
3	Dee Brown- R	0	X	X	0	0	0	0	29%
4	Mike Jopeck- D	X	X	X	X	X	X	X	100%
5	Kieth Rieger- R	0	X	X	0	0	0	0	29%
6	Bill Beck- R	X	X	X	0	0	0	0	43%
7	Jon Sonju- R	X	X	X	0	0	X	0	43%
8	Cheryl Steenson- D	X	X	0	X	X	X	X	86%
9	Scott Reichner- R	X	X	X	0	0	0	0	43%
10	Mark Blasdel- R	X	X	X	0	0	0	0	43%
11	Janna Taylor- R	X	X	X	0	0	X	0	57%
12	John Flemming- D	X	X	X	X	X	X	0	86%
13	Pat Ingraham- R	X	0	X	0	0	X	0	43%
14	Gordon Hendrick- R	X	X	X	0	0	X	0	57%
15	Frosty Calf Boss Ribs- D	X	X	0	X	X	X	X	86%
16	Shannon Augare- D	X	X	X	X	X	X	X	100%
17	Russell Bean- R	X	X	X	0	0	0	0	43%
18	Jesse O'hara- R	X	X	X	0	X	X	0	71%
19	Mike Milburn- R	X	X	X	0	X	X	0	71%
20	Deborah Kottel- D	X	X	0	X	X	X	X	86%
21	Anders Blewett- D	X	X	0	X	X	X	X	86%
22	Bill Wilson- D	X	X	0	X	X	X	X	86%
23	Carlie Boland- D	X	X	0	X	X	X	X	86%
24	Brian Hoven- R	X	X	X	0	X	X	0	71%
25	Sue Dickinson- D	X	X	0	X	X	X	X	86%
26	Robert Mehlhoff- D	X	X	X	X	X	X	X	100%
27	Llew Jones- R	X	X	X	0	X	X	0	71%
28	Roy Hollandsworth- R	X	X	X	0	X	X	0	71%
29	Ed Butcher- R	0	X	X	0	0	0	0	29%
30	Dave Kasten- R	X	X	X	0	0	0	0	43%
31	Magarett Campbell- D	X	X	X	X	X	X	X	100%
32	Tony Belcourt- D	X	X	X	X	X	X	X	100%
33	Bob Bergren- D	X	X	X	X	X	X	X	100%
34	Wendy Warburton- R	0	X	X	0	0	X	0	43%
35	Wayne Stahl- R	0	0	X	0	0	X	X	43%
36	Julie French- D	X	X	X	X	X	X	0	86%
37	Walter McNutt- R	X	X	X	0	X	X	0	71%
38	Dennis Getz- D	X	X	X	0	X	X	X	86%
39	Lee Randall- R	X	X	X	0	0	0	0	43%
40	Bill McChesney- D	X	X	X	X	X	X	0	86%
41	J. David Roundstone- D	X	X	0	X	X	X	X	86%
42	Carolyn Pease- Lopez- D	X	X	X	X	X	X	0	86%
43	Duane Ankney- R	0	X	X	0	X	X	0	57%
44	Bill Glaser- R	X	X	X	0	X	X	0	71%
45	Tom Berry- R	0	X	X	E	X	X	0	67%
46	Ken Peterson- R	X	X	X	0	X	X	X	86%
47	Dennis Himmelberger- R	X	X	X	0	X	X	0	71%
48	Wanda Grinde- D	X	X	0	X	X	X	X	86%
49	Kendall Van Dyk- D	X	X	0	X	X	X	X	86%
50	Tom McGillvray- R	0	X	X	0	0	0	0	29%

House District	Name	HB 119	HB 283	HB 483	HB 625	HB 645	SB 308	SB 371	
51	Robyn Driscoll- D	X	X	0	X	X	X	X	86%
52	Arlene Becker- D	X	X	0	X	X	X	X	86%
53	Elsie Arntzen- R	X	X	X	0	0	X	0	57%
54	Margaret McDonald- D	X	X	0	X	X	X	X	86%
55	Cary Smith- R	X	X	X	0	0	X	0	57%
56	Don Roberts- R	X	X	X	0	X	0	0	57%
57	Penny Morgan- R	X	X	X	0	X	X	0	71%
58	Kraton Kerns- R	0	X	X	0	0	0	0	29%
59	Paul Beck- D	X	X	X	X	X	X	0	86%
60	David Howard- R	X	X	X	0	0	X	0	57%
61	Joel Boniek- R	0	0	X	0	0	X	0	29%
62	Bob Ebinger- D	X	X	0	X	X	X	0	71%
63	JP Pomnichowski- D	X	X	0	X	X	X	X	86%
64	Franke Wilmer- D	X	X	0	X	X	X	X	86%
65	Brady Weisman- D	X	X	0	X	X	X	X	86%
66	Mike Phillips- D	X	X	X	X	X	X	X	100%
67	Gordon Vance- R	X	X	X	0	0	X	0	57%
68	Scott Sales- R	X	X	X	0	0	0	0	43%
69	Ted Washburn- R	A	X	X	0	X	X	0	75%
70	Michael Moore- R	X	X	X	0	0	X	0	57%
71	Bob Wagner- R	X	0	X	0	0	0	0	29%
72	Jeff Welborn- R	X	X	X	0	X	X	0	71%
73	Pat Noonan- D	X	X	X	X	X	X	X	100%
74	Art Noonan- D	X	X	X	X	0	X	X	86%
75	Edith McClafferty- D	X	X	X	X	X	X	X	100%
76	Jon Sesso- D	X	X	X	X	X	X	X	100%
77	Scott Mendenhall- R	X	X	X	0	0	0	0	43%
78	Jill Cohenour- D	X	X	0	X	X	X	X	86%
79	Chuck Hunter- D	X	X	X	X	X	X	0	86%
80	Mary Caferro- D	X	X	0	X	X	X	X	86%
81	Galen Hollenbaugh- D	X	X	0	X	X	X	X	86%
82	Mike Mennehan- D	X	X	0	X	X	X	0	71%
83	Harry Klock- R	0	X	X	0	X	X	0	57%
84	Mike Miller- R	0	X	X	0	0	0	0	29%
85	Cynthia Hiner- D	X	X	X	X	X	X	0	86%
86	Dan Villa- D	X	X	X	X	X	X	X	100%
87	Ron Stoker- R	X	X	X	0	X	0	0	57%
88	Bob Lake- R	0	X	X	0	0	0	0	29%
89	Gary MacLaren- R	X	X	X	0	X	X	0	71%
90	Ray Hawk- R	X	X	X	0	X	0	0	57%
91	Tim Furey- D	X	X	0	X	X	X	0	71%
92	Robin Hamilton- D	X	X	0	X	X	X	X	86%
93	Dick Barrett- D	X	X	0	X	X	X	X	86%
94	Dave McAlpin- D	X	X	0	X	X	X	X	86%
95	Diane Sands- D	X	X	X	X	X	X	X	100%
96	Teresa Henry- D	X	X	X	X	X	X	X	100%
97	Michele Reinhart- D	X	X	0	X	X	X	X	86%
98	Sue Malek- D	X	X	0	X	X	X	X	86%
99	Betsy Hands- D	X	X	0	X	X	X	X	86%
100	Bill Nooney- R	X	X	X	0	X	X	0	71%

HB 483- Streamlining Permitting process for Energy Construction Projects

'Revise laws governing board of environmental review related to energy projects.'

Sponsor: Lew Jones (R- Conrad)

Responding to the controversy surrounding the Highwood Generation coal- fired generation plant near Great Falls, HB 483 attempts to strike a balance between opposing interests in a way that allows common sense to prevail. One of the most fought-over and amended bills in the 2009 session, the Teamsters facilitated passage of HB 483 by communicating with the interested parties and instilling a sense of reasonableness in the debate. .

TEAMSTER POSITION: SUPPORT Senate- 3rd Reading 3/30/09 House Second Reading 2/24/2009

HB 645- Stimulus Package

'Implement receipt of and appropriate federal stimulus recovery funds'

Sponsor: Jon Sesso (D- Butte)

This 83 page document outlines how the State of Montana will utilize its' share of the federal stimulus package, including many items important to Montana Teamsters. The best way to find a specific area of concern is to search the State of Montana's economic recovery website: <http://www.recovery.mt.gov/default.mcp>

TEAMSTER POSITION:SUPPORT Senate- 2nd Reading 4/27/2009 House 2nd Reading 4/28/2009

SB 194- Right-to-Work 'light'

'Exempt land surveyors from public employee labor unions and collective bargaining'

Sponsor: Dan McGee (R- Laurel)

This bill would have exempted anyone in the 'land surveyor' classification from their collective bargaining status only in regard to union membership for no particular reason. The Montana labor community, especially the Teamsters saw this 'just because' bill for what it was; a warm up for the coming Right-to-Work debate and helped to kill it on the Senate floor.

TEAMSTER POSITION: OPPOSE Senate- 2nd Reading 1/21/09

SB 253- Tip Penalty

'Allow tips as credit against minimum wage'

Sponsor: Don Steinbeisser (R- Sydney)

Senate Minority Leader Carol Williams personally called upon the Teamsters to lead the fight against 'tip credit' in the 2009 session. While passage of SB 253 out of the Senate seemed like a foregone conclusion to many, the Teamsters provided much needed leadership and helped to stop tip credit decisively on the Senate Floor.

TEAMSTER POSITION:OPPOSE Senate- 2nd Reading 2/3/09

SB 308- Prevailing Wage

'Revise calculation of standard prevailing wage rates'

Sponsor: Jim Keane (D- Butte)

Senate Bill 308 is the latest attempt to improve how Montana calculates its' prevailed rate. SB 308 represents the work of stakeholders at meetings that took place over the interim between organized labor, contractors, and the Montana Department of Labor. Although this won't solve all of the problems associated with prevailed rate, it is a good step to making sure that accurate data is collected. The Teamsters have encouraged the Montana Department of Labor to continue to facilitate the stakeholder discussion on improving prevailed wage.

TEAMSTER POSITION: SUPPORT Senate 2nd Reading 2/12/09 House 3rd Reading- 4/2/09

SB 371- Course and Scope

'Clarify applicability of 'at work' for work comp purposes'

Sponsor: Garry Perry (R- Manhattan)

Claiming abuses by 'bad' employees, the proponents of this bill wanted to tighten the definition of 'course and scope' of employment for purposes of workers compensation. Citing inflammatory examples of employee 'abuses', the backers of this bill wanted to make it easier for insurers to deny workers compensation claims. This bill was one of the most contentious of the '09 session. After being amended several times and then passing out of the legislature, it was next amended and then finally vetoed by Governor Schweitzer.

TEAMSTER POSITION:OPPOSE Senate 2nd Reading 2/18/09 House- 2nd Reading 3/30/09

Beyond the Scorecard: Other Bills of Interest:**HB 204- Independent Contractor Regulation**

'Revise Workers Compensation Law in regard to Independent Contractors'

Sponsor Bob Ebinger (D- Livingston)

Since being enacted in 2005 the Montana Independent Contractor enforcement program has been an effective tool for removing misclassified workers from Montana's workforce. In its original form HB 204 would have reduced the effectiveness of the program by requiring less documentation from independent contractors who want to be exempt from workers compensation. This bill was amended to require the same documentation, but require that the Montana DLI keep certain documents on file in order to avoid needless redundancy in the independent contractor certificate process.

HB 225 – Arbitration for Deputy Sheriffs

'An Act Including Deputy Sheriffs in the Police Arbitration Act'

Sponsor: Re. Chuck Hunter (D- Helena)

This controversial bill was brought forward and supported outright by MPEA and AFSCME. It would have ended the right of deputy sheriffs to strike, and instead mandated that prolonged contract disputes be resolved under a procedure that is described by the Montana Police Arbitration Act. The Teamster's union had serious concerns about the unintended effects of this bill and wanted to make sure that it's deputy sheriffs were well represented in the debate. Instead of opposing this bill, we proposed that the Montana firefighters arbitration language be used instead of the Police Arbitration Act language. The firefighters arbitration language is clearly superior, and the other groups accepted the Teamster amendment as 'friendly'. Although the subject enjoyed a vigorous discussion, the bill ultimately failed to pass out of the House Business and Labor committee on a party line vote. It will most likely be revisited in the interim and again in the next legislative session.

HB 421- Clean Government Act

'An act creating the clean government act; limiting undue influence of politics in government contract procurement practices by placing transparency requirements on government contractors'

Sponsor: Rep Mendenhall (R- Clancy)

Hiding behind this long and deceptive title is a bill that is designed to do one thing: Make sure that union members don't get to participate in electoral politics. Simply put it would have prohibited any party, like a labor organization, that has a 'no bid' contract with government, such as a labor agreement, to make political contributions or expenditures. Luckily for all of us this bill was more transparent than the conditions it would have created and was tabled in the House State Administration Committee.

HB 589- Occupational Disease Presumption

'Revise work comp on providing occupational disease work related'

Sponsor: JP Pommichowski (D- Bozeman)

Arising from 9/11 rescue workers who contracted respiratory diseases, this bill is similar to bills that have passed in some other states. It would provide that in certain occupations, certain diseases would be presumed to be work related, and therefore covered by workers compensation. HB 589 was vigorously resisted in its first hearing by most insurance and business groups and was subsequently tabled in committee. This subject will most certainly be revisited in the interim and again in next session

HB 598 – Revise Independent Contractor Exemptions

'An Act Exempting Employment of a Contract Musician from Coverage under the Workers' Compensation Act'

Sponsor: Rep Noonan (D – Butte)

The Teamsters as well as the whole of the Labor Management Advisory Committee on Workers Compensation opposed this well intended, but flawed, piece of legislation. In it's original form it would have exempted from anyone in the 'entertainment' field from the workers compensation requirement. As it progressed through the legislature the bill became more and more narrowly focused until finally only the job of 'a musician working under a written contract' was left. The problem? No one really knows what a 'contract musician' is. Both tavern owners and musicians testified that this bill was necessary in order to continue to provide night-time entertainment in Montana, and the legislature acquiesced. It remains problematic, however, for at least two reasons. First, it sets the bad precedent of providing a vehicle to dump the Montana workers compensation requirement by adding the word 'contract' to any specific job title. Second, the statute now seems deceptive because there is still a requirement to provide unemployment insurance and state and federal withholdings on contract musicians; only the work comp requirement has been changed. It is likely that this law of convenience will likely be challenged at some time in the future.

HB 603 – Authorize Labor Requirements in Public Works Projects

'An act allowing state and political subdivisions to include labor requirements for public works contracts'

Sponsor: Rep. Hollenbaugh (D- Helena)

In 1999 the Montana Legislature made it illegal for public entities to enter into project labor agreements with labor organizations. We have finally responded. The Teamsters, together with Rep. Hollenbaugh and the Schweitzer administration presented the case for repealing the ban on PLA's in front of the House business and Labor Committee mid way through the '09 session. The contractors association was so determined to defeat this bill that they actually threatened some labor organizations with the possibility of withdrawing their support on issues that already had consensus and even mentioning their support of upcoming Right- to – Work efforts as a potential retaliatory response. The threats worked on some, and not on others. The more dedicated, especially the Teamsters, testified their hearts out on behalf of all in labor that want to see and end to the PLA ban. It was a great first attempt, which ended in a tie committee vote. Next time. Special thanks goes to Rep Hollenbaugh who endured his fair share of threats from over- the- top contractors.

2009 Teamsters Montana Legislative Voting Guide

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