

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 2, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 323 (HB 323), "AN ACT PROVIDING FOR FREE ASSOCIATION BY PUBLIC EMPLOYEES WITH A PUBLIC LABOR ORGANIZATION AND PROHIBITING UNION DUES AND OTHER ASSESSMENTS TO BE CHARGED TO NONMEMBER EMPLOYEES; AMENDING SECTION 39-31-401, MCA; REPEALING SECTION 39-31-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

House Bill 323 removes a sentence from Montana Code that allowed the State to charge workers an agency fee—the cost of negotiating the higher wages, better benefits, and safer working conditions that organized labor provides.

For decades, these arrangements helped to ensure labor peace in Montana. Public employees of all stripes reaped the benefits of union representation in labor negotiations, and the power of collective bargaining wasn't undermined by the temptation to free ride: to take the enhanced benefits of union bargaining without paying for them.

In 2018, the United States Supreme Court changed everything. In a divisive 5-4 decision called *Janus v. AFSCME*, the Court overturned forty years of its own precedent and decided to make these arrangements illegal. It was the latest blow in a decades-long campaign to undermine the right to organize and bargain collectively.

Janus is now the law of the land. Montana has stopped all representation fee collection. The State no longer enforces agency shop provisions in its collective bargaining agreements. In short, because of *Janus*, employees who do not wish to pay for their share of union representation don't have to.

For better or worse, the State of Montana is in full compliance with the *Janus* decision. It didn't take a change in statute to do so. For this reason, HB 323—which comes nearly a year after *Janus* was handed down in Washington, DC—simply isn't necessary. To sign it now would be to celebrate the decision, not to implement it.

Secretary Stapleton
May 2, 2019
Page 2

In Montana, we are not strangers to the power of collective bargaining—and the forces of chaos that govern in its absence. Montana is home to some of the earliest unions in the history of the United States. In Butte, the Butte Teachers Union, AFT Local No. 332, negotiated the first public-sector labor agreement *in America* back in 1935. But the ugly lockout of workers at the Imerys Talc Plant in Three Forks last year is a reminder that union busting is real in our state.

History counsels against welcoming measures that undermine labor peace. HB 323 is not necessary to achieve compliance with *Janus*. Its only legal effect is to underscore a status quo the United States Supreme Court has already authored for us.

For these reasons, I veto HB 323.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Scott Sales, President of the Senate
Greg Hertz, Speaker of the House