# No. 70 STATE OF MICHIGAN

# JOURNAL OF THE

# House of Representatives

# 96th Legislature REGULAR SESSION OF 2011

House Chamber, Lansing, Thursday, September 15, 2011.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Gilbert—present
Glardon—present
Goike—present
Haines—present
Hammel—present
Haugh—present
Haveman—present
Heise—present
Hobbs—present
Hooker—present
Horn—present
Hovey-Wright—present
Howze—present
Hughes—present
Huuki—present
Irwin—present
Jackson—excused
Jacobsen—present
Jenkins—present
Johnson—present
Kandrevas—present
Knollenberg—present
Kowall—present
Kurtz—present
LaFontaine—present
Lane—present
LeBlanc—present

Lindberg—present
Lipton—present
Liss—present
Lori—present
Lund—present
Lyons—present
MacGregor—present
MacMaster—present
McBroom—present
McCann—present
McMillin—present
Meadows—present
Moss—present
Muxlow—present
Nathan—present
Nesbitt—present
O'Brien—present
Oakes—present
Olson—present
Olumba—present
Opsommer—present
Ouimet—present
Outman—present
Pettalia—present
Poleski—present
Potvin—present
Price—present
<u>.</u>

rendon present
Rogers—present
Rutledge—present
Santana—present
Schmidt, R.—present
Schmidt, W.—present
Scott—present
Segal—present
Shaughnessy—present
Shirkey—present
Slavens—present
Smiley—present
Somerville—present
Stallworth—present
Stamas—present
Stanley—present
Stapleton—present
Switalski—present
Talabi—present
Tlaib—present
Townsend—present
Tyler—present
Walsh—present
Womack—present
Yonker—present
Zorn—present
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Pscholka—present Rendon—present

Genetski-present

Rep. Al Pscholka, from the 79th District, offered the following invocation:

"Our Father and God, we praise You for Your goodness to our State and nation, giving us blessings far beyond what we deserve. Help us to turn to You in repentance and faith.

In 1785, James Madison said, 'We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, and to sustain ourselves according to the Ten Commandments of God.'

Father, we pray today for all of our nation's leaders. Give us all the wisdom to know what is right, and the courage to do it. This we pray in Your name, Amen."

Rep. Segal moved that Rep. Jackson be excused from today's session. The motion prevailed.

#### **Motions and Resolutions**

Reps. Outman, Barnett, Bauer, Brown, Crawford, Darany, Denby, Heise, Hooker, Knollenberg, Poleski, Price, Slavens and Tyler offered the following resolution:

# House Resolution No. 129.

A resolution to declare Sept. 16, 2011, as POW/MIA Day in the state of Michigan.

Whereas, It has always been the creed of those who wear a military uniform never to leave a fallen comrade on the battlefield. On this day we pay tribute to those who are missing in action or have been taken prisoner of war and never returned home; and

Whereas, To date a total of 83,580 Americans are listed as prisoners of war or missing in action since World War II. This includes 73,787 in World War II, 7,985 in the Korean War, 125 in the Cold War, and 1,683 in the Vietnam War; and Whereas, We as a nation can never collectively rest until we account for all those men and women who made the ultimate sacrifice to their country; and

Whereas, We express our deepest gratitude to these patriots in both words and actions, knowing they were fighting to protect our rights and freedoms; and

Whereas, Those who have died in battle continue to be located and brought home for military rites, including the 59 soldiers, marines, sailors and airmen who were identified and repatriated in 2010, and the 30 who have been brought home so far this year; and

Whereas, The families of these brave men and women will never rest until their fate is known, such as the family of Private First Class Henry L. Gustafson of Sault Ste. Marie, who waited 61 years to bury him after his death on a frozen battlefield in North Korea in December 1950. Private First Class Gustafson was brought home in June of this year; and

Whereas, Their work will not be complete, nor will our commitment be fulfilled, until they come home; and

Whereas, The stark MIA/POW flag will fly proudly near the U.S. and state of Michigan flags on Sept. 16, serving as a commanding reminder that the duty of those who are missing in action or prisoners of war is finished, but ours continues as we seek to find, repatriate and honor these courageous men and women; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 16, 2011, as POW/MIA Day in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

# Third Reading of Bills

#### House Bill No. 4683, entitled

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending section 405 (MCL 484.1405), as amended by 2007 PA 165.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 330

# Yeas—108

Genetski Lindberg Pscholka Agema Ananich Gilbert Lipton Rendon Glardon Liss Barnett Rogers Goike Lori Rutledge Bauer Haines Lund Santana Bledsoe Bolger Hammel Lyons Schmidt, R. Brown Haugh MacGregor Schmidt, W. Haveman Brunner MacMaster Scott Bumstead Heise McBroom Segal Hobbs Shaughnessy **Byrum** McCann Callton Hooker McMillin Shirkey Slavens Cavanagh Horn Meadows Hovey-Wright Clemente Moss Smiley Somerville Constan Howze Muxlow Stallworth Cotter Hughes Nathan Crawford Huuki Nesbitt Stamas Daley Irwin O'Brien Stanley Damrow Jacobsen Oakes Stapleton Switalski Darany Jenkins Olson Denby Johnson Olumba Talabi Dillon Kandrevas Opsommer Tlaib Durhal Knollenberg Ouimet Townsend Kowall Tyler Farrington Outman Walsh Forlini Kurtz Pettalia Womack Foster LaFontaine Poleski Franz Lane Potvin Yonker Geiss LeBlanc Price Zorn

# Nays-0

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

#### House Bill No. 4770, entitled

A bill to prohibit public employers from providing certain benefits to public employees.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 331 Yeas—64

Goike Agema Lori Poleski Bolger Haines Potvin Lund Bumstead Haveman Lyons Price Pscholka Callton Heise MacGregor Cotter Hooker MacMaster Rendon Crawford Horn McBroom Rogers Hughes Schmidt, W. Daley McMillin Damrow Huuki Moss Scott

Shaughnessy Shirkey

Somerville

Stamas

Tyler

Walsh

Zorn

Yonker

Denby Jacobsen Muxlow Farrington Jenkins Nesbitt O'Brien Forlini Johnson Foster Knollenberg Olson Franz Kowall Opsommer Kurtz Ouimet Genetski Gilbert LaFontaine Outman Glardon LeBlanc Pettalia

# Navs—44

Ananich Dillon Lindberg Segal Barnett Durhal Lipton Slavens Geiss Smiley Bauer Liss Hammel McCann Stallworth Bledsoe Brown Haugh Meadows Stanley Hobbs Stapleton Brunner Nathan Hovey-Wright Oakes Switalski Byrum Cavanagh Howze Olumba Talabi Clemente Irwin Rutledge Tlaib Constan Santana Kandrevas Townsend Darany Lane Schmidt, R. Womack

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Durhal, Santana, Barnett, Lindberg, Segal, Bledsoe, Switalski, Geiss, Dillon, Tlaib, Byrum, Kandrevas, Oakes, Townsend, Stanley, Cavanagh, Liss, Bauer, Hammel, Howze, Lipton, Lane, Nathan and Hovey-Wright, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 and 4771 today. I also voted 'no' on granting Immediate Effect to House Bills 4770 and 4771."

Reps. Roy Schmidt, Slavens, Stallworth, Talabi, Constan, Brunner and Smiley, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

No Vote Explanation for House Bills 4770/4771

I voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 and 4771 today. I also voted 'no' on granting Immediate Effect to House Bills 4770 and 4771."

Rep. McCann, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4770 because I have serious concerns about the constitutionality of the bill including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

This bill will result in our state university employees not receiving benefits that they bargained for years ago. In addition, this bill will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bill 4770 today. I also voted 'no' on granting Immediate Effect to House Bill 4770."

Rep. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

No Vote Explanation for House Bills 4770

I voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 today. I also voted "no" on granting Immediate Effect to House Bills 4770."

Rep. Brown, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I have many concerns with this legislation, including many violations of the Constitution. In addition, the Attorney General, Michigan Court of Appeals and the Governor's legal counsel have all weighed in on this type of language as unconstitutional. This will waste precious taxpayer dollars in court costs. Therefore, I voted no on final passage as well as granting immediate effect on House Bill 4770."

Rep. Irwin, having reserved the right to explain his protest against the passage of the bill, made the following statement: "Mr. Speaker and members of the House:

I oppose HB 4770 and HB 4771 because they violate Michigan's long-held principles of local control and because they are discriminatory.

The passage of these bills forces on local units of government a system whereby two employees, performing the same job and with the same experience, will receive significantly different compensation. The employee with a traditional marriage will receive benefits for their family and the employee who chooses a family outside of the religious tradition that is enshrined our laws will not. I believe that this violates the spirit and the plain meaning of the phrase: 'Congress shall make no law respecting an establishment of religion.'

I also voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 and 4771 today. I also voted 'no' on granting Immediate Effect to House Bills 4770 and 4771."

Poleski

Potvin

Somerville Stamas

Tyler Walsh Yonker Zorn

Segal Slavens Smiley Stallworth Stanley Stapleton Switalski Talabi Tlaib Townsend Womack

Price Pscholka Rendon Rogers Schmidt, W. Scott Shaughnessy Shirkey

Rep. Rutledge, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4770 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining, and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts.

House Bill 4770 represents another assault on our public school employees and will in no way improve our state's schools.

For these reasons, I cannot support House Bill 4770. I also voted 'no' on granting Immediate Effect to House Bill 4770."

# House Bill No. 4771, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 25.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 332

#### Yeas—64

Agema	Goike	Lori
Bolger	Haines	Lund
Bumstead	Haveman	Lyons
Callton	Heise	MacGregor
Cotter	Hooker	MacMaster
Crawford	Horn	McBroom
Daley	Hughes	McMillin
Damrow	Huuki	Moss
Denby	Jacobsen	Muxlow
Farrington	Jenkins	Nesbitt
Forlini	Johnson	O'Brien
Foster	Knollenberg	Olson
Franz	Kowall	Opsommer
Genetski	Kurtz	Ouimet
Gilbert	LaFontaine	Outman
Glardon	LeBlanc	Pettalia

# Nays—44

Ananich	Dillon	Lindberg
Barnett	Durhal	Lipton
Bauer	Geiss	Liss
Bledsoe	Hammel	McCann
Brown	Haugh	Meadows
Brunner	Hobbs	Nathan
Byrum	Hovey-Wright	Oakes
Cavanagh	Howze	Olumba
Clemente	Irwin	Rutledge
Constan	Kandrevas	Santana
Darany	Lane	Schmidt, R.

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Durhal, Santana, Barnett, Lindberg, Segal, Bledsoe, Switalski, Geiss, Dillon, Tlaib, Byrum, Kandrevas, Oakes, Townsend, Stanley, Cavanagh, Liss, Bauer, Hammel, Howze, Lipton, Lane, Nathan and Hovey-Wright, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 and 4771 today. I also voted 'no' on granting Immediate Effect to House Bills 4770 and 4771."

Reps. Roy Schmidt, Slavens, Stallworth, Talabi, Constan, Brunner and Smiley, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

No Vote Explanation for House Bills 4770/4771

I voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 and 4771 today. I also voted 'no' on granting Immediate Effect to House Bills 4770 and 4771."

Rep. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

No Vote Explanation for House Bill 4771

I voted no on House Bill 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bill 4771 today. I also voted 'no' on granting Immediate Effect to House Bill 4771."

Rep. McCann, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4771 because I have serious concerns about the constitutionality of the bill including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

This bill will result in our state university employees not receiving benefits that they bargained for years ago. In addition, this bill will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bill 4771 today. I also voted 'no' on granting Immediate Effect to House Bill 4771."

Rep. Irwin, having reserved the right to explain his protest against the passage of the bill, made the following statement: "Mr. Speaker and members of the House:

I oppose HB 4770 and HB 4771 because they violate Michigan's long-held principles of local control and because they are discriminatory.

The passage of these bills forces on local units of government a system whereby two employees, performing the same job and with the same experience, will receive significantly different compensation. The employee with a traditional marriage will receive benefits for their family and the employee who chooses a family outside of the religious tradition that is enshrined our laws will not. I believe that this violates the spirit and the plain meaning of the phrase: 'Congress shall make no law respecting an establishment of religion.'

I also voted no on House Bills 4770 and 4771 because I have serious concerns about the constitutionality of these bills including, but not limited to, violating Article VIII of Michigan's Constitution which gives colleges and universities the expressed right and autonomy to set compensation for its employees and violating Article XI, Section 5 of Michigan's Constitution which gives the Michigan Civil Service Commission plenary authority to regulate conditions of employment for classified service.

These bills will result in our state university employees not receiving benefits that they bargained for years ago. In addition, the bills will prohibit our world class universities from offering competitive benefits to those offered at other universities throughout the country.

Therefore, I voted 'no' on House Bills 4770 and 4771 today. I also voted 'no' on granting Immediate Effect to House Bills 4770 and 4771."

Rep. Rutledge, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4771 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts.

House Bill 4771 represents another assault on our public school employees and will in no way improve our state's schools.

For these reasons, I cannot support House Bill 4771. I also voted 'no' on granting Immediate Effect to House Bill 4929."

#### House Bill No. 4929, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 10 (MCL 423.210).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 333 Yeas—55

Agema	Gilbert	Lund	Potvin
Bolger	Goike	Lyons	Price

Bumstead Haines MacGregor Haveman MacMaster Callton Cotter Heise McBroom Crawford Hooker McMillin Huuki Daley Moss Damrow Jacobsen Nesbitt **Jenkins** O'Brien Denby Johnson Farrington Olson Forlini Knollenberg Opsommer Foster Kowall Ouimet LaFontaine Franz Outman Genetski Lori Pettalia

Pscholka Rendon Rogers Schmidt, W. Scott Shirkey Somerville Stamas Walsh Yonker Zorn

# Nays—53

Ananich Glardon Lindberg Barnett Hammel Lipton Bauer Haugh Liss Bledsoe Hobbs McCann Brown Horn Meadows Brunner Hovey-Wright Muxlow Byrum Howze Nathan Hughes Cavanagh Oakes Clemente Irwin Olumba Constan Kandrevas Poleski Darany Kurtz Rutledge Dillon Santana Lane Durhal LeBlanc Schmidt, R. Geiss

Segal Shaughnessy Slavens Smiley Stallworth Stanley Stapleton Switalski Talabi Tlaib Townsend Tyler Womack

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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Reps. Durhal, Santana, Dillon, Talabi, Switalski, Hammel, Lindberg, Barnett, Rutledge, Geiss, Kandrevas, Bledsoe, Slavens, McCann, Hovey-Wright, Roy Schmidt, Liss, Constan, Lane, Stanley, Stallworth, Townsend, Howze, Oakes, Brunner, Nathan, Smiley, Cavanagh and Bauer, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4929 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts.

House Bill 4929 represents another assault on our public school employees and will in no way improve our state's schools.

For these reasons, I cannot support House Bill 4929. I also voted 'no' on granting Immediate Effect to House Bill 4929."

Rep. Darany, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

You can cut and paste the language below (also attached) in to the no vote program.

I voted 'no' on House Bill 4929 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining, and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts.

House Bill 4929 represents another assault on our public school employees and will in no way improve our state's schools.

For these reasons, I cannot support House Bill 4929. I also voted 'no' on granting Immediate Effect to House Bill 4929."

Rep. Segal, having reserved the right to explain her protest against the passage of the bill, made the following statement: "Mr. Speaker and members of the House:

I voted 'no' on House Bill 4929 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

In addition, House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts. House Bill 4929 represents another assault on our public school employees and will in no way improve our state's schools.

For these reasons, I cannot support House Bill 4929. I also voted 'no' on granting Immediate Effect to House Bill 4929."

Rep. Meadows, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4929 because it is an unnecessary and impractical prohibition directed at school districts who administer automatic payroll deductions for union dues. The bill would not address other automatic deductions which occur and thus would not have any cost savings resulting from the passage of the bill. Whether or not to administer automatic deductions for union dues should be made at the local level as a result of collective bargaining agreements.

House bill 4929 represents another assault on local control, an expansion of central government and a further destruction of collective bargaining and personal choice.

For these reasons I did not support the passage of HB 4929. I also voted 'no' on granting immediate effect to HB 4929."

Rep. Byrum, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4929 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining, and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts.

House Bill 4929 represents another assault on our public school employees and will in no way improve our state's schools.

For these reasons, I cannot support House Bill 4929.

If given an opportunity to vote on immediate effect on House Bill 4929, I would vote no."

Rep. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

Mr. Speaker,

I had a teacher from a suburban district recently ask me while I was out to dinner one night during the summer, 'When did Public Employees become Enemy # 1.'

I was jolted by the question. I almost cried. I almost cried because I couldn't fight her opinion. I couldn't convince her otherwise. I knew what we had done.

We continue to make decisions that for a while I didn't want to understand. And while I know we have ideological differences Mr. Speaker... this makes no sense.

HB 4929 does nothing more than to hurt teachers and inconvenience them.

They will continue to organize as they have a right to under the united states law.

But they will have to go out of their way to write checks, put a stamp on it, and mail it.

Or, Mr. Speaker, they will take a part of their lunch hours, a time that they relax and hand off payments to their union steward because we chose to metal in affairs that are none of our business. We have serious problems Mr. Speaker. This simply is not one of them.

Mr. Speaker, I was a teacher. I worked for several years in the Detroit Public Schools. This process that the majority wants to do would have been cumbersome at best. At best!

If we were forcing districts to save money, while I would not necessarily agree, I could at least understand. But I can't even say that.

Mr. Speaker, it's a code in a computer that generates those payment. It costs nothing to do, and won't save a dime.

I just can't think of a reason we are doing this and any reason given to date makes no sense. And as a former teacher I can tell you how annoying this will be to my former coworkers.

Mr. Speaker, I was in Marquette this summer and another teacher asked me why would anyone want to be a teacher in this state?

Mr. Speaker, I couldn't answer her either.

I vote not on HB 4929 and I vote no on Immediate Effect."

Rep. Tlaib, having reserved the right to explain her protest against the passage of the bill, made the following statement: "Mr. Speaker and members of the House:

I voted 'no' on House Bill 4929. It will completely dismantle a system that would allow school districts from administering automatic payroll deductions for union dues.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill's sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state's school districts, so the only reason for the change is to attack teachers. House Bill 4929 is another assault on our public school employees and will in no way improve our children's education in Michigan.

For these reasons, I cannot support House Bill 4929. I also voted 'no' on granting Immediate Effect to House Bill 4929."

Rep. Poleski, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

The legislation applies only to one set of public employers. I believe it to be poor legislation to isolate legislative effect to one set of employers when others are similarly situated. If the legislation is good for one group, it should be good for all.

The bill deals with an insignificant issue when compared with the many larger issues our State must address. That insignificance, coupled with the limited scope of applicability to only certain public employers, leads me to believe that this is poor legislation.

I appreciate the opportunity to articulate the reasons for my No vote."

The Speaker Pro Tempore called Associate Speaker Pro Tempore Opsommer to the Chair.

# Second Reading of Bills

# House Bill No. 4071, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 62b and 62c (MCL 791.262b and 791.262c), section 62b as amended by 2000 PA 211 and section 62c as amended by 1988 PA 293.

The bill was read a second time.

Rep. Lori moved to amend the bill as follows:

1. Amend page 1, line 6, by striking out "unrestricted".

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Lori moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

#### Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2005 PA 288; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Crawford moved to amend the bill as follows:

1. Amend page 2, following line 12, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act takes effect October 1, 2012.".

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

# Senate Bill No. 77, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

The bill was read a second time.

Rep. Heise moved to amend the bill as follows:

1. Amend page 6, line 21, after "effect" by striking out "May 1, 2011" and inserting "January 1, 2012".

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

#### House Bill No. 4642, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 2004 PA 19.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Transportation,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. McBroom moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. McBroom moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that House Committees be given leave to meet during the balance of today's session. The motion prevailed.

By unanimous consent the House returned to the order of

# Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 15, for his approval of the following bills:

Enrolled House Bill No. 4316 at 11:08 a.m.

Enrolled House Bill No. 4734 at 11:10 a.m.

Enrolled House Bill No. 4748 at 11:12 a.m.

Enrolled House Bill No. 4787 at 11:14 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 15:

House Bill Nos. 4969 4970 4971 4972 4973 4974 4975 4976 4977 4978 4979

Senate Bill Nos. 645 646

The Clerk announced that the following Senate bills had been received on Thursday, September 15:

Senate Bill Nos. 473 584

# **Reports of Standing Committees**

The Committee on Appropriations, by Rep. Moss, Chair, reported

#### House Bill No. 4915, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin and Durhal

Nays: Reps. Goike, LeBlanc and Lindberg

# COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moss, Chair, of the Committee on Appropriations, was received and read: Meeting held on: Thursday, September 15, 2011

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Bauer, Durhal, Lindberg, Lipton, McCann and Tlaib

Absent: Reps. Ananich, Dillon and Jackson Excused: Reps. Ananich, Dillon and Jackson

The Committee on Health Policy, by Rep. Haines, Chair, reported

## Senate Bill No. 384, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16104, 17048, 17049, 17050, 17076, 17078, 17548, 17549, 17745, 17757, 18048, 18049, and 20201 (MCL 333.16104, 333.17048, 333.17049, 333.17050, 333.17076, 333.17078, 333.17548, 333.17549, 333.17745, 333.17757, 333.18048, 333.18049, and 333.20201), section 16104 as amended by 1993 PA 80, section 17048 as amended by 2010 PA 124, sections 17049 and 17549 as amended by 2004 PA 512, section 17050 as amended by 1990 PA 247, sections 17076 and 17548 as amended by 1996 PA 355, section 17078 as amended and sections 18048 and 18049 as added by 2006 PA 161, section 17745 as amended by 2006 PA 672, section 17757 as amended by 1986 PA 304, and section 20201 as amended by 2006 PA 38.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

### Favorable Roll Call

To Report Out:

Yeas: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Muxlow, Yonker, Liss, Segal and Hovey-Wright

Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Haines, Chair, of the Committee on Health Policy, was received and read: Meeting held on: Thursday, September 15, 2011

Present: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Muxlow, Yonker, Liss, Segal and Hovey-Wright

Absent: Reps. Scott, Huuki, Stallworth, Darany and Womack Excused: Reps. Scott, Huuki, Stallworth, Darany and Womack

The Committee on Insurance, by Rep. Lund, Chair, reported

# House Bill No. 4593, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

#### To Report Out:

Yeas: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Roy Schmidt, Segal, Howze and Geiss

Nays: None

The Committee on Insurance, by Rep. Lund, Chair, reported

#### House Bill No. 4594, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding sections 2153 and 2156.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

# To Report Out:

Yeas: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Roy Schmidt, Segal, Howze and Geiss

Nays: None

The Committee on Insurance, by Rep. Lund, Chair, reported

## House Bill No. 4595, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2154.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

# To Report Out:

Yeas: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Roy Schmidt, Segal, Howze and Geiss

Nays: None

The Committee on Insurance, by Rep. Lund, Chair, reported

# House Bill No. 4596, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2157.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Roy Schmidt, Segal, Howze and Geiss

Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lund, Chair, of the Committee on Insurance, was received and read:

Meeting held on: Thursday, September 15, 2011

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Roy Schmidt, Segal, Hovey-Wright, Howze and Geiss

# COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ouimet, Chair, of the Committee on Local, Intergovernmental, and Regional Affairs, was received and read:

Meeting held on: Thursday, September 15, 2011

Present: Reps. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy, Stanley, Townsend, Stapleton and Rutledge

Absent: Reps. Rendon, Constan and Lane Excused: Reps. Rendon, Constan and Lane

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Walsh, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Thursday, September 15, 2011

Present: Reps. Walsh, Heise, Gilbert, Horn, Damrow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Absent: Reps. Scott, Muxlow and Olumba Excused: Reps. Scott, Muxlow and Olumba

# COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Haines, Chair, of the Committee on Health Policy, was received and read: Meeting held on: Thursday, September 15, 2011

Present: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Darany, Segal and Hovey-Wright

Absent: Reps. Stallworth and Womack Excused: Reps. Stallworth and Womack

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lund, Chair, of the Committee on Insurance, was received and read:

Meeting held on: Thursday, September 15, 2011

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Segal, Hovey-Wright, Howze and Geiss

Absent: Rep. Roy Schmidt Excused: Rep. Roy Schmidt

# Messages from the Senate

#### Senate Bill No. 473, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

# Senate Bill No. 584, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Redistricting and Elections.

#### **Introduction of Bills**

Reps. Genetski, Cotter, Haveman and Pscholka introduced

## House Bill No. 4980, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 236 (MCL 388.1836), as added by 2011 PA 62, and by adding section 265a.

The bill was read a first time by its title and referred to the Committee on Appropriations.

Rep. Genetski introduced

#### House Bill No. 4981, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Franz introduced

# House Bill No. 4982, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 682 and 688 (MCL 257.682 and 257.688), section 682 as amended by 1990 PA 188 and section 688 as amended by 2006 PA 14, and by adding section 45b.

The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Durhal, Talabi, Cavanagh, Irwin, Townsend, Liss, Howze, Hammel, Switalski, Constan, Lindberg, Tlaib, Bauer, Kandrevas, Bledsoe, Stanley, Dillon, McCann, Stapleton, Brunner, Smiley, Haugh, Meadows and Oakes introduced

#### House Bill No. 4983, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

The bill was read a first time by its title and referred to the Committee on Appropriations.

Reps. Irwin, Liss, Ananich, Brown, Smiley, Hovey-Wright, Rutledge, Geiss, Slavens, Stapleton, Horn, Townsend, Stallworth, Lipton, Tlaib and Oakes introduced

# House Bill No. 4984, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 277. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Durhal, Liss, Haugh, Slavens, Lane, Smiley, Olumba, Stallworth, Tlaib, Segal, Hammel, Womack, Talabi, Santana and Jackson introduced

#### House Bill No. 4985, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1101, 1111, 1112, and 1117 (MCL 339.1101, 339.1111, 339.1112, and 339.1117), sections 1101 and 1112 as amended by 1984 PA 25, section 1111 as amended by 1988 PA 463, and section 1117 as amended by 2003 PA 207.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Durhal, Liss, Haugh, Slavens, Lane, Smiley, Olumba, Stallworth, Tlaib, Segal, Hammel, Womack, Talabi, Santana and Jackson introduced

#### House Bill No. 4986, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 17 (MCL 338.2217), as amended by 2007 PA 77.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Oakes, Dillon, Hobbs, Stanley, Haugh, Slavens, Switalski, Irwin, Ananich and Segal introduced House Bill No. 4987, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2006 PA 123.

The bill was read a first time by its title and referred to the Committee on Education.

Reps. Santana, Poleski, Rutledge, Brunner, Hobbs, Stapleton, Darany, Oakes, Brown, Heise, Stallworth, Howze, Geiss and Franz introduced

# House Bill No. 4988, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278a (MCL 380.1278a), as amended by 2009 PA 205.

The bill was read a first time by its title and referred to the Committee on Education.

Reps. Somerville, Hughes, Poleski, Haveman, Callton, McBroom, Zorn, Opsommer, Kowall, MacMaster, Huuki, Glardon, Muxlow, Outman, LaFontaine and Forlini introduced

# House Bill No. 4989, entitled

A bill to limit the compensation for certain positions in public employment; and to limit compensation for certain contracts to provide services to public bodies.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Huuki moved that the House adjourn.

The motion prevailed, the time being 2:05 p.m.

Associate Speaker Pro Tempore Opsommer declared the House adjourned until Tuesday, September 20, at 1:30 p.m.

GARY L. RANDALL Clerk of the House of Representatives