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**House of Representatives**  
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House Chamber, Lansing, Friday, September 11, 2015.

12:01 a.m.

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.

Afendoulis—present	Gamrat—present	Kosowski—present	Potvin—present
Banks—present	Garcia—present	LaFontaine—present	Price—present
Barrett—present	Garrett—present	Lane—present	Pscholka—present
Bizon—present	Gay-Dagnogo—present	Lauwers—present	Rendon—present
Brinks—present	Geiss—present	LaVoy—present	Roberts, B.—present
Brunner—present	Gardon—present	Leonard—present	Roberts, S.—present
Bumstead—present	Glenn—present	Leutheuser—present	Robinson—present
Byrd—present	Goike—present	Liberati—present	Runestad—present
Callton—present	Graves—present	Love—present	Rutledge—present
Canfield—present	Greig—present	Lucido—present	Santana—present
Chang—excused	Greimel—present	Lyons—present	Schor—present
Chatfield—present	Guerra—present	Maturen—present	Sheppard—present
Chirkun—present	Heise—present	McBroom—present	Singh—present
Clemente—excused	Hoadley—present	McCready—present	Smiley—present
Cochran—present	Hooker—present	Miller, A.—present	Somerville—present
Cole—present	Hovey-Wright—present	Miller, D.—present	Talabi—present
Cotter—present	Howrylak—present	Moss—present	Tedder—present
Courser—present	Hughes—present	Muxlow—present	Theis—present
Cox—present	Iden—present	Neeley—present	Townsend—present
Crawford—present	Inman—present	Nesbitt—present	Vaupel—present
Darany—present	Irwin—present	Outman—present	VerHeulen—present
Dianda—present	Jacobsen—present	Pagan—present	Victory—present
Driskell—present	Jenkins—present	Pagel—present	Webber—present
Durhal—present	Johnson—present	Pettalia—present	Wittenberg—present
Faris—present	Kelly—present	Phelps—present	Yanez—present
Farrington—present	Kesto—present	Plawecki—present	Yonker—present
Forlini—present	Kivela—present	Poleski—present	Zemke—present
Franz—present			

Rep. Ed McBroom, from the 108th District, offered the following invocation:

“Dear Father, it’s been a long, long stand here, together. Father, our feelings and emotions and desires are raw and I pray that You would be a balm to this body, that You would help me to forgive, to not hold grudges. Father, help us all to love one another. Bring us together for the common good of the people of this state, bring us together for the common good of this body. Father, we have many, many important tasks before us. I pray that You will help us in the deliberations on all things that are before us here, today, and in the coming weeks, as we work for the people of this state.

Your Word says, ‘Watch, stand fast in the faith, be brave, be strong. Let all that You do be done with love.’ This is our prayer this morning, Father.

In Jesus’ name, Amen.”

Rep. Singh moved that Reps. Chang and Clemente be excused from today’s session.  
The motion prevailed.

### Notices

September 11, 2015

Gary Randall  
Clerk, House of Representatives  
H-70 Capitol Building  
Lansing, MI 48909

Dear Clerk Randall,

I hereby tender my resignation from the Michigan House of Representatives effective immediately. It has been an honor serving with the dedicated Members and staff of the House of Representatives.

Sincerely,  
Todd Courser

By unanimous consent the House returned to the order of  
**Reports of Select Committees**

The Speaker laid before the House

**House Resolution No. 141.**

A resolution to expel Representative Cindy Gamrat of the Eightieth House District, State of Michigan.

(For text of resolution, see House Journal No. 69, p. 1591.)

(The resolution was reported by the Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser on September 10.)

The question being on the adoption of the resolution,

Rep. Brinks moved to amend the resolution as follows:

1. Amend the resolution, following the second Resolving clause, by inserting:

“Resolved, That, upon adoption of both this resolution and House Resolution No. 145, a copy of the unredacted report and evidentiary record prepared by the House Business Office on the investigation of alleged misconduct by Representative Todd Courser and Representative Cindy Gamrat be forwarded to the Michigan Attorney General and Michigan State Police; and be it further

Resolved, That, upon adoption of both this resolution and House Resolution No. 145, the Michigan House of Representatives thereby requests that the Michigan Attorney General and Michigan State Police investigate the behavior and actions of Representative Cindy Gamrat cited in this resolution. A copy of this resolution shall be delivered to the Michigan Attorney General and Michigan State Police; and be it further”.

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

The question being on the adoption of the resolution,

The resolution was adopted, 2/3 of members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 296****Yeas—91**

Afendoulis	Glardon	Lauwers	Poleski
Barrett	Glenn	LaVoy	Potvin
Bizon	Goike	Leonard	Price
Brinks	Graves	Leutheuser	Pscholka
Brunner	Greig	Liberati	Rendon
Bumstead	Greimel	Love	Roberts, B.
Callton	Guerra	Lucido	Runestad
Canfield	Heise	Lyons	Rutledge
Chatfield	Hoadley	Maturen	Santana
Chirkun	Hooker	McBroom	Schor
Cochran	Hovey-Wright	McCready	Sheppard
Cole	Hughes	Miller, A.	Smiley
Cotter	Iden	Miller, D.	Somerville
Cox	Inman	Moss	Tedder
Crawford	Jacobsen	Muxlow	Theis
Darany	Jenkins	Neeley	Vaupel
Dianda	Johnson	Nesbitt	VerHeulen
Faris	Kelly	Outman	Victory
Farrington	Kesto	Pagan	Webber
Forlini	Kivela	Pagel	Yanez
Franz	Kosowski	Pettalia	Yonker
Garcia	LaFontaine	Phelps	Zemke
Geiss	Lane	Plawecki	

**Nays—12**

Banks	Durhal	Howrylak	Singh
Byrd	Gamrat	Irwin	Talabi
Driskell	Garrett	Robinson	Townsend

In The Chair: Leonard

Rep. Singh, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I hearby submit my verbal remarks as my no vote explanation.

I love this institution. The first time I came into these chambers was somewhere in 1990. I was an intern for the late Charlie Harrison, Jr. and when I came into this institution, it was packed with many people who had served decades, many of whom I looked up to as heroes and mentors. So when I got elected I took that awe that we all felt that first day when we walked in as an elected official, and to me, as I told members of my caucus earlier today, today is probably the most important vote that I will take in my entire tenure in the state House of Representatives. Because the state constitution gives us the most extreme power, which is to nullify the vote of about 90,000 people. And that is what we have been given the opportunity to do. As you’ve heard, it’s only happened three times in the history of our state, and the last two have happened since the 1963 constitution. I, from maybe the fourth or fifth day after the Detroit News article, began to hear members, including a member of the leadership team of the majority caucus, start talking about expulsion. It was even before the report was issued, before we had witnesses, but we had a member of the leadership team actually talk about expulsion, at least for one of the members, I don’t think he said for both, but at least one of the members. And so from that moment forth, I’ve been grappling with the fact that I knew we were going to end up here today. I’ll tell you, I’m a little surprised how quickly we ended up here, but I knew we would end up here at some point in time. I really, if you talk to my wife, know how much I have thought about this, calling former legislators including my mentor who

served in this body for 22 years, who actually served in the Monte Gerald expulsion from this chamber and asked them: What did they look at? What did they see? And again, as we've talked about, whether it's the two expulsions that have happened since 1963 or the different select committees that were created but resulted in people actually resigning before the expulsion vote, what you saw in every single instance, was that there were already criminal charges. In most cases, the criminal charges had actually worked their way through the court process. Monte Gerald's case, the one that we dealt with here in the House, had actually gone through conviction and that is why it rose to the conversation and was a felony, mind you, and rose to that occasion. Across the building when we expelled David Jaye, many of us were staffers and working with organizations, that individual had three drunk drivings, had pending charges of domestic violence, and a whole series of other things added to them. What I really struggled with is that today we're going to have a vote on expulsion and we haven't even started a criminal investigation. The past precedence of this chamber has been to allow the legal process to move itself through, and that's one of the reasons why yesterday I put forward my resolution to demand that the State Police and the Attorney General take a look at what criminal charges are actually in front of us today. You didn't even, as you made your resolution, ask to send this to the Secretary of State, the Attorney General or the State Police. You could have done it as the report was done, you could have done it as the committee was formed, you could have done it as the committee finished its work. But if you really believe these people should be expelled, why didn't we go through that criminal part of the investigation?

So I get to the process, and in the end, process does matter. That is the one thing we can control. I can't control the actions of the two members, I find them despicable, the actions they took. I find it an embarrassment to the institution. But the question is, doing a rushed process is also disrespectful to this institution. It should be giving us an opportunity to learn all of the information. So let me start off with my concerns with what that process was. I've already said this to the legal counsel of the majority, I didn't feel it was appropriate for the staff to make any recommendations to the members. The constitution allows us the right to expel members, not staff. We should have had a member, whether it was the chair of the committee or the Speaker of the House, I feel that should have been the starting point of the conversation about whether we should expel or do censure. I don't believe it's the role of staff to do that. Because again, that piece is really up to the member. It is our constitutional duty. I also was concerned with the flow of information. I found out recently that one of the individuals that we're talking about expelling, that she submitted a letter on Friday, that my members didn't even get the opportunity to see until Tuesday. There was conversations happening over the weekend, obviously, between her legal counsel and the Speaker's office and my members still did not have access to that information. Tuesday night, we found out an email had been exchanged between the legal counsel of one of the representatives and the legal counsel of the majority. We never had the opportunity to see that until the full report was actually presented to the media. My members, and your members if you weren't on the committee, had the opportunity to see this Tuesday afternoon. Not because the House Business Office sent this to us, they didn't. We had to go to a media outlet to get that. If you are asking me to make the most important decision a legislature can make, the most extreme action a legislature can make, you didn't even have the due respect to send me the 800 page report. I had to go to a media site to get access to it. If people were sent it, I wasn't. I never received that. And then to expect all of us to read through the 800 pages and the 5 hours of video. I can't imagine unless you've been on the committee that you've had enough time since Tuesday to actually read every single page and listen to all 5 hours of the audio, and I have not had that opportunity and that's why it makes it very difficult for me to move that process forward at this time.

Now I heard my good friend from the U.P. about there being some kind of deal and now I've read in the media that there was some potential deal between one of the members and the Speaker's office taking a look at potential censure and I want to know what was offered for that. Often times in court proceedings, when you stipulate to a recommendation, you probably say, 'Hey, stipulate to these facts and we will then move this forward.' So is that what occurred? I don't know that because nobody in the testimony of individuals talked about that conversation and that deal. I didn't know that deal was true until I obviously heard that the chair of the committee has at least heard about it. I thought it was just something in the paper but now it's obviously true that there was a conversation about it and obviously he was not involved in it. But I do now know that it did occur and why were we not given the information that there was conversation between the Speaker's office and that individual, and the potential stipulation of those facts that there was a recommendation for potential censure. To me, I have to understand all of those issues. Also, there were people who were on the list of witnesses that we wanted to have come forward. Now, we've been told time and time again, 'Well everything is in the 800 pages.' We have two whistleblowers who had the opportunity obviously to speak with the legal counsel, as well as with our House Business Office Director, and put things into a record. They were not under oath, they did not have any members that I'm aware of that were part of that process. Again, we're expelling somebody and no member was sitting in that and, Mr. Speaker, if you were sitting there, I apologize, but my understanding was there was not a single member in those conversations and those interviews. So how did we actually now get to a level of expulsion when not a single member has actually heard testimony from these individuals?

Now, I keep hearing it's in the report, but these individuals, if you had subpoenaed them, would have been under oath. That to me is the most important piece. That is one of the pieces that is missing here today. That the two whistleblowers were not under oath, did not have an opportunity to testify. Again, we have talked a lot about the timeliness of information, we talked a lot about the time we have had to review this. So my question is why are we doing this today? This was not

even on our agenda today, right? We did not know we were coming here today to vote on this. Why couldn't we have been given the weekend to go through the 800 pages and 5 hours of audio. Don't we owe that to this state, don't we owe it to 90,000 people before we nullify an election? I think so and that is why you have heard some of my members that are concerned. I will not be surprised that if at some point down the road, these members are expelled from this institution. Hey, it might be today, as well. And if they are gone, that's fine. Politically, for me, having two people of that extreme nature, probably benefits me and the issues I'm fighting for, but that's not why we're here. We're here to follow a process and to understand where we're moving things forward. I think the last thing that was probably the most disturbing to me was the testimony we had yesterday. The testimony of the former chief of staff of the Speaker who came forward and then we struck out of the public record his comments. I just went through and let me do this for you, because I know many of you have not had the opportunity to read all 800 pages, but if you did, there's a few pages I want you to take a look at. If you take a look at pages 150-160, you take a look at page 660, if you take a look at 662 and 673, you will see in that evidence chain that is brought forward in this resolution to expel, communications between that chief of staff and these two whistleblowers. So it is very clear in this record that has been presented to us that there was information that was available of an unfit environment for individuals to work there. Those two whistleblowers gave us information but yet found themselves terminated a couple months later. They were whistleblowers and we did not provide them protection. We have failed those two individuals and you don't even want to hear their testimony. That is why you're hearing the concern from many of us because today, our work is not done. I understand people want to get this over with, I want to get this over with. But until I have the two people that started this whole thing under oath, then I don't think we've done our due diligence. Then for the historical precedence, allow the Secretary of State, the Attorney General, and the State Police to do their work so we understand the criminal charges. Again, we're going to take the most extreme action, which is to nullify the vote of the people. We do not have all of the information, we do not know all of the facts, and we have time to make sure we do this right, that we have these facts, that we have people under oath, and we bring them in and subpoena. You put in your Resolution 129, which I supported, that you would subpoena people, if possible. That did require us to actually vote, today, to subpoena them, but you haven't given us that opportunity. So our work is not done here today, it might be done in a week, two weeks, maybe three months, but we need to make sure we do all of our due diligence, because I will not make the most extreme action that the constitution allows without having all of the facts. Thank you Mr. Speaker for the opportunity to speak today."

Rep. Durhal, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

Today I cast a no vote against HR141, regarding the expulsion of Rep. Gamrat. The reasoning behind my No Vote is not to excuse, condone, nor ignore the actions of Representative Gamrat. I am voting no because I believe the process in which expulsion was reached, is flawed. There was not ample time to examine evidence, witnesses were not subpoenaed to testify, and testimony was stricken from the record."

Rep. Driskell, having reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted no on HR141 because I do not agree with voting to expel a member without due process. While the body of the house voted to refer this matter for criminal investigation, which I agree with, the vote to expel before results of the investigation are known was premature. While I do not condone the alleged conduct, the higher standards for expulsion should apply a higher standard for our deliberative process."

Rep. Howrylak, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

The Constitutional process for expulsion of a member of the Michigan House of Representatives is one that should be used rarely and as a last resort. Indeed, only two times has the House expelled a member. Historically, expulsion was used to expiate a member who had been convicted of a felony. Many members of this body have entered this chamber who have not been able to get along with their colleagues. Some calibrated their ways and managed to succeed. Others were voted out of office by their constituents. Still others simply didn't run for re-election.

Ideally, the Select Committee to Examine the Qualifications of Representative Cindy Gamrat and Todd Courser should have been established with exactly one-half Republicans and one-half Democrats. It should have been co-chaired by a member from each party. While I am working my way through the recently released 833 page report, I have not had time to completely review the report and the proceedings from the committee. Ideally, this chamber would have the passage of an additional five days for individual members to conduct due diligence and digest all of the information that has been presented. An expulsion vote is irrevocable. Members need to be 100% on-board with such action prior to casting and affirmative vote.

Finally, the question should be asked as to whether or not the actions of Representative Gamrat has risen to a level that warrants expulsion. Perhaps there is a more appropriate punishment shy of expulsion. Indeed, in the entire history of the Michigan House of Representatives, only two members have been expelled and both of them had felony convictions.

Representative Gamrat has neither been charged with nor convicted of a crime. And while she has conducted activity that warrants punishment, expulsion from an elected office should necessarily require a very high threshold. Such action would deviate from historical standards used. If this body sees fit to go down that path, it needs to understand that it is a journey that is irreversible. In the future, more members will be readily expelled. Indeed any action to expel should not be done lightly, as it nullifies a vote of the electorate. It must be voted on by the House with complete certitude.

In light of this, the ideal situation would have been for Representative Gamrat to resign. Failing that, a delay in this vote until next week would have allowed the members of this body time to do the work necessary to have a fully informed vote on such a critical issue.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Rep. Schor offered the following resolution:

#### **House Resolution No. 145.**

A resolution to request that the Michigan Attorney General and Michigan State Police investigate the behavior and conduct of former Representative Todd Courser.

Whereas, The House Business Office’s report on the investigation of alleged misconduct by Representative Todd Courser and Representative Cindy Gamrat found that both representatives engaged in misconduct while in office and the misuse of state resources; now, therefore, be it

Resolved, That copies of the unredacted report and evidentiary record prepared by the House Business Office on the investigation of alleged misconduct by Representative Todd Courser and Representative Cindy Gamrat be forwarded to the Michigan Attorney General and Michigan State Police; and be it further

Resolved, That the Michigan House of Representatives hereby requests that the Michigan Attorney General and Michigan State Police investigate the behavior and actions of Representative Todd Courser cited in the House Business Office report on the investigation of alleged misconduct by Representative Todd Courser and Representative Cindy Gamrat. A copy of this resolution shall be delivered to the Michigan Attorney General and Michigan State Police.

The question being on the adoption of the resolution,

The resolution was adopted.

### **Comments and Recommendations**

Rep. Nesbitt moved that Rule 17 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Nesbitt moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Schor:

“Thank you Mr. Speaker. Colleagues, clearly it’s late, but throughout the discussion on expulsion, my concern, my big concern, has been that an investigation be conducted by qualified law enforcement. I voted no, originally, on the previous resolution, because I didn’t feel that we had a law enforcement entity involved in the discussions and investigations and we didn’t have an expert that could decide if a crime had been committed.

As much as I emotionally thought that it was the right thing to vote yes, and as much as I respect the House Business Office Director, I have been consistent in calling for a law enforcement investigation to ensure the integrity of the process in this institution and to ensure that we do our due diligence before expelling members.

With the new language that was just added, via the Brink’s amendment, I am now confident that a law enforcement entity, the Michigan State Police, will be conducting an investigation into the crimes committed. As such, I am now ready to vote in favor of this expulsion resolution. Thank you, Mr. Speaker.”

Rep. Lane:

“Thank you Mr. Speaker, I, too, would like to address my no vote that I cast yesterday. At no time did that no vote show a sign of support over the actions that lead us to this point.

Since our vote will make a history, I needed to feel that this historic vote would be made without regard, without regrets, that the process would be open, transparent, without criticism and I can now vote yes, thanks to the efforts of Speaker Cotter and Leader Greimel, for coming to a conclusion where an independent investigation would be conducted revealing any and all findings to provide a clear due process. Thank you.”

Rep. Gamrat:

“Thank you, Mr. Speaker. This is hard. I appreciate each and everyone of you here tonight and all that you’ve been through. I have tried in multiple ways to apologize, every way I know how, with my sincerest apology. I have made mistakes I deeply regret. I appreciate the comments that were made earlier by my colleagues and a number of my colleagues mentioned my family and I thank you for the care and concern that you have for my family. I have a few family members here tonight: my sister who, actually I told her not to come today and she did anyway, and my son who surprised me and came, I didn’t know he was coming today.

A lot of people have asked me, why not resign, why don’t you resign? I just want to share with you a little bit how it’s been over this last month, it’s been incredibly hard, as you can imagine and I pray that none of you have to go through what we’ve been through as a family. You can’t really imagine the discussions that we’ve had as a family and I have three teenagers and I just have to say that I have been so incredibly proud of the maturity that they have shown. The way they’ve handled themselves with the media at our home, the social media that we’ve gotten, and the support that they’ve given, they’ve been an inspiration to me. I truly think that our family is now stronger since this time.

As we talked as a family, we talked about a lot of things including resignation, something that we’ve talked about nearly everyday. We talked about how there can be honor in resignation, and we talked about how there can be honor in taking responsibility for your actions, as well. Resigning would have been a whole lot easier, I’ll tell you that, but sometimes the easy roads aren’t the best roads to take. We felt as a family, you know, I can’t go back, I can’t go back and change the past. The only thing I could do was try to go forward and try to do it better. We talked as a family about trying to take responsibility for what you’ve done, and how do you redeem a really bad situation? I firmly believe in restoration and redemption and if you don’t take responsibility and you’re not willing to take the steps to correct it, then you can’t have redemption and restoration. So we have worked, and I have worked very hard and diligently over this time.

You’re here to judge my fitness as a representative. Through this time, my office has worked very hard to come in compliance with the House Business Office, we have served constituents, resolved their issues, communicated everyday with constituents every day in district, through phone calls, through emails. I’ve continued to vote like I promised my constituents I would vote and I’ve continued to put forward legislation that I promised my constituents that I would do. Just yesterday, for example, I left my house at 6 A.M. to drive across my district to go to a breakfast, a legislative breakfast by the West Michigan Chamber, came over to Lansing to go to the committee, worked on constituent issues, then drove to a whole other side of my district for a town hall last night. I have done everything I can to redeem this situation.

I am sincerely sorry for what it’s caused, and I don’t know what else I could have done more, and I know in my heart the mistakes I’ve made, they’re not all the mistakes that are in the report, and I still believe that my actions warrant censure, but not expulsion. So I ask you tonight to consider what I’ve done, consider how I’ve handled this incredibly difficult situation, consider my family who’s asked me, in fact, even tonight after the other representative resigned, ‘Mom, don’t resign. We’re a family that fights through it, and we’ll get through it.’ I just ask you to consider all those things when you think about my fitness, because I believe those mistakes don’t make up who I am. Thank you.”

Rep. McBroom:

“I incorporate all of my comments from my previous speeches on House Resolution 139.”

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Rep. Nesbitt moved that when the House adjourns today it stand adjourned until Wednesday, September 16, at 1:30 p.m. The motion prevailed.

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

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Rep. Hooker moved that the House adjourn. The motion prevailed, the time being 4:30 a.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, September 16, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

