

No. 70  
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**House of Representatives**  
98th Legislature  
REGULAR SESSION OF 2015

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House Chamber, Lansing, Thursday, September 10, 2015.

12:00 Noon.

The House was called to order by the Speaker.

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	Glardon—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—present	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. Al Pscholka, from the 79th District, offered the following invocation:

“Lord of Mercy, Prince of Peace,  
The date, 9-11 carries a heavy burden of memory.

This day does not pass in the calendar without our remembering. We remember images that human eyes were never meant to see. We remember words our ears were never meant to hear...the tender last words of husbands and wives who would never embrace again.

We imagine the feeling of emptiness in the arms of children who at the end of the day could not find Mom or Dad for their welcome home hug. We remember, Lord, our own feelings of emptiness in our sense of security, as our own confidence in the predictable order of life and work was radically shaken.

The date, 9-11 carries a heavy burden of memory.

We remember the heroism of the many that lost their lives in saving others. May their dedication to protecting life serve as a shining lamp of love. Men and women who answered the call of honor, duty, and service. May their memories be sanctified with joy and love. Give peace to their brothers and sisters who are with us today, watch over them as they protect us, and defend freedom and justice. We pray today for the family of Lansing firefighter Dennis Rodeman.

The date, 9-11 carries a heavy burden of memory. We remember all those who suffered and died, we grieve for them still, friends and strangers alike, along with their families and friends. And it is right that it should not pass from our memory. But today and in this prayer, Lord, along with our remembrance of profound loss, it also seems right to give voice to our deep longing for peace, and with this prayer, commit ourselves to those actions that will draw us closer to our most ancient and holy desire - peace among all God’s children.

And all of God’s people said - Amen.”

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Rep. Nesbitt moved that Rep. Clemente be excused from today’s session.  
The motion prevailed.

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

### Reports of Select Committees

The Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser, Rep. McBroom, Chair, reported

**House Resolution No. 139.**

A resolution to expel Representative Todd Courser of the Eighty-Second House District, State of Michigan.  
(For text of resolution, see House Journal No. 69, p. 1589.)

With the recommendation that the resolution be adopted.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. McBroom, Heise, VerHeulen and LaFontaine  
Nays: None

The Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser, Rep. McBroom, Chair, reported

**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.)

With the recommendation that the resolution be adopted.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. McBroom, Heise, VerHeulen and LaFontaine

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McBroom, Chair, of the Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser, was received and read:

Meeting held on: Thursday, September 10, 2015

Present: Reps. McBroom, Heise, VerHeulen, LaFontaine, Chirkun and Liberati

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McBroom, Chair, of the Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser, was received and read:

Meeting held on: Wednesday, September 9, 2015

Present: Reps. McBroom, Heise, VerHeulen, LaFontaine, Chirkun and Liberati

**Reports of Standing Committees**

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

**House Bill No. 4660, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3515 (MCL 500.3515), as amended by 2005 PA 306.

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4661, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing section 2477d (MCL 500.2477d).

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4662, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing section 2409c (MCL 500.2409c).

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4663, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as amended by 2013 PA 5.

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4664, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing sections 2409 and 2409a (MCL 500.2409 and 500.2409a).

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4665, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing sections 2477a, 2477b, and 2477c (MCL 500.2477a, 500.2477b, and 500.2477c).

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4666, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16243 (MCL 333.16243), as amended by 1993 PA 79.

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4667, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing section 2409b (MCL 500.2409b). 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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

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

**House Bill No. 4668, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 803 (MCL 436.1803).

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. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 10, 2015

Present: Reps. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Kosowski, Derek Miller and Wittenberg

Absent: Rep. Clemente

Excused: Rep. Clemente

The Committee on Military and Veterans Affairs, by Rep. Barrett, Chair, reported

**Senate Bill No. 298, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 50a and 502c (MCL 750.50a and 750.502c), section 50a as added by 1994 PA 42 and section 502c as amended by 1998 PA 38.

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. Barrett, Hughes, Hooker, Outman, Glenn, Rutledge, Talabi and Faris

Nays: None

The Committee on Military and Veterans Affairs, by Rep. Barrett, Chair, reported

**Senate Bill No. 299, entitled**

A bill to amend 1970 PA 207, entitled "An act to exempt certain dogs from license fees," by amending the title and section 1 (MCL 287.291), the title as amended by 1981 PA 74 and section 1 as amended by 2000 PA 4.

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. Barrett, Hughes, Hooker, Outman, Glenn, Rutledge, Talabi and Faris

Nays: None

The Committee on Military and Veterans Affairs, by Rep. Barrett, Chair, reported

**House Resolution No. 121.**

A resolution to urge the Congress of the United States to oppose the Iranian nuclear agreement and affirm the rights and responsibilities of the states to sanction businesses under their jurisdiction for conducting business with state sponsors of terrorism.

(For text of resolution, see House Journal No. 66, p. 1545.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Barrett, Hughes, Hooker, Outman and Glenn

Nays: Reps. Talabi and Faris

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Barrett, Chair, of the Committee on Military and Veterans Affairs, was received and read:

Meeting held on: Thursday, September 10, 2015

Present: Reps. Barrett, Hughes, Hooker, Outman, Glenn, Rutledge, Talabi and Faris

Absent: Rep. Courser

The Committee on Education, by Rep. Price, Chair, reported

**House Bill No. 4284, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278e.

With the recommendation that the bill be referred to the Committee on Workforce and Talent Development.

Favorable Roll Call

To Report Out:

Yeas: Reps. Price, Garcia, Callton, Hooker, Somerville, Yonker, Kelly, Tedder, Santana, Brinks, Schor, Chang and Greig

Nays: Rep. Chatfield

The recommendation was concurred in and the bill was referred to the Committee on Workforce and Talent Development.

The Committee on Education, by Rep. Price, Chair, reported

**House Bill No. 4790, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2015 PA 85.

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. Price, Garcia, Callton, Hooker, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder, Santana, Brinks, Schor, Chang and Greig  
Nays: None

The Committee on Education, by Rep. Price, Chair, reported

**Senate Bill No. 170, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278d. With the recommendation that the bill be referred to the Committee on Workforce and Talent Development.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Price, Garcia, Callton, Hooker, Somerville, Yonker, Kelly, Tedder, Santana, Brinks, Schor, Chang and Greig  
Nays: Rep. Chatfield  
The recommendation was concurred in and the bill was referred to the Committee on Workforce and Talent Development.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 10, 2015

Present: Reps. Price, Garcia, Callton, Hooker, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang and Greig

Absent: Rep. Courser

**Introduction of Bills**

Rep. Kelly introduced

**House Bill No. 4860, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2568 (MCL 600.2568), as added by 2002 PA 698.

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

Rep. McCready introduced

**House Bill No. 4861, entitled**

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 52 (MCL 559.152), as amended by 2000 PA 379.

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

Reps. Chatfield, Kelly and Moss introduced

**House Bill No. 4862, entitled**

A bill to regulate local ordinances controlling the placement, appearance, or operation of bins for the collection of certain reusable or recyclable materials; to provide for permits and fees; to prescribe the powers and duties of certain state agencies and local units of government; and to provide for civil sanctions and remedies.

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

Reps. Chatfield, Kelly and Moss introduced

**House Bill No. 4863, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2012 PA 389.

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

Rep. Kivela introduced

**House Bill No. 4864, entitled**

A bill to amend 2014 PA 276, entitled "Methamphetamine abuse reporting act," by amending section 4 (MCL 28.124). The bill was read a first time by its title and referred to the Committee on Criminal Justice.

**Announcements by the Clerk**

September 8, 2015

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit report on the Procurement Card Program, Department of Technology, Management, and Budget, September 2015.

Gary L. Randall  
Clerk of the House

By unanimous consent the House returned to the order of

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, September 10:

<b>House Bill Nos.</b>	<b>4847</b>	<b>4848</b>	<b>4849</b>	<b>4850</b>	<b>4851</b>	<b>4852</b>	<b>4853</b>	<b>4854</b>	<b>4855</b>	<b>4856</b>	<b>4857</b>	<b>4858</b>	<b>4859</b>	
<b>House Joint Resolution</b>	<b>CC</b>													
<b>Senate Bill Nos.</b>	<b>439</b>	<b>440</b>	<b>441</b>	<b>442</b>	<b>443</b>	<b>444</b>	<b>445</b>	<b>446</b>	<b>447</b>	<b>448</b>	<b>450</b>	<b>451</b>	<b>452</b>	<b>453</b>
	<b>454</b>	<b>455</b>	<b>456</b>	<b>457</b>	<b>458</b>	<b>459</b>	<b>460</b>	<b>461</b>	<b>462</b>	<b>463</b>	<b>464</b>	<b>465</b>	<b>466</b>	<b>467</b>

The Clerk announced that the following Senate bills had been received on Thursday, September 10:

<b>Senate Bill Nos.</b>	<b>356</b>	<b>384</b>	<b>385</b>
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**Messages from the Senate**

**Senate Bill No. 356, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 12 and 1211 (MCL 380.12 and 380.1211), section 12 as amended by 2013 PA 96 and section 1211 as amended by 2012 PA 285.

The Senate has passed the bill.

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

**Senate Bill No. 384, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 43b (MCL 400.43b), as added by 2002 PA 573.

The Senate has passed the bill.

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

**Senate Bill No. 385, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 2006 PA 401.

The Senate has passed the bill.

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



The Speaker Pro Tempore assumed the Chair.



By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Nesbitt moved that there be a Call of the House.  
 The motion prevailed, a majority of the members present voting therefor.

#### Proceedings Under the Call

The roll of the House was called by the Clerk and Reps. Clemente and Chang were reported absent.

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

Rep. Nesbitt moved that the House proceed with the business under the Call.  
 The motion prevailed.

#### Reports of Select Committees

The Speaker laid before the House

##### **House Resolution No. 139.**

A resolution to expel Representative Todd Courser of the Eighty-Second House District, State of Michigan.  
 (For text of resolution, see House Journal No. 69, p. 1589.)

(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,

The resolution was not adopted, 2/3 of members serving not voting therefor, by yeas and nays, as follows:

#### **Roll Call No. 295**

#### **Yeas—67**

Afendoulis	Geiss	LaFontaine	Potvin
Barrett	Glardon	Lauwers	Price
Bizon	Glenn	Leonard	Pscholka
Brinks	Goike	Leutheuser	Rendon
Bumstead	Graves	Love	Roberts, B.
Callton	Heise	Lucido	Runestad
Canfield	Hooker	Lyons	Santana
Chatfield	Hughes	Maturen	Sheppard
Cole	Iden	McBroom	Somerville
Cotter	Inman	McCready	Tedder
Cox	Jacobsen	Miller, A.	Theis
Crawford	Jenkins	Muxlow	Vaupel
Darany	Johnson	Nesbitt	VerHeulen
Farrington	Kelly	Outman	Victory
Forlini	Kesto	Pagel	Webber
Franz	Kivela	Pettalia	Yonker
Garcia	Kosowski	Poleski	

## Nays—14

Brunner	Faris	Lane	Schor
Chirkun	Gamrat	Miller, D.	Singh
Courser	Howrylak	Robinson	Smiley
Dianda	Irwin		

In The Chair: Leonard

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

“Mr. Speaker and members of the House:

No Vote Explanation

Today I voted against House Resolutions 139 and 141 expelling Representative Todd Courser from the 82nd House District and Cindy Gamrat from the 80th House District within the Michigan House of Representatives. I’m gravely concerned this process is severely flawed. The House Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser has not done its due diligence. They have struck key testimony from Speaker Cotter’s office concerning the allegations from the official record and refused to call on key witnesses to testify in front of the body as to what they experienced while in Rep. Courser and Gamrat’s office. Quite simply, there is not sufficient information until that body finishes its work. I take each and every vote very seriously and this one is no different especially considering we will be removing members from this body. My hope is the Select Committee will continue its work and determine what specific parties knew and when they were involved.

I request my remarks be printed in the journal.”

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

“Mr. Speaker and members of the House:

*Today I voted against House Resolutions 139 and 141 expelling Representative Todd Courser from the 82nd House District and Cindy Gamrat from the 80th House District within the Michigan House of Representatives. I’m gravely concerned this process is severely flawed. The House Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser has not done its due diligence. They have struck key testimony from Speaker Cotter’s office concerning the allegations from the official record and refused to call on key witnesses to testify in front of the body as to what they experienced while in Rep. Courser and Gamrat’s office. Quite simply, there is not sufficient information until that body finishes its work. I take each and every vote very seriously and this one is no different especially considering we will be removing members from this body. My hope is the Select Committee will continue its work and determine what specific parties knew and when they were involved.*

*I would like this printed in the journal as my no vote explanation.”*

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

“Mr. Speaker and members of the House:

Today, the House of Representatives took up resolutions to expel Rep Courser and Rep Gamrat from the House of Representatives. This is the most drastic action that this body can take when dealing with its own members. It has happened only three times in the history of the House of Representatives.

This was a very difficult vote for me. These two individuals have done many things that I disapprove of and the public clearly disapproves of.

But my vote consideration was based on what evidence of wrongdoing and testimony was brought before the House of Representatives. So here is what I know...

I know what the Detroit News reported. Two legislators, Reps Courser and Gamrat, were having an affair and covered it up. Rep Courser sent out a nasty email about himself in order to ‘inoculate the herd’ because the affair was being exposed, among other things. This has all been in the the news in the last few weeks.

As a result, the House business office did an investigation and issued a report. The summary was released last week but the full report (800+ pages) was released late Tuesday. The House then created a committee to investigate the competence of these Reps to serve. This committee took two days of testimony. Reps Courser and Gamrat testified, as did the House GOP legal counsel and the Speaker’s former chief of staff. The committee, though, did not allow many questions by Democrats and ruled them irrelevant. The committee also refused to move to subpoena the original whistleblower staffers

to testify. And it struck the former chief of staff's testimony from the record after he testified. With incomplete testimony, the committee this morning took up and passed the expulsion resolutions for both members. The GOP members voted yes and the Democrats refused to vote because of the incomplete testimony.

So how do I decide if it is appropriate for 107 members to throw out 2 other members. To take away the decision of those voters elected these two members to recall or not to re-elect these people. Who is the judge of their service so far? Is it each of their constituents? Is it the 90,000 people that each of them represent, or is it the other 107 of us? The Constitution allows us to expel our own members if 2/3 of the body agree to it. It gives us no conditions or limitations. This has only been done three times before in the history of the House of Representatives, and once in the Senate. Each time, the legislator was facing criminal charges. It is and should be rare.

So my decision is not an emotional one. Emotionally, I hate what they did and hate that they cast Michigan in such a bad light nationally. They made public servants and politicians look bad. But I am being asked to vote to expel two people and I will make a decision based on the information brought to us.

These are the allegations in the resolutions and my thoughts on each:

- Violations of House Rules – House rules are the rules that we agree to abide by. These are not laws, but are rules. Sometime the rules are waived. Sometimes Reps violate these rules and they are warned or censured. These have never, to my knowledge, lead to expulsion.
- Violation of Campaign Finance laws – This is a serious allegation. But the only person that we have telling us this is the House Business Office Director. I have tremendous respect for the Director, but he is not a campaign finance expert nor a member of law enforcement. I want to know if the Secretary of State believes that campaign finance violations occurred. And are they misdemeanors or felonies? None of this has been investigated or looked at by any of these authorities.
- Violated principles and guidelines for House staff – This is not law or rule. This is the document that tells people how to act. Staff can be fired for not acting correctly, but can a Representative really be expelled and a vote of the people nullified for violating guidelines?
- Abused staff – I served on legislative staff for seven years. In that time, I worked for two legislators and they both treated me great. But I saw other legislators who treated their staff poorly. Is this appropriate? No. But when this happens, legislative leadership removes staff from that office and assists constituents from the leader's office. Legislators can also be censured (lose committee assignments, have rights taken away, etc.) for inappropriate treatment of staff.
- Had an affair – Should we really be throwing people out of the House for having an affair? Should marital infidelity and hypocrisy be cause for expulsion?
- Lied about their actions and deceived – Should lying be a reason to throw someone out of the House?

It has also been argued that the people of these two legislative districts want these members removed. But we have recall process for that exact reason. So why shouldn't their constituents be the ones to throw them out? That is the law that we have – if the people want them out, they can and should recall them.

After reviewing all of this and the report and the committee proceedings, I decided that I do not have the information that I need to expel these two members. As such, I voted no on both. I hope that there is an investigation by the Attorney General or State Police or Secretary of State or Ingham County Prosecutor of their actions. I hope that we can hear from the staffers regarding what happened and when. This is one of the most important decisions we can make in the House. I hope we can revisit this when we have all of the necessary information before us."

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

"Mr. Speaker and members of the House:

**No Vote Explanation**

Today I voted against House Resolutions 139 and 141 expelling Representative Todd Courser from the 82nd House District and Cindy Gamrat from the 80th House District within the Michigan House of Representatives. I'm gravely concerned this process is severely flawed. The House Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser has not done its due diligence. They have struck key testimony from Speaker Cotter's office concerning the allegations from the official record and refused to call on key witnesses to testify in front of the body as to what they experienced while in Rep. Courser and Gamrat's office. As the minority vice chair of the committee, I requested the use of subpoena power to bring in additional witnesses forward to get specific answers to the questions my Democratic colleague and I have asked but were not answered in previous testimony. The staffers that were to be subpoenaed are central to the allegations specifically challenging the qualifications of Representative Courser and Gamrat to continue their legislative service. Quite simply, there is not sufficient information until that body finishes its work. I take each and every vote very seriously and this one is no different especially considering we will be removing members from this body. My hope is the Select Committee will continue its work and determine what specific parties knew and when they were involved."

Rep. Nesbitt moved to reconsider the vote by which the House did not adopt the resolution. The motion prevailed, a majority of the members serving voting therefor. The question being on the adoption of the resolution,

Rep. Singh moved that the resolution be referred to the Select Committee to Examine the Qualifications of Representatives Cindy Gamrat and Todd Courser.

The motion did not prevail.

The question being on the adoption of the resolution,

Rep. Nesbitt moved that consideration of the resolution be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Yanez, Greig and Hooker offered the following resolution:

#### **House Resolution No. 143.**

A resolution to declare September 2015 as Chiari Awareness Month in the state of Michigan.

Whereas, Chiari malformation is a neurological disorder where the cerebellum of the brain descends out of the skull and places pressure on the brain and the spinal cord; and

Whereas, Individuals with Chiari malformation also struggle with many other related conditions. A few of them are hydrocephalus, tethered spinal cord, intercranial hypertension, syringomyelia, and spina bifida; and

Whereas, It was estimated that Chiari malformations occur in 1 in 1,000 births. However, now with the use of MRI's becoming more frequent, it is believed that Chiari malformation is much more prevalent; and

Whereas, There are four different types of Chiari malformations, differing by the amount of the herniation protruding from the skull; and

Whereas, Chiari does not discriminate, it affects people of any age. The average age of diagnosis is in the mid-thirties. However, as pediatricians are slowly learning more about the condition, it is being found in children more frequently; and

Whereas, Chiari malformation is often considered an invisible illness. Chiarians are often not believed of their symptoms because none of them can be seen; and

Whereas, There is no cure for Chiari. There is for some Chiarians a surgery called a "Posterior Fossa Decompression" which can offer some relief of symptoms. However, this is not a cure, and for many they see no relief; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2015 as Chiari Awareness Month in the state of Michigan. We encourage all citizens to help educate and support family, friends, and neighbors who have been affected by Chiari. By increasing awareness of the risk factors and taking direct actions to reduce them, we can enable those who suffer from the disorder to live more peacefully; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor of Michigan and director of the Department of Community Health.

The question being on the adoption of the resolution,

Rep. Nesbitt moved that consideration of the resolution be postponed for the day.

The motion prevailed.

Reps. McCready, Crawford and Greig offered the following resolution:

#### **House Resolution No. 144.**

A resolution to urge the President of the United States and Congress to support the National Breast Cancer Coalition's goal of knowing how to end breast cancer by 2020.

Whereas, Michigan Breast Cancer Coalition and breast cancer prevention advocates across the country are joining their collective voices in the call for an end to breast cancer. State level advocates in conjunction with the National Breast Cancer Coalition (NBCC) are undertaking the challenge referred to as Breast Cancer Deadline 2020; and

Whereas, Breast Cancer Deadline 2020, created by the NBCC has set the goal and developed a strategic plan to know how to end breast cancer by January 1, 2020. NBCC developed a blueprint that involves research, access and influence. This includes leveraging financial resources, ensuring individuals at risk have access to information and medical care; and harnessing the influence of leaders in government and industry; and

Whereas, Breast cancer is the most commonly diagnosed non-skin cancer in women in the United States. Michigan counties have some of the highest incidences of breast cancer in the country. This disease affects women of all ages, claiming the lives of thousands each year; and

Whereas, The advancement of the NBCC strategic plan for eradicating this disease is imperative. This plan focuses on prevention, including how to prevent the often fatal metastasis of cancer once it is detected. All elements of the NBCC strategic plan are necessary to find an end to this disease; now, therefore, be it

Resolved by the House of Representatives, That we urge the President and of the Congress of the United States to support the National Breast Cancer Coalition's goal of knowing how to end breast cancer by 2020; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The question being on the adoption of the resolution,

Rep. Nesbitt moved that consideration of the resolution be postponed for the day.

The motion prevailed.

### 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. McBroom:

"Mr. Speaker, to you and all my colleagues of this esteemed body:

I am just a farm boy from a no-place called Waucedah in the 1/3 of Michigan with only a 3% of the population. So it is still, even after 5 years, deeply humbling and awesome to me to be here. When I consider my privilege it can still bring tears and an overwhelmed silence. I am walking in the footsteps, and paths, and halls of the very heart of history of this great state. I am an integral part of something so lovely, so close to perfect, and so strong that I risk being proud. Yet, the form of our government is also so fragile as to make me walk on tiptoes with reverence whenever praised.

These are the very essence of the glory and honor of this institution: strength, diligence, respect, beauty, order, forthrightness, and integrity.

Mr. Speaker, fellow House members,

It is with this deep seated respect for this institution, which is not any one of us , or all of us, but is the very manifestation of the people of this state, that I come before you to humbly implore your vote to expel two of our own body. The House select committee has met and made its recommendations to you. During the course of our hearings we had ample time to review the report and extensive evidence compiled by the House Business Office.

The report concludes that both members have abused state resources, including staff, violated numerous House rules and campaign laws. The members had an affair and then created and planned together to deceive their colleagues and the general public by producing an elaborate hoax e-mail. Not only was the e-mail willfully deceptive it alleges untrue conduct by other house members and contains language and descriptions that are overly offensive and are unbecoming to their high positions.

Upon the exposure of this complete disregard for truth both members still were unable to be honest. Lies about their behavior, the facts, and additional attempts at misdirection along with further maligning fellow members and the House rules and processes demonstrate a continued pattern of using deception for their own ends.

The two representatives even told others their decision to resign or not rested on the forthcoming content of the report-not on acknowledgement and acceptance of the self-known facts of misconduct. Since the committee began meeting both members have come before the committee with acknowledgement of the full scope of their misconduct. Both agree it is egregious, dishonorable, deceptive, dishonest, shameful, unbecoming, and has ZERO place in this House. They acknowledge the disrepute they brought, not only on themselves and their families, but also on their constituents, this House, and all the people of Michigan.

As both members acknowledge their acts as being evidence of unfitness both asked to committee to consider something short of expulsion. I believe this request must not be accommodated by this body. To the question of fitness or qualification for office one must consider the individuals' capability to fulfill their duties. Not only does their previous behavior demonstrate a lack of fitness but the evidence from the beginning of the term and the behavior until, and even during the committee, show a wanton lack of trustworthiness.

Public trust is absolutely essential to any member's ability to serve and is paramount for this body's ability to function. These two members have obliterated public trust in themselves and each day they continue here they reduce trust in this institution.



Mr. Speaker, and fellow members,

You may feel this does not rise to an expellable offense. But I ask you, if they cannot fulfill their office because no one can trust them how can they be qualified? The state constitutions have maintained, since our 1850 constitution, that this body is the sole judge of its members' qualifications. There is no other standard no necessary criminal behavior or felony standard. In fact in Mason's Manual it says the oath and each member's conduct are the sole protection against an unjust expulsion.

They have both admitted their guilt. They both agree to the damage they have done. And neither can offer any convincing, reliable argument that they are either being fully honest now or that the dishonesty, disrespect, and disdain they have previously shown was the outlier instead of the norm and true expressions of their character.

Now, even now in this chamber these two members are spreading absolutely false and misleading statements about the chair of the committee and seeming to conspire together in another misdirection. Absolutely NO deal was struck. In fact, the chair specifically said at that meeting with legal counsel present, that there were No guarantees the committee would adopt legal counsel's recommendation. I was not present when her statement was signed at all as that was a totally different day. The claim is ludicrous and shows a continuing disrespect and ignorance of the process – the chair knows the obvious that he cannot force members to vote his way in committee or here.

The other member now alleges the process has been rushed and is unfair despite statements under oath to the contrary yesterday. This deliberate attack is yet another violation of our house rules in attacking a fellow member.

You may feel the investigation didn't go far enough or that there remains even more proofs. I ask you- what more is necessary? They admit to the wrong doing. They admit to the deceit. They admit to destroying trust with willful misconduct. And if there be further matters to inquire into this house, connected or exposed by the report, I welcome all persons to do so. But, Mr. Speaker and members, that was NOT the question before the committee, nor is it before us now. I urge you; I implore you, stand with me in repudiating this behavior. Stand against deception and disdain and disdain and disrespect and lies. Stand with me in cleansing this body for the people it is of. Stand with me in voting to restore the glory and honor of this body; its strength, diligence, respect, beauty, order, forthrightness, and integrity.”

Rep. Courser:

“I want to really come before all of you and I have not had an opportunity to address all of you and the committee yesterday and in the days preceding all of this. I just wanted to say, you have my most heartfelt apology. I can't really give you any more than just to say that this is an esteemed place and an esteemed body and as I stood up there and I have done that several times and people kind of wonder what that is all about. As I stand there I look at that path down where the carpet is and I remember the first time walking down here I walked slowly and just with concern in saying, remember these steps, remember these steps, they are really important and they matter and I think I have fallen short.

In regards to my actions involving all of this and I think I just owe you folks and to say that I am sorry for the disrepute that I have brought to each one of you as members of this body. The difficulty it has brought to the state House and the people of our great state. I can't really answer the allegations I have done that over and over and try to just simply say it was a really difficult moment and a really difficult time and chapter in my life and I have asked obviously for censure, I have asked for your forgiveness, I have asked for simply to be given the opportunity to correct the wrongs I have done and move in the direction of trying to restore what I think can be restored.

So I don't come before you .... I know this is a difficult, difficult step and if you think this is a pattern of abuse, I think you have to move forward with expelling. If you think that this was a moment where there was a very difficult situation and really a lot of extenuating circumstances, and you can see my apology is sincere then I would ask that you folks would vote no on expelling me and that you would consider giving me another opportunity to serve with you. I realize this is really a hard step to take and I am taking the opportunity to do that; I am simply falling on the grace of your mercy of the members here today.

Thank you I appreciate that. I apologize if that is out of character at the moment.

I would just ask you folks, I would ask for your grace and forgiveness in this and actually you have my heartfelt apology and it has just been a privilege to serve here. It has, it really has. God bless you all.”

Rep. Heise:

“Thank you very much, Mr. Speaker. And thank you for this body for allowing me to serve as vice-chair of this committee. It's certainly a committee that nobody in this, in this body wants to serve on because our role is very important and our mission was very difficult. You know, we refer to ourselves and we refer to this chamber as an honorable body. And we use that term very quickly, sometimes flipantly, as if it's our first name, the honorable fill in the blank, the honorable body. Where does that honor come from? And I've been thinking a lot about that lately. Where does honorable come from? It doesn't come from this beautiful building. It doesn't come from these desks. It doesn't come from the facility that we work in. It comes from us. We have to provide the honor that goes into this honorable body. And we are not perfect people. God knows, we all make mistakes. We are imperfect, and we should always strive to correct our imperfections., to work on them. to seek forgiveness, and more importantly, to correct any errors that we have made in life. It's painful for me to have sat through these proceedings over the last several days and hear about what we just heard

right now from Rep. Courser. 'It was a moment – a bad moment.' How many bad moments maybe have we had in our lives? I bet we have all had our fair share. But what do we do when you have a bad moment? Well, God willing, we try to correct it. We ask for prayer. We ask for forgiveness. We try to change our ways. It doesn't happen overnight, but we work on it. And in this particular case, and Mr. Speaker, I am speaking to both resolutions, we've heard about these moments, these moments in time that have led to bad decisions. But how many of us continue along a bad path once a transgression has occurred? Do we work to cover up the transgression? Do we work with our taxpayer-financed staff to cover up that transgression? Do we issue repulsive and insulting emails deliberately to try to create a 'false flag,' to do a 'controlled burn,' to try to 'inoculate the herd?' Who the hell is the herd? The herd, I guess, is the public. It's you, it's me, it's the people who elected these two individuals to office. That's really shameful behavior. You're not asking for forgiveness, you're not asking for contrition, you're digging that hole deeper and deeper, and it doesn't just happen overnight. This has happened over time. This has happened for a long time and if you review the record, if you review that 800 pages that we've all had to look at and suffer through these past couple of weeks, you'll see that this is not something that was just a one-off deal. This has been going on for a while. I will submit my opinion, only, that I think this has been going on into last year, maybe even a couple of years before that. So this is a pattern of behavior. This is a pattern of behavior that has, over time, not only rendered these two individuals unfit for office and has eliminated their qualifications for office, but has disrespected the people that they took an oath to serve. And it is their residents that are the real victims in this thing. So what we need to do is do the right thing and put an end to this. This has got to stop and it's got to stop today. Now, I don't know what we're going to hear on the other side of the aisle here today. And anyone who suggests that we're rushing this process, or that it was unfair, even though Rep. Courser said under oath yesterday that it was fair, is simply putting on a display of their lack of knowledge.

Within one month, all of the following took place: The Speaker ordered an investigation; the House Business Office collected hundreds of pages of emails; thirteen witnesses were interviewed; five hours of audio were listened to repeatedly, and transcribed, and listened to by all the members of our select committee, a draft report was written; outside legal counsel was hired and reviewed the draft report and evidentiary record; a final report was then written; a committee was created and adopted rules. All committee members and legal counsel were given a week to review carefully and digest the record, and the entire record was made public. Now, we presented a detailed brief on why the expulsion for Rep. Courser and censure for Gamrat were appropriate. And we reviewed those recommendations and our committee also quizzed the witnesses, we reviewed the documents, we've listened to the tapes, and we determined on our own that expulsion was the proper course of action for both individuals.

In fact, even the accused members have admitted the evidence, and they've admitted that this process has been fair and open and just. Now, they can provide excuses, but they admit that the evidence is incontrovertible. There is always going to be an excuse. 'It was a moment.' Maybe we had a moment here today. What I resent is seeing the moments that I've witnessed on this House floor today with press conferences in the corners and on the House floor. That brings shame and disrepute to this body and I'm tired of it. It has got to stop and it stops today. All the evidence in possession of the House will be retained, and if law enforcement is interested in investigating it they can have it. Frankly, this process has been more fair and more transparent than any investigation of wrongdoing by any other sitting official. If you think you can do it better, then go for it, but I've got to tell you, any vote less, any vote less than expulsion today – you own it. You own it. So I'm just telling you, folks, the work has been done, the process has been fair, the evidence has been admitted to. The moments have got to stop, and we've got to bring honor and respect and dignity back to this body. I urge, I urge you all to support the expulsion of these two individuals. It pains me to say it, but it is the right thing to do for these folks, for their districts, for their voters, for the people that they represent, and most importantly for this honorable body. Thank you, Mr. Speaker."

Rep. Liberati:

"I also have a very deep-seeded respect for this institution in this House of Representatives and it is actually why I asked to be on this committee. I thought we were going to work in a bi-partisan manner to one of the...the most power we have invested in us is to expel another member. I put that at the highest bar, the highest, the highest bar. We police ourselves, it is in the constitution, we police ourselves. I wanted to be on this committee. I thought this would be a good opportunity to do good for ourselves and looking at the audio tapes I said we need to do something about this and get to the bottom of it.

Well, I think that was maybe one of my moments I shouldn't have did that, because all I have seen since this select committee started is a one sided it was not bipartisan....there was 4 Republicans and 2 Democrats, there was a striking of what I believed was very relevant testimony. It would have been more relevant, but I got cut off on my questions. So there are numerous things, we were ruled, questions ruled out of order not relevant numerous times, with numerous witnesses.

The biggest one to me is the subpoena. Ben Graham and Keith Allard started this whole thing and I wouldn't be sitting at this podium talking to my colleagues if it wasn't for Ben Graham taping that recording.

I know this 800-page booklet, folder of information was put together for us by the House Business Office and by the counsel, the leadership counsel. I am not going to take that book as gospel truth; I am trying to get to the bottom of what's in this report and every time, not every time, but multiple times my questions were ruled out of order, I objected.

Police our own members, but if we don't police our own members, there needs to be just a little bit of legitimacy; letting counsel testify on the time line when things happened.

So I cannot support the resolutions. One thing I want to read, the last Whereas in both resolutions: 'Whereas, Public trust and confidence in government are prerequisites to the functioning of a democratic society.' I don't think we have trust or confidence.

So I employ you, please let's take time out. Let's send this back to committee get the full list and get the full list of witnesses due diligence. I am in no way ready on kicking out 2 of my colleagues for the fourth time in history in this great state of Michigan."

Rep. Sarah Roberts:

"Thank you, Mr. Speaker. This is just such a difficult issue. It's just so very challenging for me and I have been, for days, really, trying to sort through it. We've been hearing about for weeks and months about, I guess the final outcome that is before us today. I think one of the consequences of term limits is this lack of mentorship as it relates to the institution, and protecting the institution and honoring the institution. And a colleague on the other side of the aisle talked about the importance of, you know, integrity and diligence and our responsibility to the institution and to this body. It was also said that if anyone came up and, sort of opposed the process was because there was simply lack of knowledge. You know what, I will absolutely agree with that, because I didn't serve on the committee, right? I wasn't there to hear what was presented. The first report that we got, the actual term 'sanitized' was used, and we received a sanitized, condensed version of the investigation by the House Business Office. I want to know why there wasn't an investigation by the Attorney General or possibly the Secretary of State. We were given the 800-page report two days ago. I know many of my colleagues, and I'll admit to it, I haven't been able to read 800 pages in two days, but I'm being asked today to vote on this. I haven't been given the opportunity that the members on the committee were given to make a decision about doing something we don't do very often in this body, that I think we all personally take very seriously. We know this is a big deal, but I don't have all of that knowledge. You know, I have questions about the process. Why was the committee not equally Republican and Democrat, why was it stacked? Why couldn't it have been a bipartisan body that looked into this? It was mentioned earlier, regarding another expulsion in the Senate, there were criminal charges and they took two months. This committee took two days. The third day was an organizational meeting. Two days. To me, there was a real lack of testimony and opportunity for people to come forward who had knowledge. We had testimony stricken from the record – why? I think this issue is also much larger than the very narrow scope that was given to this committee, which was specifically about Representatives Courser and Gamrat's, basically, ability to serve. I really want to know about when the staff went to leadership and what they said and when they said it and what decisions were made. Were these staff whistleblowers? Aren't they protected under law, but yet they were fired? There is more to this than just what some here have described as bad behavior. True, I think there has been some information that's been admitted to in terms of misuse of state dollars. But I think this issue, the gravity of this issue, truly deserves to be looked at with a much broader scope and brighter light. It really saddens me. I just feel there seems to be a continuation of behavior that completely circumvents the democratic process. I believe we have a responsibility to the people of the state of Michigan to make sure that every aspect of this issue was brought to light, opened and discussed in a public hearing. That those who wanted to speak, spoke. That there was subpoena power, for those who might have been afraid to tell the truth were going to be forced to tell the truth. The people deserve that, they deserve that process, that due diligence before we make a tremendous decision here today. I also believe we have a tremendous responsibility to the institution. And I think a two-day committee hearing, putting this vote on us today, is not respectful of the institution, nor is it respectful of us as representatives who are elected to make very important decisions for the people they are elected to represent. How can I in good conscience make this decision today? I can't. In the first time in five years, I will be refusing to vote today. I refuse to give any validation to this process, to this lack of process. There may have been things that have been done wrong, but we need more time, I believe. We need more information from more people, and I hope that you will join me in refusing to vote today and to demand that we have a deeper investigation outside of the House Business Office. That we really look into exactly what happened, who did what, when, where, and why?"

Rep. Singh:

"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. Chirkun:

"I rise in opposition today to the House Resolutions that seek to expel State Representatives Cindy Gamrat and Todd Courser today. Being the minority vice chair of the Select Committee to Examine the Qualifications of Representative Cindy Gamrat and Todd Courser, I saw the available evidence presented to the members of the committee. During the three days of committee hearings, my colleague Frank Liberati and I asked numerous questions of those that testified, only to be ruled out of order as it was not relevant to the task of the committee. Each one of our questions specifically had evidence stemming from the actual report and yet we were unable to get our questions answered. I still have many questions that have yet to be answered. When former Chief of Staff Norm Saari testified in committee, the body did an unrepresented thing by completely striking his testimony despite our questions pertaining directly from the report provided to us and directly relevant to the firing of staff.

Based on the evidence provided, I felt there was enough to significantly censure both Representatives Gamrat and Courser but without hearing directly from two key witnesses and getting all of the possible evidence and information, I was not ready to proceed with a resolution to expel both members at this point in time.

When I sought subpoena power in committee to bring additional witnesses forward and to get answers to these questions, I was denied. The staffers that were to be subpoenaed are central to the allegations specifically challenging the qualifications of Representatives Courser and Gamrat to continue their legislative service.

In addition, at the beginning of the hearings, House Republican legal counsel advocated for the expulsion of Representative Courser and the censure with strict conditions for Representative Gamrat. Yet, with little explanation or discussion, we are moving today to expel both, all while the majority of my legislative colleagues have not had enough opportunity to review the information presented to the committee and to receive the necessary answers to make their determination on how to proceed.

I believe legislators should make an informed decision on whether or not to pursue these expulsions and proper time and all of the facts must be provided. This is something that we should not take lightly in light of the historical precedent this establishes. Rather, we are trying to rush things through and not exercise the necessary due diligence to restore the faith and trust of the institution that is the Michigan House of Representatives."

Rep. Glenn:

“Mr. Speaker,

My standing today is a bitter duty. It is not one that I sought, but it is not one that I will shirk.

Today has been a burdensome day. I hosted, this morning, the family of a fallen Marine, and then we have this before us this afternoon. I say to the two representatives - at issue today, and to their families, that I am so sorry this day has become necessary, but I am absolutely not in doubt that it is. May I say to the chairman of the Select Committee that in terms of the eloquence and force of what I heard today in his words that he is just a farm boy like George Washington was just a farm boy.

I believe that as long as this issue continues, that harm will be done on multiple fronts. There’s probably nobody in this body that knows better or knows longer than I have one of the members at issue. Who I worked with, several years ago, on a daily basis, on a state-wide campaign. I know their family. Our families know each other. Last week, somebody started posting pictures, on the Internet, and said that they were G-rated compared to others that were available. Longer and longer this goes on, will eventually something be brought forward that does irreparable harm to families?

I believe damage is being done to constituents. All of our constituents have a right to at least a semblance of effective representation, and I know that is a subjective standard that the individual voter gets to make up in their own mind, but by every evidence I can see, the people that these two legislative districts and of our state are not in doubt. The only poll I’ve seen says that 70% in one district and 80% in another believe that the two legislators in question should no longer be in office. And I’m concerned because I can’t identify in my own mind what possible censure is available that doesn’t punish the constituency more than any individual? Individuals are stripped of committee assignments, their staff, their office. Who suffers most? I think it’s those who depend on staff and committee assignments for representation.

I think damage is done to some pretty important values that I believe in. I’m a guy that is a conservative. I believe in limited government and the cause of liberty and I believe the longer that those words and values are associated with the behavior that’s been put before us is evident and has been admitted to in the media, the more damage is done to those principles, whether you share those with me or not. Frankly, one thing that—I don’t think incensed is too strong of a word.

Each one of us sitting on this floor is one of one hundred and ten people, out of ten million, who are given the rare and privileged opportunity to take things, in which we strongly believe, our passions, and attempt to persuade other policy makers that they ought to become law. I think this is a sacred duty and obligation, but it’s certainly a privilege. It’s one that those of us who are conservative can use to advance our principles and those who have different principles can use to advance theirs.

The two legislators who share my general value system, in my opinion, have squandered that rare opportunity to have impact for the things they believe.

I believe as long as this issue goes on that the institution of the House of Representatives will be damaged further in the public eye. Somebody said what we do not condemn, we condone. Whether that be true or not, certainly, I think that is the public’s impression.

Is this a distraction to the people’s work? I observe that our friends in the media are here in volume today, not because we were honoring first responders and the families of those who have given their lives in the defense of this country, but because of this issue. When I go to public events in my district, people want to talk about this and not all of the other weighty issues that make up the people’s work.

One thing my standing here today is not motivated by is my ideology or because ‘they’re too conservative,’ but because I want to see the damaged stopped to their families, to their constituents, to values I share with them and to this institution.

I hope no member of the body, other than those who have already announced their intention, will by voting or refusing to vote, willingly and knowingly perpetuate the ongoing damage that is being done.

I can’t help but think of the example as to the substance to the question before us of a pastor. If your pastor was caught, and admitted to, was reported in the media as being guilty, of the behavior to which the two legislators at issue have admitted, would you offer Christian compassion and grace and encouragement and prayer and even forgiveness to them and their families? That’s what my faith teaches us to do. And so I make the pledge today, not that I have any expectation that it will be welcome, but I’ll give encouragement and counsel and prayer and grace and yes, even forgiveness.

But would that person remain your pastor? Would he remain in a position of public trust and leadership? I think we all know the answer to that.

I’ve been asked if I’m concerned about setting a new precedent, a low threshold, an absence of criminal prosecution or conviction, and I can honestly tell you I have no concern whatsoever. I trust some future 2/3 majority of this body to judge some future set of circumstances. And I trust this body to make the same judgement, as we’re given wide latitude to do by the Constitution of the State of Michigan, and I would point out that investigation of the Secretary of State or the Attorney General or the Ingham County Prosecutor, or any other law enforcement officer may yet occur and in fact the evidence is now public and available to any of those law enforcement officers should they choose to act.

But that is a totally separate and distinct question from the resolution before us today.

We are not a court of law, we are not prosecutors, we are charged and authorized by the constitution of the State of Michigan to individually, on behalf of the 90 thousand people we represent; reach in our own minds, our own judgements and conclusions, as to the continued fitness for office and to the potential damage being done to families, constituents, important values, and to this institution.

I would assert to you from everything I've seen, all the evidence I've seen, the public, Republican or Democrat, or anything else is not in doubt. And honestly, I believe that the public will hold accountable anyone who acts at odds with what I believe the public's conclusion is regarding the actual substantive question before us.

I'm a Christian. [...]

I also read somewhere that if they rebuke a wise man, he will love me. As time passes, maybe that will be the case, maybe not. But my ultimate duty, and I believe yours, is to the public of the State of Michigan and to the public trust.

I'll conclude Mr. Speaker, by inviting the public to judge if and where partisanship may be on display. No member of House staff is on trial. The resolutions before us deal with the fitness and qualifications of members of the body.

We on this side of the aisle are policing our own, without consideration of their party affiliation. But on the merits of the evidence that is voluminous, it is public, and it has been admitted to, there is no question. That's the only thing you really get to vote on today, if you choose to vote.

I appeal to the compassion, humanity, and decency of my friends on both sides of the aisle. I don't say that as a political throw-away, because in the several months that we've been here, as far as I know, my interaction, with the members of this body, with my colleagues, have been as civil, and as respectful, with those on this side of the body, as it has been on the other side.

So, I appeal to your compassion for these families. I appeal to your humanity, to your decency, on the merits in the damage to families, to constituents, to the House of Representatives, and the values, I think, include what we would universally agree is a standard of right and wrong. We know what's right. We know what's wrong. We're not often called upon to vote on something like that.

We can disagree on policy. I haven't heard anyone say, anywhere in this body, that there's any disagreement about what we would universally agree on what was right and wrong and I want it to end today, because I care about these families. We have a duty to their constituents. I care about this state.

That verse I said a minute ago about 'what I love I might rebuke': It's motivated not only by love for people I've known for years, and their families, but love of my country, and for our constitutional republic based on consent of the governed.

And goodness folks, shouldn't it be our job to try to restore public faith? We have an opportunity to do that today. Mr. Speaker, I urge my colleagues, on both sides of the aisle, as painful and bitter of a duty as this is, to join me in voting in favor of both resolutions of expulsion. Thank you Mr. Speaker."

Rep. McBroom:

"Mr. Speaker, I am loathe to trouble the members with coming to the members twice today. However, my duties as chair of the select committee and the integrity I brought to this job have been questioned and misrepresented. Perhaps I did not speak clearly enough so I will re-iterate and correct:

- There was NO deal. Any characterizing of one is not true. I told that member, in the presence of counsel, that I would not pressure any members against counsel's recommendation before the evidence and committee completed their work but there was No deal.
- As for not calling on the "two people" who started this – those speaking these words are ignoring the fact that the real two who started this did testify, under oath and admitted to the report and to all the misconduct. I contend that must be totally sufficient to know what to do.

Finally, Mr. Speaker, I personally am deeply hurt by these continuing allusions to my improperly handling the committee. I thought I had a better reputation. I see that my efforts to allow all members leeway on the committee are not gratefully received. I now see that it is impossible for some to see past a partisan label and have added to my heartbreak today.

Unfortunately, what we see here now is more politicization."

Speaker Cotter:

"With your permission, I would like to speak to both House Resolution No. 139 and House Resolution No. 141.

This is a sad day for this state and for this chamber. Representatives Courser and Gamrat set these events in motion many months ago and have let down the constituents of the 80th and 82nd House districts, their colleagues, and most importantly, their families.

But we have before us today a constitutional duty to protect the integrity of this body and to serve the people who have sent us here. The Constitution provides that we alone are responsible for determining whether a member is qualified to serve and we must not shirk the heavy burden placed on us today.

The Select Committee to examine the qualifications of Representative Todd Courser and Representative Cindy Gamrat have recommended that this chamber vote to expel these two members. They have determined that there is sufficient evidence to demonstrate that Representative Courser and Representative Gamrat are unfit to continue to serve in the offices they were elected to.

I agree with the recommendation of the committee we all trusted to undertake this challenging endeavor.

The evidence has demonstrated that Representative Courser and Representative Gamrat repeatedly displayed a pattern of disregard for their constituents and the responsibilities of their office. Further, their actions consistently show a disdain for this institution and the members that comprise it.

We are responsible for cleaning up this mess, rooting out all wrong-doing, and getting the House focused again on the people's work.

It is with a heavy heart that I ask you all to support these resolutions to expel two of our own. We all took an oath to fulfill the duties and responsibilities of Representative and where there has been spectacular failure in that respect, we all maintain a duty to protect this institution.”

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 Friday, September 11, at 12:01 a.m. The motion prevailed.

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Rep. McBroom moved that the House adjourn. The motion prevailed, the time being 11:59 p.m.

The Speaker Pro Tempore declared the House adjourned until Friday, September 11, at 12:01 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

