

MICHIGAN AFSCME COUNCIL 25
EXECUTIVE BOARD
LEGISLATIVE REPORT
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ELECTION BRINGS VICTORIES AND CHALLENGES

The Labor Movement in Michigan delivered a huge victory to President Obama – Michigan has voted Democratic in every presidential election since 1990! This is a major victory for healthcare for all Americans, protection of collective bargaining rights through federal law for private employees and transit workers, continued efforts to restore the middle class and fairness in the federal tax structure. Senator Stabenow was re-elected by a landslide and we maintained our congressional delegation.

At the State level, only the House of Representatives was on the 2012 ballot. There Michigan cut the Republican majority in half with major victories for endorsed candidates. But threats to collective bargaining rights of public sector employees continue as anti-labor control continues in all three branches of government. Even with the victory of one of our endorsed candidate for the State Supreme Court, the current 4-3 split continues.

This year ballot proposals took center stage with an AFSCME/MSEA led referendum on the Michigan Emergency Manager Law and 5 constitutional amendments.

Proposal 1

Opponents of local democracy and workplace democracy were dealt a blow with the rejection of PA 4 by a margin of 52.8%. Even more telling was the fact that the emergency manager law was rejected in 75 of the 83 counties and in many legislative district in which the local legislator voted for the measure. We have already identified over 30 legislators whose districts rejected the law they voted for last year, sometimes by over 65%! Those districts include the districts represented by the Senate Republican Leader and Floor Leader and the House Republican Floor Leader. MSEA members made up a major part of a contingent of Stand Up for Democracy advocates who visited offices of those legislators to remind them of their responsibility to represent their constituents as we seek better ways to deal with the fiscal problems of local governments.

The Governor's office has publicly acknowledged that reenactment of what was a central strategy of this administration would be a slap in the face to Michigan voters. But the proposal he has shared with us includes provisions that would reenact most of PA 4 virtually word for word. We have responded with a counter proposal that would respect the will of the people, local democracy and collective bargaining agreements. Governor Snyder's legislative liaison, former Lt. Governor Dick Posthumus, continues to insist that contract abrogation be included. However, some of the Governor's proposals are more promising including a neutral mediation process involving all local stakeholders including labor. We don't know if the matter will be taken up in the lame duck session or moved to next term as of know. The Governor's Chief of Staff, Dennis Muchmore, has agreed to meet with a Stand Up for Democracy delegation next week.

Proposal 2

The most devastating loss of the 2012 election was the failure to enact a state constitutional amendment to guarantee collective bargaining rights for all Michigan workers, public, private and state civil service. Worse, the loss of the proposal reignited a push by right wing Republicans to make Michigan a so-called "Right to Work" state. Tensions have run very high during the first week of the lame duck session and that will continue as many moderate Republicans have now abandoned us and indicated they would vote for such a measure if it comes to the floor. But the Governor and the Republican leadership are well aware of the turmoil such an action would cause. Democrats in the House have threatened to withhold votes on any and all initiatives if RTW begins to move. That threat has had an effect on those who were not inclined to move the bill in the first place, including Governor Snyder but the Governor has still refused to threaten to veto the bill if it gets to his desk.

Proposal 3

AFSCME supported the effort to require increased use of renewable energy but the labor movement as a hold was split on the issue. Like all five of the Constitutional amendments on the ballot the proposal was defeated.

Proposal 4

The Labor Movement was united in support of this measure (led by SEIU) to guarantee collective bargaining rights for state subsidized home health care workers but even with solid support from advocates for seniors and people with disabilities the proposal also went down to defeat.

Proposal 5

Labor was also united in opposition to this strangling anti-government proposal to require a 2/3 vote for any increase in taxes as to rate or base and we were successful as the people of the State continue to demonstrate at the ballot box that they recognize the need for a fair tax system to pay for vital public services.

Proposal 6

Most of labor, including AFSCME, also opposed the proposal of billionaire Matty Maroon to constitutionally protect his bridge to Canada monopoly in Detroit by requiring a statewide and local vote on any bridge not yet in operation. This was a particularly important issue to road workers as the Obama Administration has agreed to count the \$500 million pledge of the Canadian government to cover Michigan access to the proposed New International Trade Crossing as match for federal road money. Michigan's continued slow economy combined with the disastrous tax policies of the Snyder Administration has jeopardized the State's ability to maximize federal aid for critical infrastructure maintenance. As the match is 4 to 1 the \$500 million in Canadian money can bring in \$2 billion in federal money to Michigan.

CIVIL SERVICE COMMISSION EFFORTS CONTINUE

The State Employees Coalition has finalized language on proposed changes to Michigan Civil Service rules designed to give us back the right to fight costly outsourcing of our jobs. This rule change is more important than ever. We are meeting with members of the Civil Service Commission to bring these rule changes before the Commission and halt the new form of patronage that the Governor and the Legislature refers to as "privatization".

LEGISLATIVE SESSIONS

The "lame duck" session of a Michigan Legislature is often referred to as the "silly season" because of its unpredictable nature. This year it is potentially disastrous to labor as noted above. Anything could happen as bills are discharged from committee without any review or opportunity for testimony and actions take place without notice. Please make sure you have your personal email address on file with the union office so that we can alert you as quickly as possible of threats (or worse action).

The "lame duck" session is called that because it is comprised of the legislators that were serving before the election. Many House members are term limited and others we defeated in the 2012 election. But they are in office until the end of the year and continue to have full authority to act. New members do not take office until January.

Here are some of the issues that have lingered on the House and/or Senate calendars for long periods of time without action (and hopefully will die there with the end of the term). Any of them could be taken up and voted on without any warning. Of particular concern are “second house” bills that have already been adopted in one of the chambers. (A first house bill if passed could not be acted on in the second chamber for at least five calendar days pursuant to the Michigan Constitution.)

SENATE CALENDAR

SB 397 Sen. Jones

Labor; arbitration; procedures for arbitration of police and fire labor disputes; revise.
Amends secs. 2, 3, 5, 6, 8, 9 & 10 of 1969 PA 312 (MCL 423.232 et seq.).

Reported by Committee on Government Operations.

Committee recommended I.E.

SB 413 Sen. Jansen

Retirement; state employees; prohibition of receiving retirement allowance if return to state service; remove for certain child welfare employees.

Amends sec. 68c of 1943 PA 240 (MCL 38.68c).

Reported by Committee on Appropriations.

Senate substitute (S-1).

Committee recommended I.E.

HB 4059 Rep. Knollenberg

Labor; collective bargaining; public employer contracts that pay union officials for time conducting union business; prohibit.

Amends sec. 10 of 1947 PA 336 (MCL 423.210).

I.E. House, April 14, 2011.

House substitute (H-2).

Reported by Committee on Reforms, Restructuring and Reinventing.

Senate substitute (S-7).

Committee recommended I.E.

SECOND HOUSE BILL

HB 4790 Rep. Cotter

Counties; boards and commissions; requirement for competitive bidding by county road commissions on certain projects involving townships; provide for.

Amends 1909 PA 283 (MCL 220.1 - 239.6) by adding sec. 19c to ch. IV.

I.E. House, June 23, 2011.

House substitute (H-1).

Reported by Committee on Transportation.

Senate substitute (S-4).

Committee recommended I.E.

SECOND HOUSE BILL

HB 5152 Rep. Outman

Vehicles; equipment; definition of special mobile equipment; clarify, and exempt portable conveyors from brakes requirement.

Amends secs. 62 & 705 of 1949 PA 300 (MCL 257.62 & 257.705).

I.E. House, March 13, 2012.

House substitute (H-1).

Reported by Committee on Transportation.

Committee recommended I.E.

SECOND HOUSE BILL

SB 904 Sen. Hune

Human services; services or financial assistance; suspicion-based drug testing for public assistance recipients; require.

Amends 1939 PA 280 (MCL 400.1 - 400.119b) by adding sec. 10d.

Reported by Committee on Families, Seniors and Human Services.

Senate substitute (S-5).

Committee recommended I.E.

HB 5223 Rep. Farrington

Human services; services or financial assistance; applicant substance abuse testing; include in eligibility criteria for family independence assistance program benefits.

Amends 1939 PA 280 (MCL 400.1 - 400.119b) by adding sec. 57v.

I.E. House, June 7, 2012.

House substitute (H-1).

Reported by Committee on Families, Seniors and Human Services.

Senate substitute (S-3).

Committee recommended I.E.

SECOND HOUSE BILL

HB 5267 Rep. Genetski

School aid; membership; special pupil membership count and seat time exception for qualifying dropout recovery program; provide for.

Amends secs. 6 & 101 of 1979 PA 94 (MCL 388.1606 & 388.1701) & adds sec. 23a.

I.E. House, June 7, 2012.

House substitute (H-2).

Reported by Committee on Education.

Senate substitute (S-2).

Committee recommended I.E.

SECOND HOUSE BILL

HB 5301 Rep. Price

Transportation; funds; conditions to receive funding from Michigan transportation fund; modify.

Amends 1966 PA 293 (MCL 45.501 - 45.521) by adding sec. 14a.

I.E. House, June 7, 2012.

House substitute (H-4).

Reported by Committee on Transportation.

Senate substitute (S-1).

Committee recommended I.E.

Refer to Committee of the Whole pursuant to Rule 3.701.

SECOND HOUSE BILL

HB 5302 Rep. Roy Schmidt

Transportation; funds; local road agencies; require adoption of best practices and asset management standards as a condition of receiving funds.

Amends 1951 PA 51 (MCL 247.651 - 247.675) by adding sec. 18j.

I.E. House, June 7, 2012.

House substitute (H-4).

Reported by Committee on Transportation.

Senate substitute (S-2).

Committee recommended I.E.

Refer to Committee of the Whole pursuant to Rule 3.701.

SECOND HOUSE BILL

HB 5313 Rep. Jacobsen

Transportation; funds; conditions to receive funding from Michigan transportation fund; modify.

Amends 1973 PA 139 (MCL 45.551 - 45.573) by adding sec. 4a.

I.E. House, June 7, 2012.

House substitute (H-4).

Reported by Committee on Transportation.

Senate substitute (S-1).

Committee recommended I.E.

Refer to Committee of the Whole pursuant to Rule 3.701.

SECOND HOUSE BILL

HOUSE CALLENDAR

SB 971 Sen. Richardville

Labor; public service employment; definition of public employee; restrict.

Amends sec. 1 of 1947 PA 336 (MCL 423.201).

(Reported by the Committee on Government Operations.)

(Passed; motion for immediate effect; record roll call ordered; passed for day March 1, 2012.)

(For Senate amendment, see Senate Journal No. 17, page 231.)

SECOND HOUSE BILL

HB 4306 Rep. Agema

Education; school districts; contracting and competitive bidding for certain noninstructional services; require.

Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1245.

(Reported by the Committee on Education.)

(For House substitute (H-4), see Session Website.)

(For House amendments, see House Journal No. 41 of 2011, page 621 or Session Website.)

SJR C Sen. Jansen

Labor; civil service employment; health benefits of public employees and officers; allow legislature to regulate.

Amends the state constitution by adding sec. 9 to art. XI.

(Reported by the Committee on Oversight, Reform, and Ethics.)

(Not adopted; motion to reconsider postponed temporarily June 30, 2011.)

(Reconsidered; passed for day August 24, 2011.)

(For House substitute (H-2), see Session Website.)

(Requires 2/3 vote for adoption, Const. 1963, Art. 4, Sec. 43.)

SECOND HOUSE

HB 5174 Rep. Bumstead

Corrections; other; use of a certain youth correctional facility to house adult inmates; provide for.

Amends secs. 20g & 20i of 1953 PA 232 (MCL 791.220g & 791.220i).

(Reported by the Committee on Appropriations.)

(For House substitute (H-3), see Session Website.)

(For House amendments, see House Journal No. 16, page 209 or Session Website.)

HB 5177 Rep. Haveman

Corrections; other; use of a certain youth correctional facility to house adult inmates; provide for.

Amends secs. 29, 63, 63a, 69a & 70 of 1953 PA 232 (MCL 791.229 et seq.).

(Reported by the Committee on Appropriations.)

HB 4514 Rep. Franz

School aid; membership; age and date requirement for entering school and being counted in membership; revise in school aid act.

Amends sec. 6 of 1979 PA 94 (MCL 388.1606).

(Reported by the Committee on Education.)

(For House substitute (H-3), see Session Website.)

(For House amendment, see House Journal No. 54, page 1019 or Session Website.)

HB 5917 Rep. Graves

Labor; health and safety; construction safety commission; eliminate.

Amends sec. 19 of 1974 PA 154 (MCL 408.1019) & repeals sec. 18 of 1974 PA 154 (MCL 408.1018).

(Reported by the Committee on Regulatory Reform.)

(For House amendment, see House Journal No. 75, page 2349 or Session Website.)

HB 5922 Rep. Bumstead

Labor; health and safety; general industry safety standards commission; eliminate.

Amends secs. 4, 6, 11, 16, 21 & 69 of 1974 PA 154 (MCL 408.1004 et seq.) & repeals sec. 15 of 1974 PA 154 (MCL 408.1015).

(Reported by the Committee on Regulatory Reform.)

(For House amendment, see House Journal No. 75, page 2349 or Session Website.)

HB 4466 Rep. Scott

Labor; public service employment; changes in provisions concerning teacher strikes; provide for.

Amends secs. 2a & 6 of 1947 PA 336 (MCL 423.202a & 423.206).

(Reported by the Committee on Education.)

(For proposed House substitute (H-2), see Session Website.)

HB 4052 Rep. Pscholka

Labor; collective bargaining; use of taxpayer-funded equipment, supplies, and facilities for union or political activities; prohibit.

Amends sec. 9 of 1947 PA 336 (MCL 423.209).

(Reported by the Committee on Oversight, Reform, and Ethics.)

(For proposed House substitute (H-1), see Session Website.)

HB 5023 Rep. Lyons

Labor; public service labor disputes; classes of public employees subject to penalties for engaging in a prohibited strike; expand.

Amends sec. 2 of 1947 PA 336 (MCL 423.202) & adds sec. 2b.

(Reported by the Committee on Oversight, Reform, and Ethics.)

(For proposed House substitute (H-1), see Session Website.)

HB 5024 Rep. McMillin

Labor; fair employment practices; remedies for mass picketing; modify.

Amends sec. 9f of 1939 PA 176 (MCL 423.9f).

(Reported by the Committee on Oversight, Reform, and Ethics.)

HB 5025 Rep. Poleski

Labor; hours and wages; employer deduction of union membership dues from wages; require annual written consent of employee.

Amends sec. 7 of 1978 PA 390 (MCL 408.477).

(Reported by the Committee on Oversight, Reform, and Ethics.)

(For proposed House substitute (H-1), see Session Website.)

HB 5026 Rep. Price

Labor; notices; notice requirements in advertising for replacements for striking workers; repeal.

Amends the title of 1962 PA 150 & repeals sec. 3a of 1962 PA 150 (MCL 423.253a).

(Reported by the Committee on Oversight, Reform, and Ethics.)

SB 1335 Sen. Schuitmaker

Labor; health and safety; “clear and convincing need” for new standard; clarify, and remove references to abolished commissions.

Amends sec. 14 of 1974 PA 154 (MCL 408.1014).

(Reported by the Committee on Regulatory Reform.)

(For Senate substitute (S-1), see Session Website.)

SECOND HOUSE

SB 1336 Sen. Colbeck

Labor; health and safety; occupational health standards commission; eliminate and update with federal hazard communication standards.

Amends secs. 5, 14a, 14b, 14d, 14e, 14f, 14h, 14j, 14k, 14l, 24, 31, 54 & 63 of 1974 PA 154 (MCL 408.1005 et seq.) & repeals sec. 23 of 1974 PA 154 (MCL 408.1023).

(Reported by the Committee on Regulatory Reform.)

SECOND HOUSE

HB 5780 Rep. Walsh

Labor; arbitration; limitation on wage increases during collective bargaining agreement negotiations; provide for exceptions.

Amends sec. 15b of 1947 PA 336 (MCL 423.215b).

(Reported by the Committee on Local, Intergovernmental, and Regional Affairs.)

Many of these bills are not in themselves harmful (except those in bold) but could be used as “vehicle” bills to do serious harm to the labor movement. Things will happen very quickly over the next two weeks as all legislation dies at the end of the year and will have to be reconsidered (and start all over) next year.

ADDITIONAL LEGISLATIVE THREATS

Educational Achievement Authority

Both the Senate Education Committee and the House Education Committee are actively considering bills that would codify the State Educational Authority that was established by an interlocal agreement. The bill as written gives the Governor complete control over appointments to the EAA Board and creates a chancellor with powers similar to an emergency manager. In addition, the bill would allow the state EAA to confiscate local school building which would

then be operated under its management. However the cost of the building would not be paid to the local school district and the local school district would continue to be responsible for the payment of any outstanding bonds on it and for its maintenance. Employees in the buildings involved would lose their rights under their collective bargaining agreements. While this bill would limit these provisions to the bottom five percent of schools in student performance, companion legislation would likely give these powers to the State over virtually all schools. The bill is a priority of the Snyder Administration but labor opposition has been joined by school management interests and there is significant Republican opposition (and near universal Democratic opposition) in both houses.

Blue Cross Blue Shield reform

Another priority of the Snyder administration the bills that have passed the Senate are running into trouble on a number of fronts. Senior organizations are wary of possible loss of reasonably priced “medigap” and consumer groups are concerned that BCBSM will use its 70% market share to dominate the market causing higher health care rates.

Obamacare implementation: Creating a state exchange

Any hope of a health care exchange run by the State seemed to be ended when the House Health Policy Committee failed to move a senate bill this week. We will likely see Obamacare implemented through a federal health care exchange operated in partnership with the State.

Personal Property Tax

The Governor and the Republican majorities are trying to find away to give even more tax breaks to business by eliminating the personal property tax on manufacturing personal property – a significant hit to local government finances. The proposal would make 80% of the lost local revenue come out of the state general fund instead.

ATTACHMENTS

No attachments to this report due to its length and time constraints.