



A report on the Michigan activities of the American Legislative Exchange Council (ALEC)

PROGRESS MICHIGAN

JULY 19, 2012



Report Overview	3
What is ALEC?	3
ALEC in Michigan	3
ALEC by the Numbers	6
Key Lawmakers Who Are ALEC Members.....	7
Rep. Dave Agema (R-74); RNC National Committeeman	7
Rep. Peter J. Lund (R-36)	13
Rep. Mike Shirkey (R-65)	18
Rep. Tom McMillin (R-45)	20
Sen. Tonya Schuitmaker (R-20)	23
Lawmakers Used Taxpayer Funds to Pay ALEC Dues.....	27
Legislation with ALEC DNA in Michigan	32
HEALTH CARE COMPACT BILL (2011 & 2012)	32
HEALTH CARE COMPACT RESOLUTION (2012)	41
TRESPASSER LIABILITY ACT (2012)	42
ASBESTOS LIABILITY LIMITS (2011)	44
WITHDRAWING FROM THE MIDWESTERN GREENHOUSE GAS REDUCTION ACCORD (2011)	53
PROOF OF CITIZENSHIP FOR VOTER REGISTRATION (2011)	55
LOCAL ENFORCEMENT OF IMMIGRATION LAWS (2011)	58
SEARCHABLE DATABASE OF BUDGET EXPENDITURES (2011)	60
REPEALING FEDERAL LAWS (2011)	62
Legislation Similar to ALEC Models	64
DUES DEDUCTIONS FOR PUBLIC WORKERS (2012)	64
BALANCED BUDGET AMENDMENT (2012)	64
TIME LIMITS FOR WELFARE RECIPIENTS (2011)	65
E-VERIFY (2011)	66
POLITICAL ACTIVITIES OF LABOR UNIONS (2011)	66
AUTO INSURANCE REQUIREMENTS (2011)	67
HEALTH INSURANCE MANDATE (2011)	68
PREVAILING WAGE (2011)	68
DUES DEDUCTION/WRITTEN CONSENT (2011)	69
RIGHT TO WORK (FOR LESS) (2011)	69
NUCLEAR ENERGY & YUCCA MOUNTAIN (2011).....	70
BALANCED BUDGET AMENDMENT (2011)	70
PRIVATIZING GOVERNMENT SERVICES (2011)	71
OPPOSING ENVIRONMENTAL SAFETY REGULATIONS (2011)	71
REINS ACT (2011)	72
PARENTAL RIGHTS AMENDMENT (2011)	72

Note: Known members of ALEC or legislators who have attended ALEC conferences are in **RED**

Report Overview



“Myself, I always loved going to these meetings because I always found new ideas. Then I’d take them back to Wisconsin, disguise them a little bit, and declare that ‘it’s mine.’” -Former Wisconsin Governor Tommy Thompson [From a luncheon speech to ALEC, April 2002, [Corporate-Sponsored Crime Laws](#), American RadioWorks, April 2002]

When politicians say their state is “open for business,” they usually just mean that it is business-friendly. Unfortunately, many Lansing Republicans mean it literally. They are members of a secretive organization that links right-wing lawmakers and corporate power brokers called the American Legislative Exchange Council (ALEC).

What is ALEC?

ALEC is a corporate bill mill that is exerting extraordinary and secretive influence in the Michigan legislature and in other states. Through ALEC, corporations hand Michigan lawmakers wish lists in the form of “model bills” that often directly benefit their bottom line at the expense of Michigan families. Numerous ALEC model bills are crafted behind closed doors by corporations, for corporations. As noted by the Center for Media and Democracy’s ALECexposed.org site, elected officials who are members of ALEC bring these model bills back to Michigan as their own ideas and public policy innovations, without disclosing that corporations crafted and voted on the bills at closed-door meetings with lawmakers who are ALEC members.

ALEC provides lawmakers with a means to appear highly active in the legislative process by secretly outsourcing their role in drafting legislation to wealthy special interests.

ALEC in Michigan

26 current and former lawmakers in Michigan have ties to ALEC - but the number could be much higher. Identifying Michigan lawmakers who are ALEC members is a difficult task because ALEC operates largely in secret. Even though it claims to be a legislative membership organization, there is no full list of members made public by the organization. Michigan lawmakers with ALEC ties include the following individuals (along with the position of leadership they hold in the state legislature):



Rep. Dave Agema
(R - Grandville)
 RNC National
 Committeeman

 Republican Caucus Chair



Rep. Jud Gilbert
(R - Algonac)
 Tax Policy Committee Chair



Rep. Gail Haines
(R - Waterford)
 Health Policy Committee
 Chair



Rep. Ken Horn
(R - Frankenmuth)
 Energy and Technology
 Committee Chair



Rep. Eileen Kowall
(R - White Lake)



Rep. Ken Kurtz
(R - Coldwater)
 Families, Children, and
 Seniors Committee Chair



Rep. Matt Lori
(R - Constantine)



Rep. Pete Lund
(R - Shelby Township)
 Majority Whip

 Insurance Committee Chair

 Redistricting and Elections
 Committee Chair



Rep. Tom McMillin
(R - Rochester Hills)
 Oversight, Reform, and
 Ethics Chair



Rep. Aric Nesbitt
(R - Lawton)



Rep. Amanda Price
(R - Park Township)
Majority Caucus Vice Chair



Rep. Mike Shirkey
(R - Clarklake)



Sen. Darwin Booher
(R - Evart)
Banking and Financial
Institutions Committee Chair



Sen. Bruce Caswell
(R - Hillsdale)



Sen. Mike Green
(R - Mayville)
ALEC State Chairman



Sen. Goeff Hansen
(R - Hart)
Outdoor Recreation and
Tourism Committee Chair



Sen. Dave Hildenbrand
(R - Grand Rapids)



Sen. Rick Jones
(R - Grand Ledge)
Judiciary Committee Chair



Sen. Mike Kowall
(R - White Lake)
Economic Development
Committee Chair



Sen. Arlan Meekhof
(R - Olive Township)



**Sen. John Moolenaar
(R - Midland)**
Veterans, Military Affairs and
Homeland Security
Committee Chair



**Sen. Mike Nofs
(R - Jackson)**
Energy and Technology
Committee Chair



**Sen. David Robertson
(R - Grand Blanc)**
Local Government and
Elections Committee Chair



**Sen. Tonya Schuitmaker
(R - Lawton)**
Former ALEC State Chairman

Progress Michigan has determined that at least 20 corporation-friendly bills recently introduced in the Michigan legislature echo ALEC model bills. ALEC bills in Michigan include setting limits on liability for one company that poisoned workers with asbestos, making it harder for Michiganders to register to vote, and restricting the First Amendment rights of workers to collectively bargain and organize, as well as purely political resolutions calling on Congress to pass extreme right-wing legislation.

ALEC by the Numbers

12 state Representatives are known ALEC members.

12 state Senators are known ALEC members.

13 known ALEC members are chairs of committees in the Legislature.

2 current members of the Snyder Administration were ALEC members as lawmakers:

- Jason Allen, a former state Senator who is the former ALEC State Chairman for Michigan. He is currently the Senior Deputy Director for Veterans Affairs at the Department of Military and Veterans Affairs.
- Patricia Birkholz, a former state Senator, is currently the director of the Michigan Office of the Great Lakes at the Department of Environmental Quality.

\$7,600 in taxpayer dollars have been spent on ALEC dues for lawmakers since 2005.

\$2,500 in taxpayer dollars have been spent on ALEC dues for current lawmakers.

Key Lawmakers Who Are ALEC Members

Rep. Dave Agema (R-74); RNC National Committeeman

Legislative Leadership Positions

Majority Caucus Chair

ALEC Membership & Leadership Positions

Agema was sworn into the legislature in 2007 and was definitely an ALEC member as of 2008. His full tenure of association with ALEC is not known. [ALEC Exposed website, [accessed 5/22/12](#)]



Sponsored ALEC Model Bill Requiring Proof of Citizenship for Voter Registration

Agema sponsored HB 5221, which requires both that voters provide proof of citizenship when registering to vote and, if satisfactory evidence is not provided, their registration be rejected. The proposed bill has language that is nearly identical to ALEC's model legislation "Taxpayer and Citizen Protection Act." Agema's bill did not pass. (Introduced 12/13/11) [HB5221 [text](#); ALEC Exposed website, [accessed 5/22/12](#)]

Co-Sponsored Legislation Mandating Searchable Database of Budget Expenditures, Similar to ALEC Model

In 2011, Agema co-sponsored McMillin's bill to create a searchable database of state budget expenditures. HB 4136 is similar to ALEC's "An Act Relating to Creating a Searchable Budget Database for State Spending." While ALEC wants state spending to be known and searchable, it opposes disclosure of who is spending money to influence state and federal elections, as noted in its resolution in support of the Supreme Court's *Citizens United* decision. [HB 4136 [text](#); ALEC Exposed website, [accessed 6/5/12](#)]

Touted Legislation to Put a Cap on Length of Welfare Benefits Similar to ALEC Legislation

Agema put out a press release touting and co-sponsored HB4409-10, which set a 48-month time limit for state welfare recipients. The bills are similar to ALEC's "Time Limits on TANF Benefits Act," which does the same thing. [Agema House website, [accessed 5/22/12](#); ALEC Exposed, [accessed 5/21/12](#); Nesbitt website, [accessed 5/21/12](#)]

Sponsored Legislation Similar to ALEC Model Requiring Police to Verify Immigration Status of People Stopped, Arrested or Detained

HB 4305 requires that state law enforcement agencies verify the immigration status of all people over 18 who they stop, arrest or detain. Further, it requires state agencies to verify the immigration status of applicants for state assistance. The bill would require law enforcement agents to transfer undocumented people to the custody of Federal officials. The bill language is similar to ALEC's model "Immigration Law Enforcement Act." (Introduced 2/22/11) [HB4305 [text](#); ALEC Exposed website, [accessed](#) 5/22/12]

Sponsored Legislation Requiring State Contractors and Employment Agencies to Use E-Verify, Similar to ALEC model

Agema sponsored HB 4024 and HB 4026 in 2011. These bills, which are very similar to ALEC's "Fair and Legal Employment Act" require state contractors and employment agencies in the state to verify employees' immigration status through the Federal e-verify system, despite its error rate. (An earlier version of E-Verify was called "1-800-Big-Brother" by conservatives like Rep. Steve Chabot [R-Ohio] before ALEC adopted these model bills because the process has errors that can result in citizens and documented workers being unable to accept a job from someone who knows them because a faceless bureaucrat in Washington has determined that their name is the same or similar to someone else's.) Neither bill passed. (Introduced 1/13/11) [HB 4024 [text](#); HB 4026 [text](#); ALEC Exposed website, [accessed](#) 5/22/12]

Introduced 2009 Bill to Repeal the Prevailing Wage, Similar to ALEC Model

In 2009, Agema introduced HB 5522 to repeal Michigan's prevailing wage requirements. The bill did not pass. HB 5522 is similar to ALEC's model prevailing wage repeal bill. ALEC opposes prevailing wage, living wage, minimum wage, and other such laws that provide protection for workers who have little power to negotiate for wages. [HB 5522 [text](#); ALEC Exposed website, [accessed](#) 5/22/12]

Introduced Legislation Requiring Parental Consent for Abortions, Intent Similar to ALEC Model

In 2007 and 2009, Agema introduced legislation which requires written consent from a minor's parent in order for a doctor to perform an abortion. The legislation shares an intent with ALEC's "Parent Consent for Abortion Act." Neither bill passed. [HB 5411 (2009) [text](#); HB 4655 (2007) [text](#); ALEC Exposed website, [accessed](#) 6/5/12]

Introduced Resolution Supporting Arizona's Immigration Law, Similar to ALEC Model

In 2009, Agema introduced HCR 295, which expresses support for Arizona's controversial immigration legislation, SB 1070. That bill shares much of the same language with ALEC's "No Sanctuary Cities for Illegal Immigrants Act." The resolution did not pass. (Introduced 10/20/09) [HCR 295 [text](#); ALEC Exposed Website, [accessed](#) 6/5/12]

Co-Sponsored Interstate Health Care Bill Similar to ALEC Model Legislation

In 2011, Agema co-sponsored Tom McMillin’s HB 4693, which allows the purchase of health care across state lines. The legislation is similar in intent to ALEC’s “Health Care Choice Act for States.” [HB4693 [text](#); ALEC Exposed website, [accessed](#) 6/5/12]

Co-Sponsored a 2007 Right to Work ALEC Copycat Bill

In 2007, Agema joined a number of other Michigan legislators in introducing legislation closely modeled after ALEC’s sample legislation to limit the ability of employees of private companies to organize and collectively bargain, including by limiting the ability of the union to represent the workers and protect against free riders. A side-by-side review of HB 4454 and ALEC’s model shows that they are nearly identical:

ALEC Model Legislation	SB 607, HB 4454, HB 6348 (2007, 2010)
Section 1. { Title.} This Act may be cited as the Right to Work Act.	Sec. 1. This act shall be known and may be cited as the "right to work law".
Section 3. {Labor organization.} The term "labor organization" means any organization of any kind, or agency or employee representation committee or union, that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.	(b) "Labor organization" means an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

<p>Section 4. {Freedom of choice guaranteed, discrimination prohibited.} No person shall be required, as a condition of employment or continuation of employment:</p> <p>(A) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;</p> <p>(B) to become or remain a member of a labor organization;</p> <p>(C) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;</p> <p>(D) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or</p> <p>(E) to be recommended, approved, referred, or cleared by or through a labor organization.</p>	<p>Sec. 5. Except as provided in section 13, a person shall not require an employee to do any of the following as a condition of employment or continued employment:</p> <p>(a) Become or remain a member of a labor organization.</p> <p>(b) Pay dues, fees, assessments, or other similar charges to a labor organization.</p> <p>(c) Pay to a charity or other third party an amount equivalent to or pro rata portion of dues, fees, assessments, or other charges required of members of a labor organization.</p>
<p>Section 8. {Penalties.} Any person who directly or indirectly violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding (insert amount) or imprisonment for a period of not more than (insert time period), or both such fine and imprisonment.</p>	<p>Sec. 11. A person who violates this act is guilty of a misdemeanor. The prosecuting attorney of the county or the attorney general shall investigate each complaint of a violation of this act and shall prosecute the criminal case if credible evidence of a violation exists.</p>

Section 9. {Civil remedies.} Any employee harmed as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violations and may in addition thereto recover any and all damages, including costs and reasonable attorney fees, of any character resulting from such violation or threatened violation. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this chapter.

Section 10. {Duty to investigate.} It shall be the duty of the prosecuting attorneys of each county (or the attorney general of this state) to investigate complaints of violation or threatened violations of this chapter and to prosecute all persons violating any of its provisions, and to take all means at their command to ensure its effective enforcement.

Sec. 9. A person who suffers an injury or a threatened injury from a violation of this act may bring a civil action for damages, injunctive relief, or both. The court may award a prevailing plaintiff costs and reasonable attorney fees. The civil remedy is independent of, and in addition to, any criminal proceeding or sanction prescribed for a violation of this act.

Sec. 11. A person who violates this act is guilty of a misdemeanor. The prosecuting attorney of the county or the attorney general shall investigate each complaint of a violation of this act and shall prosecute the criminal case if credible evidence of a violation exists.

Co-Sponsored Legislation to Block Union Organizing of Government-Subsidized Child Care Workers

In 2011, Agema co-sponsored legislation which clarified that people who provide services under contracts with the state are not public employees. According to Agema's own press release on the bill, the intent of the bill was to stop the unionization of child care workers in the state. The bill has not passed. [HB 4003 [text](#); Agema House website, [accessed 5/22/12](#)]

Used Taxpayer Funds to Pay for ALEC Membership & Received ALEC Contributions

Michigan House Business Office records show that Agema used taxpayer funds to pay for his \$50 ALEC membership on 5/13/08. Two weeks later, Agema received a \$500 contribution from ALEC Sponsor UPS. [Followthemoney.org; MI House Business Office]

UPS is not just a sponsor of ALEC, but is a major player. UPS Operations Manger Kevin McArdle is an ALEC Private Enterprise Board Member, which means he sits on ALEC's corporate governing board. Additionally, UPS has a seat and a vote on ALEC's Commerce, Insurance and Economic Development Task Force's Executive Committee; and UPS is the State Corporate Co-Chair of California - charged with raising money for ALEC "scholarships" for lawmakers and for getting ALEC bills moved in the state. [ALEC Exposed website, [accessed 6/5/12](#)]

Rep. Peter J. Lund (R-36)



Legislative Leadership Positions

House Majority Whip

Chair, House Redistricting and Elections Committee [Committee website, accessed 5/18/12]

Chair, House Insurance Committee [Committee website, accessed 5/18/12]

Head, House Republican re-election campaign [[The Detroit News](#), 3/31/12]

ALEC Membership & Leadership Positions

Member, Commerce, Insurance and Economic Development Task Force [Committee Roster, Page 12, accessed 5/18/12]

Sponsored the Consumer Choice Insurance Act, Similar to ALEC Model

In 2011, Lund sponsored the “Consumer Choice Insurance Act” (HB 4936), which would take away the requirement that Michigan drivers purchase no-fault auto insurance with unlimited lifetime medical benefits. Lund’s bill would have given affected Michiganders injured in auto accidents by allowing drivers to meet the state’s insurance requirements through the purchase of cheap insurance unlikely to be sufficient to cover the medical costs from a serious accident. The bill would have allowed a minimum of \$250,000 in coverage, which immediate medical bills can easily exceed in a major collision, potentially imposing on state taxpayers the cost of medical care for seriously injured children or adults that would have been covered by insurance under Michigan’s long-standing rule.

The legislation is similar in name, at least, to ALEC’s model legislation “Consumer Choice Motor Vehicle Insurance Act.” The ALEC model and Lund’s bill are similar in that they both allow automobile insurance customers to choose what level and type of personal liability insurance they want to carry, regardless of the effect of that in imposing costs on taxpayers for uncovered medical expenses, or on hospitals through bankrupt patients, but the bills are not identical in all of their components, just in their intent and primary objective.

(Introduced 9/13/11) [ALEC Exposed, accessed 5/19/12; HB4936 text]

Sponsored Legislation to Make Public Employee Salaries Public, Similar to ALEC Model

In 2009, Lund sponsored legislation [HB4613] that would close a loophole in Michigan’s FOIA law that exempted the state’s executive office, lawmakers and judiciary from disclosing the names and salaries of their employees. (Introduced 3/18/09) [[The Detroit News](#), 7/15/10; HB4613 text]

The bill accomplishes the same thing as ALEC's model legislation "Public Employee Compensation Reporting Act." [ALEC Exposed, accessed 5/19/12]

Received Campaign Contributions from ALEC Sponsors Two Weeks Prior to Public Employee Salary Bill Introduction

Lund received four contributions totaling \$400 from ALEC member corporations leading up to the introduction of his public employee salary disclosure bill. Three of the contributions, from AmeriSure, Ford and General Motors, were two weeks prior. One contribution, from Norfolk Southern, was given on the day the bill was introduced. [followthemoney.org]

Pushed ALEC-Modeled Voter Suppression Bills Through Committee

In 2012, various progressive groups accused Lund of helping to push a set of ALEC voter suppression bills, making it harder to vote, through his committee. [Macomb Daily, 5/27/12; Progress Michigan]

The bills and their identifiable ALEC models are:

Require those requesting an absentee ballot in person at their local clerk's office to present a photo ID (HB4108). Similar to parts of the ALEC "Voter ID Act" (Lund's Committee Received Bill 1/18/11) [HB4108 text; ALEC Exposed website, accessed 5/19/12]

Mandate that voters at the polls identify themselves in writing as U.S. citizens (HB5221). Similar to ALEC "Taxpayer and Citizen Protection Act. (Lund's Committee Received Bill 12/13/11) [HB5221 text; ALEC Exposed website, accessed 5/19/12]

Ban the practice of paying people on a per-signature basis to register new voters. And establish felony criminal charges for those who engage in pay-per-signature practices, and for political action committees that engage in a 2-year effort to avoid filing their required statement of contributions and donations.

Co-Sponsored ALEC Model Legislation Prohibiting Government from Competing With Private Contractors

In 2011, Lund co-sponsored "Michigan Government Competition Against Private Enterprise Act" (HB 4453) which would prohibit government agencies from engaging in commercial activity that involves the construction or rehabilitation of public works infrastructure in competition against private enterprise. The legislation is similar to ALEC's "Competitive Contracting of Public Services Act." Such legislation forces more tax dollars to be spent on funding private corporations at public expense. [HB4453 text; ALEC exposed website, accessed 5/19/12]

Co-Sponsored Legislation Opposing Federal Health Care Reform, Similar to ALEC Model

In 2009, Lund co-sponsored HR 148, urging congress not to pass Federal health care reform. The resolution is similar in intent to ALEC's "Resolution on Federal Health Insurance Reform Legislation." ALEC has actively lobbied lawmakers in opposition to the Affordable Care Act, and submitted a brief to the Supreme Court, which was echoed by several Republican state Attorneys General. [HR 148 text; ALEC Exposed website, accessed 6/5/12, PR Watch, accessed 7/20/12]

Moved Anti-Union ALEC Legislation Through Committee

In December 2011, Lund's House Redistricting and Elections Committee voted 6-2 to approve a bill prohibiting public bodies from deducting political contributions from employees' paychecks. (HB 5085 – referred to committee 10/18/11)

This bill is similar to ALEC's model legislation "Prohibition on Compensation Deductions Act". [[Grand Rapids Press](#), 12/7/11; ALEC Exposed website, accessed 5/18/12]

Received 31 Campaign Contributions from Current or Former ALEC Sponsors and Companies of ALEC "Private Enterprise" Board Members for \$8,525

Contributor	Contributions	Contribution Total
Ford Motor Co.	3/5/09 - \$100 12/21/09 - \$175 4/14/10 - \$150 9/8/10 - \$250 12/20/11 - \$300 3/31/11 - \$1000	\$1975
Altria Group (Phillip Morris)	11/9/09 - \$250 9/30/10 - \$600 10/20/11 - \$500	\$1350
AT&T	4/26/10 - \$300 11/3/09 - \$100 4/13/11 - \$250 7/11/08 - \$500	\$1150
Amerisure	9/21/09 - \$250 3/5/09 - \$100 7/1/10 - \$250 8/2/08 - \$250 9/23/08 - \$250	\$1100

CSX Transportation	12/9/09 - \$200 9/9/10 - \$200 5/17/10 - \$150	\$550
Comcast	5/21/10 - \$250 8/16/11 - \$250	\$500
Dow Corning	7/30/10 - \$500	\$500
Medco Health Solutions	8/6/10 - \$250 9/8/09 - \$250	\$500
UnitedHealth Group	12/19/11 - \$250 8/16/11 - \$250	\$500
Waste Management	4/13/11 - \$250	\$250
General Motors	3/5/09 - \$100	\$100
Norfolk Southern	3/18/09 - \$100	\$100
	TOTAL	\$8,525

[Source: Followthemoney.org; ALEC Exposed website, accessed 5/19/12]

Added Anti-Union Amendment to State Contracting Bill

In March 2012, Lund amended HB 5359, which prohibits the state from awarding contracts worth \$100,000 or more to companies that had made a contribution of \$100 or more to a state elected official in the 12 months preceding the contract. It also would ban contractors from making such contributions during the term of the agreement.

Lund's amendment would also bar contracts for vendors that employ union members if the union or 10 percent of its members made a campaign contribution. Lund claimed that his amendment would only serve to treat unions the same way as corporations.

Critics said that Lund's amendment was unconstitutional and said it would infringe on employees' rights. Lund's amendment allowed the bill, along with a larger set of ethics and transparency bills, to proceed to a floor vote, bypassing the committee process. [[Muskegon Chronicle](#), 3/24/12]

Note: Although this is not a known ALEC bill, it is not inconsistent with ALEC's hostility toward unions.

Says Ethics and Transparency in Legislators' Financial Dealings Are Not Voter Concerns

Despite being the chair of the House Redistricting and Elections Committee, Lund said in March 2012, "When I talk to constituents, they talk to me about jobs rather than what kind of assets I have."

Lund made this statement on the heels of a study by the Center for Public Integrity that found that Michigan has some of the least transparent campaign, lobbying, ethics and government accountability in the country. [[The Detroit News](#), 3/19/12]

Rep. Mike Shirkey (R-65)



ALEC Membership & Leadership Positions

Shirkey is an ALEC member, but it is not known whether he sits on any committees. [ALEC Exposed website, [accessed](#) 5/20/12]

Worked for ALEC Sponsor General Motors for 13 years

According to Shirkey's campaign website, he worked for GM in various management and engineering roles for 13 years. General Motors is a sponsor of ALEC. [Shirkey [website](#), accessed 5/20/12; ALEC exposed website, [accessed](#) 5/20/12]

Sponsored Legislation Prohibiting Public Employers from Deducting Union PAC Contributions

In February 2012, Shirkey introduced a bill to prohibit public bodies from deducting Union PAC contributions from employees' paychecks, although many governmental bodies deduct contributions to third parties from paychecks, as with the Combined Federal Campaign. The bill makes it harder for unions to collect funds that are administratively easier for the government to administer than for the union to do on an ad hoc basis. Shirkey's bill was signed by the Governor on 2/28/12. (HB 5085, introduced 10/18/11)

This bill shares intent with ALEC's model bill: "Prohibition on Compensation Deductions Act." [HB5085 [text](#); ALEC Exposed website, [accessed](#) 5/18/12]

Sponsored Legislation Prohibiting Union Dues Deduction Without Annual Consent

In 2011, Shirkey sponsored HB 5025, which requires employees to renew their consent for union dues to be deducted from their paychecks each year, rather than to follow the traditional practice of allowing employees to opt out; an opt-in process is intended to impede unions. The bill is similar in effect to ALEC's "Prohibition of Negative Check-Off Act." (Introduced 9/28/11) [HB 5025 [text](#); ALEC Exposed website, [accessed](#) 6/5/12]

Co-Sponsored Interstate Health Care Bill Similar to ALEC Model Legislation

In 2011, Shirkey co-sponsored Tom McMillin's HB 4693, which allows the purchase of health care across state lines. The legislation is similar in intent to ALEC's "Health Care Choice Act for States." (Introduced 5/31/11) [HB4693 [text](#); ALEC Exposed website, [accessed](#) 6/5/12]

Twelve Campaign Contributions for \$5,050 from Current and Former ALEC Sponsors and Companies of ALEC “Private Enterprise” Board Members from 2010 - 2012

Contributor	Contributions	Contribution Total
AT&T	8/30/10 - \$500 5/11/10 - \$500 10/25/10 - \$100 6/27/11 - \$600	\$1700
American Electric Power	6/13/11 - \$400 12/19/11 - \$250	\$650
United Health Group	12/30/11 - \$500	\$500
Comcast	12/19/11 - \$250	\$250
CSX Transportation	11/15/11 - \$250	\$250
Ford Motor Company	11/15/11 - \$250	\$250
Medco Health Solutions	12/30/11 - \$250	\$250
Norfolk Southern	6/13/11 - \$200	\$200
	TOTAL	\$5,050

[Source: Followthemoney.org; ALEC Exposed website, accessed 5/20/12]

Rep. Tom McMillin (R-45)



Legislative Leadership Positions

Chair, Oversight, Reform, and Ethics Committee [Committee website, accessed 5/18/12]

Leadership Positions with ALEC

None known

McMillin Attempted to Dodge Questions about Membership in ALEC

At a town hall event in Rochester on March 28, 2011, McMillin was asked by a constituent whether he was a member of ALEC. McMillin attempted to dodge the question, but according to the [Rochester Citizen](#), “a call to McMillin’s office talking to one of his staff members, confirmed that McMillin does indeed belong to ALEC, which is a dues paying organization and that McMillin had paid for the membership out of personal funds.” [[Rochester Citizen, 3/30/11](#)]

Video of the exchange can be found here: [Rochester Citizen, 3/30/11](#)

Introduced ALEC Model Legislation to Opt Out of the Affordable Care Act

In 2011, McMillin introduced “The Michigan Health Care Freedom Act” (HB 4050), which allows Michigan to opt out of the Affordable Care Act. Much of the language of HB 4050 is the same or very similar to ALEC’s “Freedom of Choice in Health Care Act.” HB 4050 did not pass. (Introduced 1/13/11) [HB4050 bill [text](#); ALEC Exposed website, [accessed](#) 5/19/12]

Sponsored Legislation Opposing Federal Health Care Reform, Similar to ALEC

In 2009, McMillin sponsored HR 148, urging congress not to pass Federal health care reform. The resolution is similar in intent to ALEC’s “Resolution on Federal Health Insurance Reform Legislation.” (Introduced 9/2/09) [HR 148 [text](#); ALEC Exposed website, [accessed](#) 6/5/12]

Introduced ALEC Model Legislation Urging MI to Withdrawal from the Midwestern Greenhouse Gas Reduction Accord

In 2010, McMillin introduced a House Resolution urging the Governor to withdraw Michigan from the Midwestern Greenhouse Gas Reduction Accord (HR 277) which is nearly identical to ALEC’s “State Withdrawal from Regional Climate Initiatives” model legislation, another piece of ALEC’s agenda to thwart efforts to deal with climate change and to aid climate change denial. HR277 did not pass. (Introduced 5/5/10) [HR277 [text](#); ALEC exposed website, [accessed](#) 5/19/12]

Sponsored ALEC Model Legislation Prohibiting Government from Competing With Private Contractors

In 2011, McMillin sponsored "Michigan Government Competition Against Private Enterprise Act" (HB 4453) which would prohibit government agencies from engaging in commercial activity that involves the construction or rehabilitation of public works infrastructure in competition against private enterprise. The legislation is similar to ALEC's "Competitive Contracting of Public Services Act." Such legislation forces more tax dollars to be spent on funding private corporations at public expense. (Introduced 3/16/11) [HB4453 [text](#); ALEC exposed website, [accessed](#) 5/19/12]

Sponsored Interstate Health Care Bill Similar to ALEC Model Legislation

In 2011, McMillin sponsored HB 4693, which allows the purchase of health care across state lines. The legislation is similar in intent to ALEC's "Health Care Choice Act for States." (Introduced 5/31/11) [HB4693 [text](#); ALEC Exposed website, [accessed](#) 6/5/12]

Touted Cyber School Legislation that is Similar to ALEC's Model

In 2012, the legislature passed SB619, a bill that vastly expanded the enrollment of Michigan children in so-called cyber "schools," which do not have many of the benefits of real schools such as arts, athletics, and leadership programs, as well as the social skills that comes from in-person interactions among peers from different backgrounds. McMillin, as the Chair of the House Education Committee, touted the passage of the bill, saying that it was "putting families first and giving parents more quality options for their children's education." [McMillin press release, [accessed](#) 5/20/12]

The Cyber School legislation is similar to ALEC's model legislation called "The Virtual Public Schools Act." ALEC's Education Task Force is co-chaired by a virtual school corporation. The legislation was signed by the Governor on May 15. [ALEC Exposed website, [accessed](#) 5/20/12; SB619 [text](#)]

Co-Sponsored Two Anti-Union Bills

McMillin co-sponsored two anti-union bills in 2011-2012. The first required annual consent from employees for union dues to be deducted from their paycheck (HB 5025), rather than to follow the traditional practice of allowing employees to opt out; an opt-in process is intended to impede unions. This bill is similar in effect to ALEC's "Prohibition of Negative Check-Off Act." [ALEC exposed [website](#), 5/20/12; HB5025 [text](#)]

The second anti-union bill prohibits picketing that interferes with public roads, streets, highways, railways, airports, or other travel conveyances as well as picketing on a private residence (HB 5024). Although this ALEC bill does not interfere with Americans'

fundamental First Amendment rights, including the right of assembly and the right to petition the government for redress of grievances, it is not inconsistent with ALEC’s general hostility to workers’ rights and unions. [McMillin [press release](#)]

Sponsored Legislation Requiring Reporting of Public Employee Pay Similar to ALEC Model

McMillin has introduced legislation (HB5196) that will require the reporting of public employee salaries and benefits that exceed \$100,000. The legislation is similar to ALEC’s “Public Employee Compensation Reporting Act,” but the ALEC model does not have a dollar threshold for reporting, it just requires the reporting of all public employee compensation. (Introduced 12/1/11) [HB5196 [text](#); ALEC Exposed website, [accessed](#) 5/20/12]

Sponsored ALEC Bill Requiring Searchable State Website of Budget Expenditures

In 2011, McMillin sponsored HB4136, which would require the State to maintain a searchable website of state budget expenditures. The legislation, which did not pass in 2011, was very similar to ALEC’s “Taxpayer Transparency Act.” While ALEC wants state spending to be known and searchable, it opposes disclosure of who is spending money to influence state and federal elections, as noted in its resolution in support of the Supreme Court’s *Citizens United* decision. (Introduced 1/25/11) [HB4135 [text](#); ALEC Exposed website, [accessed](#) 5/20/12]

Kevin Cotter sponsored a similar bill this legislative session. [HB 4096]

Five Campaign Contributions for \$750 from Current and Former ALEC Sponsors and Companies of ALEC “Private Enterprise” Board Members

Contributor	Contributions	Contribution Total
CSX Transportation	3/27/10 - \$150	\$300
AT&T	6/3/11 - \$150	\$150
Ford Motor Co	11/3/08 - \$150	\$150
General Motors	10/14/08 - \$150	\$150
	TOTAL	\$750

[Source: [Followthemoney.org](#); ALEC Exposed website, [accessed](#) 5/20/12]

Sen. Tonya Schuitmaker (R-20)



Served as State Chairperson for ALEC in Michigan

According to the ALEC website, Schuitmaker formerly served as the sole State Chairperson representing Michigan for the organization.

<http://www.alec.org/about-alec/state-chairmen/>, accessed 5/18/12]

Schuitmaker Received Thousands from ALEC-Affiliated Corporations

Common Cause, the nonpartisan watchdog group, posted a [complete list](#) of the corporations that were members of the American Legislative Exchange Council updated as of July 2011, based on its research and research from the Center for Media and Democracy.

According to the National Institute of Money in State Politics, Tonya Schuitmaker has received thousands of dollars from ALEC member corporations in the past.

Contributor	Years	Amount	ALEC Member Corporation	ALEC Task Force Membership
American Electric Power	5/25/11 - \$1000 5/21/10 - \$1000 10/5/10 - \$200 9/24/10 - \$2000 7/15/10 - \$1000 4/18/08 - \$150 5/12/06 - \$150 5/20/05 - \$200 10/16/06 - \$500 10/27/05 - \$300 8/17/04 - \$200	\$6,550	American Electric Power Company Inc. (OH)	Energy, Environment, and Agriculture
Pfizer	11/5/10 - \$2000 5/14/10 - \$200 10/9/09 - \$1000 5/9/08 - \$300 11/4/08 - \$750 6/18/07 - \$300 12/28/07 - \$500 8/11/06 - \$150	\$5,200	Pfizer Inc (NY)	Civil Justice; Health and Human Services

Farmers Insurance Group	10/2/09 - \$150 10/5/10 - \$1500 7/16/10 - \$1000 11/5/10 - \$1500 10/31/08 - \$500	\$4,650	Farmers Insurance Group/ Companies (CA)	Civil Justice
Comcast	6/17/11 - \$250 12/23/11 - \$2000 10/21/10 - \$500 3/28/08 - \$250 5/12/06 - \$250 7/6/05 - \$250	\$3,500	Comcast Cable Communications, LLC (MS)	Communications and Technology, Tax and Fiscal Policy
AT&T	5/25/11 - \$500 10/30/09 - \$500 10/12/10 - \$500 10/21/10 - \$500 7/30/10 - \$500 12/4/09 - \$200 9/26/06 - \$50 5/22/06 - \$300 10/27/05 - \$250 5/20/05 - \$125	\$3,425	AT&T (DC)	Communications and Technology, Tax and Fiscal Policy
Altria	12/9/11 - \$500 10/21/10 - \$1000 10/16/06 - \$200 11/3/04 - \$200	\$1,900	Altria Client Services (VA)	Commerce, Insurance, and Economic Development , Civil Justice, Tax and Fiscal Policy
Merck & Co.	11/5/10 - \$500 10/30/09 - \$500 10/17/08 - \$500	\$1,500	Merck & Company, Inc. (NJ)	Civil Justice; Health and Human Services
Eli Lilly & Co.	10/21/10 - \$500 9/12/07 - \$300 7/6/05 - \$125	\$925	Eli Lilly and Company (IN)	Health and Human Services
Entergy	11/10/11 - \$125 12/27/11 - \$300 5/25/11 - \$250	\$675	Entergy (LA)	Civil Justice

National Federation of Independent Business	9/12/07 - \$150 3/28/08 - \$150 5/22/06 - \$150 6/3/05 - \$125	\$575	National Federation of Independent Business (NFIB) (TN)	Civil Justice
Coca-Cola Enterprises*	12/31/09 - \$500	\$500	(GA)	
GlaxoSmithKline	9/9/08 - \$500	\$500	GlaxoSmithKline (London, UK)	Civil Justice, Health and Human Services
Marathon Oil	11/7/06	\$500	Marathon Oil Company (TX)	Energy, Environment, and Agriculture
General Motors	5/22/06 - \$150 5/20/05 - \$150	\$300	General Motors Corp. (MI)	Commerce, Insurance, and Economic Development

*Coca-Cola dropped its membership to ALEC in April 2012:

<http://www.politico.com/news/stories/0412/74872.html>

[National Institute on Money in State Politics, accessed 5/18/12;

<http://www.commoncause.org/site/pp.asp?c=dkLNK1MQlwG&b=8078765>, accessed 5/18/12]

Sponsored a Bill Nearly Identical to ALEC 'Model' Bill Language

In April 2011, Schuitmaker introduced Senate Concurrent Resolution 14, a resolution to “memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to provide for a means of amending the Constitution through a convention limited to the consideration of a specific amendment as proposed by at least two-thirds of the states.”

An ALEC model bill called [4B2 Resolution Calling for the Congress of the United States to Call a Constitutional Convention Exposed](#) bears a striking resemblance to Schuitmaker’s bill:

NOW THEREFORE BE IT RESOLVED That the Congress of the United States be urged to call a constitutional convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures, and the {insert state} Delegation to such Convention, when called, shall propose the following amendment:

“Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several

states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed..." [[Senate Concurrent Resolution 14](#), Referred to Committee on Government Operations, 4/12/11; [ALEC Model Bill](#), [ALEC Exposed](#), accessed 5/18/12]

No Official Expenses Related to ALEC

Based on available public records of the state legislature, it does not appear that Tonya Schuitmaker used any official funds to pay for an ALEC membership or to attend conferences related to the group. [Michigan House Business Office; Secretary of the Senate]

Schuitmaker Did Not Receive Campaign Funds Directly from ALEC

According to records maintained by the National Institute on Money in State Politics, Schuitmaker has not received any campaign contributions from the American Legislative Exchange Council. [National Institute on Money in State Politics, accessed 5/18/12]

Praised ALEC Publication on Group's Website

In November 2011, the ALEC website posted a Schuitmaker quote praising a publication they developed called "Rich States, Poor States" which holds itself out to be an analysis of economic competitiveness. A Citizens for Tax Justice study of the "Rich States, Poor States" report concluded it was "more wish list than analysis."

"We as a nation are on the verge of a serious philosophical change. If government has a clear, straight-forward tax structure and a fair and balanced regulatory system, the jobs will be created and we can get back to a world class education system combined with quality health care, functioning roads and bridges, and safer streets. *Rich States, Poor States* provides decision makers with empirical data that help us accomplish this change in philosophy."
- State Sen. Tonya Schuitmaker, Michigan

[<http://www.alec.org/publications/rich-states-poor-states/what-others-are-saying/>, accessed 5/18/12]

[http://ctj.org/taxjusticedigest/archive/2012/04/arthur_laffers_rich_states_poo.php, accessed 7/20/12]

Lawmakers Used Taxpayer Funds to Pay ALEC Dues

Michigan Lawmakers Use Taxpayer Funds to Pay for ALEC Memberships

According to records obtained from the Michigan House Business Office, \$6,300 of taxpayer funds have been used to subsidize ALEC membership and meeting registration fees activities for members of the House from 2005 to the present. [Michigan House Business Office]

Meanwhile, the Michigan Secretary of the Senate reports that \$1,300 of taxpayer funds have been spent to subsidize ALEC membership for members of the Senate. [Michigan Secretary of the Senate]

Current Legislators Have Used \$2,500 in Taxpayer Funds to Pay ALEC Dues

Current legislators who have used taxpayer funds to pay their ALEC dues are:

Member	Date	Amount
Agema	5/13/08	\$50.00
Booher (While in House)	8/11/05	\$100.00
Booher (While in House)	5/2/07	\$100.00
Booher (While in House)	1/15/09	\$100.00
Gilbert, Jud (While in Senate)	4/05	\$100.00
Green, Mike	5/11	\$200.00
Hansen (While in House)	2/2/07	\$100.00
Hansen (While in House)	1/16/09	\$100.00
Hansen (While in House)	3/23/09	\$100.00
Hildenbrand (While in House)	2/25/05	\$100.00
Hildenbrand (While in House)	2/6/07	\$100.00
Hildenbrand (While in House)	1/23/09	\$100.00
Hildenbrand	4/11	\$200.00
Horn	3/7/11	\$100.00

Jones (While in House)	3/1/05	\$100.00
Kowall, Mike (While in House)	1/27/09	\$100.00
Kowall, Mike	4/11	\$200.00
Kowall, Eileen	1/18/11	\$100.00
Meekhof (While in House)	2/4/09	\$100.00
Moolenar (While in House)	9/31/07	\$100.00
Nofs (While in House)	4/4/08	\$50.00
Shirkey	3/4/11	\$100.00
Total Expenditures on ALEC by Current Legislators		\$2400.00

[Michigan House Business Office; Secretary of the Senate]

Source Materials – House

The following is the original response received from the Michigan House Business Office detailing all expenditures to ALEC from 2005 to the present:

15/06/2011 09:13:45 AM

**Michigan House of Representatives
Vendor Activity Report
Activity from 01/01/2005 to 05/06/2011**

ALEC
Federal ID: 2520140979

Effective Date	DPO Number	DPO Description	Index Code	Amount
01/14/2005	VZW50912	ALEC MEMBER DUES - 2005 - 2006 - SHEEN	60000	50.00
01/19/2005	VZW50944	2005-2006 ALEC MEMBERSHIP DUES - VAR REPS (MOONSHANK, STAKOE, HILZENGA)	60000	300.00
02/03/2005	VZW51147	ALEC MEMBERSHIP DUES 2005/2006 - HUIZENGA	60000	100.00
02/24/2005	VZW51341	2005-2006 ALEC MEMBERSHIP; ROBERTSON/FARIAT	60000	100.00
02/25/2005	VZW51366	2005-2006 MEMBERSHIP DUES - ALEC - REP HILDENBRAND	60000	100.00
03/01/2005	VZW51412	2005-2006 ALEC MEMBERSHIP - REP JONES	60000	100.00
03/07/2005	VZW51476	2005/2006 MEMBERSHIP DUES: CAUL	60000	100.00
03/09/2005	VZW51564	2005-2006 ALEC MEMBERSHIP - REP VAN REGENMORTER	60000	100.00
03/23/2005	VZW51623	2005-2006 ALEC MEMBERSHIP DUES - REP KOODMAN	60000	100.00
03/31/2005	VZW51723	2005-2006 MEMBERSHIP DUES - REP SHAFER	60000	100.00
04/05/2005	VZW51736	REGIS FEE 08/01/07/05 - ALEC CONF - REP AMOS	60000	325.00
04/20/2005	VZW51873	2005/2006 ALEC MEMBER DUES: DROLET	60000	100.00
04/22/2005	VZW51883	ALEC MEMBERSHIP DUES 2005-2006 - REPS HANSEN/STIEL	60000	200.00
05/02/2005	VZW51980	2005-2006 ALEC MEMBERSHIP - REP GAFFNEY	60000	100.00
05/20/2005	VZW52179	2005-2006 ALEC MEMBERSHIP - REP ACCAVITTI	60000	100.00
08/11/2005	VZW52966	ALEC MEMBER DUES - 2005-2006: BOOHER	60000	100.00
01/25/2006	VZW60957	2006 ALEC DUES: SHEEN	60000	50.00
01/30/2006	VZW61039	2006 ALEC MEMBERSHIP DUES - SPEAKER DEROCHE	60000	50.00
02/24/2006	VZW61321	2006 ALEC MEMBERSHIP DUES: AMOS	60000	50.00
03/03/2006	VZW61421	REGIS ALEC CONF 7/19-23/06 SANTRAN; PEARCE	60000	325.00
06/28/2006	VZW62407	REGIS ALEC ANNUAL MTG 7/19-23/06-VAR- SPEAKER SHAFER (SPEAKER SHAFER)	60000	1,200.00
02/01/2007	VZW71028	ALEC MEMBERSHIP - 01/01/07-12/31/08: STAKOE	60000	100.00
02/02/2007	VZW71062	ALEC MEMBERSHIP - 01/01/07-12/31/09: AMOS	60000	100.00
02/02/2007	VZW71065	ALEC MEMBERSHIP - 01/01/07-12/31/09: CAUL	60000	100.00
02/02/2007	VZW71066	ALEC MEMBERSHIP - 01/01/07-12/31/07: GAFFNEY	60000	100.00
02/02/2007	VZW71084	ALEC MEMBERSHIP - 01/01/07-12/31/09: HANSEN	60000	100.00
02/06/2007	VZW71127	ALEC MEMBERSHIP - 01/01/07-12/31/09: HILDENBRAND	60000	100.00
02/23/2007	VZW71219	2007-2008 ALEC MEMBERSHIP DUES - REP HUIZENGA	60000	100.00
02/23/2007	VZW71264	ALEC MEMBERSHIP 01/01/07-12/31/08: STIEL	60000	100.00
02/27/2007	VZW71317	2007-2008 ALEC MEMBERSHIP DUES - REP SHEEN	60000	100.00
05/02/2007	VZW72026	2007-2008 ALEC MEMBERSHIP DUES - REP BOOHER	60000	100.00
07/05/2007	VZW72597	01/01/07-12/31/08 - ALEC MEMBERSHIP: SHAFER	60000	100.00
09/31/2007	VZW73404	ALEC MEMBERSHIP 2007-2008 - REP MCOLENAAR	60000	100.00
11/05/2007	VZW80214	2007-2008 ALEC MEMBERSHIP DUES - REP MOORE	60000	150.00
04/04/2008	VZW81670	MEMBERSHIP - 04/08-12/31/08: NOFS	60000	50.00
04/22/2008	VZW81771	MEMBERSHIP DUES - REP MOORE	60000	50.00
04/23/2008	VZW81781	MEMBERSHIP RENEW - 05/08-12/31/08: STAHL	60000	50.00
04/30/2008	VZW81842	ALEC RENEWAL THRU 12/31/08: ACCAVATTI	60000	50.00
05/13/2008	VZW81946	MEMBERSHIP DUES - REP PERMA	60000	50.00
01/15/2009	VZW90889	MEMBERSHIP DUES 1/1/09-12/31/10: PEARCE	60000	100.00
01/15/2009	VZW90890	MEMBERSHIP DUES 01/01/09-12/31/10: BOOHER	60000	100.00

[Michigan House Business Office]

Michigan House of Representatives
Vendor Activity Report
Activity from 01/01/2005 to 05/06/2011

ALEC

Federal ID: 2520140979

<u>Effective Date</u>	<u>DPO Number</u>	<u>DPO Description</u>	<u>Index Code</u>	<u>Amount</u>
11/16/2009	VZW90900	MEMBERSHIP DUES: HANSEN	60000	100.00
11/23/2009	VZW90944	ALEC MEMBERSHIP 2009&2010: HILDENBRAND	60000	100.00
11/27/2009	VZW90965	ALEC MEMBERSHIP 2009-2010: KOWALL	60000	100.00
12/04/2009	VZW91045	MEMBERSHIP DUES: MEEKHOF	60000	100.00
03/23/2009	VZW91317	ALEC MEMBERSHIP 2009-2010: HANSEN	60000	100.00
04/14/2009	VZW91409	ALEC MEMBER DUES 04/09-04/11: MELTZER	60000	100.00
01/18/2011	VZW10480	ALEC - 01/11 - 01/13: KOWALL - MEMBERSHIP	60000	100.00
03/04/2011	VZW10722	ALEC - 01/01/11 - 12/31/12: SHIRKEY - MEMBERSHIP	60000	100.00
03/07/2011	VZW10727	ALEC - 2011-2012: HORN - MEMBERSHIP	60000	100.00
			Total:	6,300.00

Source Materials – Senate

The following is the original response received from the Michigan Secretary of the Senate detailing all expenditures to ALEC from 2005 to the present:

Since the beginning of 2005 The Michigan Senate has not made any payments to ALEC for travel related expenditures. The only payments the Senate has made to ALEC during that time have been for dues as outlined below.

ALEC Dues Processed
during 2005 and after:

<u>Senator</u>	<u>District</u>	<u>Process Mo/Yr</u>	<u>Description</u>	<u>Amount of Payment</u>
Birkholz, Patricia	24	1/05	2 Yr Dues	100.00
Kuipers, Wayne	30	1/05	2 Yr Dues	100.00
Garcia, Valde	22	2/05	2 Yr Dues	100.00
Gilbert, Judson	25	4/05	2 Yr Dues	100.00
Brown, Cameron	16	10/05	2 Yr Dues	100.00
Allen, Jason	37	1/06	2 Yr Dues	100.00
Patterson, Bruce	7	5/09	2 Yr Dues	100.00
Kowalll, Mike	15	4/11	4 Yr Dues	200.00
Hildebrand, Dave	29	4/11	4 Yr Dues	200.00
Green, Mike	31	5/11	4 Yr Dues	200.00

Legislation with ALEC DNA in Michigan

HEALTH CARE COMPACT BILL (2011 & 2012)

Michigan Legislation: [HB 4693](#) (2011)
[SB 973](#) (2012)

HB 4693 Sponsors: **Tom McMillin** - (primary); **Mike Shirkey**, **Aric Nesbitt**, Pat Somerville, Rick Olson, Kurt Heise, Ray Franz, Kevin Cotter, Matt Huuki, **Dave Agema**, Bill Rogers

SB 973 Sponsors: James Marleau - (primary); Patrick Colbeck, John Proos, Roger Kahn, **Michael Green**, **Rick Jones**, **Goeffrey Hansen**, Judith Emmons, **David Hildenbrand**, **Michael Kowall**, Mark Jansen, **Darwin Booher**, Arlan Meekhof, Tory Rocca, Phillip Pavlov, John Pappageorge, Thomas Casperson, Howard Walker, **John Moolenaar**, Randy Richardville

7 ALEC Sponsors

HB 4693 Status: In committee (6/1/2011)

SB 973 Status: In committee (3/20/2012)

ALEC Model: [Health Care Compact Act](#)

Similarities/Analysis: HB 4693, introduced in the Michigan House in 2011, and SB 973, introduced in the Michigan Senate in 2012, are identical pieces of legislation. These bills pose a risk to thousands of Michiganders' access to affordable healthcare. Both would allow Michigan to enter into a healthcare compact, an effort to bypass and reject the Affordable Care Act, which gave expanded access to affordable healthcare to thousands of Americans by not permitting insurers to refuse coverage to any individual based on preexisting conditions, extending the time a young adult can stay on his or her parents' plan, and implementing reforms that will help lower overall healthcare costs.

Michigan's SB 973 is nearly identical to ALEC's "Health Care Compact Act," a model that was presented and adopted by ALEC's Health and Human Services at the August 2011 meeting in New Orleans.

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>{Insert state} enacts the Interstate Health Care Compact and enters into the compact with all other states legally joining in the compact in substantially the following form:</p>	<p>Sec. 3. The interstate health care compact is enacted into law and entered into with all jurisdictions legally joining in the compact, in the form substantially as follows:</p>
<p>WHEREAS, The separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty; and</p>	<p>Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;</p>
<p>WHEREAS, The Constitution creates a federal government of limited and enumerated powers, and reserves to the states or to the people those powers not granted to the federal government; and</p>	<p>Whereas, the constitution creates a federal government of limited and enumerated powers, and reserves to the states or to the people those powers not granted to the federal government;</p>
<p>WHEREAS, The federal government has enacted many laws that have preempted state laws with respect to health care, and placed increasing strain on state budgets, impairing other responsibilities such as education, infrastructure, and public safety; and</p>	<p>Whereas, the federal government has enacted many laws that have preempted state laws with respect to health care, and placed increasing strain on state budgets, impairing other responsibilities such as education, infrastructure, and public safety;</p>
<p>WHEREAS, The member states seek to protect individual liberty and personal control over health care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over health care in the states; and</p>	<p>Whereas, the member states seek to protect individual liberty and personal control over health care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over health care in the states;</p>
<p>WHEREAS, By acting in concert, the member states may express and inspire confidence in the ability of each member state to govern health care effectively; and</p>	<p>Whereas, by acting in concert, the member states may express and inspire confidence in the ability of each member state to govern health care effectively; and</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>WHEREAS, The member states recognize that consent of Congress may be more easily secured if the member states collectively seek consent through an interstate compact;</p>	<p>Whereas, the member states recognize that consent of congress may be more easily secured if the member states collectively seek consent through an interstate compact;</p>
<p>NOW THEREFORE, The member states hereto resolve, and by the adoption into law under their respective state constitutions of this Health Care Compact, agree, as follows:</p>	<p>Now therefore, the member states hereto resolve, and by the adoption into law under their respective state constitutions of this health care compact, agree, as follows:</p>
<p>Section 1. Definitions. As used in this compact, the following definitions apply, unless the context clearly indicates otherwise:</p>	<p>Sec. 1. As used in this compact, unless the context clearly indicates otherwise:</p>
<p>A. "Commission" means the Interstate Advisory Health Care Commission.</p>	<p>(a) "Commission" means the interstate advisory health care commission.</p>
<p>B. "Effective date" means the date upon which this compact shall become effective for purposes of the operation of state and federal law in a member state, which shall be the later of:</p> <ol style="list-style-type: none"> 1. The date upon which this compact shall be adopted under the laws of the member state; and 2. The date upon which this compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two member states adopt this compact. 	<p>(b) "Effective date" means the date upon which this compact shall become effective for purposes of the operation of state and federal law in a member state, which shall be the later of:</p> <ol style="list-style-type: none"> (i) the date upon which this compact shall be adopted under the laws of the member state, and (ii) the date upon which this compact receives the consent of congress pursuant to article I, section 10, of the United States constitution, after at least 2 member states adopt this compact.

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>C. "Health care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:</p> <ol style="list-style-type: none"> 1. Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body; and 2. Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription; and 3. An individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veteran Affairs, or provided to Native Americans. 	<p>(c) "Health care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:</p> <ol style="list-style-type: none"> (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and (ii) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and (iii) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States department of defense and United States department of veterans affairs, or provided to Native Americans.
<p>D. "Member state" means a state that is signatory to this compact and has adopted it under the laws of that state.</p>	<p>(d) "Member state" means a state that is signatory to this compact and has adopted it under the laws of that state.</p>
<p>E. "Member state base funding level" means a number equal to the total federal spending on health care in the member state during federal fiscal year 2010. On or before the effective date, each member state shall determine the member state base funding level for its state, and that number shall be binding upon that member state.</p>	<p>(e) "Member state base funding level" means a number equal to the total federal spending on health care in the member state during federal fiscal year 2010. On or before the effective date, each member state shall determine the member state base funding level for its state, and that number shall be binding upon that member state. The preliminary estimate of member state base funding level for the state of Michigan is \$29,466,000,000.00.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>F. "Member state current year funding level" means the member state base funding level multiplied by the member state current year population adjustment factor multiplied by the current year inflation adjustment factor.</p>	<p>(f) "Member state current year funding level" means the member state base funding level multiplied by the member state current year population adjustment factor multiplied by the current year inflation adjustment factor.</p>
<p>G. "Member state current year population adjustment factor" means the average population of the member state in the current year less the average population of the member state in federal fiscal year 2010, divided by the average population of the member state in federal fiscal year 2010, plus 1. Average population in a member state shall be determined by the United States Census Bureau.</p>	<p>(g) "Member state current year population adjustment factor" means the average population of the member state in the current year less the average population of the member state in federal fiscal year 2010, divided by the average population of the member state in federal fiscal year 2010, plus 1. Average population in a member state shall be determined by the United States census bureau.</p>
<p>H. "Current year inflation adjustment factor" means the total gross domestic product deflator in the current year divided by the total gross domestic product deflator in federal fiscal year 2010. Total gross domestic product deflator shall be determined by the Bureau of Economic Analysis of the United States Department of Commerce.</p>	<p>(h) "Current year inflation adjustment factor" means the total gross domestic product deflator in the current year divided by the total gross domestic product deflator in federal fiscal year 2010. Total gross domestic product deflator shall be determined by the bureau of economic analysis of the United States department of commerce.</p>
<p>Section 2. Pledge. The member states shall take joint and separate action to secure the consent of the United States Congress to this compact in order to return the authority to regulate health care to the member states consistent with the goals and principles articulated in this compact. The member states shall improve health care policy within their respective jurisdictions and according to the judgment and discretion of each member state.</p>	<p>Sec. 2. The member states shall take joint and separate action to secure the consent of the United States congress to this compact in order to return the authority to regulate health care to the member states consistent with the goals and principles articulated in this compact. The member states shall improve health care policy within their respective jurisdictions and according to the judgment and discretion of each member state.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>Section 3. Legislative Power. The legislatures of the member states have the primary responsibility to regulate health care in their respective states.</p>	<p>Sec. 3. The legislatures of the member states have the primary responsibility to regulate health care in their respective states.</p>
<p>Section 4. State Control. Each member state, within its state, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to this compact. Federal and state laws, rules, regulations, and orders regarding health care will remain in effect unless a member state expressly suspends them pursuant to its authority under this compact. For any federal law, rule, regulation, or order that remains in effect in a member state after the effective date, that member state shall be responsible for the associated funding obligations in its state.</p>	<p>Sec. 4. Each member state, within its state, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to this compact. Federal and state laws, rules, regulations, and orders regarding health care will remain in effect unless a member state expressly suspends them pursuant to its authority under this compact. For any federal law, rule, regulation, or order that remains in effect in a member state after the effective date, that member state shall be responsible for the associated funding obligations in its state.</p>
<p>Section 5. Funding. A. Each federal fiscal year, each member state shall have the right to federal monies up to an amount equal to its member state current year funding level for that federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of member state authority under this compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the member state.</p>	<p>Sec. 5. (1) Each federal fiscal year, each member state shall have the right to federal money up to an amount equal to its member state current year funding level for that federal fiscal year, funded by congress as mandatory spending and not subject to annual appropriation, to support the exercise of member state authority under this compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the member state.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>B. By the start of each federal fiscal year, Congress shall establish an initial member state current year funding level for each member state, based upon reasonable estimates. The final member state current year funding level shall be calculated, and funding shall be reconciled by the United States Congress based upon information provided by each member state and audited by the United States Government Accountability Office.</p>	<p>(2) By the start of each federal fiscal year, congress shall establish an initial member state current year funding level for each member state, based upon reasonable estimates. The final member state current year funding level shall be calculated, and funding shall be reconciled by the United States congress based upon information provided by each member state and audited by the United States government accountability office.</p>
<p>Section 6. Interstate Advisory Health Care Commission.</p> <p>A. The Interstate Advisory Health Care Commission is established. The commission consists of members appointed by each member state through a process to be determined by each member state. A member state may not appoint more than two members to the commission and may withdraw membership from the commission at any time. Each commission member is entitled to one vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the commission's total membership.</p>	<p>Sec. 6. (1) The interstate advisory health care commission is established. The commission consists of members appointed by each member state through a process to be determined by each member state. A member state may not appoint more than 2 members to the commission and may withdraw membership from the commission at any time. Each commission member is entitled to 1 vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the commission's total membership.</p>
<p>B. The commission may elect from among its membership a chairperson. The commission may adopt and publish bylaws and policies that are not inconsistent with this compact. The commission shall meet at least once a year, and may meet more frequently.</p>	<p>(2) The commission may elect from among its membership a chairperson. The commission may adopt and publish bylaws and policies that are not inconsistent with this compact. The commission shall meet at least once a year, and may meet more frequently.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>C. The commission may study issues of health care regulation that are of particular concern to the member states. The commission may make non-binding recommendations to the member states. The legislatures of the member states may consider these recommendations in determining the appropriate health care policies in their respective states.</p>	<p>(3) The commission may study issues of health care regulation that are of particular concern to the member states. The commission may make nonbinding recommendations to the member states. The legislatures of the member states may consider these recommendations in determining the appropriate health care policies in their respective states.</p>
<p>D. The commission shall collect information and data to assist the member states in their regulation of health care, including assessing the performance of various state health care programs and compiling information on the prices of health care. The commission shall make this information and data available to the legislatures of the member states. Notwithstanding any other provision in this compact, no member state shall disclose to the commission the health information of any individual, nor shall the commission disclose the health information of any individual.</p>	<p>4) The commission shall collect information and data to assist the member states in their regulation of health care, including assessing the performance of various state health care programs and compiling information on the prices of health care. The commission shall make this information and data available to the legislatures of the member states. Notwithstanding any other provision in this compact, no member state shall disclose to the commission the health information of any individual, nor shall the commission disclose the health information of any individual.</p>
<p>E. The commission shall be funded by the member states as agreed to by the member states. The commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the member states in accordance with the terms of this compact.</p>	<p>(5) The commission shall be funded by the member states as agreed to by the member states. The commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the member states in accordance with the terms of this compact.</p>
<p>F. The commission shall not take any action within a member state that contravenes any state law of that member state.</p>	<p>(6) The commission shall not take any action within a member state that contravenes any state law of that member state.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>Section 7. Congressional Consent. This compact shall be effective on its adoption by at least two member states and consent of the United States Congress. This compact shall be effective unless the United States Congress, in consenting to this compact, alters the fundamental purposes of this compact, which are:</p> <p>A. To secure the right of the member states to regulate health care in their respective states pursuant to this compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their states; and</p> <p>B. To secure federal funding for member states that choose to invoke their authority under this compact, as prescribed by Section 5 above.</p>	<p>Sec. 7. This compact shall be effective on its adoption by at least 2 member states and consent of the United States congress. This compact shall be effective unless the United States congress, in consenting to this compact, alters the fundamental purposes of this compact, which are:</p> <p>(a) To secure the right of the member states to regulate health care in their respective states pursuant to this compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their states; and</p> <p>(b) To secure federal funding for member states that choose to invoke their authority under this compact, as prescribed by section 5 above.</p>
<p>Section 8. Amendments. The member states, by unanimous agreement, may amend this compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any state may join this compact after the date on which Congress consents to the compact by adoption into law under its state constitution.</p>	<p>Sec. 8. The member states, by unanimous agreement, may amend this compact from time to time without the prior consent or approval of congress and any amendment shall be effective unless, within 1 year, the congress disapproves that amendment. Any state may join this compact after the date on which congress consents to the compact by adoption into law under its state constitution.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Care Compact Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4693 (2011)</u> <u>SB 973 (2012)</u></p>
<p>Section 9. Withdrawal; Dissolution. Any member state may withdraw from this compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the governor of the withdrawing member state has given notice of the withdrawal to the other member states. A withdrawing state shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This compact shall be dissolved upon the withdrawal of all but one of the member states.</p>	<p>Sec. 9. Any member state may withdraw from this compact by adopting a law to that effect, but no such withdrawal shall take effect until 6 months after the governor of the withdrawing member state has given notice of the withdrawal to the other member states. A withdrawing state shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This compact shall be dissolved upon the withdrawal of all but 1 of the member states.</p>

HEALTH CARE COMPACT RESOLUTION (2012)

Michigan Legislation: [SR 120](#) (2012)

Sponsors: **Goefrey Hansen** - (primary); James Marleau, **John Moolenaar**, **Michael Green**, Tory Rocca, Mark Jansen, **Michael Kowall**, Phillip Pavlov, **David Hildenbrand**, **Darwin Booher**, Howard Walker, Roger Kahn, Arlan Meekhof, Judith Emmons, **Rick Jones**, Patrick Colbeck, Randy Richardville, Thomas Casperson, John Pappageorge, John Proos, Jack Brandenburg, **Bruce Caswell**

8 ALEC Sponsors

Status: Reported favorably without amendment (3/20/2012)

ALEC Model: [Health Care Compact Act](#)

Similarities/Analysis: This resolution supports the passage of SB 973 (above), using almost identical language to an ALEC model that was presented and adopted by ALEC’s Health and Human Services Task Force at the August 2011 meeting in New Orleans. It is unknown if the model has been official approved by the ALEC Board of Directors.

ALEC Model Legislation <u>Health Care Compact Act</u>	Michigan Legislation <u>SR 120 (2012)</u>
WHEREAS, The separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty; and	Whereas, The separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty; and
WHEREAS, The Constitution creates a federal government of limited and enumerated powers, and reserves to the states or to the people those powers not granted to the federal government; and	Whereas, The Constitution creates a federal government of limited and enumerated powers and reserves to the states or to the people those powers not granted to the federal government; and
WHEREAS, The member states seek to protect individual liberty and personal control over health care decisions, and believe the best method to achieve these ends is by vesting regulatory authority over health care in the states; and	Whereas, States seeking to protect their citizens' individual liberty and personal control over health care decisions believe the best method to achieve these ends is by vesting regulatory authority over health care in the states through an interstate compact; and
WHEREAS, By acting in concert, the member states may express and inspire confidence in the ability of each member state to govern health care effectively; and	Whereas, By acting in concert through an interstate compact, the member states express and inspire confidence in their ability to collectively meet the health care needs of their citizens; and

TRESPASSER LIABILITY ACT (2012)

Michigan Legislation: [HB 5285](#) (2012)

Sponsors: John Walsh - (primary); **Aric Nesbitt**, Sharon Tyler, Holly Hughes

1 ALEC Sponsor

Status: In Committee (1/26/2012)

ALEC Model: [Trespasser Responsibility Act](#)

Similarities/Analysis: This bill is largely unnecessary as it immunizes landowners from responsibility for injuries suffered by trespassers except in exceptional cases of wanton or willful landowner conduct. Traditional in the court of law a property owner should not be held liable when an illegal trespasser suffers an accident. This legislation allows for a broad

interpretation of the term ‘trespasser,’ and therefore escape liability in an event of an accident or injury on the property.

HB 5385 shares some exact language that deal with “child trespassers” with ALEC’s Trespasser Responsibility Act. The ALEC model was presented and adopted at the 2010 conference in San Diego.

<p style="text-align: center;">ALEC Model Legislation <u>Trespasser Responsibility Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 5285 (2012)</u></p>
<p>Section 1. {Title} This chapter shall be known and may be cited as the “Trespasser Responsibility Act”.</p>	<p>Sec. 1. This act shall be known and may be cited as the "trespasser responsibility act".</p>
<p>A possessor may be subject to liability for physical injury or death to a child trespasser [age sixteen or younger] resulting from an artificial condition on the land if:</p>	<p>(3) Subsection (1) does not apply if the trespasser is a child, the injury is caused by an artificial condition on the land, and all of the following apply:</p>
<p>(a) the possessor knew or had reason to know that children were likely to trespass at the location of the condition;</p>	<p>(a) The possessor knows or has reason to know that children are likely to trespass at the place where the condition exists.</p>
<p>(b) the condition is one the possessor knew or reasonably should know involved an unreasonable risk or death or serious bodily harm to such children;</p>	<p>(b) The possessor knows or has reason to know of the condition and realizes or should realize that the condition involves an unreasonable risk of death or serious bodily harm to child trespassers.</p>
<p>(c) the injured child did not discover the condition or realize the risk involved in the condition or coming within the area made dangerous by it;</p>	<p>(c) The child trespassers, because of their youth, do not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it.</p>
<p>(d) the utility to the possessor of maintaining the condition and the burden of eliminating the danger were slight as compared with the risk to the child involved; and</p>	<p>(d) The utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to the child trespassers.</p>
<p>(e) the possessor failed to exercise reasonable care to eliminate the danger or otherwise protect the injured child.</p>	<p>(e) The possessor fails to exercise reasonable care to eliminate the danger or otherwise to protect the child trespassers.</p>

ASBESTOS LIABILITY LIMITS (2011)

Michigan Legislation: [HB 4601](#) (2011)

Sponsors: Joe Haveman - (primary); Lisa Lyons, John Walsh, **Pete Lund**, Sharon Tyler, Matt Huuki, Kurt Heise, **Mike Shirkey**, Nancy Jenkins, **Tom McMillin**, Bob Genetski, Mark Ouimet, **Eileen Kowall**, Wayne A. Schmidt, Cindy Denby, **Judson Gilbert**, Bill Rogers

5 ALEC Sponsors

Status: Signed into law (4/17/2012)

ALEC Model: [Successor Asbestos-Related Liability Fairness Act](#)

Similarities/Analysis: Michigan's HB 4601 strips away the rights of Michiganders who have been exposed to deadly asbestos by limiting the liability of the faulted corporation if the company had merged or consolidated with another corporation. HB 4601 shares exact language with much of ALEC's Successor Asbestos-Related Liability Fairness Act model, including provisions that define an "asbestos claim" and what type of claims are not included in this bill.

HB 4601 was included in [ALEC's 2011 legal reform legislative tracking document](#).

One of ALEC's long-time funders and corporate leaders is Crown, which is responsible for untold amounts of asbestos exposure, and this bill is little more than a corporate giveaway that would benefit Crown and other corporations at the expense of the rights of Michiganders.

It also reverses traditional components of corporate and contract law by allowing a corporation to buy the assets of another corporation but not the liabilities, and it allows a corporation to secure its assets from injured Americans by transferring them to another corporation, leaving its liabilities - for the asbestos products that it profited from - so that injured American workers and consumers cannot hold the corporate assets to account.

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 1-A</p> <p>A.) "Asbestos claim" means any claim, wherever or whenever made, for damages, losses, indemnification, contribution, or other relief arising out of, based on, or in any way related to asbestos, including:</p> <p>(1) the health effects of exposure to asbestos, including any claim for:</p> <ul style="list-style-type: none"> a. personal injury or death; b. mental or emotional injury; c. risk of disease or other injury; or d. the costs of medical monitoring or surveillance, to the extent such claims are recognized under state law; <p>(2) any claim made by or on behalf of any person exposed to asbestos, or a representative, spouse, parent, child, or other relative of the person; and</p> <p>(3) any claim for damage or loss caused by the installation, presence, or removal of asbestos.</p>	<p>Section 3001-1.a</p> <p>(a) "Asbestos claim" means a claim for damages, loss, indemnification, contribution, or other relief arising out of, based on, or in any way related to asbestos, including any of the following:</p> <p>(i) A claim based on the health effects of exposure to asbestos, including a claim for any of the following:</p> <ul style="list-style-type: none"> (A) Personal injury or death. (B) Mental or emotional injury. (C) Risk of disease or other injury. (D) The costs of medical monitoring or surveillance, to the extent those claims are recognized under state law. <p>(ii) A claim made by or on behalf of a person exposed to asbestos, or by or on behalf of a representative, spouse, parent, child, or other relative of the person.</p> <p>(iii) A claim for damages or loss caused by the installation, presence, or removal of asbestos.</p>
<p>Section 1-B</p> <p>B.) "Corporation" means a corporation for profit, including a domestic corporation organized under the laws of this state, or a foreign corporation organized under laws other than the laws of this state.</p>	<p>Section 3001-1.b</p> <p>(b) "Corporation" means a corporation organized for profit, whether organized under the laws of this state, another state, or a foreign nation.</p>
<p>Section 1-C</p> <p>C.) "Successor" means a corporation that assumes or incurs, or has assumed or incurred, successor asbestos-related liabilities.</p>	<p>Section 3001-1.c</p> <p>(c) "Successor" means a corporation that assumes or incurs, or has assumed or incurred, a successor asbestos-related liability.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 1-D D.) "Successor asbestos-related liabilities" means any liabilities, whether known or unknown, asserted or unasserted, absolute or contingent, accrued or unaccrued, liquidated or unliquidated, or due or to become due, that are related in any way to asbestos claims (as defined by this Act, as well as any claims for damage or loss caused by the installation, presence, or removal of asbestos) and that were assumed or incurred by a corporation as a result of or in connection with a merger or consolidation, or the plan of merger or consolidation related to the merger or consolidation, with or into another corporation or that are related in any way to asbestos claims (including property damage claims) based on the exercise of control or the ownership of stock of the corporation before the merger or consolidation. The term includes liabilities that, after the time of the merger or consolidation for which the fair market value of total gross assets is determined under Section 4, were or are paid or otherwise discharged, or committed to be paid or otherwise discharged, by or on behalf of the corporation, or by a successor of the corporation, or by or on behalf of a transferor, in connection with settlements, judgments, or other discharges in this state or another jurisdiction.</p>	<p>Section 3001-1.d (d) "Successor asbestos-related liability" means a liability, whether known or unknown, asserted or unasserted, absolute or contingent, accrued or unaccrued, liquidated or unliquidated, or due or to become due, that is related in any way to an asbestos claim and that was assumed or incurred by a corporation as a result of or in connection with a merger or consolidation or a plan of merger or consolidation with or into another corporation or that is related in any way to an asbestos claim based on the exercise of control or the ownership of stock of the other corporation before the merger or consolidation. Successor asbestos-related liability includes liability that, after a merger or consolidation for which the fair market value of total gross assets, as determined under subsections (6) to (8), is paid or otherwise discharged, or is committed to be paid or otherwise discharged, by or on behalf of the corporation, by a successor of the corporation, or by or on behalf of a transferor, in connection with a settlement, judgment, or other discharge of liability in this state, another state, or a foreign nation.</p>
<p>Section 1-E E.) "Transferor" means a corporation from which successor asbestos-related liabilities are or were assumed or incurred.</p>	<p>Section 3001-1.e (e) "Transferor" means a corporation from which a successor asbestos-related liability is assumed or incurred.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 2-A A.) The limitations in Section 3 of this Title shall apply to: a domestic corporation or a foreign corporation that has had a certificate of authority to transact business in this state or has done business in this state and that is a successor or which is any of that successor corporation's successors.</p>	<p>Section 3001-2 (2) The limitations in subsection (4) apply to a corporation that became a successor before January 1, 1972 or that is a successor to such a corporation.</p>
<p>Section 2-B.1 B.) The limitations in Section 3 of this Title shall not apply to:</p> <p>(1) workers' compensation benefits paid by or on behalf of an employer to an employee under this State's workers' compensation act or a comparable workers' compensation law of another jurisdiction;</p>	<p>Section 3001-3.a (3) The limitations in subsection (4) do not apply to any of the following:</p> <p>(a) A claim for workers' compensation benefits paid by or on behalf of an employer to an employee under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, or a comparable workers' compensation law of another jurisdiction.</p>
<p>Section 2-B.2 (2) any claim against a corporation that does not constitute a successor asbestos-related liability;</p>	<p>Section 3001-3.b (b) A claim against a corporation that is not a successor asbestos-related liability.</p>
<p>Section 2-B.4 (4) any obligations under the National Labor Relations Act (29 U.S.C. Section 151 et seq.), as amended, or under any collective bargaining agreement.</p>	<p>Section 3001-3.c (c) An obligation under the national labor relations act, 29 USC 151 to 169, or under a collective bargaining agreement.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 3-A A.) Except as further limited in Subsection (b), the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation. The corporation does not have any responsibility for successor asbestos-related liabilities in excess of this limitation.</p>	<p>Section 3001-4 (4) Except as provided in subsection (5), the cumulative successor asbestos-related liability of a corporation is limited to the fair market value of the total gross assets of the transferor determined at the time of the merger or consolidation and adjusted as provided in subsection (9). The corporation does not have any responsibility for successor asbestos-related liability in excess of this limitation.</p>
<p>Section 3-B B.) If the transferor had assumed or incurred successor asbestos-related or liabilities in connection with a prior merger or consolidation with a prior transferor, then the fair market value of the total assets of the prior transferor, determined as of the time of such earlier merger or consolidation, shall be substituted for the limitation set forth in Subsection (a) for purposes of determining the limitation of liability of a corporation.</p>	<p>Section 3001-5 (5) If the transferor assumed or incurred successor asbestos-related liability in connection with a prior merger or consolidation with a prior transferor, the limitation of liability of the corporation under subsection (4) is the fair market value of the total assets of the prior transferor, determined at the time of the prior merger or consolidation and adjusted as provided in subsection (9).</p>
<p>Section 4-A A.) A corporation may establish the fair market value of total gross assets for the purpose of the limitations under Section 3 through any method reasonable under the circumstances, including: (1) by reference to the going concern value of the assets or to the purchase price attributable to or paid for the assets in an arm's-length transaction; or (2) in the absence of other readily available information from which fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.</p>	<p>Section 3001-6 (6) The fair market value of total gross assets for purposes of subsection (4) may be established by any method reasonable under the circumstances, including by reference to any of the following: (a) The going concern value of the assets. (b) The purchase price attributable to or paid for the assets in an arm's-length transaction. (c) If there is no other readily available information from which fair market value can be determined, the value of the assets recorded on a balance sheet.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 4-B B.) Total gross assets include intangible assets.</p>	<p>Section 3001-7 (7) In determining the fair market value of total gross assets under subsection (4), total gross assets include both of the following: (a) Intangible assets. (b) The amount of any liability insurance issued to the transferor that provides coverage for successor asbestos-related liabilities, determined, if applicable, under subsection (8)(b).</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 4-C C.) Total gross assets include the aggregate coverage under any applicable liability insurance that was issued to the transferor whose assets are being valued for purposes of this Section and which insurance has been collected or is collectable to cover successor asbestos-related liabilities (except compensation for liabilities arising from workers' exposure to asbestos solely during the course of their employment by the transferor). A settlement of a dispute concerning such insurance coverage entered into by a transferor or successor with the insurers of the transferor before the enactment of this title shall be determinative of the aggregate coverage of such liability insurance to be included in the calculation of the transferor's total gross assets.</p>	<p>Section 3001-8 (8) If the total gross assets include an amount for liability insurance under subsection (7)(b), both of the following apply: (a) The applicability, assignability, terms, conditions, and limits of the insurance are not affected by this section, and this section does not otherwise affect the rights and obligations of a transferor, successor, or insurer under an insurance contract or related agreements, including rights and obligations under settlements reached before the effective date of the amendatory act that added this section between a transferor or successor and its insurers resolving liability insurance coverage and the rights of an insurer to seek payment for applicable deductibles, retrospective premiums, or self-insured retentions or to seek contribution from a successor for uninsured or self-insured periods or periods for which insurance is uncollectible or otherwise unavailable. (b) If there is a settlement of a dispute concerning the insurance coverage between the transferor or successor and its insurers before the effective date of the amendatory act that added this section, the amount of the settlement is the amount of the liability insurance to be included in the total gross assets.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 5-A A.) Except as provided in Subsections (b), (c), and (d), the fair market value of total gross assets at the time of a merger or consolidation increases annually at a rate equal to the sum of: (1) the prime rate as listed in the first edition of the Wall Street Journal published for each calendar year since the merger or consolidation, unless the prime rate is not published in that edition of the Wall Street Journal, in which case any reasonable determination of the prime rate on the first day of the year may be used; or (2) one percent</p>	<p>Section 3001-9 (9) Subject to subsections (10) to (12), in determining a limit of liability under subsection (4), the fair market value of total gross assets at the time of a merger or consolidation shall be increased for each year since the merger or consolidation by a percentage equal to 1% plus the adjusted prime rate for the 6-month period ending March 31 of that calendar year as determined under section 23 of 1941 PA 122, MCL 205.23.</p>
<p>Section 5-B B.) The rate in Subsection (a) is not compounded.</p>	<p>Section 3001-10 (10) An increase under subsection (9) shall not be compounded.</p>
<p>Section 5-C C.) The adjustment of fair market value of total gross assets continues as provided under Subsection (a) until the date the adjusted value is first exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the corporation or a predecessor, or by or on behalf of a transferor, after the time of the merger or consolidation for which the fair market value of total gross assets is determined.</p>	<p>Section 3001-11 (11) The adjustment under subsection (9) continues until the date the adjusted value is first exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the corporation or a predecessor, or by or on behalf of a transferor, after the time of the merger or consolidation for which the fair market value of total gross assets is determined.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Successor Asbestos-Related Liability</u> <u>Fairness Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4601 (2011)</u></p>
<p>Section 5-D D.) No adjustment of the fair market value of total gross assets shall be applied to any liability insurance otherwise included in the definition of total gross assets by subsection 4(c).</p>	<p>Section 3001-12 (12) The amount of any liability insurance coverage included in the total gross assets under subsection (7)(b) shall not be included in the adjustment under subsection (9).</p>
<p>Section 6 The courts in this state shall apply, to the fullest extent permissible under the United States Constitution, this state's substantive law, including the limitation under this chapter, to the issue of successor asbestos-related liabilities.</p>	<p>Section 3001-13 (13) A court shall, to the fullest extent permissible, liberally apply the limitation in liability under this section in an action that includes successor asbestos-related liability. A court shall apply procedural provisions of this section retroactively. However, if the application of a provision of this section would unconstitutionally affect a vested right, the provision shall only be applied prospectively.</p>
<p>Section 7 This Act shall take effect on its date of enactment. The Act applies to all asbestos claims filed on or after the effective date. This Act also applies to any pending asbestos claims in which trial has not commenced as of the effective date.</p>	<p>Section 3001-14 and Section 3001-15 (14) This section applies to an action that includes an asbestos claim to which either of the following applies:</p> <p>(a) The action is filed on or after the effective date of the amendatory act that added this section.</p> <p>(b) The action is pending but trial of the action has not commenced as of the effective date of the amendatory act that added this section.</p> <p>(15) As provided in section 5 of 1846 RS 1, MCL 8.5, this section is severable.</p> <p>This act is ordered to take immediate effect.</p>

WITHDRAWING FROM THE MIDWESTERN GREENHOUSE GAS REDUCTION ACCORD (2011)

Michigan Legislation: [HR 134](#) (2011)

Sponsors: **Aric Nesbitt** - (primary); Bob Genetski, Ben Glardon, Ed McBroom, **Dave Agema**, **Pete Lund**, **Tom McMillin**, Pat Somerville, **Eileen Kowall**, Joe Haveman, Marty Knollenberg, **Mike Shirkey**, Kevin Cotter, Ray Franz, **Matt Lori**, Frank Foster, Al Pscholka, Rick Outman, Jon Bumstead, Hugh D. Crawford, Kurt Heise, Thomas Hooker, Matt Huuki, **Kenneth Kurtz**

8 ALEC Sponsors

Status: Referred to Committee on Energy and Technology (9/27/2011)

ALEC Model: [State Withdrawal from Regional Climate Initiatives](#)

Similarities/Analysis: HR 134 promotes a polluter agenda by allowing Michigan to pull out of the Midwestern Greenhouse Gas Reduction Accord, a cap-and-trade program to cut greenhouse gases and carbon-dioxide emissions.

With eight ALEC sponsors, including primary sponsor Rep. Aric Nesbitt (R-80), HR 134 shares exact language with ALEC’s “State Withdrawal from Regional Climate Initiatives” resolution. Both Michigan’s HR 134 and ALEC’s resolution uses language that denies climate change and benefits ALEC’s corporate sponsors like Koch Industries, Exxon Mobil, and BP.

ALEC Model Legislation State Withdrawal from Regional Climate Initiatives	Michigan Legislation HR 134 (2011)
WHEREAS, forcing business, industry, and food producers to reduce carbon emissions through government mandates and cap-and-trade policies under consideration for the regional climate initiative will increase the cost of doing business, push companies to do business with other states or nations, and increase consumer costs for electricity, fuel, and food;	Whereas, Forcing business, industry, manufacturers, energy producers, and food producers to reduce carbon dioxide emissions through the government mandates and cap-and-trade policies advocated by the Midwestern Greenhouse Gas Reduction Accord will increase the cost of doing business; push companies, job-providers, and businesses to other states or overseas; and increase consumer costs for manufactured goods, electricity, fuel, and food; and

<p style="text-align: center;">ALEC Model Legislation <u>State Withdrawal from Regional Climate Initiatives</u></p>	<p style="text-align: center;">Michigan Legislation <u>HR 134 (2011)</u></p>
<p>WHEREAS, the Congressional Budget Office warns that the cost of cap-and-trade policies will be borne by consumers and will place a disproportionately high burden on poorer families;</p>	<p>Whereas, The Congressional Budget Office warns that the cost of cap-and-trade policies will be borne by consumers and will place a disproportionately high burden on poorer families; and</p>
<p>WHEREAS, simply reducing carbon emissions in the State of _____ will not have a significant impact on international carbon reduction, especially while countries like China, Russia, Mexico, and India emit an ever-increasing amount of carbon into the atmosphere;</p>	<p>Whereas, Simply reducing carbon dioxide emissions in the state of Michigan or in the Midwest will not have a significant impact on global greenhouse gas emissions, especially while developing countries such as China, Russia, Brazil, and India emit an ever-increasing amount of carbon dioxide; and</p>
<p>WHEREAS, a tremendous amount of economic growth would be sacrificed for a reduction in carbon emissions that would have no appreciable impact on global concentrations of CO₂;</p>	<p>Whereas, A tremendous amount of economic growth and job creation would be sacrificed in a regulatory cap-and-trade scheme that would have no appreciable impact on global concentrations of carbon dioxide; and</p>
<p>WHEREAS, no state or nation has enhanced economic opportunities for its citizens or increased Gross Domestic Product through cap and trade or other carbon reduction policies;</p>	<p>Whereas, No state or nation has enhanced economic growth or international competitiveness through a cap-and-trade scheme or any other government-mandated carbon dioxide reduction policies; and</p>
<p>and WHEREAS, Europe's cap and trade system has been undermined by political favoritism, accounting tricks and has failed to achieve the carbon reduction targets,</p>	<p>Whereas, The European cap-and-trade system has been undermined by political favoritism, corporate giveaways, higher costs for consumers, and accounting tricks and has failed to achieve its carbon dioxide reduction targets; now, therefore, be it</p>
<p>THEREFORE, BE IT RESOLVED, that the legislature of the State of _____ urges the Governor to withdraw [state] from the regional climate initiative.</p>	<p>Resolved by the House of Representatives, That we urge the Governor to expedite Michigan's withdrawal from the Midwestern Greenhouse Gas Reduction Accord</p>

PROOF OF CITIZENSHIP FOR VOTER REGISTRATION (2011)

Michigan Legislation: [HB 5221](#) (2011)

Sponsors: **Dave Agema** - (primary); Ray Franz, Margaret O'Brien, Pat Somerville, Kurt Heise, Ben Glardon, Paul Opsommer, Kevin Cotter, Rick Olson, Greg MacMaster, Hugh D. Crawford, Sharon Tyler, **Amanda Price**, Peter MacGregor, Bruce Rendon, Nancy Jenkins, Frank Foster, **Gail Haines**, Brad Jacobsen, Kurt Damrow, Ed McBroom, Ken Yonker, Thomas Hooker, **Kenneth Kurtz**, Joe Haveman, Jon Bumstead, **Eileen Kowall**, **Tom McMillin**, Matt Huuki, Cindy Denby, Andrea LaFontaine

6 ALEC Sponsors

Status: Referred to Committee on Redistricting and Elections (12/13/2011)

ALEC Model: [Taxpayer and Citizen Protection Act](#)

Similarities/Analysis: This bill is an attack on basic civil rights of the elderly, students, immigrations, and minorities as it would require Michiganders to provide evidence of U.S. citizenship (via a driver's license, a birth certificate, or Department of State-issued identification card) in order to register to vote. States that have attempted to implement such rules have created a catch-22 situation for some Americans to be able to continue to vote in that they require a birth certificate to obtain a photo ID, and a photo ID to obtain a birth certificate. There are numerous instances of Americans who were born here and have been voting for years, such as Dorothy Cooper, a 96-year-old Chattanooga resident who had only missed one election since becoming eligible to vote, whose right to vote has been adversely affected by similar legislation. [ThinkProgress, accessed 7/20/12]

HB 5221 shares exact language with ALEC's "Taxpayer and Citizen Protection Act," including provisions that details the appropriate forms of identification, who must show identification based on previous registration status, and how long a locality must hold a person's citizenship information.

<p style="text-align: center;">ALEC Model Legislation <u>Taxpayer and Citizen Protection Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 5221 (2011)</u></p>
<p>Section 4-F.1 The number of the applicant's driver License or non-operating identification license issued after October 1, 1996 by the Department of Transportation or the equivalent Governmental agency of another state within the United States if the agency indicates on the applicant's driver license or nonoperating identification license that the person has provided satisfactory proof of United States citizenship.</p>	<p>Section 496A-2.A The Applicant's driver license number or personal identification card number issues by the Department of State or the equivalent department of another state if that department indicates on the applicant's driver license or person identification card that the person has provided satisfactory evidence of United States citizenship.</p>
<p>Section 4-F.2 A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county recorder.</p>	<p>Section 496A-2.B A legible photocopy of the applicant's birth certificate that verifies United States citizenship to the satisfaction of the person processing the voter registration application.</p>
<p>Section 4-F.3 A legible photocopy of pertinent pages of the applicant's united states passport identifying the applicant and the applicant's passport number or presentation to the county recorder of the applicant's united states passport.</p>	<p>Section 496A-2.D A legible photocopy of the pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number.</p>
<p>Section 4-F.4 A presentation to the county recorder of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States immigration and naturalization service by the county recorder.</p>	<p>Section 496A-2.E The applicant's United States Naturalization Documents or the number of the certification of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls and qualified voter file until the person processing the application verifies the number of the certificate of naturalization with the United States Immigration and Naturalization Service.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Taxpayer and Citizen Protection Act</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 5221 (2011)</u></p>
<p>Section 4-F.5 Other documents or methods of proof that are established pursuant to the immigration reform and control act of 1986.</p>	<p>Section 496A-2.F Other documents or methods of proof that are used to establish United States citizenship pursuant to the Immigration Reform and Control Act of 1986, Public Law 99-603, 100 Stat. 3359.</p>
<p>Section 4-F.6 The applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number.</p>	<p>Section 496A-2.G The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.</p>
<p>Section 4-H For the purposes of this section, proof of voter registration from another state or county is not satisfactory evidence of citizenship. (I) A person who modifies voter registration records with a new residence ballot shall not be required to submit evidence of citizenship. After citizenship has been demonstrated to the county recorder, the person is not required to resubmit satisfactory evidence of citizenship in that county</p>	<p>Section 496A-3 For the purposes of this section, proof of voter registration from another state is not satisfactory evidence of United States citizenship.</p>
<p>Section 4-G Notwithstanding subsection f of this section, any person who is registered in this State on the effective date of this amendment to this section is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another</p>	<p>Section 496A-4 Notwithstanding subsection (2), a person who is registered in this State on the effective date of this amendatory act that added this section shall not be required to submit evidence of United States citizenship unless the person moves his or her residence to another city, township, or village.</p>

<p align="center">ALEC Model Legislation <u>Taxpayer and Citizen Protection Act</u></p>	<p align="center">Michigan Legislation <u>HB 5221 (2011)</u></p>
<p>Section 4-1 After a person has submitted satisfactory evidence of citizenship, the county recorder shall indicate this information in the person's permanent voter file. After two years, the county recorder may destroy all documents that were submitted as evidence of citizenship.</p>	<p>Section 496A-5 After a person submits satisfactory evidence of citizenship, the city, township, or village clerk shall add this information to the qualified voter file. The city, township, or village clerk may destroy all documents submitted as evidence of United States citizenship not less than 2 years after the date of submission.</p>

LOCAL ENFORCEMENT OF IMMIGRATION LAWS (2011)

Michigan Legislation: [HB 4305](#) (2011)

Sponsors: **Dave Agema** - (primary); Thomas Hooker, Peter Pettalia, Bob Genetski, Ray Franz, Matt Huuki, Marty Knollenberg, Joel Johnson, Anthony Forlini, Ben Gardon, Dale W. Zorn, Philip Potvin, Paul Opsommer, Kurt Damrow, Bill Rogers, **Matt Lori**, Paul Scott

2 ALEC Sponsors

Status: Referred to Judiciary Committee (2/22/2011)

ALEC Model: [Immigration Law Enforcement Act](#)

Similarities/Analysis: Michigan's HB 4305 would require local governments to enforce federal immigration law, and therefore interferes with local law enforcement's ability to decide how best to allocate resources and interferes with law enforcement-community relations.

HB 4305 borrows language dealing with verifying a person's immigration status and turning undocumented immigrants over to the federal government from ALEC's "Immigration Law Enforcement Act." This ALEC model is an abbreviated version of Arizona's controversial SB 1070, which, in parts, was recently struck down by the U.S. Supreme Court.

<p align="center">ALEC Model Legislation <u>Immigration Law Enforcement Act</u></p>	<p align="center">Michigan Legislation <u>HB 4305 (2011)</u></p>
<p>Section 2-A All officials, agencies and personnel of this state and counties, cities and towns of this state shall fully comply with and, to the full extent permitted by law, assist in the enforcement of federal immigration laws of the United States. For every arrest made by such officials, agencies and personnel, the citizenship of the person shall be determined. If the person who is arrested is an alien, the person's immigration status shall be verified with the federal government pursuant to United States Code: Title 8 section 1373(c). If the person is an alien who is unlawfully present in the United States and this state or a local governmental entity elects not to prosecute the person for a violation of state or local law, the person shall be transferred to the custody of the United States immigration and customs enforcement or United States customs and border protection.</p>	<p>Section 4.2 (2) When a law enforcement officer has lawfully stopped, detained, or arrested, for a violation of a law of this state or any political subdivision of this state, a person who is or should reasonably be suspected of being unlawfully present in the United States, a complete, full, and appropriate attempt shall be made to verify the person's immigration status with the federal government. The person's immigration status shall be verified through a query to the appropriate entity of the federal government under 8 USC 1373(c). For the purposes of this subsection, a person is presumed not to be an alien who is unlawfully present in the United States if the person provides to the law enforcement officer or agency any of the following: (a) A valid Michigan operator's or chauffeur's license. (b) A valid Michigan state personal identification card. (c) Any other valid United States, state, or local government issued identification document if the issuing agency requires proof of legal presence in the United States before issuance.</p>

<p align="center">ALEC Model Legislation <u>Immigration Law Enforcement Act</u></p>	<p align="center">Michigan Legislation <u>HB 4305 (2011)</u></p>
<p>Section 2-A If an alien who is unlawfully present in the United States is acquitted of any violation of state or local law, is discharged from imprisonment or pays any fine imposed, the alien shall immediately be transferred to the custody of United States immigration and customs enforcement. If the unauthorized alien is convicted of a crime, the alien must complete the full sentence before being released to the custody of the United States immigration and customs enforcement or United States customs and border protection.</p>	<p>Section 4.3 If an alien who is unlawfully present in the United States is convicted of a violation of state law or local ordinance upon discharge from imprisonment or assessment of any fine that is imposed, the alien shall be transferred immediately to the custody of the United States immigration and customs enforcement or the United States customs and border protection.</p>
<p>Section 3-B A peace officer shall not stop or arrest a person for a violation of this section unless the peace officer has reasonable belief that the person has committed or is committing a violation of this section.</p>	<p>Section 4.5 A law enforcement officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that the person has committed a public offense that makes the person removable from the United States.</p>

SEARCHABLE DATABASE OF BUDGET EXPENDITURES (2011)

Michigan Legislation: [HB 4136](#) (2011)

Sponsors: **Tom McMillin** - (primary); Marty Knollenberg, Peter MacGregor, **Aric Nesbitt**, Pat Somerville, **Dave Agema**, Wayne A. Schmidt, Frank Foster, Mark Ouimet, **Eileen Kowall**, Ray Franz, Dale W. Zorn, Anthony Forlini, Paul Opsommer

4 ALEC Sponsors

Status: Referred to Oversight, Reform, and Ethics Committee (1/25/2011)

ALEC Model: [An Act Relating to Creating a Searchable Budget Database for State Spending](#)

Similarities/Analysis: This bill would create a searchable database with detailed information on budget expenditures. While both HB 4136 and ALEC’s model attempt to make a more open-government by itemizing what should be included in the database, both fail to call for

exposing costly tax exemptions and credits, which often benefit large corporations. ALEC also opposes disclosure of who is spending money to influence state and federal elections, as noted in its resolution in support of the Supreme Court's *Citizens United* decision.

<p style="text-align: center;">ALEC Model Legislation <u>An Act Relating to Creating a Searchable Budget Database for State Spending</u></p>	<p style="text-align: center;">Michigan Legislation <u>HB 4136 (2011)</u></p>
<p>Section 1 Search and aggregate information for the following:</p> <ol style="list-style-type: none"> 1. the name and principal location or residence of the entity/and or recipients of funds, 2. the amount of funds expended, 3. the funding or expending agency, 4. the funding source of the revenue expended, 5. the budget program/activity of the expenditure, 6. a descriptive purpose for the funding action or expenditure, 7. the expected performance outcome for the funding action or expenditure, 8. the past performance outcomes achieved for the funding action or expenditure, 9. any state audit or report relating to the entity or recipient of funds or the budget program/activity or agency, 10. and any other relevant information specified by the [state budget office]. 	<p>Section 447-1 The Department shall issue directives requiring all state agencies to provide the department with the following information regarding the expenditure of state funds:</p> <ol style="list-style-type: none"> (A) The name and principle location of the entity receiving the money (B) The amount of state funds (C) The type of the transaction (D) The funding state agency (E) The budget source of the funds (F) A descriptive purpose of the funding action or expenditure (G) Any other information required by the department.

REPEALING FEDERAL LAWS (2011)

Michigan Legislation: [SCR 14](#) (2011)

Sponsors: **Tonya Schuitmaker** - (primary); **Darwin Booher**, Jack Brandenburg, **Rick Jones**, **Michael Kowall**, John Proos

4 ALEC Sponsors

Status: Referred to Committee on Government Operations (4/12/2011)

ALEC Model: [Resolution Calling for the Congress of the United States to Call a Constitutional Convention Pursuant to Article V of the United States Madison Amendment](#)

Similarities/Analysis: Michigan's SCR 14 is a dangerous attack on traditional American federalism as it calls on the U.S. Congress to call a constitutional convention to propose an amendment to the U.S. Constitution that would allow for the repeal of any federal law by the vote of two-thirds of the state legislatures. Such a convention would potentially allow states that are dominated by energy corporations to use this procedure to repeal long-standing national laws to protect Americans' clean water and air through environmental regulations.

Sen. Tonya Schuitmaker, Sen. Darwin Booher, Sen. Rick Jones, and Sen. Mike Kowall – all legislators with ALEC ties – take the language straight out of ALEC's "Madison Amendment" model.

<p style="text-align: center;">ALEC Model Legislation <u>Resolution Calling for the Congress of the United States to Call a Constitutional Convention Pursuant to Article V of the United States</u> <u>Madison Amendment</u></p>	<p style="text-align: center;">Michigan Legislation <u>SCR 14 (2011)</u></p>
<p>From ALEC’s “Madison Amendment” Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as art of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years after the date of its submission for ratification: Article – the Congress, on application of the legislatures of two thirds of the several states, which all contain an identical amendment, shall call a convention solely to decide whether to propose that specific amendment to the states, which, if proposed shall be valid to all intents and purposes as part of this Constitution when ratified pursuant to Article V.</p>	<p>Whereas, A proposal that is drawing increasing attention across the country is the so-called Madison Amendment to establish another means, initiated by the states, to amend the federal Constitution. The Madison Amendment, which was considered by the 111th Congress as H. J. Res 95, reads as follows: "The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V."</p>

Legislation Similar to ALEC Models

DUES DEDUCTIONS FOR PUBLIC WORKERS (2012)

Michigan Legislation: [SB 938](#) (2012)

Sponsors: Patrick Colbeck - (primary); Arlan Meekhof, James Marleau, **Tonya Schuitmaker**

1 ALEC Sponsors

Status: In Committee (2/14/2012)

ALEC Model: [Prohibition on Compensation Deductions Act](#)

Similarities/Analysis: Michigan's SB 938 is an attack on workers as it would make it more difficult for unions to collect dues. The bill would amend existing Michigan law that would prohibit public employers from deducting or collecting dues.

The general intent of SB 938 is similar to ALEC's "Prohibition on Compensation Deductions Act," which also prohibits public employers from deducting union dues for public workers. Not surprisingly, the bill was co-sponsored by ALEC's former Michigan Chairman, Senator Tonya Schuitmaker.

BALANCED BUDGET AMENDMENT (2012)

Michigan Legislation: [SCR 26](#) (2012)
[SR 115](#) (2012)

SCR 26 Sponsors: **Goeffrey Hansen** - (primary); Thomas Casperson, Arlan Meekhof, Randy Richardville, **David Hildenbrand**, Patrick Colbeck, James Marleau, **Darwin Booher**, **Bruce Caswell**, John Proos, John Pappageorge, **Michael Green**, Jack Brandenburg, Judith Emmons, Mark Jansen, **Rick Jones**, **Mike Nofs**, Phillip Pavlov, Tory Rocca, **Tonya Schuitmaker**

8 ALEC Sponsors

SR 115 Sponsors: Thomas Casperson - (primary); **Goeffrey Hansen**, Arlan Meekhof, Randy Richardville, **David Hildenbrand**, Patrick Colbeck, James Marleau, **Darwin Booher**, **Bruce Caswell**, John Proos, John Pappageorge, **Michael Green**, Jack Brandenburg, Judith Emmons, Mark Jansen, **Rick Jones**, **Mike Nofs**, Phillip Pavlov, Tory Rocca

7 ALEC Sponsors

SCR 26 Status: Reported favorably without amendment (2/22/2012)

SR 115 Status: Reported favorably without amendment (2/22/2012)

ALEC Model: [The Balanced Budget Amendment Resolution](#)

Similarities/Analysis: SCR 26 and SR 115 both call on the U.S. Congress to pass a balanced budget amendment to the U.S. constitution. This amendment is often criticized as it would limit the government's ability to respond to emergencies and eliminate flexibility in hard times.

ALEC's "Balanced Budget Amendment Resolution" also calls on Congress to pass a balanced budget amendment. Both of Michigan's resolutions were pushed largely by ALEC member Goeff Hansen in order to cut government spending, yet Hansen had no problem using taxpayer money to pay ALEC membership dues four times between 2005 and 2009.

TIME LIMITS FOR WELFARE RECIPIENTS (2011)

Michigan Legislation: [HB 4409](#) (2011)

Sponsors: **Kenneth Horn** - (primary), **Kenneth Kurtz**, Sharon Tyler, Lisa Lyons, Marty Knollenberg, **Dave Agema**, Bruce Rendon, Chuck Moss, Ray Franz, Ken Yonker, Paul Muxlow, **Matt Lori**, Bill Rogers, **Tom McMillin**, Cindy Denby, Mike Callton, Wayne A. Schmidt, Hugh D. Crawford, Rick Outman, Pat Somerville, Kevin Cotter, **Mike Shirkey**, Bob Genetski, Greg MacMaster, **Amanda Price**, Jon Bumstead, Paul Scott, Al Pscholka, Peter Pettalia, Earl Poleski, Paul Opsommer, Ed McBroom, Ben Glardon, Kevin Daley, Kurt Heise, Margaret O'Brien, Joe Haveman, Philip Potvin, Frank Foster, **Gail Haines, Aric Nesbitt**

9 ALEC Sponsors

Status: Signed into law (9/7/2011)

ALEC Model: [Time Limits on TANF Benefits](#)

Similarities/Analysis: HB 4409 is a right wing attack on the poor and Michigan's basic safety net. Both Michigan's 4409 and ALEC's model "Time Limits on TANF Benefits" set a 48-month time limit for state welfare recipients. It is not surprising that Rep. Ken Horn (R-94), the bill's primary sponsor, is an active ALEC member, and co-sponsors Rep. Kenneth Kurt (R-58) and Rep. Matt Lori (R-59) sit on ALEC's Health and Human Services Task Force, the same task force that adopted "Time Limits on TANF Benefits" as an ALEC model.

E-VERIFY (2011)

Michigan Legislation: [HB 4024](#) (2011) and [HB 4026](#) (2011)

HB 4024 Sponsors: **Dave Agema** - (primary), Ken Yonker, Thomas Hooker, Kevin Cotter, Mike Callton, **Matt Lori**, Anthony Forlini, Marty Knollenberg, Joel Johnson, Andrea LaFontaine, Kurt Damrow, Greg MacMaster, Pat Somerville, Kevin Daley

2 ALEC Sponsors

HB 4026 Sponsors: **Dave Agema** - (primary), Ken Yonker, Thomas Hooker, Kurt Damrow, Greg MacMaster, Mike Callton, Marty Knollenberg, Joel Johnson, Kevin Daley, Andrea LaFontaine

1 ALEC Sponsor

HB 4024 Status: Referred to committee (1/13/2011)

HB 4026 Status: Referred to committee (1/13/2011)

ALEC Model: [Fair and Legal Employment Act](#)

Similarities/Analysis: Michigan's HB 4024 and HB 4026 immigration bills is very similar to ALEC's "Fair and Legal Employment Act" in that they require state contractors and employment agencies in the state to verify employees' immigration status through the Federal E-Verify system. An earlier version of E-Verify was called "1-800-Big-Brother" by conservatives like Rep. Steve Chabot [R-Ohio] before ALEC adopted these model bills because the process has errors that can result in citizens and documented workers being unable to accept a job from someone who knows them because a faceless bureaucrat in Washington has determined that their name is the same or similar to someone else's. Both bills were introduced by Rep. Dave Agema (R-74).

POLITICAL ACTIVITIES OF LABOR UNIONS (2011)

Michigan Legislation: [HB 5085](#) (2011)

Sponsors: **Mike Shirkey** - (primary), Paul Opsommer

1 ALEC Sponsor

Status: Signed into law (2/28/2012)

ALEC Model:

[Prohibition on Compensation Deductions Act](#)

[Paycheck Protection Act](#)

[Political Funding Reform Act](#)

Progress Michigan

Who's writing Michigan's laws?

[Voluntary Contributions Act](#)

Similarities/Analysis: Michigan's HB 5085 is a push to limit workers' voice in elections and government by prohibiting public bodies from deducting political contributions from employees' paychecks. While it shares commonalities with several ALEC models, this bill seems to be based on ALEC's "Prohibition on Compensation Deductions Act" and was introduced by Rep. Mike Shirkey (R-65), an active ALEC member.

AUTO INSURANCE REQUIREMENTS (2011)

Michigan Legislation: [HB 4936](#) (2011)

Sponsors: **Pete Lund**

1 ALEC Sponsor

Status: Referred to second reading (10/13/2011)

ALEC Model: [Consumer Choice Motor Vehicle Insurance Act](#)

Similarities/Analysis: The Consumer Choice Insurance Act (HB 4936) would put thousands of Michiganders at risk as the bill would have allowed drivers to meet the state's insurance requirements through the purchase of cheap insurance unlikely to be sufficient to cover the medical costs from a serious accident. The bill would have allowed a minimum of \$250,000 in coverage, which immediate medical bills can easily exceed in a major collision, potentially imposing on state taxpayers the cost of medical care for seriously injured children or adults that would have been covered by insurance under Michigan's long-standing rule.

The legislation is similar in name, at least, to ALEC's model legislation "Consumer Choice Motor Vehicle Insurance Act." The ALEC model and Lund's bill are similar in that they both allow automobile insurance customers to choose what level and type of personal liability insurance they want to carry, regardless of the effect of that in imposing costs on taxpayers for uncovered medical expenses, or on hospitals through bankrupt patients, but the bills are not identical in all of their components, just in their intent and primary objective.

The bill's primary and only sponsor, Rep. Peter Lund (R-36) is a member of ALEC's Commerce, Insurances, and Economic Development Task Force, the same task force that adopted the "Consumer Choice Motor Vehicle Insurance Act" as an ALEC model.

HEALTH INSURANCE MANDATE (2011)

Michigan Legislation: [HB 4050](#) (2011)

Sponsors: **Tom McMillin** - (primary), Bruce Rendon, Pat Somerville, Paul Scott, Kevin Cotter, **Mike Shirkey**, Paul Opsommer, Thomas Hooker, Ken Yonker, Marty Knollenberg, Ray Franz, Andrea LaFontaine

2 ALEC Sponsors

Status: Referred to committee (1/13/2011)

ALEC Model: [Freedom of Choice in Health Care Act](#)

Similarities/Analysis: Introduced as “The Michigan Health Care Freedom Act,” HB 4050 is an attempt to take away thousands of Michiganders access to affordable healthcare by allowing the state of Michigan to opt out of the Affordable Care Act. ALEC pushes the same idea in its model: “Freedom of Choice in Health Care Act.”

PREVAILING WAGE (2011)

Michigan Legislation: [HB 4224](#) (2011)

Sponsors: **Amanda Price** - (primary), Peter MacGregor, Sharon Tyler, **Kenneth Horn**, **Mike Shirkey**, Kevin Cotter, **Tom McMillin**, Joel Johnson, Marty Knollenberg, Ray Franz, Lisa Lyons, **Dave Agema**, Rick Olson, Brad Jacobsen, Deb Shaughnessy, Joe Haveman, **Pete Lund**

6 ALEC Sponsors

Status: In Committee (2/11/2011)

ALEC Model: [Prevailing Wage Repeal Act](#)

Similarities/Analysis: HB 4224, if enacted, would lower wage standards in Michigan. The bill repeals Michigan’s prevailing wage, a measure designed to ensure quality work is done of public projects and that high-quality contractors bid for government projects. Both are short bills that repeal the prevailing wage. Similarly, ALEC’s “Prevailing Wage Repeal Act” does the same thing. ALEC opposes prevailing wage, living wage, minimum wage, and other such laws that provide protection for workers who have little power to negotiate for wages.

DUES DEDUCTION/WRITTEN CONSENT (2011)

Michigan Legislation: [HB 5025](#) (2011)

Sponsors: Earl Poleski - (primary); Deb Shaughnessy, **Mike Shirkey**, **Tom McMillin**, **Dave Agema**, Lisa Lyons, **Eileen Kowall**, **Amanda Price**, **Gail Haines**

Status: Referred to second reading (1/31/2012)

6 ALEC Sponsors

ALEC Model:

[Paycheck Protection Act](#)

[Prohibition of Negative Check-Off Act](#)

Similarities/Analysis: This bill attempts to limit workers' ability to organize as it makes it more difficult for unions to collect dues by requiring annual written consent of a worker for an employer to take union dues out of a paycheck, rather than to follow the traditional practice of allowing employees to opt out; an opt-in process is intended to impede unions. This type of proposal has long been pushed by ALEC in models like the "Paycheck Protection Act" and the "Prohibition of Negative Check-Off Act," which were adopted by ALEC's Commerce, Insurance, and Economic Development Task Force. Among the bill's six ALEC co-sponsors is Rep. Gail Haines (R-43), who sits on the ALEC task force that has adopted these types of anti-worker measures.

RIGHT TO WORK (FOR LESS) (2011)

Michigan Legislation: [SB 116](#) (2011), [SB 120](#) (2011), [HB 4054](#) (2011)

SB 116 Sponsors: **Arlan Meekhof**

1 ALEC Sponsor

SB 120 Sponsors: John Proos - (primary), Phillip Pavlov, James Marleau, **Goeffrey Hansen**, Howard Walker, **Darwin Booher**, Mark Jansen, Judith Emmons, Jack Brandenburg

2 ALEC Sponsors

HB 4054 Sponsors: Marty Knollenberg - (primary), Brad Jacobsen, Greg MacMaster, **Tom McMillin**, **Pete Lund**, Bob Genetski, Andrea LaFontaine

2 ALEC Sponsors

SB 116 Status: Referred to committee (2/9/2011)

SB 120 Status: Referred to committee (2/9/2011)

HB 4054 Status: Referred to committee (1/13/2011)

ALEC Model: [Right To Work Act](#)

Similarities/Analysis: SB 116, SB 120, and HB 4054 are an attack on working families across the state as this bill takes away workers' ability to negotiate fair contracts. Because of this, a study by the Economic Policy Institute shows wages are 3.2 percent (\$1,500) lower in so-called "right to work" states than in free bargaining states

These bills would create "Right to Work" zones, while ALEC's bill is a comprehensive Right to Work bill. Although, a near exact copy of ALEC's Right to Work Act was introduced in the Michigan legislature in 2007 as [HB 4454](#).

NUCLEAR ENERGY & YUCCA MOUNTAIN (2011)

Michigan Legislation: [HCR 4](#) (2011)

Sponsors: **Aric Nesbitt** - (primary), Sharon Tyler, Margaret O'Brien, Al Pscholka, Dale W. Zorn, Joel Johnson, Ray Franz, Bob Genetski, **Kenneth Horn**, Frank Foster, Vicki Barnett, Douglas Geiss, Matt Huuki, Marty Knollenberg, **Kenneth Kurtz**, **Matt Lori**, Greg MacMaster, Philip Potvin, **Amanda Price**, **Goeffrey Hansen**, **Rick Jones**, **Michael Kowall**, John Proos

8 ALEC Sponsors

Status: Adopted by the Senate (3/22/2011)

ALEC Model: [Resolution Recognizing the Large and Growing Need for Commercial Nuclear Energy](#)

Similarities/Analysis: Michigan's HCR 4 supports using Nevada's Yucca Mountain to store nuclear waste, while ignoring the health and safety concerns of Nevada's citizens. ALEC's model resolution on the "Need for Commercial Nuclear Energy" also supports using Yucca Mountain.

BALANCED BUDGET AMENDMENT (2011)

Michigan Legislation: [HCR 6](#) (2011)

Sponsors: Paul Opsommer - (primary), Pat Somerville, Jeff Farrington, Hugh D. Crawford, Kurt Heise, Thomas Hooker, Matt Huuki, Joel Johnson, Marty Knollenberg, **Kenneth Kurtz**, Richard LeBlanc, Margaret O'Brien, **Amanda Price**, Sharon Tyler, **Darwin Booher**, **Bruce Caswell**, Michael Green, **Rick Jones**, **Michael Kowall**, James Marleau, John Pappageorge, John Proos, Tory Rocca, **Tonya Schuitmaker**

7 ALEC Sponsors

Status: Placed on order of resolutions (2/22/2012)

ALEC Model: [The Balanced Budget Amendment Resolution](#)

Similarities/Analysis: HCR 6 calls on the U.S. Congress to pass a balanced budget amendment to the U.S. constitution. This amendment is often criticized as it would limit the government's ability to respond to emergencies and eliminate flexibility in hard times. ALEC's "Balanced Budget Amendment Resolution" also calls on Congress to pass a balanced budget amendment.

PRIVATIZING GOVERNMENT SERVICES (2011)

Michigan Legislation: [HB 4453](#) (2011)

HB 4453 Sponsors: **Tom McMillin - (primary), Pete Lund,** Pat Somerville

3 ALEC Sponsors

HB 4453 Status: Referred to committee (3/16/2011)

ALEC Model: [Competitive Contracting of Public Services Act](#)

Similarities/Analysis: This bill is a step towards privatizing essential government services as it prohibits government entities from competing against private companies. In addition to leading to laying off public workers in Michigan, the bill also creates penalties for government entities that do not outsource traditional public services. Such legislation forces more tax dollars to be spent on funding private corporations at public expense.

HB 4453 is similar to "ALEC's Competitive Contracting of Public Services Act" and two of three of bill's co-sponsors are active members of ALEC.

OPPOSING ENVIRONMENTAL SAFETY REGULATIONS (2011)

Michigan Legislation: [HR 19](#) (2011)

Sponsors: **Aric Nesbitt** - (primary), Bob Genetski, **Dave Agema**, Al Pscholka, Ray Franz, Matt Huuki, **Mike Shirkey**, Deb Shaughnessy, **Tom McMillin**, Ed McBroom, Peter MacGregor, Peter Pettalia, Frank Foster, Nancy Jenkins, Andrea LaFontaine, Marty Knollenberg, Lisa Lyons, Thomas Hooker, Greg MacMaster, Rick Olson, **Amanda Price**, Sharon Tyler

5 ALEC Sponsors

Status: Died by Roll Call vote (3/2/2011)

ALEC Model: [Resolution In Opposition to EPA's Plan to Regulation Greenhouse Gases under the Clean Air Act](#)

Similarities/Analysis: HR 19 ignores dangerous health and environmental risks associated with pollution and greenhouse gases, and instead calls for the EPA to stop regulating greenhouse gases. The resolution also calls on the U.S. Congress to adopt legislation prohibiting the EPA from regulating greenhouse gas emissions. ALEC has also called on the EPA to stop regulating polluters and its corporate sponsors like the Koch brothers and Exxon Mobil in its "Resolution In Opposition to EPA's Plan to Regulation Greenhouse Gases under the Clean Air Act."

REINS ACT (2011)

Michigan Legislation: [SR 27](#) (2011)

Sponsors: **Michael Kowall** - (primary), Jack Brandenburg, Thomas Casperson, Phillip Pavlov, **Michael Green**, Mike Nofs, Patrick Colbeck, **Darwin Booher**, John Proos, Roger Kahn, **Tonya Schuitmaker**, Judith Emmons, James Marleau

4 ALEC Sponsors

Status: Adopted (5/31/2011)

ALEC Model: [Resolution in Support of the Regulations from the Executive In Need Of Scrutiny \(REINS\) Act](#)

Similarities/Analysis: SR 27 calls on Congress to pass the REINS Act, legislation that would give Congress the authority to block the enforcement of numerous important federal protections, including clean air and water laws, safeguards for mine workers, rules that prohibit the sale of tobacco to children, and even protection from discrimination.

Michigan's resolution, which is sponsored by four ALEC members, including ALEC's former Michigan Chairman Sen. Tonya Schuitmaker (R-20), seems to be based on the ALEC model that calls on Congress to take the exact same action: "Resolution in Support of the Regulations from the Executive In Need Of Scrutiny (REINS) Act"

PARENTAL RIGHTS AMENDMENT (2011)

Michigan Legislation: [HCR 11](#) (2011)

Sponsors: **Dave Agema** - (primary), Thomas Hooker, **Matt Lori**, Margaret O'Brien, **Pete Lund**, John Walsh, Kurt Damrow, Ken Goike, Matt Huuki, Ed McBroom, Kevin Daley, **Tom McMillin**, Kurt Heise, Greg MacMaster, Dale W. Zorn, Deb Shaughnessy, Nancy Jenkins, Pat Somerville, Peter Pettalia, Paul Opsommer, Paul Scott, Bill Rogers, **Kenneth Kurtz**, Anthony Forlini, Andrea LaFontaine, Bob Genetski, Ray Franz, Kevin Cotter, Jon Bumstead, Sharon

Tyler, **Eileen Kowall**, Joe Haveman, Peter MacGregor, Lisa Lyons, **Gail Haines**, **Aric Nesbitt**, Marty Knollenberg, Lesia Liss, Fred Durhal, Jr., Richard LeBlanc, **Kenneth Horn**, Jack Brandenburg, Patrick Colbeck, **Michael Green**, **Goeffrey Hansen**, Mark Jansen, James Marleau, Mike Nofs, John Proos

11 ALEC Sponsors

Status: Referred to committee (6/13/2012)

ALEC Model: [Parental Rights Amendment](#)

Similarities/Analysis: MI's HCR 11 is a resolution that supports the Parental Rights Amendment, a model ALEC has published. While it is unclear if the resolution itself is a model, the exact same resolution was [introduced in the Florida Senate](#) by an ALEC member.