

Money for public safety programs should properly come from the General Fund - not from a new telephone tax. This is another example of lawmakers trying to fix Michigan’s budget problems through quick fixes and patchwork solutions. Moreover, after a year, localities could raise fees without a cap or any oversight.

Funding the 9-1-1 emergency system is absolutely a priority, but creating a new telephone tax is not the answer. For these reasons, I cannot support this bill at this time.”

**House Bill No. 4401, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

(The bill was read a third time, amendment offered and postponed temporarily, amendment offered and bill postponed for the day on December 11, see House Journal No. 131, p. 2463.)

The question being on the seconding of the motion made previously by Rep. Pavlov,

The motion was not seconded.

The question being on the passage of the bill,

Rep. Knollenberg moved to amend the bill as follows:

1. Amend page 2, line 24, after “**CONDITION.**” by inserting “**FAMILY MEDICAL HISTORY MAY BE CONSIDERED.**”.

The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Knollenberg,

Rep. Knollenberg withdrew the amendment.

The question being on the passage of the bill,

Rep. Wenke moved to amend the bill as follows:

1. Amend page 2, line 9, after “**EMPLOYED**” by striking out “**60 MONTHS**” and inserting “**10 YEARS**”.

The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Wenke,

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Wenke,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 619**

**Yeas—36**

Acciavatti	Emmons	Marleau	Proos
Agema	Garfield	Meekhof	Robertson
Amos	Green	Moss	Schuitmaker
Ball	Hansen	Nitz	Shaffer
Booher	Hildenbrand	Opsommer	Sheen
Calley	Hoogendyk	Palmer	Stakoe
Caswell	Huizenga	Pastor	Steil
DeRoche	Knollenberg	Pavlov	Walker
Elsenheimer	LaJoy	Pearce	Wenke

**Nays—72**

Accavitti	Dean	Jones, Robert	Palsrok
Angerer	Dillon	Lahti	Polidori
Bauer	Donigan	Law, David	Rocca
Bennett	Ebli	Law, Kathleen	Sak
Bieda	Espinoza	LeBlanc	Scott
Brandenburg	Farrah	Leland	Sheltrown
Brown	Gaffney	Lemmons	Simpson
Byrnes	Gillard	Lindberg	Smith, Alma
Casperson	Gonzales	Mayer	Smith, Virgil

Caul	Hammel	McDowell	Spade
Cheeks	Hammon	Meadows	Stahl
Clack	Hood	Meisner	Tobocman
Clemente	Hopgood	Melton	Vagnozzi
Condino	Horn	Meltzer	Valentine
Constan	Hune	Miller	Ward
Corriveau	Jackson	Moolenaar	Warren
Coulouris	Johnson	Moore	Wojno
Cushingberry	Jones, Rick	Nofs	Young

In The Chair: Sak

The question being on the passage of the bill,

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, line 1, after "**MEMBER**" by inserting "**OR SPOUSE OF MEMBER**".

The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Wenke,

Rep. Wenke withdrew the amendment.

The question being on the passage of the bill,

Rep. Wenke moved to amend the bill as follows:

1. Amend page 2, line 10, after "**TRACT**" by striking out the comma and "**BLADDER, SKIN, BRAIN, KIDNEY, BLOOD,**".

2. Amend page 2, line 18, after "**TRACT**" by striking out the comma and "**BLADDER, SKIN, BRAIN, KIDNEY, BLOOD,**".

3. Amend page 2, line 25, after "**TRACT**" by striking out the comma and "**BLADDER, SKIN, BRAIN, KIDNEY, BLOOD,**".

The motion was seconded.

The question being on the adoption of the amendments offered by Rep. Wenke,

Rep. Wenke withdrew the amendments.

The question being on the passage of the bill,

Rep. Knollenberg moved to amend the bill as follows:

1. Amend page 3, line 1, after "**SHOWN**" by inserting "**OF EITHER OF THE FOLLOWING: (A)**".

2. Amend page 3, following line 5, by inserting:

**"(B) THAT THE MEMBER OF THE FULLY PAID FIRE DEPARTMENT OR PUBLIC FIRE AUTHORITY HAS A PARENT OR SIBLING WHO HAS OR HAS HAD THE SAME CANCER AS THE MEMBER."**

The motion was seconded.

The question being on the adoption of the amendments offered by Rep. Knollenberg,

Rep. Knollenberg withdrew the amendments.

The question being on the passage of the bill,

Rep. Casperson moved that Rep. Huizenga be excused temporarily from today's session.

The motion prevailed.

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, following line 26, by inserting:

"Enacting section 1. It is the intent of the legislature that any additional expenses incurred by local units of government because of the amendatory act that added section 405(5) to the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.405, shall be paid by this state pursuant to an appropriation."

The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Wenke,  
Rep. Wenke demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Wenke,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 620****Yeas—52**

Acciavatti	Elsenheimer	LeBlanc	Pavlov
Agema	Emmons	Marleau	Pearce
Amos	Gaffney	Meekhof	Proos
Ball	Garfield	Meltzer	Robertson
Bieda	Green	Moolenaar	Rocca
Booher	Hansen	Moore	Schuitmaker
Brandenburg	Hildenbrand	Moss	Shaffer
Calley	Hoogendyk	Nitz	Sheen
Casperson	Horn	Nofs	Stahl
Caswell	Jones, Rick	Opsommer	Stakoe
Caul	Knollenberg	Palmer	Steil
Corriveau	LaJoy	Palsrok	Walker
DeRoche	Law, David	Pastor	Wenke

**Nays—54**

Accavitti	Dillon	Jones, Robert	Scott
Angerer	Donigan	Lahti	Sheltrown
Bauer	Ebli	Law, Kathleen	Simpson
Bennett	Espinoza	Leland	Smith, Alma
Brown	Farrah	Lemmons	Smith, Virgil
Byrnes	Gillard	Lindberg	Spade
Cheeks	Gonzales	Mayes	Tobocman
Clack	Hammel	McDowell	Vagnozzi
Clemente	Hammon	Meadows	Valentine
Condino	Hood	Melton	Ward
Constan	Hopgood	Miller	Warren
Coulouris	Hune	Polidori	Wojno
Cushingberry	Jackson	Sak	Young
Dean	Johnson		

In The Chair: Sak

The question being on the passage of the bill,

The question being on the seconding of the motion made previously by Rep. Moss,  
The motion was not seconded.

The question being on the passage of the bill,

Rep. Steil moved to amend the bill as follows:

1. Amend page 3, line 4, after the first “**THE**” by striking out “**5**” and inserting “**10**”.

The motion was not seconded.

Rep. Angerer moved to reconsider the vote by which the House did not second the motion made by Rep. Steil.

The motion prevailed, a majority of the members present voting therefor.

The question being on the seconding of the motion made by Rep. Steil,  
The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Steil,  
Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Steil,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 621****Yeas—29**

Acciavatti	Elsenheimer	Meekhof	Pearce
Agema	Emmons	Moss	Robertson
Amos	Garfield	Nitz	Schuitmaker
Ball	Green	Opsommer	Shaffer
Booher	Hildenbrand	Palmer	Sheen
Calley	Knollenberg	Pastor	Steil
Caswell	Marleau	Pavlov	Wenke
DeRoche			

**Nays—76**

Accavitti	Dillon	Lahti	Proos
Angerer	Donigan	LaJoy	Rocca
Bauer	Ebli	Law, David	Sak
Bennett	Espinoza	Law, Kathleen	Scott
Bieda	Farrah	LeBlanc	Sheltrown
Brandenburg	Gaffney	Leland	Simpson
Brown	Gillard	Lemmons	Smith, Alma
Byrnes	Gonzales	Lindberg	Smith, Virgil
Casperson	Hammel	Mayer	Spade
Caul	Hammon	McDowell	Stahl
Cheeks	Hansen	Meadows	Stakoe
Clack	Hood	Melton	Tobocman
Clemente	Hopgood	Meltzer	Vagnozzi
Condino	Horn	Miller	Valentine
Constan	Hune	Moolenaar	Walker
Corriveau	Jackson	Moore	Ward
Coulouris	Johnson	Nofs	Warren
Cushingberry	Jones, Rick	Palsrok	Wojno
Dean	Jones, Robert	Polidori	Young

In The Chair: Sak

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 622****Yeas—81**

Accavitti	Dean	Knollenberg	Polidori
Acciavatti	Dillon	Lahti	Proos
Amos	Donigan	LaJoy	Rocca

Angerer	Ebli	Law, David	Sak
Bauer	Espinoza	Law, Kathleen	Schuitmaker
Bennett	Farrah	LeBlanc	Shaffer
Bieda	Gaffney	Leland	Sheltrown
Brandenburg	Gillard	Lemmons	Simpson
Brown	Gonzales	Lindberg	Smith, Alma
Byrnes	Green	Marleau	Spade
Calley	Hammel	Mayes	Stahl
Casperson	Hansen	McDowell	Stakoe
Caswell	Hood	Meadows	Steil
Caul	Hopgood	Meisner	Tobocman
Clack	Huizenga	Melton	Vagnozzi
Clemente	Hune	Miller	Valentine
Condino	Jackson	Moore	Ward
Constan	Johnson	Nofs	Warren
Corriveau	Jones, Rick	Palsrok	Wojno
Coulouris	Jones, Robert	Pavlov	Young
Cushingberry			

#### Nays—27

Agema	Garfield	Moolenaar	Robertson
Ball	Hammon	Moss	Scott
Booher	Hildenbrand	Nitz	Sheen
Cheeks	Hoogendyk	Opsommer	Smith, Virgil
DeRoche	Horn	Palmer	Walker
Elsenheimer	Meekhof	Pastor	Wenke
Emmons	Meltzer	Pearce	

In The Chair: Sak

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

I voted against this legislation because it creates a rebuttable presumption not available in most other professions. While firefighters do have a very dangerous job, it should not be a given that contracting cancer is a result of their line of work and not the caused by a variety of other factors. This legislation places too great a burden on our townships, cities, villages and counties and opens up yet another avenue for attorney’s to sue municipalities. Firefighters already have the ability to present their case and demonstrate that they did in fact obtain cancer while fulfilling their duties. Determinations on workers compensation benefits should continue to be made after viewing the facts of each individual situation.

Every job we choose has potentially negative effects over the years. People who work outside many times will develop arthritis, many secretaries get carpo-tunnel, most truck drivers eventually experience back problems, and on and on. Personal responsibility and a healthy or unhealthy life style also play a huge part in determining whether people develop debilitating diseases and afflictions. This legislation has good intentions, but its results are far reaching and it opens the Pandora’s to box to start creating similar presumptions for other ailments in other occupations.”

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

“Mr. Speaker and members of the House:

HB 4401 automatically presumes that firefighters with cancer were exposed to hazardous materials while on the job, and therefore should receive workers compensation. However, this bill does not take other factors into account, such as family history of cancer or smoking habits. Until this legislation is fixed, I cannot support this bill.”

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

“Mr. Speaker and members of the House:

HB 4401 automatically presumes that firefighters with cancer were exposed to hazardous materials while on the job, and therefore should receive workers compensation. However, this bill does not take other factors into account, such as family history of cancer or smoking habits. Until this legislation is fixed, I cannot support this bill. It also fails to address the risks to which volunteer firefighters are exposed. They receive far less compensation yet face comparable risks.”

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

“Mr. Speaker and members of the House:

I voted against this legislation because it creates a rebuttable presumption not available in most other professions. While firefighters do have a very dangerous job, it should not be a given that contracting cancer is a result of their line of work and not caused by a variety of other factors. This legislation places too great a burden on our townships, cities, villages and counties and opens up yet another avenue for attorney’s to sue municipalities. Firefighters already have the ability to present their case and demonstrate that they did in fact obtain cancer while fulfilling their duties.

Determinations on workers compensation benefits should continue to be made after viewing the facts of each individual situation.

Every job we choose has potentially negative effects over the years. People who work outside often develop arthritis, many secretaries get carpal-tunnel syndrome, truck drivers often experience back problems, and so on. Personal responsibility and a healthy or unhealthy lifestyle also play a part in determining whether people develop debilitating diseases and afflictions. This legislation has good intentions, but its results are far-reaching. It likely will lead to similar presumptions for other ailments in other occupations.”

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

“Mr. Speaker and members of the House:

Although I agree in concept with H/B 4401 because the bill only pertains to full time fire fighters and bring no relief to part time, on call fire fighters I cannot support this bill. In Michigan over 87% of all fire fighters are considered on call, or part time, with only 13% considered full time. Thus in my mind this bill becomes a special interest, and particularly geared toward large cities that can afford a full time fire department.”

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

“Mr. Speaker and members of the House:

The unknown long term cost, jeopardizing availability of Workers Comp. for firefighters, attempts to solve a problem that doesn’t exist, I believe it will be an administrative nightmare.”

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

“Mr. Speaker and members of the House:

HB 4401 automatically presumes that firefighters with cancer were exposed to hazardous materials while on the job, and therefore should receive workers compensation. However, this bill does not take other factors into account, such as family history of cancer or smoking habits. Until this legislation is fixed, I cannot support this bill. Let me make my position quite clear, I believe firefighters should receive proper compensation for any injury clearly attributable to their work. The language of this bill however is written entirely to loosely. I believe it will lead to unwarranted claims on taxpayer dollars and deprive our workers compensation system of vitally needed dollars to satisfy legitimate claims. Doing so would potentially harm the very workers the bill is intended to help.”

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

“Mr. Speaker and members of the House:

HB 4401 automatically presumes that firefighters with cancer were exposed to hazardous materials while on the job, and therefore should receive workers compensation. However, this bill does not take other factors into account, such as family history of cancer or smoking habits. Until this legislation is fixed, I cannot support this bill. It is my hope that the legislation will be fixed by the Senate.”

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

“HB 4401 automatically presumes that firefighters with cancer were exposed to hazardous materials while on the job, and therefore should receive workers compensation. However, this bill does not take other factors into account, such as family history of cancer or smoking habits. Until this legislation is fixed, I cannot support this bill. I also have gotten skin cancer from flying at high altitude but there is no way to determine whether I got it from earlier exposure in my life. This opens up pandoras box.”

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

“Mr. Speaker and members of the House:

HB 4401 automatically presumes that firefighters with cancer were exposed to hazardous materials while on the job, and therefore should receive workers compensation. However, this bill does not take other factors into account, such as family history of cancer or smoking habits. This bill would also increase costs to municipalities at a time when they can least afford it. Existing benefits for firefighters that contract cancer is already covered under workman’s compensation. The implementation of this bill as written would put every firefighter in a contested position, possibly forcing the firefighter with cancer to wait for their benefit to be approved. This would be a terrible position to put our men and women in that willingly put their lives on the line for you and me. We can do better. Until this legislation is fixed, I cannot support this bill.”

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

The question being on the motion made by Rep. Angerer,

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Angerer,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 623**

**Yeas—80**

Accavitti	Cushingberry	Jones, Robert	Polidori
Acciavatti	Dean	Knollenberg	Proos
Amos	Dillon	Lahti	Rocca
Angerer	Donigan	LaJoy	Sak
Bauer	Ebli	Law, David	Schuitmaker
Bennett	Espinoza	Law, Kathleen	Shaffer
Bieda	Farrah	LeBlanc	Sheltrown
Brandenburg	Gaffney	Leland	Simpson
Brown	Gillard	Lemmons	Smith, Alma
Byrnes	Gonzales	Lindberg	Spade
Calley	Green	Marleau	Stahl
Casperson	Hammel	Mayes	Stakoe
Caswell	Hansen	McDowell	Steil
Caul	Hood	Meadows	Tobocman
Clack	Hopgood	Melton	Vagnozzi
Clemente	Horn	Miller	Valentine
Condino	Hune	Moore	Ward
Constan	Jackson	Nofs	Warren
Corriveau	Johnson	Palsrok	Wojno
Coulouris	Jones, Rick	Pavlov	Young

**Nays—26**

Agema	Garfield	Moss	Robertson
Ball	Hammon	Nitz	Scott

Booher	Hildenbrand	Opsommer	Sheen
Cheeks	Hoogendyk	Palmer	Smith, Virgil
DeRoche	Meekhof	Pastor	Walker
Elsenheimer	Meltzer	Pearce	Wenke
Emmons	Moolenaar		

In The Chair: Sak

Reps. Amos, Bauer, Bieda, Brandenburg, Brown, Casperson, Caul, Clack, Clemente, Condino, Corriveau, Coulouris, Donigan, Ebli, Espinoza, Gillard, Gonzales, Hammel, Hoppgood, Robert Jones, David Law, Lemmons, Mayes, Melton, Moore, Nofs, Rocca, Schuitmaker, Scott, Sheltroun, Spade, Stakoe, Valentine, Ward, Wojno and Young were named co-sponsors of the bill.

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

Rep. Angerer moved that the Committee on Health Policy be discharged from further consideration of **Senate Bill No. 174**.

(For first notice see House Journal No. 131, p. 2465.)

The question being on the motion made by Rep. Angerer,

The motion prevailed, a majority of the members serving voting therefor.

The bill was placed on the order of Second Reading of Bills.

### Second Reading of Bills

#### **Senate Bill No. 174, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54C.

The bill was read a second time.

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

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

#### **Senate Bill No. 174, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54C.

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

### Roll Call No. 624

**Yeas—108**

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Ball	Espinoza	Leland	Sak
Bauer	Farrah	Lemmons	Schuitmaker
Bennett	Gaffney	Lindberg	Scott
Bieda	Garfield	Marleau	Shaffer