



HOUSE OF REPRESENTATIVES

COMMITTEE ON WAYS AND MEANS

REP. BRANDT IDEN

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, April 10, 2019

10:30 AM

Room 519, House Office Building

The House Standing Committee on Ways and Means was called to order by the Chair.

The Chair requested attendance be called:

Present: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth, Warren, Byrd, Neeley, Hertel.

Absent/Excused: None.

The Chair laid HB 4206 before the committee:

HB 4206

(Rep. Frederick)

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2018 PA 586.

Representative Frederick testified in support of HB 4206. Questions and discussion followed.

Representative Lilly moved to adopt substitute (H-2) to HB 4206. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth, Warren, Byrd, Neeley, Hertel.

Nays: None.

Pass: None.

Representative Wentworth offered the following amendment to HB 4206 (H-2):

1. Amend page 8, line 25, after “subsection.” by inserting **“FOR 2018-2019 ONLY, IF A DISTRICT DOES NOT PROVIDE PUPIL INSTRUCTION FOR GREATER THAN 14 DAYS DUE TO CONDITIONS DESCRIBED UNDER THIS SUBSECTION, INCLUDING THOSE DAYS COUNTED AS DAYS OF PUPIL INSTRUCTION UNDER THIS SUBSECTION, BUT THE DISTRICT DOES PROVIDE AT LEAST THE REQUIRED MINIMUM NUMBER OF HOURS OF PUPIL INSTRUCTION, THE DISTRICT IS NOT SUBJECT TO THE MINIMUM NUMBER OF DAYS OF PUPIL INSTRUCTION REQUIREMENT OF THIS SECTION. IN PROVIDING THE MINIMUM NUMBER OF HOURS OF PUPIL INSTRUCTION REQUIRED UNDER THIS SECTION, A DISTRICT THAT USES THE EXCEPTION IN THE IMMEDIATELY PRECEDING SENTENCE FROM THE MINIMUM NUMBER OF DAYS OF PUPIL INSTRUCTION REQUIREMENT SHALL ADD PUPIL INSTRUCTION TIME TO A SCHEDULED DAY IN AT LEAST 30-MINUTE INCREMENTS.”**.

Representative Wentworth moved to adopt the amendment to HB 4206 (H-2). The motion prevailed 7-4-0:

FAVORABLE ROLL CALL

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth.

Nays: Reps. Warren, Byrd, Neeley, Hertel.

Pass: None.

Representative Warren offered the following amendment to HB 4206 (H-2):

1. Amend page 8, line 6, by striking out all of subsection (4) and inserting:
“(4) ALL OF THE FOLLOWING APPLY TO THE PROVISION OF PUPIL INSTRUCTION:

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE FIRST 6 DAYS OR THE EQUIVALENT NUMBER OF HOURS FOR WHICH PUPIL INSTRUCTION IS NOT PROVIDED BECAUSE OF CONDITIONS NOT WITHIN THE CONTROL OF SCHOOL AUTHORITIES, SUCH AS SEVERE STORMS, FIRES, EPIDEMICS, UTILITY POWER UNAVAILABILITY, WATER OR SEWER FAILURE, OR HEALTH CONDITIONS AS DEFINED BY THE CITY, COUNTY, OR STATE HEALTH AUTHORITIES, ARE COUNTED AS HOURS AND DAYS OF PUPIL INSTRUCTION.

(B) IN ADDITION TO THE 6 DAYS UNDER SUBDIVISION (A), WITH THE APPROVAL OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE DEPARTMENT SHALL COUNT AS HOURS AND DAYS OF PUPIL INSTRUCTION THE DAYS AND THE EQUIVALENT NUMBER OF HOURS FOR WHICH PUPIL INSTRUCTION IS NOT PROVIDED THAT ARE INCLUDED IN A PERIOD FOR WHICH THE GOVERNOR HAS ISSUED AN EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(i) SUBJECT TO SUBSECTION (14), THE DISTRICT PROVIDES ITS HOURLY EMPLOYEES THE FULL COMPENSATION THAT THEY WOULD HAVE BEEN ENTITLED TO HAD THEY WORKED FOR THE PERIOD DURING WHICH PUPIL INSTRUCTION WAS NOT PROVIDED AS DESCRIBED IN THIS SUBDIVISION. THIS SUBPARAGRAPH DOES NOT APPLY TO AN HOURLY EMPLOYEE COVERED BY A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT AGREEMENT THAT IS RATIFIED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH OR AN HOURLY EMPLOYEE WHO IS EMPLOYED BY THE DISTRICT AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH.

(ii) THE DISTRICT PROVIDES WRITTEN DOCUMENTATION TO THE DEPARTMENT THAT ITS HOURLY EMPLOYEES DESCRIBED UNDER SUBPARAGRAPH (i) TO WHOM SUBPARAGRAPH (i) APPLIES RECEIVED FULL COMPENSATION AS REQUIRED UNDER SUBPARAGRAPH (i).

(iii) PART OR ALL OF THE DISTRICT IS LOCATED IN A GEOGRAPHIC AREA FOR WHICH AN EXECUTIVE ORDER DESCRIBED UNDER THIS SUBDIVISION APPLIES.

(C) WITH THE APPROVAL OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE DEPARTMENT SHALL COUNT AS HOURS AND DAYS OF PUPIL INSTRUCTION FOR A FISCAL YEAR NOT MORE THAN 3 ADDITIONAL DAYS OR THE EQUIVALENT NUMBER OF ADDITIONAL HOURS FOR WHICH PUPIL INSTRUCTION IS NOT PROVIDED IN A DISTRICT DUE TO UNUSUAL AND EXTENUATING OCCURRENCES RESULTING FROM CONDITIONS NOT WITHIN THE CONTROL OF SCHOOL AUTHORITIES SUCH AS THOSE CONDITIONS DESCRIBED IN SUBDIVISION (A)."

2. Amend page 14, following line 19, by inserting:

"(14) IF A DISTRICT HAS A COLLECTIVE BARGAINING AGREEMENT WITH A BARGAINING REPRESENTATIVE OF AN HOURLY EMPLOYEE OR HAS AN EMPLOYMENT AGREEMENT WITH AN HOURLY EMPLOYEE THAT IS IN EFFECT AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND THAT COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT AGREEMENT EXPLICITLY ADDRESSES COMPENSATION REGARDING PERIODS DURING WHICH PUPIL INSTRUCTION IS NOT PROVIDED AS DESCRIBED UNDER SUBSECTION (4)(B), SUBSECTION (4)(B)(i) DOES NOT APPLY AND THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT AGREEMENT APPLY."

Representative Warren moved to adopt the amendment to HB 4206 (H-2). The motion did not prevail 4-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Warren, Byrd, Neeley, Hertel.

Nays: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth.

Pass: None.

Representative Lilly moved to report HB 4206 as amended, as substitute (H-3). The motion prevailed 7-4-0

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth.

Nays: Reps. Warren, Byrd, Neeley, Hertel.

Pass: None.

Julie Rowe, representing the American Federation of Teachers, testified in opposition to HB 4206.

Tim Greimel, representing AFSCME Council 25, testified in opposition to HB 4206.

Beth DeShone, representing the Great Lakes Education Project, testified with no position on HB 4206.

The following people submitted a card in support of HB 4206, but did not wish to speak:

Peter Spadafore, representing the Michigan Association of Superintendents and Administrators.

Caroline Liethen, representing the Michigan Department of Education.

Representative Lilly moved to adopt the meeting minutes from April 9, 2019. There being no objection, the motion prevailed by unanimous consent.

There being no further business before the committee, Rep. Brandt Iden adjourned the meeting at 11:19 AM.

Representative Brandt Iden, Chair

Edward Sleeper
Committee Clerk
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