

Reps. Agema, Proos, Moss, Amash, Genetski, Walsh, Knollenberg, Meekhof, Schuitmaker, Marleau, Meltzer, Denby, Kurtz, Calley, DeShazor, Opsommer, Daley, Pavlov, Bolger, Elsenheimer, Hildenbrand, Rogers, Caul, Booher, Horn, Pearce, Lori, Paul Scott, McMillin, Green, Wayne Schmidt, Haveman, Hansen, Moore, Stamas, Ball, Crawford and Lund offered the following resolution:

House Resolution No. 248.

A resolution to respectfully urge the Michigan Supreme Court to grant leave to appeal in *Loar v. Department of Human Services* and issue an opinion to resolve the legal questions raised in the suit.

Whereas, The Legislature has expressed its intent to resolve the issue of whether home-based day care providers may be compelled to join a union and consent to having dues withheld from state subsidy payments provided to serve low-income families. Through Public Act 129 of 2009, the Legislature eliminated the funding for the Michigan Home Based Child Care Council, which carries out the forced unionization of home-based day care providers. The Department of Human Services has continued to fund the council, however, arguing that the interlocal agreement it has entered into with Mott Community College requires the department to continue to fund the council's activities regardless of the Legislature's decision in the appropriations act that funds the department; and

Whereas, A suit by home-based child day care owners, *Loar v. Department of Human Services*, sought relief for at least 40,000 home-based day care providers who have been classified as state employees, compelled to join a union, and have had union dues withheld from state subsidy payments since January 2009. The Court of Appeals has both dismissed the action in a summary order and denied the plaintiffs' motion for reconsideration, essentially deciding the case against the plaintiffs without weighing the issues; and

Whereas, There are serious issues involved in this case regarding legal principles of major significance to the states jurisprudence, such as forced unionization of independent contractors, the proper scope and power of interlocal agreements, the Legislature's authority to fund permissible state functions, and the executive branch's duty to act within the limits that the Legislature sets for state activities. The need to resolve such issues despite the Court of Appeals action to dismiss the case without explanation must be addressed by our state's highest court. This case has also generated significant public interest, which further argues for prompt action by the Supreme Court to grant leave to appeal; now, therefore, be it

Resolved by the House of Representatives, That we respectfully urge the Michigan Supreme Court to grant leave to appeal in *Loar v. Department of Human Services* and issue an opinion to resolve the legal questions raised in the suit; and be it further

Resolved, That copies of this resolution be transmitted to the justices of the Michigan Supreme Court.