

No. 23
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, March 13, 2002.

10:00 a.m.

The Senate was called to order by the Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Garcia—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

Sanborn—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator George Z. Hart of the 6th District offered the following invocation:

This morning I'd like to do a spiritual song in prayer. It was composed in 1779, and the words are as beautiful today as they were when it was composed.

"Amazing grace! How sweet the sound,
That saved a wretch like me!
I once was lost, but now am found,
Was blind, but now I see.

'Twas grace that taught my heart to fear,
And grace my fears relieved;
How precious did that grace appear,
The hour I first believed!

Through many dangers, toils, and snares,
I have already come;
'Tis grace hath brought me safe thus far,
And grace will lead me home.

The Lord has promised good to me,
His word my hope secures;
He will my shield and portion be,
As long as life endures.

When we've been there ten thousand years,
Bright shining as the sun;
We've no less days to sing God's praise,
Than when we'd first begun."

Senators Koivisto and Schuette entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators DeGrow and Schwarz be temporarily excused from today's session.
The motion prevailed.

Senator Murphy moved that Senator Emerson be temporarily excused from today's session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 12:
House Bill Nos. 4599 5049 5185 5314 5623 5624 5625 5626 5627 5664 5707 5708 5709 5713
5714 5715 5719 5720 5721

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 12, for his approval the following bills:

Enrolled Senate Bill No. 884 at 2:08 p.m.
Enrolled Senate Bill No. 885 at 2:10 p.m.
Enrolled Senate Bill No. 886 at 2:12 p.m.
Enrolled Senate Bill No. 888 at 2:14 p.m.
Enrolled Senate Bill No. 890 at 2:16 p.m.
Enrolled Senate Bill No. 894 at 2:18 p.m.
Enrolled Senate Bill No. 895 at 2:20 p.m.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:39 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators DeGrow, Schwarz and Emerson entered the Senate Chamber.

Messages from the House

Senator Emmons moved that consideration of the following bills be postponed for today:

Senate Bill No. 451

Senate Bill No. 452

Senate Bill No. 730

Senate Bill No. 936

Senate Bill No. 940

Senate Bill No. 943

The motion prevailed.

Senate Bill No. 887, entitled

A bill to amend 1937 PA 329, entitled "An act providing for compensation to certain peace officers injured in active duty, and payment to surviving spouses and dependents in case of death arising from active duty; and to make an appropriation therefor," by amending section 3 (MCL 419.103).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 889, entitled

A bill to amend 1933 PA 89, entitled "An act to prevent fraud, deception and imposition in the solicitation within the state of Michigan of the deposit of bonds, notes, debentures and other evidences of indebtedness under, and/or the consent of the holders or owners of such securities, to a protective committee agreement, and to prevent fraud, deception and imposition in the operations and activities of protective committees organized within the state of Michigan to act for and in behalf of the holders or owners of such securities, and for such purposes to create a commission to regulate and supervise the establishment and the operations of protective committees, depositaries under protective committee agreements, and solicitors for protective committee agreements; to authorize said commission to have supervision over defaulted bonds, notes, debentures, certificates of participation and similar evidences of indebtedness; to prescribe the powers and duties of such commission; to license members of protective committees, depositaries under protective committee agreements and solicitors for protective committee agreements; to regulate and supervise and control the solicitation by anyone of bonds, notes, debentures and all other similar evidences of indebtedness, issued by the maker of any security for the purpose of procuring the modification and/or amendment and/or foreclosure of any instrument in writing securing any issue of bonds, notes, debentures and all other similar evidences of indebtedness; to authorize such commission to act as custodian or receiver and appoint custodians, agents and managers of defaulted mortgage property under orders of court or otherwise; to prescribe penalties for violation of this act; and to repeal Act No. 37 of the Public Acts of the first extra session of 1932," by amending section 13 (MCL 451.313).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 892, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 204 and 208 (MCL 500.204 and 500.208).

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 2, after "the" by striking out "insurance".
2. Amend page 2, line 3, by striking out "DIVISION OF THE".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 896, entitled

A bill to amend 1881 PA 181, entitled "An act to provide for the payment of interest on the educational funds, and to repeal section 10 of chapter 131 of the Compiled Laws of 1871, being compiler's section 3477," by amending section 1 (MCL 21.201).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Dingell as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5111, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6 and 9 (MCL 38.556 and 38.559), as amended by 1991 PA 54.

House Bill No. 5113, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 883, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 16.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1000, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 252a (MCL 257.252a), as amended by 2000 PA 306.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 5021, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 5, following line 20, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2002."

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1007, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 514.
Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5501, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending sections 105, 179, and 310 (MCL 32.505, 32.579, and 32.710), sections 105 and 179 as amended by 1998 PA 212 and section 310 as amended by 1990 PA 301, and by adding section 372a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5674, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, and 8148 (MCL 600.821, 600.822, and 600.8148), section 821 as amended by 1998 PA 298 and section 822 as amended by 1998 PA 313, and by adding sections 810a and 8179.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5108, entitled

A bill to protect certain rights that public employees have in retirement benefits under certain circumstances; and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5109, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 31, 40, and 69 (MCL 38.31, 38.40, and 38.69), section 31 as amended by 1998 PA 205, section 40 as amended by 1991 PA 48, and section 69 as added by 1996 PA 487.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 11, line 19, after "THE" by inserting "DEPARTMENT DOES BOTH OF THE FOLLOWING:

(A) AT LEAST 45 DAYS BEFORE THE INTENDED TRANSFER, SUBMITS A REQUEST TO THE CHAIRS OF THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES AND, AT LEAST 15 DAYS BEFORE THE INTENDED TRANSFER, OBTAINS THE APPROVAL OF BOTH THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES.

(B) ENSURES THAT THE REQUEST SUBMITTED TO THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES CONTAINS AN".

2. Amend page 11, line 20, after "38" by inserting "THAT".

3. Amend page 16, following line 24, by inserting:

"(8) FOR PURPOSES OF SECTION 19G, A FORMER MEMBER SHALL BE CONSIDERED A MEMBER AND SHALL BE CONSIDERED TO HAVE SATISFIED THE REQUIREMENTS OF SECTION 19G(1)(C) AND (2)(C) IF THE FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT FORMERLY KNOWN AS THE DEPARTMENT OF MENTAL HEALTH ON JANUARY 1, 1996 AND WENT ON LAYOFF STATUS BEFORE JANUARY 1, 1997."

4. Amend page 63, line 19, after “law.” by inserting “This amendatory act takes effect on the effective date of House Bill No. 5112 of the 91st Legislature.”.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5110, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 46 and 85 (MCL 38.1346 and 38.1385), section 46 as amended by 1991 PA 47 and section 85 as amended by 1998 PA 213. Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 6, line 17, after “THE” by inserting “DEPARTMENT DOES BOTH OF THE FOLLOWING:

(A) AT LEAST 45 DAYS BEFORE THE INTENDED TRANSFER, SUBMITS A REQUEST TO THE CHAIRS OF THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES AND, AT LEAST 15 DAYS BEFORE THE INTENDED TRANSFER, OBTAINS THE APPROVAL OF BOTH THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES.

(B) ENSURES THAT THE REQUEST SUBMITTED TO THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES CONTAINS AN”.

2. Amend page 6, line 18, after “41” by inserting “THAT”.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5114, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending sections 57 and 80 (MCL 38.1057 and 38.1080), section 57 as amended by 1995 PA 258 and section 80 as added by 1996 PA 486. Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5112, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending sections 308, 506, and 720 (MCL 38.2308, 38.2506, and 38.2670), section 506 as amended by 1999 PA 215 and section 720 as added by 1996 PA 523. Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5108

House Bill No. 5109

House Bill No. 5110

House Bill No. 5111

House Bill No. 5113

House Bill No. 5114

House Bill No. 5674

House Bill No. 5112

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

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 270**Yeas—22**

Bennett
Bullard
DeGrow
Emmons
Garcia
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Excused—1

Vaughn

Not Voting—1

Dunaskiss

In The Chair: Schwarz

Senator Emmons moved that Senator Dunaskiss be temporarily excused from the balance of today's session.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Emmons moved that the following bill be placed on the order of Third Reading of Bills calendar to follow
House Bill No. 5112:

House Bill No. 5145
The motion prevailed.

The following bill was read a third time:

House Bill No. 5108, entitled

A bill to protect certain rights that public employees have in retirement benefits under certain circumstances; to provide for the establishment of certain funds and arrangements; and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 271**Yeas—36**

Bennett
Bullard

Garcia
Gast

Leland
McCotter

Schwarz
Scott

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

House Bill No. 5109, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending the title and sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 31, 33, 38, 40, 46, 48, 49, 52, and 69 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.31, 38.33, 38.38, 38.40, 38.46, 38.48, 38.49, 38.52, and 38.69), the title and sections 11 and 13 as amended and sections 52 and 69 as added by 1996 PA 487, section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 19 and 31 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, section 40 as amended by 1991 PA 48, and section 48 as added by 1990 PA 110, and by adding sections 19g and 68a.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 26, line 14, after “OCTOBER 1, 2002.” by striking out the balance of the line through “ACT.” on line 15 and inserting “IF A MEMBER ELECTS TO PURCHASE SERVICE CREDIT WITH ACCUMULATED SICK LEAVE, THE MEMBER SHALL BE CREDITED WITH THE ACCUMULATED SICK LEAVE NECESSARY TO PURCHASE SERVICE CREDIT IN A LUMP SUM.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

Roll Call No. 272

Yeas—15

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hammerstrom
Hart

Hoffman
Koivisto
Leland
Murphy

Peters
Scott
Young

Nays—19

Bennett
Bullard

Gast
Gougeon

North
Sanborn

Sikkema
Steil

DeGrow
Emmons
Garcia

Johnson
McCotter
McManus

Schuette
Schwarz
Shugars

Stille
Van Regenmorter

Excused—2

Dunaskiss

Vaughn

Not Voting—2

Miller

Smith

In The Chair: Schwarz

Senator Emerson moved that Senator Miller be temporarily excused from the balance of today's session.
The motion prevailed.

Senators Byrum and Smith offered the following amendment:

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

“(E) AS OF JULY 1, 2002, THE MEMBER IS NOT ELIGIBLE FOR A SUPPLEMENTAL EARLY UNDER SECTION 46 AS A COVERED EMPLOYEE DEFINED IN SECTION 45 OR, IF THE MEMBER IS ELIGIBLE FOR A SUPPLEMENTAL EARLY RETIREMENT UNDER SECTION 46, THE MEMBER EXECUTES AND FILES A FORM WITH THE RETIREMENT BOARD CHOOSING TO RETIRE UNDER THIS SECTION AND WAIVING HIS OR HER RIGHT TO A SUPPLEMENTAL EARLY RETIREMENT UNDER 46.” and relettering the remaining subdivisions.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

Roll Call No. 273

Yeas—18

Byrum
Cherry
DeBeaussiaert
Dingell
Emerson

Goschka
Hammerstrom
Hart
Hoffman
Koivisto

Leland
Miller
Murphy
Peters

Schwarz
Scott
Smith
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Garcia
Gast
Gougeon
Johnson
McCotter

McManus
North
Sanborn
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Cherry offered the following amendment:

1. Amend page 63, line 17, by striking out all of enacting section 1 and renumbering the remaining enacting section. The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

Roll Call No. 274**Yeas—15**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hart
Koivisto

Leland
Miller
Murphy
Peters

Scott
Smith
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Smith offered the following amendment:

1. Amend page 29, following line 11, by inserting:

“(9) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), A MEMBER WHO RETIRES UNDER THIS SECTION SHALL NOT BE HIRED UNDER CONTRACT BY THE STATE FOR A PERIOD OF 2 YEARS AFTER THE DATE ON WHICH THE MEMBER RETIRED UNDER THIS SECTION.

(10) A MEMBER WHO RETIRES UNDER THIS SECTION MAY BE HIRED UNDER CONTRACT BY THE STATE DURING THE 2-YEAR PERIOD DESIGNATED IN SUBSECTION (9) IF THE MEMBER IS DESIGNATED AS ESSENTIAL FOR THE MISSION OF THE DEPARTMENT, OFFICE, OR AGENCY BY THE DIRECTOR OR OTHER PERSON IN CHARGE OF THE DEPARTMENT, OFFICE, OR AGENCY IN A WRITTEN REQUEST TO THE OFFICE OF THE STATE EMPLOYER AND THE STATE BUDGET OFFICE.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

Roll Call No. 275**Yeas—18**

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hammerstrom
Hart
Koivisto
Leland

Miller
Murphy
North
Peters

Schwarz
Scott
Smith
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Garcia
Gast
Gougeon
Hoffman
Johnson

McCotter
McManus
Sanborn
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Byrum offered the following amendment:

1. Amend page 52, following line 19, by inserting:

“Sec. 45. As used in sections 45 to 47:

(a) Except as provided in subparagraph (v), on and after January 1, 1989, “covered position” means any of the following:

(i) A position in the classified civil service with a classification of corrections officer; resident unit officer; corrections medical aide; corrections shift supervisor; corrections security specialist; deputy prison warden; or departmental administrator-prison warden.

(ii) A position that is assigned to a work station inside the security perimeter of a state correctional facility designated as “medium”, “close”, or “maximum”.

(iii) A position within a state correctional facility that requires the employee to be in direct contact with prisoners for more than 50% of the employee’s work time performing supervisory or disciplinary duties including 1 or more of the following:

(A) Supervising prisoners in the performance of tasks.

(B) Supervising prisoners for the purpose of enforcing the facility’s rules.

(C) Direct participation in the disciplinary process.

(iv) A position with the center for forensic psychiatry that is classified by civil service as forensics security aide IIB, forensics security aide IIIB, forensics security supervisor IVB, forensics security supervisor VB, forensics security supervisor VIB, or forensics supervisor VII.

(v) A position that was a covered position under this section before January 1, 1989, that is excluded by subparagraphs (i), (ii), (iii), and (iv), if and only as long as the person in the position on January 1, 1989, continues in the position after January 1, 1989.

(b) “Supplemental member” means a member who is employed in a covered position.

(c) “Covered service” means ~~credited~~ EITHER OF THE FOLLOWING:

(i) CREDITED service acquired in a covered position.

(ii) SERVICE CREDIT UP TO 2 YEARS FOR MILITARY SERVICE UNDER SECTION 18.

(d) “Supplemental final average compensation” means 1/3 of the compensation paid a supplemental member during the period of 3 consecutive years of the member’s covered service producing the highest average and contained within the member’s last 10 years of credited service immediately preceding the date the member’s employment in a covered position last terminates.

(e) “State correctional facility” means a facility under the jurisdiction of the department of corrections that has a designation of “maximum”, “close”, “medium”, “minimum”, “prison camp”, or “correction center”.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 276

Yeas—20

Byrum	Garcia	Leland	Peters
Cherry	Goschka	McCotter	Schwarz
DeBeaussaert	Hammerstrom	Miller	Scott
Dingell	Hart	Murphy	Smith
Emerson	Koivisto	North	Young

Nays—17

Bennett	Gast	McManus	Sikkema
Bullard	Gougeon	Sanborn	Steil
DeGrow	Hoffman	Schuette	Stille
Dunaskiss	Johnson	Shugars	Van Regenmorter
Emmons			

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved to reconsider the vote by which the amendment was adopted.

The question being on the motion to reconsider,

Senator Emmons moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 1:16 p.m.

1:44 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Byrum. The question being on the motion to reconsider the vote by which the amendment was adopted, The motion prevailed, a majority of the members serving voting therefor. The question being on the adoption of the amendment, The amendment was adopted, a majority of the members serving voting therefor. Senator Emmons requested the yeas and nays. The yeas and nays were ordered, 1/5 of the members present voting therefor. The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 277**Yeas—20**

Byrum	Goschka	McCotter	Schuette
Cherry	Hammerstrom	Miller	Schwarz
DeBeaussaert	Hart	Murphy	Scott
Dingell	Koivisto	North	Smith
Emerson	Leland	Peters	Young

Nays—17

Bennett	Garcia	Johnson	Sikkema
Bullard	Gast	McManus	Steil
DeGrow	Gougeon	Sanborn	Stille
Dunaskiss	Hoffman	Shugars	Van Regenmorter
Emmons			

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 278**Yeas—36**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	Murphy	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter
Emerson	Johnson	Sanborn	Young

Nays—0

Excused—1

Vaughn

Not Voting—1

Schuette

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 279

Yeas—23

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Hoffman	Schuette	Van Regenmorter
Garcia	Johnson	Schwarz	

Nays—14

Byrum	Emerson	Miller	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland		

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Byrum offered to amend the title to read as follows:

A bill to amend 1943 PA 240, entitled “An act to provide for a state employees’ retirement system; to create a state employees’ retirement board and prescribe its powers and duties; to establish certain funds in connection with the

retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; and to prescribe penalties and provide remedies,” by amending the title and sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 31, 33, 38, 40, 45, 46, 48, 49, 52, and 69 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.31, 38.33, 38.38, 38.40, 38.45, 38.46, 38.48, 38.49, 38.52, and 38.69), the title and sections 11 and 13 as amended and sections 52 and 69 as added by 1996 PA 487, section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 19 and 31 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, section 40 as amended by 1991 PA 48, section 45 as amended by 1988 PA 351, and section 48 as added by 1990 PA 110, and by adding sections 19g and 68a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senators Emmons and Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Emmons’ statement is as follows:

State employees should not be discriminated against in awarding state contracts. They should be treated the same regardless of whether they retired early or they didn’t.

Senator Smith’s statement is as follows:

I don’t see how we’re discriminating against people we’ve given a .25 percent incentive to leave. We’re discriminating against all of those who are left behind to cover their work. You know, the opportunity here is a sweetened, enhanced, beautiful retirement package, and people have a choice about whether to leave their departments or to stay. They make that choice, and then they come back through the back door and they say, “I want to take yet more money from the state that I left behind for this great enhanced package. I want to double dip. I want to get twice the amount.” And the contract salary that they will offer to come back at will be their salary plus their benefits. We’ve seen it in the privatization process in the state of Michigan, and we will see it again with these employees.

This amendment protects the savings that we have identified with the early retirement package. This amendment will not push additional deficit forward to fiscal 2004. This amendment needs to be added to this bill, and I urge adoption.

The following bill was read a third time:

House Bill No. 5110, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 4, 34, 36, 41, 43a, 46, 85, and 108 (MCL 38.1304, 38.1334, 38.1336, 38.1341, 38.1343a, 38.1346, 38.1385, and 38.1408), sections 4, 34, 36, and 41 as amended by 1997 PA 143, section 43a as amended by 1990 PA 298, section 46 as amended by 1991 PA 47, and sections 85 and 108 as amended by 1998 PA 213.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 280

Yeas—37

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons			

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

The following bill was read a third time:

House Bill No. 5111, entitled

A bill to amend 1937 PA 345, entitled “Fire fighters and police officers retirement act,” by amending sections 6 and 9 (MCL 38.556 and 38.559), as amended by 1991 PA 54.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 281**Yeas—37**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons			

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

The following bill was read a third time:

House Bill No. 5113, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 282

Yeas—37

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons			

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

The following bill was read a third time:

House Bill No. 5114, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending the title and sections 8a, 9, 13a, 14, 20, 22a, 22c, 23, 23d, 26, 30, 57, 59a, 61, 62, 63, and 80 (MCL 38.1008a, 38.1009, 38.1013a, 38.1014, 38.1020, 38.1022a, 38.1022c, 38.1023, 38.1023d, 38.1026, 38.1030, 38.1057, 38.1059a, 38.1061, 38.1062, 38.1063, and 38.1080), the title as amended and sections 61, 63, and 80 as added by 1996 PA 486, sections 8a and 59a as added by 1995 PA 175, sections 9, 22c, 23, 23d, and 26 as amended by 1998 PA 501, section 13a as amended by 1998 PA 78, sections 14 and 20 as amended by 1981 PA 123, sections 22a and 30 as amended by 1994 PA 359, section 57 as amended by 1995 PA 258, and section 62 as amended by 1998 PA 305.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 283

Yeas—37

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

The following bill was read a third time:

House Bill No. 5674, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 512, 524, 527, 535, 549b, 549e, 550a, 821, 821a, 822, 8143, 8144, 8146, 8147, 8148, 8152, and 8176, (MCL 600.512, 600.524, 600.527, 600.535, 600.549b, 600.549e, 600.550a, 600.821, 600.821a, 600.822, 600.8143, 600.8144, 600.8146, 600.8147, 600.8148, 600.8152, and 600.8176), sections 535, 550a, and 8147 as amended by 1990 PA 54, section 549e as added by 1980 PA 129, section 821 as amended by 1998 PA 298, section 821a as added by 1998 PA 100, section 822 as amended by 1998 PA 313, section 8152 as amended by 2000 PA 38, and section 8176 as amended by 1994 PA 138, and by adding section 810a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senators McManus and Schuette offered the following amendment:

1. Amend page 5, line 19, after “ARENAC” by inserting a comma and “KALKASKA,”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 284

Yeas—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—15

Byrum
Cherry

Emerson
Hart

Miller
Murphy

Scott
Smith

DeBeaussiaert
Dingell

Koivisto
Leland

North
Peters

Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5674 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

It’s my intention, Mr. President, to vote “no” on this bill. It may be a good bill and it may not. I think that’s the issue—we really don’t know. This bill has not really seen anything in the way of community considerations or public hearing. We haven’t even had the opportunity to hear from the courts involved. This is a plan that was announced earlier in the week, and it’s not even Thursday yet. It’s only Wednesday, and this package is here on the Senate floor. It’s simply flying through.

Normally, when you talk about reorganizing our courts or reconstructing the districts of the courts, that’s something that you look towards your judiciary committee to examine. It gives you an opportunity to talk to the members of the committee and get a sense of what the bill does and whether the changes make sense. That whole process here, Mr. President, is being short-circuited, and I guess, Mr. President, that’s the reason I intend to vote “no.”

I really don’t know if the bill is meritorious. It’s simply being shoved through this chamber with nothing short of a rapid action. And I would hope that we would pause here, and give it a little more deliberation and a little bit more thought before we adopt this bill.

The following bill was read a third time:

House Bill No. 5112, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending the title and sections 105, 213, 214, 216, 217, 304, 305, 308, 401a, 405, 506, 508, 604, 714, and 720 (MCL 38.2105, 38.2213, 38.2214, 38.2216, 38.2217, 38.2304, 38.2305, 38.2308, 38.2401a, 38.2405, 38.2506, 38.2508, 38.2604, 38.2664, and 38.2670), sections 105 and 604 as amended by 1995 PA 193, section 214 as amended and section 720 as added by 1996 PA 523, section 217 as amended by 1998 PA 99, and sections 401a, 506, 508, and 714 as amended by 1999 PA 215, and by adding sections 501b and 512.

The question being on the passage of the bill,

Senator Gougeon offered the following amendment:

1. Amend page 6, line 1, after “created.” by striking out “THE ASSETS AND EARNINGS ON THE ASSETS CONTAINED IN THE RESERVE FOR HEALTH BENEFITS SHALL NOT BE TREATED AS PENSION ASSETS FOR ANY PURPOSE.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Gougeon offered the following amendment:

1. Amend page 18, line 12, after the second “THE” by inserting “DIFFERENCE OF”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 285**Yeas—22**

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette

Schwarz
Sikkema
Steil
Stille
Van Regenmorter

Nays—15

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters
Scott

Shugars
Smith
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Emmons moved that further consideration of the bill be postponed temporarily. The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 1202, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Bullard introduced

Senate Bill No. 1203, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 4599, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 172.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5049, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1279a. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Education.

House Bill No. 5185, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 968 (MCL 168.968), as amended by 1989 PA 26.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5314, entitled

A bill to amend 1978 PA 397, entitled "Bullard-Plawecki employee right to know act," (MCL 423.501 to 423.512) by amending the title and by adding section 9a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Human Resources and Labor.

House Bill No. 5623, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4307 (MCL 324.4307).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5624, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4504 (MCL 324.4504), as added by 1995 PA 60.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5625, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4709 (MCL 324.4709).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5626, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30705 (MCL 324.30705), as added by 1995 PA 59.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5627, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30716 (MCL 324.30716), as added by 1995 PA 59.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5664, entitled

A bill to amend 1921 PA 2, entitled "An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of

certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred,” by amending section 1 (MCL 17.1).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5707, entitled

A bill to amend 1899 PA 188, entitled “Michigan estate tax act,” by amending sections 1a, 6, 11, 14, and 17 (MCL 205.201a, 205.206, 205.211, 205.214, and 205.217), section 6 as amended by 1993 PA 54.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5708, entitled

A bill to amend 1889 PA 226, entitled “An act to provide for the collection of specific taxes from corporations, copartnerships, parties or persons, subject under any laws of this state to the payment of such taxes; to fix the time when such taxes become a lien upon the property of such corporations, copartnerships, parties or persons, and to define the property to which the lien shall attach; and to repeal Act No. 57 of the session laws of 1872, approved March twenty-ninth, 1872, and Acts No. 10 and 11 of the session laws of 1873, approved February fourteenth, 1873, being sections numbered 1249 to 1256, both inclusive, of Howell’s annotated statutes of 1882,” by amending sections 1, 2, 3, 4, and 5 (MCL 207.441, 207.442, 207.443, 207.444, and 207.445).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5709, entitled

A bill to amend 1931 PA 292, entitled “An act to authorize counties to extend the time of payment of certain drain taxes and highway assessments,” by amending section 3 (MCL 211.393).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5713, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending sections 271 and 323 (MCL 280.271 and 280.323).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5714, entitled

A bill to repeal 1915 PA 294, entitled “An act to promote the public welfare; to create a commission to be known as the agricultural fair commission; to provide for the appointment of such a commission and to fix their terms of office; to prescribe their powers and duties; and to make an appropriation to carry out the provisions of this act,” (MCL 285.122 to 285.128).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5715, entitled

A bill to amend 1846 RS 12, entitled “Of certain state officers,” by amending sections 29 and 32 (MCL 14.29 and 14.32).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5719, entitled

A bill to amend 1942 (1st Ex Sess) PA 16, entitled “An act to designate the superintendent of public instruction as the state agency to apply to and receive from the federal government, or any agency thereof, grants in aid of the public schools of this state and educational activities in this state; and to provide for the disbursement thereof,” by amending section 3 (MCL 388.803).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5720, entitled

A bill to amend 1893 PA 116, entitled “An act to provide for the maintenance, management and control, of the Michigan school for the deaf, and to repeal all laws inconsistent herewith,” by repealing sections 10, 12, 14, and 16 (MCL 393.60, 393.62, 393.64, and 393.66).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 5721, entitled

A bill to amend 1893 PA 123, entitled “An act to provide for the maintenance, supervision and government of the Michigan school for the blind, and to repeal all acts and parts of acts inconsistent herewith,” by repealing sections 9 and 10 (MCL 393.109 and 393.110).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Statements

Senators McCotter and Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McCotter’s statement is as follows:

I would just like to take a moment to recognize my alma mater, Catholic Central High School, and congratulate them on winning the Class A State Hockey Championship—a 5-1 pasting of Marquette. My condolences to the good Senators from the Upper Peninsula, and my apologies to my colleagues if you find it redundant that I keep talking about Catholic Central state championships, but there’s really nothing I can do about it.

Senator Smith’s statement is as follows:

I have a statement on House Bill No. 5112, the bill that packed the court or potentially packs the court, the bill that offers a \$28,000 a year retirement enhancement for an elected official, and the bill that inexcusably enhances a retirement for a salary that was enhanced by 36 percent just a year ago. I understand the judges of the state of Michigan did not ask for this, but I think the citizens of the state of Michigan should be outraged. I think that this Senate has made a tremendous mistake here in misjudging the public of the state of Michigan. They are not going to stand for this and they shouldn’t.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 2:35 p.m.

3:40 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5108, entitled

A bill to protect certain rights that public employees have in retirement benefits under certain circumstances; to provide for the establishment of certain funds and arrangements; and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

(This bill was passed earlier today and the committee recommendation for immediate effect postponed. See p. 557.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5110, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 34, 36, 41, 43a, 46, 85, and 108 (MCL 38.1304, 38.1334, 38.1336, 38.1341, 38.1343a, 38.1346, 38.1385, and 38.1408), sections 4, 34, 36, and 41 as amended by 1997 PA 143, section 43a as amended by 1990 PA 298, section 46 as amended by 1991 PA 47, and sections 85 and 108 as amended by 1998 PA 213.

(This bill was passed earlier today and the committee recommendation for immediate effect postponed. See p. 565.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5111, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6 and 9 (MCL 38.556 and 38.559), as amended by 1991 PA 54.

(This bill was passed earlier today and the committee recommendation for immediate effect postponed. See p. 566.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to provide for the establishment, maintenance, and administration of a system of pensions and retirements for the benefit of the personnel of fire and police departments employed by cities, villages, or municipalities having full paid members in the departments, and for the spouses and children of the members; to provide for the creation of a board of trustees to manage and operate the system; to authorize appropriations and deductions from salaries; to prescribe penalties and provide remedies; and to repeal all acts and parts of acts inconsistent therewith,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5113, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

(This bill was passed earlier today and the committee recommendation for immediate effect postponed. See p. 567.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to provide for the Michigan department of state police retirement system; to create certain reserves and certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of state police, the department of management and budget, and certain state officers; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5114, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending the title and sections 8a, 9, 13a, 14, 20, 22a, 22c, 23, 23d, 26, 30, 57, 59a, 61, 62, 63, and 80 (MCL 38.1008a, 38.1009, 38.1013a, 38.1014, 38.1020, 38.1022a, 38.1022c, 38.1023, 38.1023d, 38.1026, 38.1030, 38.1057, 38.1059a, 38.1061, 38.1062, 38.1063, and 38.1080), the title as amended and sections 61, 63, and 80 as added by 1996 PA 486, sections 8a and 59a as added by 1995 PA 175, sections 9, 22c, 23, 23d, and 26 as amended by 1998 PA 501, section 13a as amended by 1998 PA 78, sections 14 and 20 as amended by 1981 PA 123, sections 22a and 30 as amended by 1994 PA 359, section 57 as amended by 1995 PA 258, and section 62 as amended by 1998 PA 305.

(This bill was passed earlier today and the committee recommendation for immediate effect postponed. See p. 567.)

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act for the creation, maintenance, and administration of a legislative members’ and presiding officers’ retirement system within the legislature; to provide retirement allowances to the participants of the retirement system, and survivors’ allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; to authorize and make appropriations for the retirement system; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; and to prescribe penalties and provide remedies,”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5674, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 512, 524, 527, 535, 549b, 549e, 550a, 821, 821a, 822, 8143, 8144, 8146, 8147, 8148, 8152, and 8176, (MCL 600.512, 600.524, 600.527, 600.535, 600.549b, 600.549e, 600.550a, 600.821, 600.821a, 600.822, 600.8143, 600.8144, 600.8146, 600.8147, 600.8148, 600.8152, and 600.8176), sections 535, 550a, and 8147 as amended by 1990 PA 54, section 549e as added by 1980 PA 129, section 821 as amended by 1998 PA 298, section 821a as added by 1998 PA 100, section 822 as amended by 1998 PA 313, section 8152 as amended by 2000 PA 38, and section 8176 as amended by 1994 PA 138, and by adding section 810a; and to repeal acts and parts of acts.

(This bill was passed earlier today and the committee recommendation for immediate effect postponed. See p. 568.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Emmons moved that consideration of the following concurrent resolution be postponed for today:

Senate Concurrent Resolution No. 11

The motion prevailed.

Senate Resolution No. 172.

A resolution to memorialize the Congress of the United States to support federal assistance, through the Transportation Efficiency Act, for the Village of Holly/Rose Township Michigan Highway-Rail Life Safety Access Project.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Cherry was named co-sponsor of the resolution.

Senators McCotter, Dingell, Bennett, Bullard, Smith and Dunaskiss offered the following resolution:

Senate Resolution No. 183.

A resolution urging protection of the Johnson Creek property in Northville, Michigan.

Whereas, Michigan is known throughout the nation for its beautiful woodlands, lakes, rivers, and streams; and

Whereas, The Johnson Creek property in Northville, Michigan, is an integral part of the Rouge River system; and

Whereas, Johnson Creek is a cold-water, base-flow stream that is fed by cool groundwater discharges and is one of only three locations in Michigan that can support brown trout and the endangered redbreasted dace; and

Whereas, The Johnson Creek Protection Group, a volunteer organization dedicated to preserving the Johnson Creek property has conducted studies with state and federal agencies on the environmental quality of the area, finding that the system is prone to runoff water, bringing lawn sprays and fertilizers into the water; and

Whereas, The Johnson Creek property has an enormous amount of potential to host a greenwalk along its banks, allowing children and others to enjoy and learn about nature; and

Whereas, As part of the Johnson Creek watershed of the Rouge River system, the Johnson Creek property is a major resource in supplying fresh water to many communities of southeastern Michigan; and

Whereas, There are situations identical to the Johnson Creek property throughout Michigan, and in each case, the environmental benefits must be considered paramount; now, therefore, be it

Resolved by the Senate, That we, the people of the state of Michigan, do encourage land use which is in harmony with Johnson Creek, and protect it as a valuable natural resource for future generations; and be it further

Resolved, That copies of this resolution be transmitted to the Northville City Council, the Northville Township Board of Trustees, and the Plymouth Township Board of Trustees.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

Senators Emerson, Cherry and DeGrow offered the following resolution:

Senate Resolution No. 184.

A resolution to urge the Michigan State Treasurer to examine the finances of the city of Flint.

Whereas, The city of Flint has experienced serious financial challenges in recent years. While many of the problems facing the city stem from economic forces that are clearly beyond the scope of municipal or state government, there are concerns that the city's finances may be beyond the level of shortfalls explainable by external factors alone. Flint faces approximately \$28 million in debt, a figure that is approaching half of the annual revenue; and

Whereas, The Flint community has endured significant turmoil recently, including the recall of the city's mayor and allegations of improprieties. Several individuals and groups have cited late audits, poor management decisions, and personnel problems as contributing factors to the city's overall financial difficulties; and

Whereas, The state has a strong stake in the stability of its municipalities. The Local Government Fiscal Responsibility Act, 1990 PA 72, provides, in section 12, being MCL § 141.1212, several ways in which the State Treasurer can conduct a preliminary review to determine the existence of a financial problem in a local government. In addition to provisions for the local government to request help, requests that may be made by certain parties, and conditions that precipitate state scrutiny, the State Treasurer can also be requested to review a local community's finances through a resolution adopted by either house of the Michigan Legislature. This initial step can set in motion a detailed process through which the state can take actions to address the problems; now, therefore, be it

Resolved by the Senate, That we urge the Michigan State Treasurer to examine the finances of the city of Flint pursuant to the provisions of the Local Government Fiscal Responsibility Act, 1990 PA 72, to determine if a financial problem exists; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan State Treasurer.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The resolution was adopted.

Scheduled Meetings

Appropriations -

Subcommittees -

Family Independence Agency - Tuesdays, April 9 and April 23, 1:00 p.m., Room 210, Farnum Building; Thursdays, April 11 and April 18, 1:00 p.m., Room 110, Farnum Building (373-1760)

General Government - Tuesdays, April 9, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 10, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Banking and Financial Institutions - Thursday, March 14, 8:30 a.m., Room 210, Farnum Building (373-2420)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 3:48 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 14, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

