

Senators Jansen, Jones, Rocca, Robertson, Casperson, Meekhof, Emmons, Moolenaar, Brandenburg, Booher, Hansen, Green, Schuitmaker, Caswell, Marleau, Pappageorge, Proos, Walker, Hildenbrand, Nofs and Colbeck offered the following concurrent resolution:

Senate Concurrent Resolution No. 9.

A concurrent resolution to reject the proposed increase in rates of compensation recommended by the Civil Service Commission and contained in the Executive Budget for fiscal year 2011-2012 relative to the extension of health benefits to adults and their dependents living with but not related to a classified employee.

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* provides that increases in rates of compensation in the state classified services authorized by the Civil Service Commission require prior notice to the Governor. The *Constitution of the State of Michigan of 1963* also requires that the Governor transmit such increases to the Legislature as part of the Governor's budget; and

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* reads, in part, as follows:

"Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission."

; and

Whereas, The Civil Service Commission has approved letters of understanding for certain bargaining units that would allow represented employees in the classified civil service who do not have an eligible spouse to enroll one unrelated adult and that adult's dependents in the State Health Plan, provided that certain criteria are met. The Commission also adopted a rule providing the same option to nonexclusively represented employees. The Governor's proposed budget for fiscal year 2012, transmitted to the Legislature, contains the Commission's recommended increase in the rate of compensation. The Attorney General has opined that the term "compensation" includes fringe benefits, such as health care benefits. The Attorney General has also opined that the Commission's decision allowing classified employees to enroll an additional adult and their dependents into the State Health Plan constitutes an increase in the rate of compensation. Consequently, the decision requires notice to the Governor for inclusion in the budget to be transmitted to the Legislature and may be rejected or reduced within 60-days of transmission of the budget by a two-thirds vote of the members elected to and serving in each house of the Legislature; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, hereby rejects the Civil Service Commission's decision allowing classified employees who do not have an eligible spouse to enroll one unrelated adult and that adult's dependents in the State Health Plan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Civil Service Commission.