

No. 84
STATE OF MICHIGAN
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Friday, December 11, 1998.

12:01 a.m.

The House was called to order by Acting Speaker DeHart.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agee—present	Dobronski—excused	Kaza—present	Profit—present
Alley—excused	Emerson—present	Kelly—present	Prusi—excused
Anthony—present	Fitzgerald—present	Kilpatrick—present	Quarles—present
Baade—absent	Frank—present	Kukuk—present	Raczkowski—present
Baird—present	Freeman—excused	LaForge—present	Rhead—present
Bankes—present	Gagliardi—present	Law—present	Richner—present
Basham—present	Galloway—present	Leland—present	Rison—present
Birkholz—present	Geiger—present	LeTarte—present	Rocca—present
Bobier—present	Gernaat—present	Llewellyn—present	Sanborn—present
Bodem—present	Gilmer—present	London—present	Schauer—present
Bogardus—present	Gire—present	Lowe—present	Schermesser—present
Brackenridge—present	Godchaux—present	Mans—excused	Schroer—excused
Brater—present	Goschka—present	Martinez—present	Scott—present
Brewer—present	Green—present	Mathieu—present	Scranton—present
Brown—present	Griffin—excused	McBryde—present	Sikkema—present
Byl—present	Gubow—present	McManus—present	Stallworth—present
Callahan—present	Gustafson—present	McNutt—present	Tesanovich—present
Cassis—present	Hale—present	Middaugh—present	Thomas—present
Cherry—present	Hammerstrom—present	Middleton—present	Varga—present
Ciaramitaro—present	Hanley—present	Nye—present	Vaughn—excused
Crissman—present	Harder—present	Olshove—present	Voorhees—present
Cropsey—present	Hertel—present	Owen—present	Walberg—present
Curtis—excused	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—present	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—present	Price—present	Wojno—present

e/d/s = entered during session

Rep. Gustafson, from the 67th District, offered the following invocation:

“As we reflect on the work we are about to do, I have two thoughts. First, 2 Corinthians 11:8: ‘Now finish the work, so that your eager willingness to do it may be matched by your completion of it, according to your means.’ I’ll select the quote of the great Martin Luther King: ‘If a man is called to be a street sweeper, he should sweep streets as Michelangelo painted, or Beethoven composed music, or Shakespeare wrote poetry. He should sweep streets so well that all the hosts of heaven and earth will pause to say, here lived a great street sweeper who did his job well.’ Lord let us pray that the words from Corinthians and Martin Luther King may be remembered, as we are eager to perform our work this evening. And may we be remembered tonight, and for the 89th legislature, as a legislature that did it’s job well. Amen.”

Rep. Gubow moved that Reps. Alley, Dobronski, Freeman, Griffin, Mans, Prusi, Schroer, Vaughn and Curtis be excused from today’s session.

The motion prevailed.

Rep. Kaza asked and obtained an excuse from the balance of today’s session.

Notices

December 11, 1998

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

By unanimous consent the House returned to the order of
Second Reading of Bills

Senate Bill No. 1282, entitled

A bill to amend 1988 PA 466, entitled “Animal industry act of 1987,” by amending sections 3, 8, 9, 14, 30a, and 30b (MCL 287.703, 287.708, 287.709, 287.714, 287.730a, and 287.730b), sections 3, 9, 14, 30a, and 30b as amended by 1996 PA 369 and section 8 as amended by 1994 PA 41, and by adding section 30c.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Agriculture,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Reps. Wetters and Llewellyn moved to amend the bill as follows:

1. Amend page 7, line 7, after “(F)” by inserting “THE DEPARTMENT SHALL CONSIDER AND REGULARLY REVIEW THE NEED TO”.

2. Amend page 7, following line 20, by inserting:

“(G) THE DEPARTMENT SHALL COORDINATE AND CONDUCT, AND THE DEPARTMENT OF NATURAL RESOURCES SHALL ACTIVELY SUPPORT AND ASSIST AS DIRECTED BY THE DEPARTMENT, A SCIENTIFICALLY BASED SURVEILLANCE PROGRAM FOR BOVINE TUBERCULOSIS OF FREE-RANGING DEER, BASED UPON RISK AND CONDUCTED AT A MINIMUM 95% CONFIDENCE OF A 2% INFECTION RATE BASED UPON AN OFFICIAL DETERMINATION BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, IN AT LEAST EACH OF THE FOLLOWING COUNTIES: CHEBOYGAN, PRESQUE ISLE, OTSEGO, MONTMORENCY, ALPENA, CRAWFORD, OSCODA, ALCONA, ROSCOMMON, OGEMAW, IOSCO, AND ANY OTHER COUNTY AND COUNTIES ADJACENT TO THAT COUNTY WHERE 1 OR MORE FREE-RANGING DEER ARE FOUND TO BE POSITIVE FOR BOVINE TUBERCULOSIS, BASED UPON AN OFFICIAL DETERMINATION BY UNITED STATES DEPARTMENT OF AGRICULTURE. FOR PURPOSES OF ENFORCING THIS SECTION, THE DEPARTMENT MAY ENTER UPON PRIVATE OR PUBLIC PREMISES TO ACQUIRE SAMPLES. THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND THE MICHIGAN DEPARTMENT

OF COMMUNITY HEALTH SHALL COOPERATE WITH THE STATE VETERINARIAN TO FULFILL THE REQUIREMENTS OF THIS SECTION. THE DEPARTMENT SHALL REPORT THE RESULTS OF THE STUDY TO THE LEGISLATURE AND THE GOVERNOR BY SEPTEMBER 1, 1999.”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Gagliardi moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

Rep. Gagliardi moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Rep. Hammerstrom moved that Rep. LeTarte be excused temporarily from today’s session.
The motion prevailed.

Rep. Walberg moved that Rep. Nye be excused from the balance of today’s session.
The motion prevailed.

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

Senate Bill No. 1282, entitled

A bill to amend 1988 PA 466, entitled “Animal industry act of 1987,” by amending sections 3, 8, 9, 14, 30a, and 30b (MCL 287.703, 287.708, 287.709, 287.714, 287.730a, and 287.730b), sections 3, 9, 14, 30a, and 30b as amended by 1996 PA 369 and section 8 as amended by 1994 PA 41, and by adding section 30c.

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

Roll Call No. 1167

Yeas—72

Anthony	Gagliardi	Kilpatrick	Quarles
Banks	Galloway	Kukuk	Raczkowski
Basham	Geiger	LaForge	Rhead
Birkholz	Gernaat	Law	Richner
Bobier	Gilmer	Leland	Rison
Bodem	Gire	Llewellyn	Rocca
Brackenridge	Godchaux	London	Sanborn
Brater	Goschka	Lowe	Schauer
Brewer	Green	Mathieu	Scott
Byl	Gubow	McBryde	Scranton
Cassis	Gustafson	McManus	Sikkema
Crissman	Hammerstrom	Middaugh	Thomas
Cropsey	Harder	Middleton	Voorhees
Dalman	Horton	Olshove	Walberg
DeHart	Jansen	Oxender	Wallace
DeVuyst	Jelinek	Parks	Wetters
Fitzgerald	Jellema	Perricone	Whyman
Frank	Kelly	Profit	Willard

Nays—15

Agee	Ciaramitaro	Martinez	Tesanovich
Baird	Hale	Owen	Varga

Brown
Callahan

Hanley
Hertel

Schermesser
Stallworth

Wojno

In The Chair: DeHart

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

“An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts.”.

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 906, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 1998 and September 30, 1999; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Appropriations,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Brewer moved to amend the bill as follows:

1. Amend page 48, line 13, after “recorded.” by inserting “Expenditures for construction of the facility shall not exceed \$225.00 per square foot.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Brewer moved to amend the bill as follows:

1. Amend page 49, following line 6, by inserting:

“(6) No underground parking shall be provided to judges in the new judicial office center underground parking facility.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Brewer moved to amend the bill as follows:

1. Amend page 48, line 7, after “exceed” by striking out “\$87,800,000.00” and inserting “\$72,800,000.00”.

2. Amend page 48, line 9, after “ity” by striking out “and underground parking structure”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 57, line 9, after “before” by striking out “June 30, 1998” and inserting “January 31, 1999”.
2. Amend page 57, line 12, after “before” by striking out “June 30, 1998” and inserting “January 31, 1999”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Gagliardi moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

Rep. Gagliardi 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. 906, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 1998 and September 30, 1999; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

Roll Call No. 1168

Yeas—67

Baird	Galloway	Law	Profit
Banks	Geiger	Leland	Quarles
Basham	Gilmer	Llewellyn	Rackowski
Birkholz	Godchaux	Martinez	Rhead
Bobier	Goschka	Mathieu	Richner
Bodem	Gubow	McBryde	Rison
Bogardus	Gustafson	McManus	Sanborn
Brackenridge	Hale	McNutt	Schauer
Cassis	Hammerstrom	Middaugh	Scranton
Cherry	Hanley	Middleton	Sikkema
Crissman	Harder	Olshove	Stallworth
Dalman	Hertel	Owen	Tesanovich
DeHart	Jansen	Oxender	Thomas
Emerson	Jelinek	Palamara	Voorhees
Fitzgerald	Johnson	Parks	Wallace
Frank	Kukuk	Perricone	Wetters
Gagliardi	LaForge	Price	

Nays—27

Agee	Ciaramitaro	Jellema	Scott
Anthony	Cropsey	Kelly	Varga

Brater	DeVuyst	Kilpatrick	Walberg
Brewer	Gernaat	London	Whyman
Brown	Gire	Lowe	Willard
Byl	Green	Rocca	Wojno
Callahan	Horton	Schermesser	

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Gagliardi moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Lowe, 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 most difficult decisions we face in Lansing involve balancing the positive and negative aspects of appropriation bills. Senate Bill 906 is an example. There are line items in this legislation for needed projects in Antrim, Otsego, and Montmorency counties. However, the overriding consideration is an appropriation of 87.8 million dollars of a ‘Hall of Justice’. Even though there is a benefit to housing the courts in a central location, I cannot justify a cost of \$300.00 per square foot to the people of northern Michigan. My conscience and my constituents both demand that I vote ‘no’ on final passage of SB 906. I would hope in the future that 90 million dollar overpriced buildings would be a stand alone appropriation, instead of including much needed local projects as a carrot to entice legislators to vote to build extravagant office buildings.”

Second Reading of Bills

Senate Bill No. 1266, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

The bill was read a second time.

Rep. Gagliardi moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

Rep. Gagliardi 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. 1266, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

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

Roll Call No. 1169

Yeas—93

Agee	Emerson	Johnson	Profit
Anthony	Fitzgerald	Kelly	Quarles

Baird	Frank	Kilpatrick	Raczkowski
Bankes	Gagliardi	Kukuk	Rhead
Basham	Galloway	LaForge	Richner
Birkholz	Geiger	Law	Rison
Bobier	Gernaat	Leland	Rocca
Bodem	Gilmer	Llewellyn	Sanborn
Bogardus	Gire	London	Schauer
Brackenridge	Godchaux	Lowe	Schermesser
Brater	Goschka	Mathieu	Scott
Brewer	Green	McBryde	Scranton
Brown	Gubow	McManus	Sikkema
Byl	Gustafson	McNutt	Stallworth
Callahan	Hale	Middaugh	Tesanovich
Cassis	Hammerstrom	Middleton	Thomas
Cherry	Hanley	Olshove	Varga
Ciaramitaro	Harder	Owen	Voorhees
Crissman	Hertel	Oxender	Walberg
Cropsey	Horton	Palamara	Wallace
Dalman	Jansen	Parks	Whyman
DeHart	Jelinek	Perricone	Willard
DeVuyst	Jellema	Price	Wojno
Dobb			

Nays—0

In The Chair: DeHart

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act.”.

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 6208, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending sections 11, 17b, 21, 21a, 22, 22c, 23d, 26, 50a, 75, and 79 (MCL 38.1011, 38.1017b, 38.1021, 38.1021a, 38.1022, 38.1022c, 38.1023d, 38.1026, 38.1050a, 38.1075, and 38.1079), sections 21, 22, 23d, and 26 as amended by 1994 PA 359, section 11 as amended by 1988 PA 512, section 17b as amended and section 21a as added by 1987 PA 58, section 22c as amended and sections 75 and 79 as added by 1996 PA 486, and section 50a as amended by 1998 PA 80, and by adding sections 36a and 58a.

The Senate has amended the bill as follows:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

“Sec. 9. (1) “Salary” means the compensation, common to all legislators, exclusive of travel allowance, paid by the state for 1 year of service as a legislator. A member shall contribute to the retirement system based on the percentage applied to that salary.

(2) For purposes of section 23, salary also includes an additional 2% through December 30, 1986, and 4% beginning December 31, 1986, compounded annually and added for each year or major portion of a year that expires after the member terminates service and before the member retires, of the member's greatest salary determined pursuant to subsection (1) received in 1 calendar year. This subsection only applies to a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, and whose service terminates on or after December 1, 1978.

(3) For purposes of section 23, for a member who left service before December 1, 1978, salary also includes an additional 2% for each year beginning January 1, 1979 through December 30, 1986 and 4% beginning December 31, 1986, compounded annually and added for each year or major portion of a year that expires after the member terminates service and before the member retires, of the member's greatest salary determined pursuant to subsection (1) received in 1 calendar year.

(4) For purposes of section 23, salary also includes an amount equal to the greatest amount of additional compensation received in 1 calendar year as a result of being in a leadership position, divided by 5, and then multiplied by the number of years or major portion of a year, not to exceed 8, in which the member was in a leadership position and received additional compensation. Before a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, may have the additional compensation included in salary under this subsection, the member shall pay to the retirement system a sum equal to 9% of the total additional compensation received. Before a member who first becomes a member after ~~December 1, 1994~~ JANUARY 1, 1995, may have the additional compensation included in salary under this subsection, the member shall pay to the retirement system a sum equal to 7% of the total additional compensation received."

2. Amend page 4, line 17, after "before" by striking out "December 1, 1994" and inserting "JANUARY 1, 1995".

3. Amend page 4, line 22, after "after" by striking out "December 1, 1994" and inserting "JANUARY 1, 1995".

4. Amend page 4, following line 27, by inserting:

"(2) DURING THE PERIOD BEGINNING ON JANUARY 1, 1999 AND ENDING ON DECEMBER 31, 2000, A MEMBER WHO FIRST BECAME A MEMBER AFTER DECEMBER 1, 1994 AND ON OR BEFORE JANUARY 1, 1995, SHALL MAKE ADDITIONAL MEMBER CONTRIBUTIONS TO THE MEMBERS' SAVINGS FUND OF 4% OF EACH PAYMENT OF SALARY RECEIVED BY THE MEMBER FOR SERVICES AS A MEMBER." and renumbering the remaining subsections.

5. Amend page 7, line 27, after "BEFORE" by striking out "DECEMBER 1, 1994" and inserting "JANUARY 1, 1995".

6. Amend page 8, line 4, after "AFTER" by striking out "DECEMBER 1, 1994" and inserting "JANUARY 1, 1995".

7. Amend page 8, following line 11, by inserting:

"Sec. 23. (1) A member or deferred vested member who meets the following requirements shall be entitled to a retirement allowance:

(a) The member or deferred vested member qualifies under 1 of the following:

(i) Has not less than 8 years of service.

(ii) Has not less than 6 years of service, and has been elected, qualified, and seated not less than 4 times for full or partial terms if a member of the house or not less than 2 times if a member of the senate elected after November 7, 1966, or has not less than 6 years of service and has been elected, qualified, and seated not less than 2 times for full or partial terms as a member of the house and not less than 1 time as a member of the senate elected after November 7, 1966.

(iii) Effective January 1, 1987, has not less than 5 years of service and has been elected, qualified, and seated for a full or partial term not less than 3 times if a member of the house or not less than 2 times if a member of the senate, or not less than 1 time as a member of the house and not less than 1 time as a member of the senate.

(b) The member or deferred vested member has attained 55 years of age.

(c) The member or deferred vested member has filed with the board a written application for a retirement allowance that states the years of service, the highest salary received during the member's or deferred vested member's service before application, and the date the member or deferred vested member desires to be retired, which date shall be not more than 90 days after the execution and filing of the application.

(2) A member shall not be entitled to receive a retirement allowance provided for in this section or section 23d while serving as a legislator or lieutenant governor. Each person receiving benefits under this act consents and agrees as a condition of receiving the benefits that benefits of any nature shall not be paid while the person is a legislator or lieutenant governor.

(3) A deferred vested member who left service after December 31, 1974, and before January 1, 1979, and who becomes a retiree shall be entitled to an annual retirement allowance of 30% of the salary stated in the application for the first 8 years of service plus 3.75% for each of the next 8 years of service. A fraction of a year of service in excess of 8 years shall be prorated. If the retiree has less than 8 years of service but qualifies by the election method, the retirement allowance shall be that proportion of 30% that his or her years of service and fraction of a year of service bears to 8 years. Years of service listed in the application need not be consecutive but shall have been rendered before payment of the retirement allowance. Except as provided in section 23c, a retirement allowance shall not exceed 60% of the salary stated in the application.

(4) A member who retired after December 31, 1978 and before January 1, 1987, or a deferred vested member who left service after December 31, 1978 and before January 1, 1987, and becomes a retirant, shall be entitled to an annual retirement allowance of 32% of the salary stated in his or her application for the first 8 years of service plus 4% for each of the next 8 years of service. A fraction of a year of service in excess of 8 years shall be prorated. If the member or deferred vested member has less than 8 years of service but qualifies by the election method, the retirement allowance shall be that proportion of 32% that his or her years of service and fraction of a year of service bears to 8 years. Years of service listed in the application need not be consecutive, but shall have been rendered before payment of the retirement allowance. Except as provided in section 23c, a retirement allowance shall not exceed 64% of the salary stated in the application.

(5) A member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995 and who retires after December 31, 1986, or a deferred vested member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, who leaves service after December 31, 1986, and who becomes a retirant, shall be entitled to an annual retirement allowance of 20% of the salary stated in his or her application for the first 5 years of service plus 4% for each of the next 11 years of service. A fraction of a year of service in excess of 5 years shall be prorated. Years of service listed in the application need not be consecutive, but shall have been rendered before payment of the retirement allowance. Except as provided in this subsection and section 23c, a retirement allowance shall not exceed 64% of the salary stated in the application. Effective January 1, 1987, however, a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995 and who has 16 or more years of service shall also be entitled to a longevity allowance of 1.0% of the member's salary for each year of service beyond 16 years but, except as otherwise provided in this subsection, not to exceed 20 years. Except as provided in this subsection and section 23c, the retirement allowance of a member entitled to a longevity allowance under this subsection shall not exceed 68% of the salary stated in the application. Beginning January 1, 1989, a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, who has 20 or more years of service, and who meets the age and service requirements or service requirements to be eligible to receive a retirement allowance under this act shall be entitled to a longevity allowance of 1.0% of the member's salary for each year of service beyond 20 years.

(6) A member who first becomes a member on or after ~~December 2, 1994~~ JANUARY 2, 1995 and who becomes a retirant under this act is entitled to an annual retirement allowance equal to the product of the following:

- (a) The salary stated in his or her application.
- (b) Years and fraction of a year of service.
- (c) Three percent.

(7) A retirant who elects to purchase military service credit pursuant to section 11(2) shall have his or her retirement allowance recalculated to include the military service credit purchased pursuant to that section. The first payment of the recalculated retirement allowance shall be made effective with the first check after the recalculation is made.

(8) The retirement allowance of a retirant who, on January 1, 1987, satisfied the conditions required by section 9(3) shall have his or her retirement allowance recalculated to reflect the increase in salary for those years permitted by section 9(3) before the member became a retirant.

(9) Within 30 days after becoming 55 years of age, a deferred vested member may elect to defer receipt of the retirement allowance to which the member is entitled under this act to a date certain, not to exceed 70-1/2 years of age. Except as otherwise provided in this subsection, at the date the member designates to begin receipt of his or her retirement allowance, the member's retirement allowance shall be actuarially recomputed to reflect the member's age and life expectancy at initial receipt of the deferred retirement allowance. Upon request of the deferred vested member who elects to begin receiving his or her retirement allowance, the retirement board may pay to the member a lump sum payment of an amount equal to the sum of the retirement allowance that was deferred pursuant to this subsection. The retirement board shall not actuarially recompute the member's retirement allowance upon payment of a lump sum under this subsection.

(10) Notwithstanding subsection (1), a member or deferred vested member may retire with a retirement allowance computed according to the applicable provisions of this section if all of the following apply:

(a) The member or deferred vested member files a written application with the retirement board stating a date, not less than 30 nor more than 90 days after the execution and filing of the application, on which the member or deferred vested member desires to retire.

(b) On the last day of the month immediately preceding the retirement allowance effective date stated in the application, the member's or deferred vested member's combined age and length of credited service is equal to or greater than 70 years and the member or deferred vested member is 50 years of age or older.

(11) A member who retires before January 1, 1987 or a deferred vested member who leaves service before January 1, 1987 and becomes a retirant shall, in addition to the retirement allowance calculated under subsection (3) or (4), be entitled to a longevity allowance if the retirant or deferred vested member has more than 16 years of service. The longevity allowance is 1.0% of the former member's salary stated in the application for each year of service beyond 16 years but, except as otherwise provided in this subsection, not to exceed 20. A member who retires before January 1, 1987 or a deferred vested member who leaves service before January 1, 1987 and becomes a retirant shall, in addition

to the retirement allowance calculated under subsection (3) or (4), be entitled to a longevity allowance of 1.0% of the former member's salary stated in the application for each year of service beyond 20 years that was served after the member met the age and service requirements or service requirements to be eligible to receive a retirement allowance under this act. The retirement allowance of a retirant who satisfies the conditions under this subsection shall have his or her retirement allowance recalculated to reflect the longevity allowance for those years permitted by this subsection effective January 1, 1987 or the date of retirement, whichever is later. The application of the longevity allowance to the retirant's retirement allowance under this subsection shall be applied before the provisions of section 23c are applied to that retirement allowance. Except as provided in this subsection and section 23c, a retirement allowance shall not exceed 68% of the salary stated in the application.

Sec. 23c. (1) After December 31, 1986, on January 1 of each year a retirement allowance attributable to a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, shall be increased 4% compounded annually.

(2) Beginning January 1, 1995, each retirement allowance attributable to a member who first becomes a member after ~~December 1, 1994~~ JANUARY 1, 1995, shall be increased each January 1. The amount of the annual increase shall be equal to 4% of the retirement allowance payable as of the retirement allowance effective date.

(3) A retirement allowance that begins after January 1 of the immediately preceding calendar year shall be increased under this section on a pro rata basis by the applicable percentage amount from the time the retirement allowance begins to the date of the increase."

8. Amend page 9, line 14, after "speaker" by inserting "OF THE HOUSE OF REPRESENTATIVES".

9. Amend page 9, line 26, after "APPOINTED" by striking out the balance of the line through "(2)" on line 27 and inserting "IN 1999 BY THE SENATE MAJORITY LEADER AND BEGINNING IN 2001 APPOINTED ALTERNATELY BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE SENATE MAJORITY LEADER".

10. Amend page 10, line 2, after "APPOINTED" by striking out the balance of the subdivision and inserting "IN THE MANNER PRESCRIBED IN THIS SUBDIVISION."

11. Amend page 10, line 22, after "FOR" by striking out "A TERM" and inserting "TERMS".

12. Amend page 10, line 23, after the second "FOR" by striking out the balance of the line through "TERM" on line 24 and inserting "TERMS".

13. Amend page 10, line 26, after "(1)(E)" by striking out the balance of the line through "LEADER" on line 27 and inserting "IS APPOINTED".

14. Amend page 11, line 1, after "(1)(E)" by striking out the balance of the line through "LEADER" on line 3 and inserting "IS APPOINTED".

15. Amend page 11, line 3, after "TERM." by inserting "FOR TERMS BEGINNING ON OR AFTER JANUARY 1, 1999."

16. Amend page 12, following line 21, by inserting:

"Sec. 50b. (1) For a retirant or a survivor or beneficiary of a deceased retirant, or for a deferred vested member ~~who~~ IF THAT DEFERRED VESTED MEMBER first became a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, the retirement system shall purchase and pay the premium for hospitalization and medical insurance coverage and dental and vision coverage for the retirant, deferred vested member, and the spouses, eligible children, and survivors of those retirants and deferred vested members. Except as otherwise provided in this section, the retirement system shall provide hospitalization and medical insurance coverage and dental and vision insurance coverage under this section at a level that is equal to or greater than the level of insurance coverage under this section in effect on December 1, 1992. The retirement board may increase the amounts each person who is enrolled in insurance coverage under this section is required to pay for co-pays or deductibles under that insurance coverage.

(2) On and after March 31, 1997, the retirement system shall also pay health insurance premiums described in this section in the manner prescribed in section 79."

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1957 PA 261, entitled "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," by amending sections 9, 11, 17b, 21, 21a, 22, 22c, 23, 23c, 23d, 26, 50a, 50b, 75, and 79 (MCL 38.1009, 38.1011, 38.1017b, 38.1021, 38.1021a, 38.1022, 38.1022c, 38.1023, 38.1023c, 38.1023d, 38.1026, 38.1050a, 38.1050b, 38.1075, and 38.1079), sections 9, 21, 22, 23, 23c, 23d, and 26 as amended by 1994 PA 359, section 11 as amended by 1988 PA 512, section 17b as amended and section 21a as added by 1987 PA 58, sections 22c and 50b as amended and sections 75 and 79 as added by 1996 PA 486, and section 50a as amended by 1998 PA 80, and by adding sections 36a and 58a.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Gagliardi moved that Rule 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the amendments made to the bill by the Senate,
The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1170**Yeas—65**

Agee	Galloway	Johnson	Oxender
Anthony	Geiger	Kelly	Parks
Baird	Gernaat	Kukuk	Perricone
Basham	Gilmer	LaForge	Price
Birkholz	Godchaux	Law	Rhead
Bobier	Green	Leland	Richner
Bodem	Gubow	Llewellyn	Rison
Brackenridge	Hale	London	Rocca
Brater	Hammerstrom	Martinez	Sanborn
Byl	Hanley	Mathieu	Schermesser
Cassis	Harder	McBryde	Scott
Cherry	Hertel	McManus	Tesanovich
Ciaramitaro	Horton	McNutt	Varga
Crissman	Jansen	Middaugh	Wallace
DeHart	Jelinek	Middleton	Wetters
Emerson	Jellema	Olshove	Whyman
Gagliardi			

Nays—27

Banks	DeVuyst	Palamara	Stallworth
Bogardus	Fitzgerald	Profit	Thomas
Brewer	Frank	Quarles	Voorhees
Brown	Goschka	Raczkowski	Walberg
Callahan	Gustafson	Schauer	Willard
Cropsey	Kilpatrick	Scranton	Wojno
Dalman	Lowe	Sikkema	

In The Chair: DeHart

The House agreed to the title as amended.
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 5891, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," (MCL 408.751 to 408.776) by adding section 7c.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Gagliardi moved that Rule 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-1) made to the bill by the Senate,
The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1171**Yeas—81**

Agee	Fitzgerald	Kelly	Rhead
Anthony	Frank	Kilpatrick	Richner
Baird	Gagliardi	Kukuk	Rison
Bankes	Galloway	LaForge	Rocca
Basham	Geiger	Llewellyn	Sanborn
Birkholz	Gernaat	London	Schauer
Bodem	Gire	Lowe	Schermesser
Bogardus	Godchaux	Martinez	Scott
Brackenridge	Goschka	McBryde	Scranton
Brater	Gubow	McManus	Sikkema
Brown	Gustafson	McNutt	Stallworth
Byl	Hale	Middaugh	Tesanovich
Callahan	Hammerstrom	Middleton	Varga
Cassis	Hanley	Olshove	Voorhees
Cherry	Harder	Palamara	Walberg
Ciaramitaro	Hertel	Parks	Wallace
Crissman	Horton	Perricone	Wetters
Cropsey	Jansen	Price	Whyman
Dalman	Jelinek	Quarles	Willard
DeHart	Jellema	Raczkowski	Wojno
DeVuyst			

Nays—0

In The Chair: DeHart

The House agreed to the full title.

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

By unanimous consent the House returned to the order of

Motions and Resolutions**Senate Concurrent Resolution No. 104.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 11, 1998, it stands adjourned until Tuesday, December 22, 1998, at 11:45 a.m. for the Senate and 10:00 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 22, 1998, it stands adjourned without day.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the concurrent resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members present voting therefor.

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, December 22, at 10:00 a.m.

The motion prevailed.

Messages from the Senate**House Bill No. 4565, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9g. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5035, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Concurrent Resolution No. 115.

A concurrent resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi and executed on December 3, 1998.

(For text of resolution, see House Journal No. 78, p. 2405.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

Senate Concurrent Resolution No. 105.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 10, 1998, it stands adjourned until Tuesday, December 22, 1998, at 11:45 a.m. for the Senate and 10:00 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 22, 1998, it stands adjourned without day.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on House Oversight and Ethics.

Rep. Fitzgerald moved that the House adjourn.

The motion prevailed, the time being 2:50 a.m.

Acting Speaker DeHart declared the House adjourned until Tuesday, December 22, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

