

No. 67
JOURNAL OF THE HOUSE

House Chamber, Lansing, Thursday, July 10, 1997.

10:00 a.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Kim Rhead, from the 83rd District, offered the following invocation:

“Lord, Guide us today as we continue to struggle and work towards finalization of the last couple of pieces of this budget process. Keep us aware that our duty and our job today is to work towards resolution and to seek compromise. We ask that You provide us with the strength and the wisdom—especially provide that to those who have grown weary the last few days working for resolution of this final budget agreement. We ask that You look over and protect each and every one of us this day. On a personal note, I ask that You please, Lord, put Your healing hand on my father whose condition has grown quite grave and serious overnight. I ask that You protect him and help him. And, I ask that same thing for each and every person in this body—that You would put Your healing hand of peace on them and their families who wait for us to return from our jobs. Look over them as You look over us for it is in Your name that we pray and in Your service that we are taught. Amen.”

Rep. Middaugh moved that Reps. Hammerstrom, Walberg and LeTarte be excused from today’s session. The motion prevailed.

Rep. Dobronski moved that Reps. Murphy and Gire be excused from today’s session. The motion prevailed.

Notices

July 8, 1997

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

Sincerely,
Curtis Hertel
Speaker of the House

The Speaker called Acting Speaker Hanley to the Chair.

By unanimous consent the House returned to the order of

Reports of Select Committees

The Speaker laid before the House the conference report relative to
House Bill No. 4310, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 6a, 11, 17b, 20, 20d, 20i, 24, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 95, 99, 101, 104a, 107, 108, 111, 147, 151, 167, and 169a (MCL 388.1606, 388.1606a, 388.1611, 388.1617b, 388.1620, 388.1620d, 388.1620i, 388.1624, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1695, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1708, 388.1711, 388.1747, 388.1751, 388.1767, and 388.1769a), sections 6, 11, 17b, 20, 20d, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 111, 147, and 167 as amended and sections 20i, 51a, 53a, 107, 108, and 169a as added by 1996 PA 300, sections 6a, 95, and 151 as amended by 1995 PA 130, and section 26 as amended by 1994 PA 283, and by adding sections 26a, 31b, 67, 68, 94a, 105a, 166d, and 166e; and to repeal acts and parts of acts.

(The conference report was reported by the conference committee on July 9, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 66, p. 1801.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 748**Yeas—79**

Agee	Emerson	Kelly	Rackowski
Alley	Frank	Kilpatrick	Richner
Anthony	Freeman	Kukuk	Rison
Baade	Gagliardi	LaForge	Rocca
Baird	Gilmer	Law	Schauer
Basham	Godchaux	Leland	Schermesser
Bogardus	Green	Mans	Schroer
Brackenridge	Griffin	Martinez	Scott
Brater	Gubow	Mathieu	Scranton
Brewer	Gustafson	McManus	Sikkema
Brown	Hale	McNutt	Stallworth
Callahan	Hanley	Middaugh	Tesanovich
Cassis	Harder	Middleton	Thomas
Cherry	Hertel	Olshove	Varga
Ciaramitaro	Hood	Owen	Vaughn
Crissman	Horton	Palamara	Wallace
Curtis	Jansen	Parks	Wetters
DeHart	Jaye	Price	Willard
Dobb	Jelinek	Prusi	Wojno
Dobronski	Johnson	Quarles	

Nays—21

Bankes	Fitzgerald	Kaza	Nye
Birkholz	Geiger	Llewellyn	Oxender
Bobier	Gernaat	London	Perricone
Byl	Goschka	Lowe	Profit
Cropsey	Jellema	McBryde	Voorhees
DeVuyst			

In The Chair: Hanley

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

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

Reps. McBryde, Cropsey, Lowe and Goschka, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

We voted “No” on the First Conference Report on HB 4310, because it takes the K-12 budget in the wrong direction in a number of ways:

1. it violates the spirit of Proposal A by creating \$40 million in new categoricals which mainly benefit urban schools and causes more than a \$20 per student loss to the base grant that goes to all students in the state.
2. it provides \$9 million in “special geographical” or “pork-barrel” spending in the name of a “millage reduction guarantee” for four school districts and another \$1 million for five more districts, mostly in urban areas.
3. it breaks faith in the second year of a promise made to rural school districts to continue adequate funding for adult education.
4. it misses a golden opportunity to fully fund teachers retirement, even though we finally had the money this year to fully fund it.
5. it does not address the Durant decision regarding special education funding.

For these and other reasons, Mr. Speaker, we cannot support this poor excuse for a conference report on HB 4310.”

Rep. Profit, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

We are committing a grave disservice to the Constitution of this State and to our constituents. Contrary to the published reports about the School Aid Bill, House Bill No. 4310, there is **no** additional funding being provided to local school districts under this bill in order to comply with the *Durant* decision of the Supreme Court. This is a charade which is occurring to deceive the Supreme Court into thinking that we are at last complying with the Constitution when, in fact, we have just re-shuffled the deck and shifted monies around to make it appear that additional money is being provided for special education. This is just a shell game.

The reason we are in this mess, a most embarrassing mess for this Legislature, is that we have never acted in earnest over the last 20 years in attempting to comply with Section 29 of the Headlee Amendment. Now that our past arrogance has caught up with us, we are acting as arrogantly as we did in getting into this mess. Instead of accepting Section 29 as the will of the people and meeting with the school districts which brought this litigation, which have repeatedly expressed their willingness to meet, in order to determine what is necessary so that we can come into compliance, we are imperiously dictating how we will comply and creating a grand deception in the process.

I submit to you my fellow legislators that almost 20 years of playing loose with the written words of the Constitution has to stop now. I urge that we vote against this bill and get down to the earnest business of complying with the Constitution. The people of Michigan had more in mind in 1978 than having us arbitrarily shuffling dollars around to comply with Section 29 of the Headlee Amendment.

Therefore, I vote NO.”

Rep. Kaza, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

This conference committee report is a cynical attempt by Lansing politicians to avoid their responsibility to schoolchildren under Durant v. State of Michigan.

In 1978, the people of Michigan approved the Headlee Amendment to the state Constitution. Among Headlee’s provisions was a prohibition against unfunded mandates by Lansing on local units of government, including school districts. After Headlee’s passage, implementation language was approved by the legislature and signed into law by then-Gov. William Milliken. But the Headlee implementation language, crafted by Lansing politicians, ignored the people’s instructions to address the issue of unfunded mandates. These Lansing politicians ignored the people instead of repealing unfunded mandates, or modifying them, or providing adequate funding by exhibiting leadership through tough budget decisions.

There is no small irony in the fact that some of the same Lansing politicians who ignored the people after Headlee’s passage are now faced with the consequences of their inaction nearly two decades later.

Unfortunately, their inaction has harmed thousands of schoolchildren, parents, teachers, school board members and administrators operating within the K-12 public school system established by the 1963 Michigan Constitution.

In 1980, a school district (Warren Fitzgerald) sued the State of Michigan in what has come to be known as the Durant case, which 83 other suburban Detroit school districts later joined. The school districts sued under Headlee, arguing the prohibition against unfunded mandates in court.

Again, Lansing politicians ignored the people’s wishes in passing the Headlee Amendment. Instead of repealing unfunded mandates, or modifying them, or providing adequate funding by exhibiting leadership through tough budget decisions the Lansing politicians ignored the people.

For 16 long years the Lansing politicians ignored the people. They ignored the prohibition against unfunded mandates; they also ignored the local government claims review board that was established by Headlee. The board has met only once since the people amended the state Constitution in 1978 by passing Headlee. In the interim, nearly 500 local units have submitted claims that remain ignored.

Earlier this year, during testimony before the state House Tax Policy Committee, Richard Headlee, the amendment’s author, testified “there are those in a position of political power in this state who have gone to great lengths to subvert and circumvent the will of the people.”

These are the Lansing politicians.

In 1997, the state Supreme Court finally ruled against the State of Michigan in the Durant case by finding that certain education services are mandated costs and must be settled under Headlee. Now that they have lost this case in court the Lansing politicians expect us to accept this report.

The chair of the Tax Policy Committee, the representative from the 54th District, has done the people a great service by calling hearings on the willful subversion of the Headlee Amendment by Lansing politicians.

In the spirit of bi-partisanship, I join with him today in voting against this conference report, which he correctly characterizes as “a charade.”

Reps. Oxender and Bobier, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

It is with regret that I voted no on the School Aid Bill (H.B. 4310). I have concerns that the new funding in the bill does not address the *Durant* decision. In addition, there are at least three new programs of \$35 million that should have

been used to resolve the Special Education Funding needs. It was my hope that we could have solved the unfunded retirement package along with the State Aid Bill to finish the liability of the Durant decision. We missed a golden opportunity to help students and schools to a long term solution.”

Rep. Whyman entered the House Chambers.

Rep. Galloway entered the House Chambers.

Rep. Dalman entered the House Chambers.

Rep. LaForge asked and obtained a temporary excuse from today’s session.

Rep. Gagliardi questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 749

Yeas—101

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

In The Chair: Hanley

The Speaker resumed the Chair.

Rep. Gagliardi moved that House Committees be given leave to meet during the balance of today’s session. The motion prevailed.

Messages from the Senate

The Speaker laid before the House

Senate Bill No. 225, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 353d.

(The bill was received from the Senate on July 9, with amendment to the House amendment, and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today.)

(For amendment, see House Journal No. 66, p. 1835.)

The question being on concurring in the adoption of the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 750

Yeas—56

Baade	Gilmer	Kilpatrick	Price
Bankes	Green	Kukuk	Profit
Birkholz	Griffin	LaForge	Rhead
Brackenridge	Gustafson	Leland	Richner
Brater	Hale	Llewellyn	Rocca
Brown	Hanley	London	Schroer
Byl	Harder	Mans	Scranton
Ciaramitaro	Hertel	Mathieu	Sikkema
Dalman	Hood	McManus	Stallworth
DeVuyst	Horton	Middleton	Thomas
Dobronski	Jansen	Owen	Varga
Emerson	Jelinek	Oxender	Wallace
Gagliardi	Jellema	Parks	Wetters
Gernaat	Johnson	Perricone	Whyman

Nays—47

Agee	Crissman	Gubow	Quarles
Alley	Cropsey	Jaye	Raczkowski
Anthony	Curtis	Kaza	Rison
Baird	DeHart	Kelly	Schauer
Basham	Dobb	Lowe	Schermesser
Bobier	Fitzgerald	Martinez	Scott
Bodem	Frank	McBryde	Tesanovich
Bogardus	Freeman	McNutt	Vaughn
Brewer	Galloway	Middaugh	Voorhees
Callahan	Geiger	Nye	Willard
Cassis	Godchaux	Olshove	Wojno
Cherry	Goschka	Prusi	

In The Chair: Hertel

Rep. Kaza, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

The Senate-passed version of this bill gives Lansing bureaucrats more authority and power to make decisions regarding the maintenance of roads.

The House-passed version, which I supported, was preferable because it gave local officials more authority and decision-making authority."

Rep. Cassis, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I feel strongly that the \$69 million interest from the Budget Stabilization Fund should go to local projects and not MDOT state projects. Since this bill provides for the dollars to go to state system and not to much needed local roads in Oakland County I cannot support it.”

Rep. Goschka, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I strongly support using funds from the Budget Stabilization Fund (BSF) for our roads, and I voted in favor of this same issue last week, but this bill is flawed in that the money appropriated goes only toward federally funded state roads and local road commissions have no voice as to what roads get fixed. As far as the bill allows, \$69 million will surely be good for federally funded state roads, and I support that notion. However, this bill deviates from the original, and much more superior plan, which would allow the money to go toward local roads at the direction of local authorities. This bill denies local control and self determination, and it because of this that I vote “No” on Senate Bill 225.”

Second Reading of Bills

House Bill No. 4371, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Tax Policy (for amendment, see House Journal No. 18, p. 293),

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

Reps. Mathieu and Cassis moved to amend the bill as follows:

1. Amend page 10, line 3, after “CHILD” by striking out the balance of the line through “INDIVIDUAL” on line 6. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Mathieu moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 9, line 15, by striking out “\$2,750.00” and inserting “\$3,300.00”.

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

Rep. Mathieu 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

House Bill No. 4371, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

The bill was read a third time.

Rep. Gagliardi moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Notices

Rep. Gagliardi moved that Rule 45 be suspended.

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

Rep. Gagliardi moved that the Committee on Transportation be discharged from further consideration of **Senate Bill No. 581.**

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

The bill was referred to the order of Second Reading of Bills.

Acting Speaker Hanley resumed the Chair.

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

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 724, 725, 801, and 802 (MCL 257.724, 257.725, 257.801, and 257.802), section 724 as amended by 1988 PA 346, section 725 as amended by 1991 PA 19, section 801 as amended by 1995 PA 226, and section 802 as amended by 1996 PA 551.

The bill was read a second time.

Rep. Harder moved to substitute (H-2) the bill.

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

Rep. Cherry moved to amend the bill as follows:

- 1. Amend page 20, following line 21, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) House Bill No. 4180.
- (b) House Bill No. 4191.
- (c) House Bill No. 4371."

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

Rep. Gustafson moved that consideration of the bill be postponed temporarily.

The motion prevailed.



The Speaker resumed the Chair.

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

The House returned to the consideration of

House Bill No. 4371, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

(The bill was considered earlier today, see today's Journal, p. 1843.)

The question being on the passage of the bill,

Rep. Mathieu moved to amend the bill as follows:

- 1. Amend page 9, line 12, by striking out all of subdivision (F) and relettering the remaining subdivision.
- 2. Amend page 9, line 15, after "after" by striking out the balance of the line and inserting "1996..... \$ 2,500.00".
- 3. Amend page 10, line 24, after the first "the" by striking out "1998" and inserting "1997".
- 4. Amend page 10, line 27, by striking out "1998" and inserting "1997".
- 5. Amend page 11, line 5, after "increment" by striking out the balance of the sentence and inserting a period and "THE PERSONAL EXEMPTION FOR THE TAX YEAR SHALL BE DETERMINED BY ADDING \$200.00 TO THAT AMOUNT."

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 751

Yeas—91

Baird	Fitzgerald	Kaza	Prusi
Bankes	Frank	Kelly	Quarles
Basham	Freeman	Kilpatrick	Raczkowski
Birkholz	Gagliardi	Kukuk	Rhead
Bobier	Galloway	LaForge	Richner

Bodem	Geiger	Leland	Rocca
Brackenridge	Gernaat	Llewellyn	Schauer
Brater	Gilmer	London	Schermesser
Brewer	Godchaux	Lowe	Schroer
Brown	Goschka	Mathieu	Scott
Byl	Green	McBryde	Scranton
Callahan	Gubow	McManus	Sikkema
Cassis	Gustafson	McNutt	Stallworth
Ciaramitaro	Hale	Middaugh	Tesanovich
Crissman	Hanley	Middleton	Thomas
Cropsey	Harder	Nye	Varga
Curtis	Hertel	Olshove	Voorhees
Dalman	Hood	Owen	Wallace
DeHart	Horton	Oxender	Wetters
DeVuyst	Jansen	Parks	Whyman
Dobb	Jaye	Perricone	Willard
Dobronski	Jelinek	Price	Wojno
Emerson	Jellema	Profit	

Nays—1

Agee

In The Chair: Hertel

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.

Reps. Anthony, Baird, Bankes, Basham, Birkholz, Bobier, Bogardus, Brackenridge, Brater, Brewer, Brown, Byl, Callahan, Cassis, Cherry, Ciaramitaro, Crissman, Curtis, Dalman, DeHart, DeVuyst, Dobb, Dobronski, Freeman, Gagliardi, Geiger, Gilmer, Green, Griffin, Gubow, Hale, Hanley, Harder, Hood, Jansen, Jaye, Jelinek, Jellema, Johnson, Kelly, Kilpatrick, Kukuk, Leland, London, Martinez, McBryde, McNutt, Middaugh, Middleton, Olshove, Oxender, Parks, Perricone, Price, Profit, Prusi, Quarles, Raczkowski, Rhead, Rison, Rocca, Schauer, Schermesser, Scott, Scranton, Sikkema, Stallworth, Tesanovich, Varga, Vaughn, Voorhees, Wallace, Wetters, Whyman, Willard and Wojno were named co-sponsors of the bill.

Second Reading of Bills

The House returned to the consideration of

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 724, 725, 801, and 802 (MCL 257.724, 257.725, 257.801, and 257.802), section 724 as amended by 1988 PA 346, section 725 as amended by 1991 PA 19, section 801 as amended by 1995 PA 226, and section 802 as amended by 1996 PA 551.

(The bill was considered earlier today, see today's Journal, p. 1844.)

Reps. Green and Baade moved to amend the bill as follows:

1. Amend page 2, line 27, after "\$100.00." by inserting "HOWEVER, THE FEE FOR A SPECIAL PERMIT ISSUED BY A JURISDICTIONAL AUTHORITY UNDER SUBSECTION (3) OR FOR A VEHICLE HAULING FARM MACHINERY, TO OR FROM A FARM, OF A SIZE OR WEIGHT OTHERWISE PROHIBITED UNDER THIS CHAPTER, SHALL NOT EXCEED THE ADMINISTRATIVE COSTS INCURRED BY THE JURISDICTIONAL AUTHORITY IN ISSUING THE PERMIT."

The motion prevailed and the amendment was 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.

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

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 724, 725, 801, and 802 (MCL 257.724, 257.725, 257.801, and 257.802), section 724 as amended by 1988 PA 346, section 725 as amended by 1991 PA 19, section 801 as amended by 1995 PA 226, and section 802 as amended by 1996 PA 551.

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

Roll Call No. 752

Yeas—82

Agee	DeHart	Johnson	Quarles
Anthony	Dobb	Kaza	Rackowski
Baade	Dobronski	Kelly	Richner
Baird	Emerson	Kilpatrick	Rison
Bankes	Fitzgerald	LaForge	Rocca
Basham	Freeman	Leland	Schauer
Birkholz	Galloway	London	Schermesser
Bobier	Geiger	Lowe	Schroer
Bodem	Gilmer	Martinez	Scott
Brackenridge	Godchaux	Mathieu	Scranton
Brater	Griffin	McBryde	Sikkema
Brewer	Gubow	McManus	Stallworth
Brown	Hale	McNutt	Tesanovich
Byl	Hanley	Middleton	Thomas
Callahan	Harder	Olshove	Varga
Cassis	Hertel	Owen	Vaughn
Cherry	Hood	Oxender	Voorhees
Ciaramitaro	Horton	Parks	Wallace
Crissman	Jansen	Price	Wetters
Curtis	Jelinek	Prusi	Wojno
Dalman	Jellema		

Nays—18

Cropsey	Goschka	Llewellyn	Profit
DeVuyst	Green	Middaugh	Rhead
Frank	Gustafson	Nye	Whyman
Gagliardi	Jaye	Perricone	Willard
Gernaat	Kukuk		

In The Chair: Hertel

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the

levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,”

The House agreed to the full 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. Jaye, 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:

I voted No on increasing vehicle fees by \$43 million since my ALTERNATIVES TO A STATE GAS TAX INCREASE were rejected.

Twenty-four specific reforms of Michigan’s road bureaucracy saving approximately \$640 million annually is offered as an alternative to increasing the gas tax.

1. Require State and local bureaucrats to contribute 5% of salary to their health care—saving \$11 million.
2. Cut State’s and local bureaucrats’ car fleet and travel allowances—no take home cars—saving \$40 million.
3. End minority business set asides saving \$26 million in overcharges to taxpayers and eliminating \$2 million in MDOT minority oversight bureaucrats—total savings \$28 million.
4. Require able bodied welfare recipients and low risk prisoners to perform road maintenance, keep all existing state & local maintenance bureaucrats, saving 10% of maintenance costs—saving \$18 million.
5. End gas tax subsidy of other state operations—saving \$108 million:

A. Attorney General	\$2.5 million
B. Management & Budget	\$1.6 million
C. DNR/DEQ	\$0.8 million
D. Treasury	\$6.3 million
E. Legislative Auditor General	\$0.5 million
F. Secretary of State	\$81.6 million
G. State Police	\$5.7 million
H. Civil Service	\$4.2 million
6. End the special 10% of gas tax money which goes to mass transit before any allocations to Act 51 funding formula—saving \$69 million.
7. End special Detroit Subsidies of Trolley car \$500,000 and Detroit People Mover \$4.2 million, and maintenance of Detroit Highways \$25 million—total savings \$30 million.
8. Eliminate state money for road and infrastructure improvements for new Tiger Stadium, transfer funds to improve existing local roads—saving \$55 million.
9. Lawsuit reform by strictly limiting government liability for road maintenance Stille/Jaye Legislation: cutting lawsuits budget by 80% at MDOT, and also saving another 5% of maintenance in excessive tree removal and unnecessary signs—saving \$35 million.
10. Eliminate the corporate welfare of special Diesel fuel tax breaks—saving \$12 million.
11. Increase fares for non poor/handicapped uses of mass transit, people mover fare 50 cents, carnival rides cost \$1.25—saving \$9 million.
12. Eliminate Corporate welfare of train freight and passenger subsidy—saving \$4.4 million.
13. Eliminate Corporate welfare of commercial forest road maintenance—saving \$5 million.
14. Repeal the union wage overcharges and pay local wage rate—saving \$35 million.
15. Eliminate public Transportation Discretionary special grants—saving \$20 million.
16. Sell State owned rail tracks - saving \$33 million.
17. 10% cut in land acquisitions—saving \$6 million.
18. 5% cut in capitol outlays—saving \$21 million.
19. End subsidy of rich people and vacationers Drummond Island Boat ferry—saving \$1 million.
20. Have private firms run rest stops not state bureaucrats—saving \$496,000.
21. Moderate excessive environmental regulations on road & bridge projects like 2 for 1 wetland replacement—saving \$15 million.
22. Privatize the engineering functions at MDOT—10% savings \$75 million.
23. Reduce Michigans’ truck cargo weight laws which are the highest in the nation.
24. Make farmers subject to all fuel taxes.

*Michigans’ higher speed limits means more gas burned and more gas tax generated.”

Acting Speaker Hanley resumed the Chair.

By unanimous consent the House returned to the order of
Messages from the Senate

The Speaker laid before the House
Senate Bill No. 272, entitled

A bill to make and supplement appropriations for various state departments and agencies for the fiscal year ending September 30, 1997 and for the fiscal year ending September 30, 1996; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The Senate has substituted (S-3) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-3) and ordered that the bill be given immediate effect.

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 adoption of the Senate substitute (S-3) made to the bill by the Senate, Reps. Ciaramitaro and Gilmer moved to amend the Senate substitute (S-3) as follows:

1. Amend page 7, following line 1, by inserting

“Beneficiary Notification..... \$ 250,000”.

2. Amend page 7, line 2, by striking out “103,538,600” and inserting “103,788,600”.

3. Amend page 7, line 10, by striking out “(78,734,500)” and inserting “(78,484,500)” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 35, following line 11, by inserting:

“Sec. 254. In consideration of losses incurred by health plans due to delayed implementation of the medicaid enrollment broker, the department of community health shall pay a penalty to each health plan equal to 5% of each plan’s competitive bid capitation rates for health plans that have signed a medicaid contract by July 31, 1997, until such time as the medicaid enrollment broker is implemented and medicaid enrollments resulting from the broker are effective. The department shall expend up to \$250,000.00 to notify unenrolled eligible medicaid beneficiaries to enable them to make informed choices of health plans.”.

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

Rep. Owen moved to amend the Senate substitute (S-3) as follows:

1. Amend page 25, following line 24, by inserting:

“Stream habitat improvement..... \$ 100,000”
and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 50, following line 17, by inserting:

“(4) The funds appropriated in section 101 for stream habitat improvement shall be used for the Flowage Lake fish passage project in Ogemaw county.”.

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

Reps. Schroer and Owen moved to amend the Senate substitute (S-3) as follows:

1. Amend page 24, following line 19, by inserting:

“Veterans foundation	218,400
American legion	7,000
Disabled American veterans	6,300
Marine corps veterans	2,900
American veterans of World War II and Korea.....	4,000
Veterans of foreign wars.....	7,700
Michigan paralyzed veterans of America	1,400
Purple heart.....	1,400
Polish legion of American veterans.....	400
Jewish war veterans of America	400
State of Michigan council Vietnam veterans of Michigan	50,000
Catholic war veterans	100”

and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 31, line 24, after “affairs,” by striking out the balance of the line and inserting “grants appropriation unit.”.

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

Reps. Ciaramitaro and Brackenridge moved to amend the Senate substitute (S-3) as follows:

- 1. Amend page 19, following line 21, by inserting:

“Qualified voter file 250,000”

and adjusting the subtotals, totals, and section 201 accordingly.

- 2. Amend page 44, following line 21, by inserting:

“Sec. 409. From the funds appropriated in section 101 for the qualified voter file, the family independence agency shall establish a system for electronically compiling and transmitting to the qualified voter file information obtained from persons applying for benefits or services.”.

- 3. Amend page 51, following line 11, by inserting:

“Sec. 673. The department of state in conjunction with the clerk of the local governmental unit who is participating in the pilot project making use of the qualified voter file during the fiscal year shall prepare a report on the effectiveness, efficiency, and shortcomings of the qualified voter file. The department of state shall provide a copy of the report to the senate and house of representatives standing committees on local government and to the senate and house appropriations subcommittees on general government.”.

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

Rep. Hood moved to amend the Senate substitute (S-3) as follows:

- 1. Amend page 35, line 13, by striking out all of section 281 and inserting:

“Sec. 281. From the \$4,000,000.00 appropriated in section 101 for art and cultural grants, \$1,400,000.00 shall be allocated to the Detroit institute of arts upon separation from city of Detroit management and is provided through a nonprofit corporation.”.

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

The question being on concurring in the adoption of the Senate substitute (S-3), as amended,

The Senate substitute (S-3), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 753

Yeas—83

Agee	Dobb	Johnson	Profit
Alley	Dobronski	Kelly	Prusi
Anthony	Emerson	Kilpatrick	Quarles
Baade	Fitzgerald	Kukuk	Richner
Baird	Frank	LaForge	Rison
Basham	Freeman	Leland	Rocca
Birkholz	Gagliardi	Llewellyn	Schauer
Bobier	Galloway	London	Schermesser
Bodem	Geiger	Mans	Schroer
Bogardus	Gernaat	Martinez	Scott
Brater	Gilmer	Mathieu	Scranton
Brewer	Godchaux	McBryde	Sikkema
Brown	Griffin	McManus	Stallworth
Byl	Gubow	Middaugh	Tesanovich
Callahan	Hale	Middleton	Thomas
Cherry	Hanley	Olshove	Varga
Ciaramitaro	Harder	Owen	Vaughn
Crissman	Hertel	Oxender	Wallace
Curtis	Hood	Palamara	Wetters
Dalman	Jansen	Parks	Wojno
DeHart	Jellema	Price	

Nays—19

Banks	Gustafson	Lowe	Rhead
Cassis	Horton	McNutt	Voorhees
Cropsey	Jaye	Nye	Whyman
DeVuyst	Jelinek	Perricone	Willard
Goschka	Kaza	Raczkowski	

In The Chair: Hanley

Rep. Jaye, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

This bill still is an unprecedented sham of accounting principals where \$39 million of 1998 projects are being spent this year 1997. Prepaying 1998 expenses in 1997 artifiically decreases the 1997 budget surplus by \$39 million. Therefore the Lansing politicians can say we must increase the gas tax and registration fees since there isn't any surplus money left for road building in the current budget. Prepaying \$39 million of next year's obligations is dishonest and cheats the taxpayers. This budget pays for \$8.4 million for office remodeling for welfare bureaucrats, \$1 million for Lansing politician computers. This budget is full of pork and wasteful spending. SB 273 truely shows politican excesses demonstrated in the joys of spending other people's money.”

Rep. Goschka, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted “No” on Senate Bill 272 because there are several needless and unwarranted expenditures in the bill, including a whopping \$500,000 for each political party to draw maps for redistricting purposes at taxpayer expense. As usual, the legislature feathered its own nest in this bill at taxpayer expense, but did virtually nothing for the taxpayers themselves.

Originally, I was successful in adding an amendment to keep inmates in our prison system from receiving food stamps, but it was actually stripped out in the conference committee report. To vote for this bill, therefore, one would be putting his or her stamp of approval on the notion that prison inmates should have the right to receive food stamps at the expense of our hard working, tax paying citizens. Well, I don't agree!

Mr. Speaker and members, the people of the state of Michigan can ill afford SB 272. The people of our great state deserve better, and I cannot support this bill.”

The Speaker resumed the Chair.

Second Reading of Bills

Senate Bill No. 303, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts,” by amending sections 10, 11, 11c, 12, and 13 (MCL 247.660, 247.661, 247.661c, 247.662, and 247.663), as amended by 1993 PA 294, and by adding sections 1g and 1h.

The bill was read a second time.

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 4, line 23, after “SUBDIVISION” by striking out “(G)” and inserting “(F)”.
2. Amend page 6, line 3, by striking out all of subdivision (C) and relettering the remaining subdivisions.

3. Amend page 6, line 25, after "THROUGH" by striking out "(G)" and inserting "(F)".

The question being on the adoption of the amendments offered by Rep. Cropsey, Rep. Cropsey demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Cropsey,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 754**Yeas—12**

Cropsey	Jaye	Llewellyn	Nye
Goschka	Kaza	Lowe	Rocca
Horton	Kukuk	McManus	Whyman

Nays—89

Agee	DeHart	Jansen	Price
Alley	DeVuyst	Jelinek	Profit
Anthony	Dobronski	Jellema	Prusi
Baade	Emerson	Johnson	Quarles
Baird	Fitzgerald	Kelly	Raczkowski
Bankes	Frank	Kilpatrick	Richner
Basham	Freeman	LaForge	Rison
Birkholz	Gagliardi	Leland	Schauer
Bobier	Galloway	London	Schermesser
Bodem	Geiger	Mans	Schroer
Bogardus	Gernaat	Martinez	Scranton
Brackenridge	Gilmer	Mathieu	Sikkema
Brater	Godchaux	McBryde	Stallworth
Brewer	Green	McNutt	Tesanovich
Brown	Griffin	Middaugh	Thomas
Byl	Gubow	Middleton	Varga
Callahan	Gustafson	Olshove	Vaughn
Cassis	Hale	Owen	Voorhees
Cherry	Hanley	Oxender	Wallace
Ciaramitaro	Harder	Palamara	Wetters
Crissman	Hertel	Parks	Willard
Curtis	Hood	Perricone	Wojno
Dalman			

In The Chair: Hertel

Rep. Harder moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 30, following line 21, by inserting:

"(22) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE UNRESERVED BALANCE OF THE COMPREHENSIVE TRANSPORTATION FUND AS OF SEPTEMBER 30, 1997 IS GREATER THAN \$50,000,000.00, THEN THE ENTIRE UNRESERVED BALANCE MINUS \$50,000,000.00 SHALL BE APPROPRIATED FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998 ONLY TO LOCAL BUS TRANSIT AUTHORITIES FOR DISCRETIONARY CAPITAL EXPENDITURES. THESE FUNDS SHALL BE DISTRIBUTED TO INDIVIDUAL AUTHORITIES IN THE SAME PROPORTION PROVIDED FOR IN THE PROVISIONS OF SECTION 10E(4)(A)(I) EXCEPT THAT THE COSTS OF SERVICES PROVIDED BY WATER VEHICLE SHALL NOT BE ELIGIBLE FOR REIMBURSEMENT."

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

Reps. Hood and Thomas moved to amend the bill as follows:

1. Amend page 5, line 1, by striking out all of subdivision (A) and relettering the remaining subdivisions. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Reps. Thomas, Kilpatrick, Hale and Stallworth moved to amend the bill as follows:

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

“(4) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING REGARDING CONTRACTS TO CONSTRUCT OR REPAIR ROADS AND BRIDGES:

(A) CONSULT WITH THE MICHIGAN STATE CHAMBER OF COMMERCE AND THE MICHIGAN MINORITY BUSINESS DEVELOPMENT COUNCIL ON REQUESTS FOR PROPOSALS AND REQUESTS FOR QUOTATIONS TO ENSURE COMPETITIVE AND INCLUSIVE STRATEGIES WHICH ENSURE AN INCLUSIVE AND COMPETITIVE BID ENVIRONMENT.

(B) APPOINT NOT LESS THAN 1 REPRESENTATIVE FROM THE MICHIGAN MINORITY BUSINESS DEVELOPMENT COUNCIL AND THE DBE DIVISION OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO ALL REQUESTS FOR PROPOSAL AND QUOTE REVIEW PANELS.

(C) ESTABLISH WITHIN THE DBE DIVISION OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION A SURETY DIVISION TO ASSIST QUALIFIED BIDDERS IN SECURING BONDING AND IN MONITORING VENDOR AND SUPPLIER PAYMENTS.”.

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

Rep. London moved to reconsider the vote by which the House adopted the amendment.

The question being on the motion by Rep. London,

Rep. Gustafson moved that consideration of the motion be postponed temporarily.

The motion prevailed.

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 7, line 27, by striking out “(E)” and inserting “(F)”.
2. Amend page 9, line 4, by striking out all of subdivision (C) and relettering the remaining subdivisions.
3. Amend page 10, line 3, after “THROUGH” by striking out “(E)” and inserting “(D)”.

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

Reps. Jaye, Palamara and Profit moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

SEC. 11. THE STATE TRANSPORTATION DEPARTMENT SHALL TAKE ALL NECESSARY ACTIONS TO HAVE THE WEIGHT ALLOWANCES ON HIGHWAYS COVERED BY THIS ACT REDUCED TO A LEVEL NO HIGHER THAN THE AVERAGE LEVELS FOR OHIO, INDIANA, AND ILLINOIS.”.

The question being on the adoption of the amendment offered by Reps. Jaye, Palamara and Profit,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Jaye, Palamara and Profit,

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

Roll Call No. 755

Yeas—20

Brewer	Dobb	Owen	Rocca
Brown	Frank	Palamara	Schroer
Callahan	Gubow	Profit	Whyman
Ciaramitaro	Jaye	Rackowski	Willard
DeHart	Kaza	Rhead	Wojno

Nays—83

Agee	Emerson	Jellema	Parks
Alley	Fitzgerald	Johnson	Perricone
Anthony	Freeman	Kelly	Price
Baade	Gagliardi	Kilpatrick	Prusi
Baird	Galloway	Kukuk	Quarles
Basham	Geiger	LaForge	Richner

Birkholz	Gernaat	Leland	Rison
Bobier	Gilmer	Llewellyn	Schauer
Bodem	Godchaux	London	Schermesser
Bogardus	Goschka	Lowe	Scott
Brackenridge	Green	Mans	Scranton
Brater	Griffin	Martinez	Sikkema
Byl	Gustafson	Mathieu	Stallworth
Cassis	Hale	McBryde	Tesanovich
Cherry	Hanley	McManus	Thomas
Crissman	Harder	McNutt	Varga
Cropsey	Hertel	Middaugh	Vaughn
Curtis	Hood	Middleton	Voorhees
Dalman	Horton	Nye	Wallace
DeVuyst	Jansen	Olshove	Wetters
Dobronski	Jelinek	Oxender	

In The Chair: Hertel

Rep. Goschka, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against the Jaye amendment because even though it is well intentioned, it would actually result in an increase in registered trucks on Michigan’s roads by a rate of over 50%! That is a massive number to consider!

We all have the same concern about truck weights, but this amendment would result in more trucks and slower traffic on Michigan roads which is not at all what we want to do. If ever the law of unintended consequences had impact, it would happen on our roads if this amendment were to pass.”

Reps. Jaye and Profit moved to amend the bill as follows:

1. Amend page 10, line 16, after “state.” by inserting “FIFTY PERCENT OF THE AMOUNT ALLOCATED TO THE COUNTY ROAD COMMISSIONS SHALL BE ALLOCATED ON A PER CAPITA BASIS IN THE TOWNSHIPS OF THE COUNTY. A TOWNSHIP MAY PERFORM ROAD WORK OR MAY CONTRACT FOR THE WORK TO BE PERFORMED.”.

The question being on the adoption of the amendment offered by Reps. Jaye and Profit,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Jaye and Profit,

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

Roll Call No. 756

Yeas—25

Alley	Frank	Lowe	Raczkowski
Birkholz	Goschka	McBryde	Rhead
Bodem	Jansen	Nye	Richner
Callahan	Jaye	Owen	Rocca
DeHart	Kukuk	Palamara	Voorhees
DeVuyst	Llewellyn	Profit	Whyman
Dobb			

Nays—74

Agee	Freeman	Johnson	Prusi
Anthony	Gagliardi	Kaza	Quarles

Baade	Galloway	Kelly	Rison
Basham	Geiger	Kilpatrick	Schauer
Bobier	Gernaat	LaForge	Schermesser
Bogardus	Gilmer	Leland	Schroer
Brackenridge	Godchaux	London	Scott
Brater	Green	Mans	Scranton
Brown	Griffin	Martinez	Sikkema
Byl	Gubow	Mathieu	Stallworth
Cassis	Gustafson	McManus	Tesanovich
Cherry	Hale	McNutt	Thomas
Ciaramitaro	Hanley	Middaugh	Varga
Cropsey	Harder	Olshove	Vaughn
Curtis	Hertel	Oxender	Wallace
Dalman	Hood	Parks	Wetters
Dobronski	Horton	Perricone	Willard
Emerson	Jelinek	Price	Wojno
Fitzgerald	Jellema		

In The Chair: Hertel

Rep. Frank moved to amend the bill as follows:

1. Amend page 69, following line 15, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) House Bill No. 4180.

(b) House Bill No. 4191.

(c) House Bill No. 4371.”.

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

Reps. Perricone and Alley moved to amend the bill as follows:

1. Amend page 69, following line 15, by inserting:

“SEC. 15B. (1) ROAD AUTHORITIES MAY NOT MOW THE RIGHT-OF-WAY OF A HIGHWAY LOCATED OUTSIDE OF A CITY OR VILLAGE EXCEPT AS ALLOWED IN THIS SECTION.

(2) ON ANY HIGHWAY, THE FIRST 8 FEET AWAY FROM THE ROAD SURFACE, OR SHOULDER IF APPLICABLE, MAY BE MOWED AT ANY TIME.

(3) AN ENTIRE RIGHT-OF-WAY MAY BE MOWED AFTER JULY 15. FROM JULY 15 TO SEPTEMBER 1, THE ENTIRE RIGHT-OF-WAY MAY ONLY BE MOWED, IF NECESSARY, FOR SAFETY AND BRUSH CONTROL REASONS, AND MAY NOT BE MOWED TO A HEIGHT OF LESS THAN 12 INCHES.

(4) A RIGHT-OF-WAY MAY BE MOWED, AS NECESSARY, TO MAINTAIN SIGHT DISTANCE FOR SAFETY AND AT OTHER TIMES AS DETERMINED NECESSARY BY THE ROAD AUTHORITY.”.

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

“SEC. II. THE STATE TRANSPORTATION DEPARTMENT SHALL TAKE ALL NECESSARY STEPS TO ELIMINATE SUBSIDIZATION OF RAILROAD FREIGHT AND PASSENGER SERVICE.”.

2. Amend page 4, following line 23, by inserting:

“SEC. 1J. FUNDS AVAILABLE OR EXPENDED UNDER THIS ACT SHALL NOT BE USED TO BUILD, DEVELOP, OR MAINTAIN ROADS IN COMMERCIAL FORESTS.”.

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

Rep. Harder moved to amend the bill as follows:

1. Amend page 46, line 24, after “to” by striking out “12%” and inserting “10%”.

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

“SEC. II. THE STATE TRANSPORTATION DEPARTMENT AND LOCAL UNITS OF GOVERNMENT SHALL NOT EXPEND FUNDS FOR MAINTENANCE UNDER THIS ACT UNLESS BOTH OF THE FOLLOWING ARE USED TO PERFORM AND ASSIST IN THE MAINTENANCE TO THE GREATEST EXTENT PRACTICABLE:

(A) ABLE-BODIED RECIPIENTS OF AID OR BENEFITS ADMINISTERED BY THE FAMILY INDEPENDENCE AGENCY.

(B) PRISONERS UNDER THE JURISDICTION OF A SHERIFF'S DEPARTMENT OR THE DEPARTMENT OF CORRECTIONS WHO THE AGENCY HAVING JURISDICTION DETERMINES PRESENT A LOW SAFETY OR ESCAPE RISK.”.

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

“SEC. 11. (1) EACH EMPLOYEE OF THE STATE TRANSPORTATION DEPARTMENT SHALL CONTRIBUTE TOWARD THE TOTAL COST OF HEALTH CARE BENEFITS THE EMPLOYEE RECEIVES 5% OF HIS OR HER SALARY OR THE COST OF THOSE BENEFITS, WHICHEVER IS LESS.

(2) A LOCAL UNIT OF GOVERNMENT IS NOT ELIGIBLE TO RECEIVE FUNDS UNDER THIS ACT OR ENTER INTO A CONTRACT WITH THE STATE UNDER THIS ACT UNLESS EMPLOYEES OF THAT LOCAL UNIT OF GOVERNMENT WHO WILL RECEIVE OR ADMINISTER ANY PORTION OF THOSE FUNDS OR WHO WILL BE EMPLOYED UNDER OR ADMINISTER THE CONTRACT ARE REQUIRED BY THE LOCAL UNIT OF GOVERNMENT TO CONTRIBUTE TOWARD THE TOTAL COST OF HEALTH CARE BENEFITS THE EMPLOYEE RECEIVES 5% OF THE EMPLOYEE'S SALARY OR THE COST OF THOSE BENEFITS, WHICHEVER IS LESS.”.

The question being on the adoption of the amendment offered by Rep. Jaye,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Jaye,

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

Roll Call No. 757

Yeas—36

Bankes	DeVuyst	Jansen	McNutt
Birkholz	Dobb	Jaye	Middleton
Bodem	Galloway	Jelinek	Nye
Brackenridge	Geiger	Johnson	Perricone
Cassis	Gernaat	Kaza	Rackowski
Crissman	Godchaux	Kukuk	Rhead
Cropsey	Goschka	Lowe	Rocca
Curtis	Green	McBryde	Voorhees
Dalman	Horton	McManus	Whyman

Nays—61

Agee	Dobronski	Kilpatrick	Richner
Alley	Fitzgerald	LaForge	Schauer
Anthony	Frank	Leland	Schermesser
Baade	Freeman	London	Schroer
Baird	Gilmer	Mans	Scott
Basham	Griffin	Martinez	Scranton
Bobier	Gubow	Middaugh	Sikkema
Bogardus	Gustafson	Owen	Stallworth
Brater	Hale	Oxender	Tesanovich
Brewer	Hanley	Palamara	Thomas
Brown	Harder	Parks	Vaughn
Byl	Hertel	Price	Wallace
Callahan	Hood	Profit	Wetters
Cherry	Jellema	Prusi	Willard
Ciaramitaro	Kelly	Quarles	Wojno
DeHart			

In The Chair: Hertel

Rep. Jaye moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

“SEC. 11. FUNDS AVAILABLE OR EXPENDED UNDER THIS ACT SHALL NOT BE USED FOR ANY PAYMENT UNDER A CONTRACT THAT WAS ENTERED INTO FOLLOWING A PROCESS THAT CREATED A PREFERENCE FOR MINORITY-OWNED BUSINESSES OR BUSINESSES EMPLOYING CERTAIN NUMBERS OF MINORITY INDIVIDUALS.”.

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

The question being on the motion made previously by Rep. London,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. London,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 758

Yeas—48

Bankes	Fitzgerald	Jelinek	Middleton
Birkholz	Galloway	Jellema	Nye
Bobier	Geiger	Johnson	Oxender
Bodem	Gernaat	Kaza	Perricone
Brackenridge	Gilmer	Kukuk	Raczkowski
Byl	Godchaux	Llewellyn	Rhead
Cassis	Goschka	London	Richner
Crissman	Green	Lowe	Rocca
Cropsey	Griffin	McBryde	Scranton
Dalman	Gustafson	McManus	Sikkema
DeVuyst	Jansen	McNutt	Voorhees
Dobb	Jaye	Middaugh	Whyman

Nays—54

Agee	DeHart	LaForge	Schauer
Alley	Dobronski	Leland	Schermesser
Anthony	Emerson	Mans	Schroer
Baade	Frank	Martinez	Scott
Baird	Freeman	Mathieu	Stallworth
Basham	Gagliardi	Olshove	Tesanovich
Bogardus	Gubow	Owen	Thomas
Brater	Hale	Palamara	Varga
Brewer	Hanley	Parks	Vaughn
Brown	Harder	Price	Wallace
Callahan	Hertel	Prusi	Wetters
Cherry	Hood	Quarles	Willard
Ciaramitaro	Kelly	Rison	Wojno
Curtis	Kilpatrick		

In The Chair: Hertel

Reps. Richner and Kelly moved to amend the bill as follows:

1. Amend page 60, following line 2, by inserting:

“(24) A COUNTY SHALL NOT REQUIRE A LOCAL MATCH FOR THE MAINTENANCE OR RESURFACING OF A COUNTY PRIMARY ROAD.”.

The motion prevailed and the amendment was 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. Middaugh moved that Rep. Gernaat be excused temporarily from today's session.
The motion prevailed.

Rep. Kukuk moved that Rep. Green be excused temporarily from today's session.
The motion prevailed.

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

Senate Bill No. 303, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending sections 10, 11, 11c, 12, and 13 (MCL 247.660, 247.661, 247.661c, 247.662, and 247.663), as amended by 1993 PA 294, and by adding sections 1g and 1h.

The bill was read a third time.

The question being on the passage of the bill,

Rep. London moved to amend the bill as follows:

1. Amend page 7, line 26, after "(E)," by inserting "FOR THE FISCAL YEARS ENDING SEPTEMBER 30, 1993 THROUGH SEPTEMBER 30, 1998,".
2. Amend page 10, line 18, after "(2)" by striking out the balance of the line through "law," on line 19 and inserting "IF A DISTRIBUTION FORMULA IS NOT ENACTED INTO LAW FOR ANY TIME PERIOD BEGINNING AFTER SEPTEMBER 30, 1998,".
3. Amend page 10, line 21, after "year" by inserting "thereafter".
4. Amend page 11, line 26, after "law" by inserting "after September 30, 1998".

The question being on the seconding of the motion by Rep. London,

Rep. Gagliardi demanded the yeas and nays.

The demand was supported.

The question being on the seconding of the motion by Rep. London,

The motion did not prevail, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 759**Yeas—46**

Bankes	Fitzgerald	Johnson	Nye
Birkholz	Galloway	Kaza	Oxender
Bobier	Geiger	Kukuk	Perricone
Bodem	Gilmer	Llewellyn	Raczkowski
Brackenridge	Godchaux	London	Rhead
Byl	Goschka	Lowe	Richner
Cassis	Gustafson	McBryde	Rocca
Crissman	Horton	McManus	Scranton
Cropsey	Jansen	McNutt	Sikkema
Dalman	Jaye	Middaugh	Voorhees
DeVuyst	Jelinek	Middleton	Whyman
Dobb	Jellema		

Nays—53

Agee	Emerson	LaForge	Rison
Anthony	Frank	Leland	Schauer
Baade	Freeman	Mans	Schermesser
Baird	Gagliardi	Martinez	Schroer
Basham	Griffin	Mathieu	Scott
Bogardus	Gubow	Olshove	Stallworth
Brater	Hale	Owen	Tesanovich
Brewer	Hanley	Palamara	Thomas
Brown	Harder	Parks	Varga
Callahan	Hertel	Price	Vaughn
Cherry	Hood	Profit	Wetters
Curtis	Kelly	Prusi	Willard
DeHart	Kilpatrick	Quarles	Wojno
Dobronski			

In The Chair: Hertel

Reps. London, Harder and Jellema moved to amend the bill as follows:

1. Amend page 7, line 26, by striking out “(E)” and inserting “(G)”.
2. Amend page 9, following line 3, by inserting:

“(C) REVENUE FROM 3 CENTS OF THE TAX LEVIED UNDER SECTION 2(1) OF 1950 PA 127, MCL 207.102 TO THE STATE TRUNK LINE FUND, COUNTY ROAD COMMISSIONS, AND CITIES AND VILLAGES IN THE PERCENTAGES PROVIDED IN SUBDIVISION (F).

(D) REVENUE FROM 1 CENT OF THE TAX LEVIED UNDER SECTION 2(1) OF 1950 PA 127, MCL 207.102 FOR REPAIR OF STATE BRIDGES UNDER SECTION 11.

(E) \$43,000,000.00 TO THE STATE TRUNK LINE FUND FOR DEBT SERVICE COSTS ON BUILD MICHIGAN PROJECTS.” and relettering the remaining subdivisions.

3. Amend page 9, line 24, by striking out all of subdivision (E) and relettering the remaining subdivision.

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

Reps. Jellema and Harder moved to amend the bill as follows:

1. Amend page 13, line 10, after “1997” by inserting “A TOTAL OF \$20,000,000.00”.
2. Amend page 13, line 11, after “VILLAGES” by striking out “\$20,000,000.00”.
3. Amend page 13, line 12, after “FUND.” by inserting “FUNDS APPROPRIATED UNDER THIS SUBSECTION SHALL BE DISBURSED ACCORDING TO THE PROVISIONS OF SECTIONS 11, 12, AND 13.”.

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

Rep. London moved to amend the bill as follows:

1. Amend page 41, line 5, by striking out “1-1/2 MILES” and inserting “1/2 mile”.

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

The question being on the passage of the bill,

After debate,

Rep. Palamara demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 760**Yeas—56**

Agee	DeHart	Kilpatrick	Rison
Alley	Dobronski	LaForge	Schauer
Anthony	Emerson	Leland	Schermesser
Baade	Frank	Mans	Schroer
Baird	Freeman	Martinez	Scott
Basham	Gagliardi	Mathieu	Stallworth
Bogardus	Griffin	Olshove	Tesanovich
Brater	Gubow	Owen	Thomas
Brewer	Hale	Palamara	Varga
Brown	Hanley	Parks	Vaughn
Callahan	Harder	Price	Wallace
Cherry	Hertel	Profit	Wetters
Ciaramitaro	Hood	Prusi	Willard
Curtis	Kelly	Quarles	Wojno

Nays—48

Bankes	Fitzgerald	Jelinek	Middleton
Birkholz	Galloway	Jellema	Nye
Bobier	Geiger	Johnson	Oxender
Bodem	Gernaat	Kaza	Perricone
Brackenridge	Gilmer	Kukuk	Rackowski
Byl	Godchaux	Llewellyn	Rhead
Cassis	Goschka	London	Richner
Crissman	Green	Lowe	Rocca
Cropsey	Gustafson	McBryde	Scranton
Dalman	Horton	McManus	Sikkema
DeVuyst	Jansen	McNutt	Voorhees
Dobb	Jaye	Middaugh	Whyman

In The Chair: Hertel

The question being on agreeing to the title of the bill,

Rep. Gagliardi moved to amend the title to read as follows:

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of

transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts,” by amending the title and sections 10, 10e, 11, 12, and 13 (MCL 247.660, 247.660e, 247.661, 247.662, and 247.663), the title as amended by 1992 PA 223 and sections 10, 11, 12, and 13 as amended by 1993 PA 294, and by adding sections 1g, 1h, 9b, 15a, and 15b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Jaye, 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:

Gas tax increases without reforms, adds minority preferences

This gas tax increase increases minority road construction preferences, continues the diversion of gas tax to mass transit and state bureaucrats, and refuses to reform the road bureaucracy.

“This bill is a 27% permanent gas tax increase, increases the number of minority road construction preferences, continued the diversion of road money to mass transit and state bureaucrats and rejected reforms of the road bureaucracy.” “This gas tax and fee increase is a *net* tax and fee increase of approximately \$200 million.” Unfortunately for the overburdened working men and women of this state, the special interests are getting their way.”

The last time politicians tried to trivialize a multi-million dollar tax increase as ‘only a few dollars per person’ two Democrat State Senators were recalled from office. That propelled now Governor Engler into the Republican Leadership of the formerly Democrat controlled State Senate. The average cost of a gallon of gas in Michigan should be 87.7 cents, not \$1.29. Nevertheless, thanks to pork-barrel politicians and perk-hungry bureaucrats, we pay 41.3 cents per gallon in taxes and the amount is about to go up another 27% (4 cents)’.

Lansing politicians broke their promise that any new gas tax would only be spent on road repairs since half of this new gas tax goes into the current Act 51 formula which diverts gas tax to mass transit and state bureaucracy. This gas tax increases minority preferences in road building up from the current \$28 million in overcharges and \$2 million to minority preference compliance bureaucrats!

The Legislature rejected my transportation reform amendments including: reducing Michigan’s truck weight laws (highest in the nation) to the Great Lakes Average; forcing welfare recipients and low risk prisoners to perform road maintenance; force Indians to pay gas tax on reservation gas stations; eliminate the \$28 million a year in minority preferences; and eliminate the diversion of gas tax to mass transit, state bureaucrats and corporate welfare of commercial forest roads and train subsidies.

“This additional \$200 million a year tax burden is unnecessary and greedy. In 1997 taxpayers could not celebrate freedom from the cost of government until July 3. Cost of Government Day is when the average American has earned enough in gross income to pay off all taxes and regulations. Working more than half a year to pay for all government spending, bureaucrat perks and excessive regulations is oppressive. No wonder families with two incomes find it tough to make ends meet.”

“Motorists would be shocked to learn that 56% of their gas tax, car sales tax and registration fees are diverted to non road functions including \$286 million in mass transit. This tax increase will go into effect on August 1, 1997. The small tax cut of \$8.80 per person will begin in 1998!”

Reps. Sikkema, London, Brackenridge, Jelinek, Oxender, Bodem, Gilmer, McNutt, McBryde, Bankes, Dobb, Cassis, Middleton, Byl, Johnson, Richner, Scranton and Dalman, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

While this bill contains many House Republican sponsored steps toward real road reform, I regret having to vote “no” on this bill. Senate Bill 303 offers many important reforms such as:

Requiring road warranties

Performance audits

Purchasing pools for the more efficient use of transportation resources

Phases out interdepartmental grants

Requires legislative notification of cost overruns on transportation projects

Competitive bidding of Department of Transportation contracts

Life cycle cost analysis to ensure the best materials are used on Michigan roads

However, the key ingredient in a comprehensive solution is continued attention to road funding policy. This bill removes the September 30, 1998 sunset to the current formula. Eliminating this sunset removes any pressure on the legislature to confront the many needed changes in the funding formula. The majority party prefers to avoid the tough decisions necessary for real reform. With the expertise and knowledge base that exists in this body today, a solution should be found today. A bi-partisan group has worked tirelessly to seek a solution, yet through parliamentary procedure our voice was not heard.”

Rep. Birkholz, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on final passage of SB 303 due to the fact that the sunset provision was deleted from the bill.”

Rep. Kukuk, 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:

I voted ‘No’ on this legislation because the bill includes a unreasonable one-year sunset and insufficient reforms.

A one-year sunset will cause more turmoil in Michigan’s road repair and maintenance procedures than this bill addresses. In addition, this legislation fails to address most of the major reform issues that our responsibility to the taxpayer requires. My constituents in Macomb County have made it clear to me throughout my years of legislative service that they expect every effort to be made to utilize existing tax revenue wisely and responsibly. At the same time, constituents have told me that they are dissatisfied with the current quality of our Michigan roads.

Legislation that I introduced in this chamber which would have required the state to use non-violent prisoners for minor road repair work was not enacted into law. This is but one small example of how this chamber has refused to address real changes to make road spending more efficient.”

Rep. Goschka, 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:

While Senate Bill 303 contains many positive steps toward genuine road reform, I cannot in good conscience support this bill.

SB 303 does offer many important reforms, such as: requiring road warranties and performance audits, purchasing pools for the more efficient use of transportation resources, phasing out interdepartmental grants, requiring legislative notification of cost overruns on transportation projects, competitive bidding on MDOT contracts and requiring life cycle cost analyses to ensure that only the best materials are used on Michigan roads.

However, the key ingredient in a comprehensive solution is serious and continued attention to road funding policy. This bill wrongly removes the September 30, 1998 sunset to the current formula which is unacceptable. Eliminating this sunset removes any pressure on the legislature to confront the many needed changes in the current funding formula. The majority party chose to avoid the tough decisions necessary for real reform, and they continue to ignore the fact that the responsibility to address those needed reforms lies at the doorstep of this House. With the expertise and knowledge base that exists in this body today, a solution should be found today. It’s that simple!”

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, July 15, at 12:00 noon. The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Lowe, Anthony, Gernaat, Whyman, Llewellyn, Bobier, Middleton, Voorhees, DeVuyst and Jaye offered the following resolution:

House Resolution No. 133.

A resolution to urge the Attorney General to investigate natural gas drilling in Michigan and to ensure that correct royalties are paid to the state and to private owners.

Whereas, Following earlier audit reports detailing significant shortages of royalties paid to the state for oil and gas extraction on state lands, the Attorney General is looking into charges of inaccuracy in payments made to the State Parks Endowment Fund and the Natural Resources Land Trust Fund. Many observers feel that the shortfalls reported

to date are only a small portion of the problem. These people feel that, in addition to the millions of dollars of cost to the state, some companies may be underpaying private royalty owners by as much as ten times the amount due the state; and

Whereas, Allegations of problems in the royalties situation include inconsistencies in determining the amount of gas extracted and questionable transactions that seem to be mere shifts of ownership. The allegations, which pertain to the audit of one company's ten northern Michigan wells from 1992 to 1994, involve millions of dollars. As a result, some groups are calling for audits of every well on state land; and

Whereas, If the problems as identified by the audit and other reports prove true, there are serious problems to be addressed. The state leases provide for royalties to be based on the volume of gas coming out of the ground. Any practices that avoid proper accounting and payment may be robbing our state of funds needed to secure recreational resources in return for publicly owned minerals. This situation demands swift and thorough attention; now, therefore, be it

Resolved by the House of Representatives, That we urge the Attorney General to investigate natural gas drilling in Michigan and to ensure that correct royalties are paid to the state and to private owners; and be it further

Resolved, That a copy of this resolution be transmitted to the Attorney General.

The resolution was referred to the Committee on Forestry and Mineral Rights.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bill had been approved and signed by the Governor:

Enrolled Senate Bill No. 305 - Public Act No. 63

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, July 3 :

Senate Bill Nos. 640 641 652 653

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, July 8:

Senate Bill Nos. 642 643 644 645 646 647 648 649 650 651

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, July 10:

House Bill No. 5034

The Clerk announced that the following Senate bills had been received on Thursday, July 10:

Senate Bill Nos. 178 647 648

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4872, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending the title and sections 2 and 22 (MCL 207.102 and 207.122), section 2 as amended by 1992 PA 225 and section 22 as amended by 1995 PA 52, and by adding chapter 7; and to repeal acts and parts of acts.

The Senate has substituted (S-8) the bill.

The Senate has passed the bill as substituted (S-8), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the

payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 2, 3b, 8, 18b, 34, and 86 (MCL 207.102, 207.103b, 207.108, 207.118b, 207.134, and 207.186), sections 2, 3b, and 8 as amended by 1992 PA 225 and sections 18b, 34, and 86 as amended by 1982 PA 437.

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

House Bill No. 4310, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 6a, 11, 17b, 20, 20d, 20i, 24, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 95, 99, 101, 104a, 107, 108, 111, 147, 151, 167, and 169a (MCL 388.1606, 388.1606a, 388.1611, 388.1617b, 388.1620, 388.1620d, 388.1620i, 388.1624, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1695, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1708, 388.1711, 388.1747, 388.1751, 388.1767, and 388.1769a), sections 6, 11, 17b, 20, 20d, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 111, 147, and 167 as amended and sections 20i, 51a, 53a, 107, 108, and 169a as added by 1996 PA 300, sections 6a, 95, and 151 as amended by 1995 PA 130, and section 26 as amended by 1994 PA 283, and by adding sections 26a, 31b, 67, 68, 94a, 105a, 166d, and 166e; and to repeal acts and parts of acts.

(For text of conference report, see House Journal No. 66, p. 1801.)

The Senate has adopted the report of the Committee of Conference.

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

Senate Bill No. 178, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 1996 PA 300, and by adding section 147a.

The Senate has passed the bill.

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

Senate Bill No. 647, entitled

A bill to create the Michigan public school employees pension finance authority and to prescribe its powers and duties; to create certain funds; to create a board and to prescribe its powers and duties; to provide for the issuance of and terms and conditions of bonds and notes of the authority; to provide for the use of the proceeds of the bonds and notes and their repayment; to prescribe powers and duties of certain state officers, departments, and agencies; and to make an appropriation.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Public Retirement.

Senate Bill No. 648, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending the title and sections 4, 5, 30, 34, 36, 41, 41a, and 42 (MCL 38.1304, 38.1305, 38.1330, 38.1334, 38.1336, 38.1341, 38.1341a, and 38.1342), the title and sections 4, 34, and 41a as amended by 1996 PA 488, sections 5 and 30 as amended by 1994 PA 272, section 36 as added by 1989 PA 194, section 41 as amended by 1996 PA 278, and section 42 as amended by 1996 PA 268, and by adding sections 41c and 113.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Public Retirement.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Conservation, Environment and Recreation from further consideration of **House Bill No. 4854**.

Rep. Kukuk

Communications from State Officers

The following communications from the Auditor General were received and read:

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Audit of the Risk
Management Division
Department of Management and Budget

June 19, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Individual Taxes
Division
Department of Treasury

July 8, 1997

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Reps. DeHart and Schermesser introduced
House Bill No. 5038, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19g. The bill was read a first time by its title and referred to the Committee on Public Retirement.

Reps. Perricone, Rocca and LaForge introduced
House Bill No. 5039, 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 bill was read a first time by its title and referred to the Committee on Public Retirement.

Reps. Brown, Wojno, Hale, Stallworth, Hanley, Mans, Mathieu and Schermesser introduced
House Bill No. 5040, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 629f. The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Willard introduced

House Bill No. 5041, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by repealing section 23 (MCL 208.23). The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Varga moved that the House adjourn.
The motion prevailed, the time being 9:45 p.m.

The Speaker declared the House adjourned until Tuesday, July 15, at 12:00 noon.

MARY KAY SCULLION
Clerk of the House of Representatives.