

No. 68
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, July 15, 1997.

12:00 Noon.

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—present	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	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—present	Middaugh—present	Thomas—present
Cherry—present	Hanley—present	Middleton—present	Varga—present
Ciaramitaro—present	Harder—present	Murphy—present	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—present	Jansen—present	Oxender—present	Wetters—present
DeHart—present	Jaye—present	Palamara—present	Whyman—present
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. David Anthony, from the 108th District, offered the following invocation:

“Dear Lord, As we gather today to address issues that are of concern to the people of this state, let us not forget to seek Your guidance in our many decisions and respect each other’s right to an opinion. Grant this, our prayer. Amen.”

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

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

Notices

July 15, 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

July 15, 1997

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

The Speaker called Acting Speaker Hanley to the Chair.

Rep. Cherry 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. 761

Yeas—104

Agee	Dobronski	Kaza	Perricone
Alley	Emerson	Kelly	Price
Anthony	Frank	Kilpatrick	Profit
Baade	Freeman	Kukuk	Prusi
Baird	Gagliardi	LaForge	Quarles
Banks	Galloway	Law	Raczkowski
Basham	Geiger	Leland	Rhead
Birkholz	Gernaat	LeTarte	Richner
Bobier	Gilmer	Llewellyn	Rocca
Bodem	Godchaux	London	Schauer
Bogardus	Goschka	Lowe	Schermesser
Brackenridge	Green	Mans	Schroer

Brater	Griffin	Martinez	Scott
Brewer	Gubow	Mathieu	Scranton
Brown	Gustafson	McBryde	Sikkema
Byl	Hale	McManus	Stallworth
Callahan	Hammerstrom	McNutt	Tesanovich
Cassis	Hanley	Middaugh	Thomas
Cherry	Harder	Middleton	Varga
Ciaramitaro	Hertel	Murphy	Vaughn
Crissman	Horton	Nye	Voorhees
Cropsey	Jansen	Olshove	Wallace
Curtis	Jaye	Owen	Wetters
Dalman	Jelinek	Oxender	Whyman
DeHart	Jellema	Palamara	Willard
DeVuyst	Johnson	Parks	Wojno

In The Chair: Hanley

The Speaker resumed the Chair.

Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: July 15, 1997
Time: 9:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4520 (Public Act No. 64, I.E.), being

An act to amend 1933 (Ex Sess) PA 8, entitled “An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan, and to prescribe its powers, duties and limitations; to provide for the control of the alcoholic liquor traffic within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to prescribe liability for retail licensees under certain circumstances; to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,” by amending section 17h (MCL 436.17h), as amended by 1996 PA 379.

(Filed with the Secretary of State July 15, 1997, at 10:37 a.m.)

Date: July 15, 1997
Time: 9:08 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4394 (Public Act No. 66, I.E.), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and

purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.” (MCL 500.100 to 500.8302) by adding section 3407a.

(Filed with the Secretary of State July 15, 1997, at 10:41 a.m.)

Date: July 15, 1997

Time: 9:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4392 (Public Act No. 67, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 21052a.

(Filed with the Secretary of State July 15, 1997, at 10:43 a.m.)

By unanimous consent the House returned to the order of

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. 128 - Public Act No. 54

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

House Bill Nos. 5013 5014 5015 5016 5017 5018 5019 5020 5021 5022 5023 5024 5025

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Tuesday, July 15:

**House Bill Nos. 5026 5027 5028 5029 5030 5031 5032 5033 5035 5036 5037 5038 5039 5040
5041**

House Joint Resolution Z

Acting Speaker Hanley resumed the Chair.

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. 762**Yeas—102**

Agee	Dobb	Kaza	Price
Alley	Dobronski	Kelly	Prusi
Anthony	Emerson	Kilpatrick	Quarles
Baade	Fitzgerald	Kukuk	Raczkowski
Baird	Frank	LaForge	Rhead
Bankes	Freeman	Leland	Richner
Basham	Gagliardi	LeTarte	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	Gubow	McManus	Stallworth
Byl	Gustafson	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Middleton	Varga
Cherry	Hanley	Murphy	Vaughn
Ciaramitaro	Harder	Nye	Voorhees
Crissman	Hertel	Olshove	Wallace
Cropsey	Horton	Owen	Wetters
Curtis	Jansen	Oxender	Whyman
Dalman	Jaye	Parks	Willard
DeHart	Jelinek	Perricone	Wojno
DeVuyst	Johnson		

In The Chair: Hanley

The Speaker resumed the Chair.

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

Senate Bill No. 302, entitled

A bill to make appropriations for the state transportation department and the department of state police for the fiscal year ending September 30, 1997; to adjust certain appropriations for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriations.

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 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. Freeman moved that Rep. Emerson be excused temporarily from today's session.
The motion prevailed.

Rep. McNutt moved that Rep. Middaugh 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. 302, entitled

A bill to make appropriations for the state transportation department and the department of state police for the fiscal year ending September 30, 1997; to adjust certain appropriations for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriations.

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

Roll Call No. 763

Yeas—104

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

Nays—0

In The Chair: Hertel

Rep. Gagliardi moved to reconsider the vote by which the House passed the bill.
The motion prevailed, a majority of the members present 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. 764**Yeas—107**

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

Nays—0

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 make appropriations for the state transportation department for the fiscal year ending September 30, 1997; to adjust certain appropriations for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriations.

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.

Second Reading of Bills**Senate Bill No. 208, 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 second time.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 13, following line 18, by striking out all of enacting section 1 and 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. 4872.

(d) Senate Bill No. 303."

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 8, following line 26, by inserting:

“(U) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, A TAXPAYER WHO IS 62 YEARS OF AGE OR OLDER MAY DEDUCT, TO THE EXTENT INCLUDED IN ADJUSTED GROSS INCOME, INCOME RECEIVED IN THE TAX YEAR FROM THE RENTAL OF PROPERTY OWNED BY THE TAXPAYER NOT TO EXCEED \$7,500.00 FOR A SINGLE RETURN OR \$15,000.00 FOR A JOINT RETURN.”.

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 3, line 17, after “citizen” by striking out the balance of the line through “year” on line 26.
2. Amend page 7, line 17, after “dends,” by striking out “and”.
3. Amend page 7, line 17, after “gains” by inserting a comma and “ANY OTHER RETIREMENT INCOME FROM ANY PRIVATE SOURCE”.
4. Amend page 7, line 17, after “year” by striking out the balance of the line through “(v).” on line 25 and inserting a period.
5. Amend page 7, line 25, after “1995” by striking out the balance of the line through the second “year,” on line 26 and inserting “AND 1996 TAX YEARS,”.

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 8, following line 26, by inserting:

“(U) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, IF THE TAXPAYER PURCHASED A MOTOR VEHICLE OR WATERCRAFT IN THE TAX YEAR AND USED A MOTOR VEHICLE OR WATERCRAFT AS PARTIAL PAYMENT FOR THE PURCHASED MOTOR VEHICLE OR WATERCRAFT, THE TAXPAYER MAY DEDUCT, TO THE EXTENT NOT DEDUCTED IN CALCULATING ADJUSTED GROSS INCOME, THE SALES TAX PAID ON THE AMOUNT THAT REPRESENTS THE DIFFERENCE BETWEEN THE AGREED-UPON VALUE OF THE MOTOR VEHICLE OR WATERCRAFT USED AS PARTIAL PAYMENT OF THE PURCHASE PRICE AND THE FULL RETAIL PRICE OF THE PURCHASED MOTOR VEHICLE OR WATERCRAFT.”.

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 8, following line 26, by inserting:

“(U) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, DEDUCT, TO THE EXTENT NOT DEDUCTED IN CALCULATING ADJUSTED GROSS INCOME, THE AMOUNT PAID BY THE TAXPAYER IN THE TAX YEAR AS THE COST OF HOME, PRIVATE, OR RELIGIOUS SCHOOLING.”.

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

Rep. Geiger moved to substitute (H-8) the bill.

The motion did not prevail and the substitute (H-8) was not adopted, a majority of the members serving not voting therefor.

Rep. Gustafson moved to reconsider the vote by which the House did not adopt the Geiger substitute (H-8).

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

The question being on the adoption of the substitute (H-8) offered by Rep. Geiger,

The motion prevailed and the substitute (H-8) was adopted, a majority of the members serving voting therefor.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 13, line 12, by striking out all of enacting section 1 and 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. 4872.
- (d) Senate Bill No. 303.”.

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. Hammerstrom moved that Reps. Law and Whyman 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. 208, 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.

The question being on the passage of the bill,

Rep. Brown moved to amend the bill as follows:

1. Amend page 10, line 24, after the first "the" by striking out "1997" and inserting "1996".

The motion was seconded and the amendment was not adopted, a majority of the members serving not 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. 765

Yeas—101

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

Nays—2

Agee Emerson

In The Chair: Hertel

Rep. Gagliardi moved to reconsider the vote by which the House passed the bill.

The motion prevailed, a majority of the members present 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. 766**Yeas—103**

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

Nays—3

Agee	Emerson	Schroer
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In The Chair: Hertel

Rep. Gagliardi moved to suspend Rule 67.

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

Rep. Callahan moved to reconsider the vote by which the House passed the bill.

The motion prevailed, a majority of the members present 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. 767**Yeas—104**

Alley	Dobronski	Johnson	Perricone
Anthony	Fitzgerald	Kaza	Price
Baade	Frank	Kelly	Profit
Baird	Freeman	Kilpatrick	Prusi
Bankes	Gagliardi	Kukuk	Quarles
Basham	Galloway	LaForge	Rackowski
Birkholz	Geiger	Leland	Rhead
Bobier	Gernaat	LeTarte	Richner

Bodem	Gilmer	Llewellyn	Rison
Bogardus	Godchaux	London	Rocca
Brackenridge	Goschka	Lowe	Schauer
Brater	Green	Mans	Schermesser
Brewer	Griffin	Martinez	Scott
Brown	Gubow	Mathieu	Scranton
Byl	Gustafson	McBryde	Sikkema
Callahan	Hale	McManus	Stallworth
Cassis	Hammerstrom	McNutt	Tesanovich
Cherry	Hanley	Middaugh	Thomas
Ciaramitaro	Harder	Middleton	Varga
Crissman	Hertel	Murphy	Vaughn
Cropsey	Hood	Nye	Voorhees
Curtis	Horton	Olshove	Wallace
Dalman	Jansen	Owen	Wetters
DeHart	Jaye	Oxender	Whyman
DeVuyst	Jelinek	Palamara	Willard
Dobb	Jellema	Parks	Wojno

Nays—3

Agee

Emerson

Schroer

In The Chair: Hertel

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”

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.

Notices

Rep. Bobier moved that the Committee on Transportation be discharged from further consideration of **House Bill No. 4813** and motion postponed for the day on July 8, see House Journal 65, p. 1775.

(For first notice see House Journal No. 64, p. 1698.)

The question being on the motion offered previously by Rep. Bobier,

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

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

By unanimous consent the House returned to the order of

Second Reading of Bills**House Bill No. 4813, 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 section 2 (MCL 207.102), as amended by 1992 PA 225.

The bill was read a second time.

Rep. Alley 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. Alley 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. 4813, 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 section 2 (MCL 207.102), as amended by 1992 PA 225.

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

Roll Call No. 768

Yeas—56

Agee	Crissman	Hale	Olshove
Alley	Curtis	Hammerstrom	Perricone
Baade	Dalman	Hanley	Price
Bankes	DeHart	Harder	Quarles
Basham	DeVuyst	Hertel	Richner
Birkholz	Dobronski	Jansen	Rison
Bobier	Emerson	Jellema	Schauer
Bogardus	Fitzgerald	Johnson	Schermesser
Brater	Freeman	Kilpatrick	Schroer
Brown	Galloway	LaForge	Scranton
Byl	Geiger	Leland	Sikkema
Callahan	Godchaux	LeTarte	Thomas
Cherry	Green	London	Wallace
Ciaramitaro	Gustafson	Middleton	Wojno

Nays—48

Anthony	Goschka	Martinez	Profit
Baird	Griffin	Mathieu	Prusi
Bodem	Hood	McBryde	Rhead
Brackenridge	Horton	McManus	Rocca
Brewer	Jaye	McNutt	Scott
Cassis	Jelinek	Middaugh	Stallworth

Cropsey	Kaza	Murphy	Tesanovich
Dobb	Kelly	Nye	Varga
Frank	Kukuk	Owen	Vaughn
Gagliardi	Llewellyn	Oxender	Voorhees
Gernaat	Lowe	Palamara	Whyman
Gilmer	Mans	Parks	Willard

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 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," (MCL 207.101 to 207.202) by amending the title and by adding chapter 7; and to repeal acts and parts of acts.

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. Wetters, under Rule 32(b), made the following statement:

"Mr. Speaker and members of the House:

I did not vote on Roll Call No. 768 because of a possible conflict of interest.

House Bill 4813 would raise the diesel fuel tax by four cents. This would be an additional raise on top of the increase we passed last December. This increase will not create parity it will make diesel fuel gas higher than the gas tax. And what is worse, most of that increase will fall on the trucking businesses that operate here in Michigan. This increase combined with the truck license fee increase will create an economic incentive for Michigan based trucking businesses to move their operations south of the Michigan border where they can enjoy the benefits of interstate status and far lower operational costs. I think this is a mistake. But because I own trucks it would be a potential conflict of interest and therefore inappropriate for me to vote on this bill."

Rep. Wetters moved that his name be removed as sponsor of the bill.

The motion prevailed.

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:

I voted "No" on House Bill 4813 because I don't believe the legislature has done all that it can to reprioritize spending in the state budget. Just as in our own families, the state should spend its revenue on priority items—actual needs. Needless to say, funding for roads is a major need. However, in light of total state spending, the legislature doesn't treat it as such.

It seems that to some lawmakers, the answer to virtually any funding problem is a tax increase. I believe the more prudent and responsible action on behalf of the people of the state of Michigan is to tighten the state's belt. Why not? That's what Michigan's families do everyday!

It's easy to raise a tax—just vote “Yes”. However, the courageous and proper action on the part of this House is to cut spending—now!

Where do we start cutting? We could end the gas tax subsidies of other state operations such as \$2.5 million to the Attorney General; \$1.6 million to the Department of Management & Budget; \$800,000 to the DNR & DEQ; \$6.3 million to the Treasury; \$500,000 to the Legislative Auditor General; \$81.6 million to the Secretary of State; \$5.7 million to the State Police; and \$4.2 million to Civil Service. This amounts to \$103.2 million in gas taxes that do not make it to our roads! Enough of the deception! Let's not do this to our own residents—our own constituents! They elected us to properly govern this state and to spend the state's money prudently. Those who have entrusted us with the state's pocketbook have been shortchanged, and it is they who will pay the bill.”

Rep. Stallworth, 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:

As Vice Chair of the House Appropriations Sub-Committee on Transportation and a member of the House-Senate Conference Committee responsible for negotiating a coherent plan to repair and maintain Michigan roads, I cannot in good conscience vote for a bill I know has only been introduced in order to save the Senate from voting on a tax which increases diesel fuel. Every member in this chamber knows full well this bill will not be passed by the Senate. The reality is if the intent was to really impose a diesel fuel tax along with the gas tax, both the House and Senate would support the tax being in the bill in which it was originally proposed; H.B. 4872.

If we are going to ask auto motorists to join us in a plan to repair and maintain Michigan roads, we should not be afraid to demand that the trucking industry pay their fair share as well.

My constituents want, need and deserve road repair. They know that I campaigned on the importance of deregulation of electrical utilities, the need for true auto insurance reform, and the need for a gas and diesel fuel tax to help repair Michigan roads. Perhaps the members of this chamber do not have the ability to be honest with their constituents, but I do. In fact, it is my obligation to do so.

Commercial trucks in general, and overweight trucks in particular have played a major role in creating the state of disrepair we are currently experiencing with Michigan roads. They should be required to pay their fair share. As members of the Michigan House, we should not be so eager to move into summer recess that we allow the Senate to take the cowardly way out by not voting for a diesel tax as part of the comprehensive transportation package I and others have worked so hard on this session, and that there was Republican and Democratic agreement on.

Therefore Mr. Speaker and members, because the diesel tax was removed from House Bill 4872 with the expressed intent of allowing the Senate to avoid voting on a diesel tax thus exempting the largest trucking organizations operating in Michigan from a fuel tax; and furthermore because this bill is offered in bad faith and breaks the bi-partisan agreement reached by those of us who believe in equal and fair taxation; I cannot support this bill.”

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4180, 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 Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 30d.

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 substitute (S-4) made to the bill by the Senate,

Rep. Harder moved to amend the Senate substitute (S-4) as follows:

1. Amend page 2, following line 9, by inserting:

“(b) Senate Bill No. 303.” and relettering the remaining subdivision.

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

The question being on concurring in the Senate substitute (S-4), as amended,

The Senate substitute (S-4), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 769**Yeas—94**

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

Nays—9

Agee	Gilmer	Gubow	Martinez
Emerson	Godchaux	Kilpatrick	Schroer
Galloway			

In The Chair: Hertel

The House agreed to the title as amended.

Reps. Basham, Cassis, Crissman, Cropsey, Dalman, Gernaat, Horton, Jansen, Mans, Nye, Richner, Sikkema, Voorhees and Wallace were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I voted no on concurring with the Senate substitute to HB 4180 because it will cause a reduction of \$30 Million in GF/GP revenue. We have a \$40 to \$60 million shortfall in revenue in the 1997-1998 School Aid Budget due to the Durant Court case. This bill will remove funding that is needed to adequately fund special education.”

House Bill No. 4191, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1996 PA 484.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

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 substitute (S-4) made to the bill by the Senate,

Rep. Callahan moved to amend the Senate substitute (S-4) as follows:

1. Amend page 2, line 5, after "YEAR," by striking out "7.5%" and inserting "8.0%".

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

Reps. Dobb, Brackenridge and LeTarte moved to amend the Senate substitute (S-4) as follows:

1. Amend page 3, line 6, after the first "year" by striking out the balance of the line through "year" on line 7.

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

Rep. Harder moved to amend the Senate substitute (S-4) as follows:

1. Amend page 4, line 5, by striking out all of enacting section 1 and 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. 4872.

(b) Senate Bill No. 303."

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

Rep. Dobb moved to reconsider the vote by which the House did not adopt the amendment offered previously by Reps. Dobb, Brackenridge and LeTarte.

The question being on the motion by Rep. Dobb,

Rep. Dobb demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Dobb,

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 770**Yeas—64**

Agee	Dobb	Jellema	Palamara
Baade	Dobronski	Kukuk	Perricone
Bankes	Emerson	LaForge	Profit
Birkholz	Fitzgerald	LeTarte	Rhead
Bobier	Freeman	Llewellyn	Richner
Bodem	Galloway	Lowe	Rocca
Bogardus	Geiger	Mathieu	Schauer
Brackenridge	Gernaat	McBryde	Schermesser
Brater	Godchaux	McManus	Schroer
Brown	Goschka	McNutt	Scranton
Ciaramitaro	Green	Middaugh	Varga
Crissman	Gubow	Middleton	Voorhees
Cropsey	Horton	Nye	Wetters
Curtis	Jansen	Olshove	Whyman
Dalman	Jaye	Owen	Willard
DeVuyst	Jelinek	Oxender	Wojno

Nays—35

Anthony	Hammerstrom	Leland	Rison
Baird	Hanley	Mans	Scott
Basham	Harder	Martinez	Sikkema

Brewer	Hertel	Murphy	Stallworth
Callahan	Hood	Parks	Tesanovich
Cassis	Johnson	Price	Thomas
Gagliardi	Kaza	Prusi	Vaughn
Gustafson	Kelly	Quarles	Wallace
Hale	Kilpatrick	Raczkowski	

In The Chair: Hertel

The question being on the adoption of the amendment offered previously by Reps. Dobb, Brackenridge and LeTarte, The amendment was adopted, a majority of the members serving voting therefor.

The question being on concurring in the Senate substitute (S-4), as amended,

The Senate substitute (S-4), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 771

Yeas—99

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

Nays—6

Agee	Emerson	Godchaux	Lowe
Bobier	Gilmer		

In The Chair: Hertel

The House agreed to the full title of the bill.

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

“Mr. Speaker and members of the House:

I voted no on concurring with the Senate substitute to HB 4191. This bill, as amended, will cause a loss of GF/GP revenue of at least \$70 to \$90 million.

This amount of revenue would, if applied to the Higher Education Budget, would allow most every university to avoid a tuition increase greater than the C.P.I.

With the House amendments, there is absolutely no disincentive for higher education to restrain tuition increases.”

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 725, 801, and 802 (MCL 257.725, 257.801, and 257.802), 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 Senate has amended the House substitute (H-2) as follows:

1. Amend page 2, line 26, after “BE” by striking out “NOT LESS THAN”.
2. Amend page 2, line 27, after “BE” by striking out “NOT LESS THAN”.
3. Amend page 20, following line 21, enacting section 1, after “unless” by striking out the balance of the section and inserting “Senate Bill No. 303 of the 89th Legislature is enacted into law. Enacting section 2. This amendatory act takes effect October 1, 1997.”.

The Senate has concurred in the House substitute (H-2) as amended, ordered that the bill be given immediate effect and agreed to the title of the bill.

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 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. 772

Yeas—96

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

Nays—10

Cropsey	Green	Nye	Whyman
Frank	Jaye	Rhead	Willard
Goschka	Llewellyn		

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 “No” on Senate Bill 581 because I don’t believe the legislature has done all that it can to reprioritize spending in the state budget. Just as in our own families, the state should spend its revenue on priority items—actual needs. Needless to say, funding for roads is a major need. However, in light of total state spending, the legislature doesn’t treat it as such.

It seems that to some lawmakers, the answer to virtually any funding problem is a tax increase. I believe the more prudent and responsible action on behalf of the people of the state of Michigan is to tighten the state’s belt. Why not? That’s what Michigan’s families do everyday!

It’s easy to raise a tax—just vote “Yes”. However, the courageous and proper action on the part of this House is to cut spending—now!

Where do we start cutting? We could end the gas tax subsidies of other state operations such as \$2.5 million to the Attorney General; \$1.6 million to the Department of Management & Budget; \$800,000 to the DNR & DEQ; \$6.3 million to the Treasury; \$500,000 to the Legislative Auditor General; \$81.6 million to the Secretary of State; \$5.7 million to the State Police; and \$4.2 million to Civil Service. This amounts to \$103.2 million in gas taxes that do not make it to our roads! Enough of the deception! Let’s not do this to our own residents—our own constituents! They elected us to properly govern this state and to spend the state’s money prudently. Those who have entrusted us with the state’s pocketbook have been shortchanged, and it is they who will pay the bill.”

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

“Mr. Speaker and members of the House:

Where’s the beef?

Lawmakers pushing \$44.9 million, fee increases without reforms

- The latest proposal by Legislators to fix Michigan roads include \$400 million in tax and fee increases without any reforms of the bloated road bureaucracy, diversion of the state gas tax to bureaucrats and mass transit, or special interest privileges.

‘Simply throwing more money at the road problem without reforms, like lowering Michigan’s highest-in-the-nation truck weights, will not solve the road problems,’ “The Democrats & GOP leadership claim there will be reforms, but I ask, ‘Where’s the beef?’ ”

“The one reform Democrats and GOP leadership have touted requires that no more than 10 percent of a road commission’s budget can go to administrative costs, but that is laughable because Macomb County’s Road commission spends only 2 percent on administration.”

The Democrat-controlled state House rejected 24 reforms offered by Jaye that would generate \$640 million in annual savings and eliminate the need to raise taxes and fees for hard-working men and women who are already overburdened. *(See attachment)*

“It is a shocking slap to taxpayers that leaders of the House Democrats and GOP refused to accept my reforms of the road bureaucracy, corporate welfare and special interest perks.” ‘Both the Republican-controlled Senate and the Democrat-controlled House have rejected all attempts to make true reforms.’

‘The debate in Lansing now is how high to raise taxes and fees. Democrats are suggesting approximately \$400 million and Republicans want \$200 million. Both Republicans and Democrats want to expand minority preferences in road contracts, which already cost the state more than \$30 million a year.’

“The last time politicians trivialized a tax increase as “only a few dollars per person,” voters recalled two Democrat state senators, which gave Republicans control of the Senate making John Engler Senate Majority Leader, then Governor. Now Engler supports a gas tax and fee increase of over \$269 million.”

The cost of gas in Michigan should be 87.7 cents per gallon, not \$1.29. ‘Thanks to pork-barrel politicians and perk-hungry bureaucrats we pay 41.3 cents per gallon in state and federal taxes and now politicians want to raise taxes again!’ ‘This additional tax burden is unnecessary and greedy. In 1997, taxpayers could not celebrate freedom from the cost of government until July 3. 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.’ Cost of Government Day is when the average American has earned enough gross income to pay off all taxes and regulations.

‘Motorists should be shocked and appalled that the state diverts 56 percent of their gas tax, car sales tax and registration fees to nonroad functions, including \$286 million in mass transit.’ ‘The showdown vote on increasing the gas tax increase was 11:15 pm, July 15, in Lansing, when Legislators were at the height of their fatigue, frustration and ignorance of what the details are of the bills we are voting on. Legislation by organized chaos, organized delay, organized limits on analysis benefits special interests and hurts taxpayers.’

Senate Concurrent Resolution No. 42.

A concurrent resolution to extend a declared state of disaster in Allegan and Ottawa Counties.

Whereas, The governor, through a proclamation issued on June 27, 1997, declared a state of disaster in Allegan and Ottawa Counties in western Michigan. Severe rainstorms occurring the period of June 20-21, 1997, resulted in widespread flooding to the area and necessitated the coordination of efforts by the Emergency Management Division of the Department of State Police; and

Whereas, Section 3 of 1976 PA 390, the Emergency Management Act, being MCL § 30.403, provides, in part: The state of disaster shall continue until the governor finds that the threat or danger has passed, the disaster has been dealt with to the extent that the disaster conditions no longer exist, or until the declared state of disaster has been in effect for 14 days. After 14 days, the governor shall issue an executive order or proclamation declaring the state of disaster terminated, unless a request by the governor for an extension of the state of disaster for a specific number of days is approved by the legislature.

; and

Whereas, Pursuant to a request by the governor of the state of Michigan, 30 days need to be added to the proclaimed state of disaster in Allegan and Ottawa Counties; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That pursuant to the Emergency Management Act, 1976 PA 390, we approve the governor's request for an extension of the state of disaster in Allegan and Ottawa Counties by 30 days; and be it further

Resolved, That copies of this resolution be transmitted to the Emergency Management Division of the Department of State Police and to the office of the governor.

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 serving voting therefor.

Reps. Agee, Bankes, Basham, Birkholz, Bobier, Bodem, Bogardus, Brown, Byl, Callahan, Cassis, Cherry, Ciaramitaro, Crissman, Dalman, DeHart, DeVuyst, Dobronski, Emerson, Fitzgerald, Frank, Freeman, Galloway, Geiger, Gernaat, Gilmer, Goschka, Gustafson, Harder, Hood, Jansen, Jaye, Jelinek, Jellema, Johnson, Kelly, Kukuk, LaForge, Llewellyn, London, Lowe, Mans, Martinez, McBryde, McManus, McNutt, Middleton, Nye, Olshove, Oxender, Palamara, Parks, Price, Quarles, Raczkowski, Richner, Rison, Rocca, Scott, Scranton, Sikkema, Thomas, Varga, Vaughn, Wallace, Wetters, Whyman and Wojno were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 43.

A concurrent resolution to extend a declared state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning.

Whereas, The governor, through proclamations issued on July 3 and July 6, 1997, declared a state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning. Severe rainstorms and tornadoes occurring the evening of July 2, 1997, resulted in widespread flooding to the area and necessitated the coordination of efforts by the Emergency Management Division of the Department of State Police; and

Whereas, Section 3 of 1976 PA 390, the Emergency Management Act, being MCL § 30.403, provides, in part:

The state of disaster shall continue until the governor finds that the threat or danger has passed, the disaster has been dealt with to the extent that the disaster conditions no longer exist, or until the declared state of disaster has been in effect for 14 days. After 14 days, the governor shall issue an executive order or proclamation declaring the state of disaster terminated, unless a request by the governor for an extension of the state of disaster for a specific number of days is approved by the legislature.

; and

Whereas, Pursuant to a request by the governor of the state of Michigan, 70 days need to be added to the proclaimed state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That pursuant to the Emergency Management Act, 1976 PA 390, we approve the governor's request for an extension of the state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning by 70 days; and be it further

Resolved, That copies of this resolution be transmitted to the Emergency Management Division of the Department of State Police and to the office of the governor.

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 serving voting therefor.

Reps. Agee, Bankes, Basham, Birkholz, Bobier, Bodem, Bogardus, Brown, Byl, Callahan, Cassis, Cherry, Ciaramitaro, Crissman, Dalman, DeHart, DeVuyst, Dobronski, Emerson, Fitzgerald, Frank, Freeman, Galloway, Geiger, Gernaat, Gilmer, Goschka, Gustafson, Harder, Hood, Jansen, Jaye, Jelinek, Jellema, Johnson, Kelly, Kukuk, LaForge, Llewellyn, London, Lowe, Mans, Martinez, McBryde, McManus, McNutt, Middleton, Nye, Olshove, Oxender, Palamara, Parks, Price, Quarles, Raczkowski, Richner, Rison, Rocca, Scott, Scranton, Sikkema, Thomas, Varga, Vaughn, Wallace, Wetters, Whyman and Wojno were named co-sponsors of the concurrent resolution.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Stallworth offered the following resolution:

House Resolution No. 134.

A resolution to memorialize the Congress of the United States to adopt a resolution apologizing for its support and endorsement of the slave trade and to urge the President's newly appointed Commission on Race Relations to evaluate the issue of reparations as part of the commission's report.

Whereas, No single issue has been more vexing throughout American history than slavery. For the first half of our nation's history, slavery threatened to unravel our country. For the second half of our history, the racial attitudes born amid slavery have challenged our greatest minds and frustrated our stoutest hearts, depriving millions of our people from full realization of the American dream; and

Whereas, Our country has made enormous strides in opening opportunity for the descendants of slaves. These steps of progress, taken with great pain and suffering, have resulted in significant legal and social changes, especially over the past four decades. In spite of this progress, inequities and double standards still pose genuine obstacles for our African American citizens. Statistics for health, education, and economic well-being dramatize the problems in our country; and

Whereas, U. S. Representatives Tony Hall (D-Ohio), David Bonior (D-Michigan), David Weldon (R-Florida), Michael McNulty (D-New York), Jon Christensen (R-Nebraska), Tom Lantos (D-California), John Ensign (R-Nevada), Marcy Kaptur (D-Ohio), Joseph Pitts (R-Pennsylvania), Jim Traficant (D-Ohio), Tom Coburn (R-Oklahoma), and Linda Smith (R-Washington) have joined with members of the Congressional Black Caucus in urging Congress to consider a measure to apologize formally to our African American citizens for the sufferings of slavery. Admitting this horrendous chapter in American history and officially apologizing for it is not unlike expressions of remorse extended by this country to Japanese Americans. Discussions of reparations for slavery along the lines of reparations made to interred Japanese Americans may also be in order; and

Whereas, A distinguishing feature of the American character is the pride we take in knowing our history and remembering the trials we have endured as a nation. Our precious national symbols, especially our flag, help unify us as a people. It is certainly appropriate, given our sense of history and our understanding of the importance of symbols, to apologize for slavery. This can only help as we work for our "more perfect union"; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to adopt a resolution apologizing for its support and endorsement of the slave trade and to urge the President's newly appointed Commission on Race Relations to evaluate the issue of reparations as part of the commission's report; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Reps. Richner, Thomas, Scott, Rocca, Leland, Kukuk, Godchaux, Cassis, Raczkowski, Whyman, Middleton, Dobb, Bankes, Jaye, Stallworth, Galloway and Goschka offered the following resolution:

This resolution is offered to comply with MCL § 30.403.

House Resolution No. 135.

A resolution to extend a declared state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning.

Whereas, The governor, through proclamations issued on July 3 and July 6, 1997, declared a state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning. Severe rainstorms and tornadoes occurring the evening of July 2, 1997, resulted in widespread flooding to the area and necessitated the coordination of efforts by the Emergency Management Division of the Department of State Police; and

Whereas, Section 3 of 1976 PA 390, the Emergency Management Act, being MCL § 30.403, provides, in part:

The state of disaster shall continue until the governor finds that the threat or danger has passed, the disaster has been dealt with to the extent that the disaster conditions no longer exist, or until the declared state of disaster has been in effect for 14 days. After 14 days, the governor shall issue an executive order or proclamation declaring the state of disaster terminated, unless a request by the governor for an extension of the state of disaster for a specific number of days is approved by the legislature.
; and

Whereas, Pursuant to a request by the governor of the state of Michigan, 70 days need to be added to the proclaimed state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning; now, therefore, be it

Resolved by the House of Representatives, That, pursuant to the Emergency Management Act, 1976 PA 390, we approve the governor's request for an extension of the state of disaster in Wayne, Macomb, Oakland, and Genesee Counties; the city of Detroit; and the village of Chesaning by 70 days; and be it further

Resolved, That copies of this resolution be transmitted to the Emergency Management Division of the Department of State Police and to the office of the governor.

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

Rep. Stallworth offered the following concurrent resolution:

House Concurrent Resolution No. 57.

A concurrent resolution to memorialize the Congress of the United States to adopt a resolution apologizing for its support and endorsement of the slave trade and to urge the President's newly appointed Commission on Race Relations to evaluate the issue of reparations as part of the commission's report.

Whereas, No single issue has been more vexing throughout American history than slavery. For the first half of our nation's history, slavery threatened to unravel our country. For the second half of our history, the racial attitudes born amid slavery have challenged our greatest minds and frustrated our stoutest hearts, depriving millions of our people from full realization of the American dream; and

Whereas, Our country has made enormous strides in opening opportunity for the descendants of slaves. These steps of progress, taken with great pain and suffering, have resulted in significant legal and social changes, especially over the past four decades. In spite of this progress, inequities and double standards still pose genuine obstacles for our African American citizens. Statistics for health, education, and economic well-being dramatize the problems in our country; and

Whereas, U. S. Representatives Tony Hall (D-Ohio), David Bonior (D-Michigan), David Weldon (R-Florida), Michael McNulty (D-New York), Jon Christensen (R-Nebraska), Tom Lantos (D-California), John Ensign (R-Nevada), Marcy Kaptur (D-Ohio), Joseph Pitts (R-Pennsylvania), Jim Traficant (D-Ohio), Tom Coburn (R-Oklahoma), and Linda Smith (R-Washington) have joined with members of the Congressional Black Caucus in urging Congress to consider a measure to apologize formally to our African American citizens for the sufferings of slavery. Admitting this horrendous chapter in American history and officially apologizing for it is not unlike expressions of remorse extended by this country to Japanese Americans. Discussions of reparations for slavery along the lines of reparations made to interred Japanese Americans may also be in order; and

Whereas, A distinguishing feature of the American character is the pride we take in knowing our history and remembering the trials we have endured as a nation. Our precious national symbols, especially our flag, help unify us as a people. It is certainly appropriate, given our sense of history and our understanding of the importance of symbols, to apologize for slavery. This can only help as we work for our "more perfect union"; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to adopt a resolution apologizing for its support and endorsement of the slave trade and to urge the President's newly appointed Commission on Race Relations to evaluate the issue of reparations as part of the commission's report; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Introduction of Bills

Reps. Goschka, McManus, McBryde, Lowe, Bodem, Walberg, Hammerstrom, Raczkowski, Cropsey and Voorhees introduced

House Bill No. 5042, 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 first time by its title and referred to the Committee on Tax Policy.

Reps. Martinez, Baird and Gustafson introduced

House Bill No. 5043, entitled

A bill to amend 1970 PA 73, entitled "An act to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport facilities; to provide for a referendum; and to repeal acts and parts of acts," by amending section 2 (MCL 259.802), as amended by 1982 PA 271.

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

Rep. Profit introduced

House Bill No. 5044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2441 (MCL 600.2441). The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Profit introduced

House Bill No. 5045, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 1993 PA 14.

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

Rep. Profit introduced

House Bill No. 5046, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 71 (MCL 208.71), as amended by 1984 PA 281.

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

Rep. Profit introduced

House Bill No. 5047, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 351, 352, 353, 354, 355, 358, and 367b (MCL 18.1351, 18.1352, 18.1353, 18.1354, 18.1355, 18.1358, and 18.1367b), sections 352 and 355 as amended and section 367b as added by 1991 PA 72, section 353 as amended by 1994 PA 107, and section 354 as amended by 1995 PA 286.

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

Rep. Profit introduced

House Bill No. 5048, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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

Rep. Profit introduced

House Bill No. 5049, entitled

A bill to grant certain rights to an individual with regard to his or her genetic composition; to provide certain protections for those rights; and to create a civil cause of action.

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

Rep. Profit introduced

House Bill No. 5050, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 9 and 10 (MCL 125.2689 and 125.2690).

The bill was read a first time by its title and referred to the Committee on Urban Policy and Economic Development.

Rep. Profit introduced

House Bill No. 5051, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car

companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," (MCL 207.1 to 207.21) by adding section 5c.

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

Reps. Schroer and Profit introduced

House Bill No. 5052, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39c.

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

Rep. Profit introduced

House Bill No. 5053, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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

Rep. Profit introduced

House Bill No. 5054, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

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

Rep. Profit introduced

House Bill No. 5055, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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

Reps. Basham, DeHart, Hanley, Goschka, Cherry, Hale and Stallworth introduced

House Bill No. 5056, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12917.

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

The Speaker called Acting Speaker DeHart to the Chair.

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Wednesday, July 16, at 12:01 a.m. The motion prevailed.

Rep. Gagliardi moved that the House adjourn. The motion prevailed, the time being 11:59 p.m.

Acting Speaker DeHart declared the House adjourned until Wednesday, July 16, at 12:01 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.