

No. 54

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 12, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Carl—excused
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Reverend James Child of the First Presbyterian Church in Lansing offered the following invocation:

God of Republicans, who rejoices in hard work and rewards faithfulness and excellence, hear us as we pray. God of Democrats, who delights in fairness and cries for fairness, justice and equality, hear us as we pray. God of us all, who recognizes our human frailty and yet continues to pour out blessings upon us, hear us as we pray.

We give You thanks for the religious and political freedoms we enjoy in this fair land; for the diversity of our peoples, their hopes and aspirations, their manifold talents and abilities; for artists and poets, thinkers; and writers, doctors and lawyers, builders and laborers, nurses and teachers, inventors and farmers, journalists and secretaries, janitors and mechanics—for the unseen hosts of those who have preceded us in the task of leading this great state and nation, we give You thanks. God of Jews, Christians, Muslims, Buddhists, Hindus and atheists, God of all truth, remind us that individually we grasp only a fraction of Your enormous truth about ourselves and our universe.

Give legislators, executives, attorneys, lobbyists, and all government workers a knowledge of Your will for Your world. Let them remember that they serve a public trust, the unpersonal gain or glory. May they rise to meet the many changes before them this day in a spirit of compromise and statesmanship that reaches beyond party loyalty. God of compassion, forgive us where we fail You, and remind us that You are always providing new chances to respond to Your grace.

As we go about several tasks this day, guide and direct us for the sake of all Your people. Let our work be blessed to the end that our state and nation may continue to bring hope to us and to all people. Amen.

Motions and Communications

Senators V. Smith and Rogers entered the Senate Chamber.

Senator DeGrow moved that rule 3.902 be suspended to allow the guest of Senator Byrum admittance to the Senate floor.

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

Senator Geake entered the Senate Chamber.

Senator V. Smith moved that Senators Young and Stallings be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senators Bouchard and Posthumus be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senator Carl be excused from today's session.

The motion prevailed.

The following communication was received:

Department of State

Administrative Rules
Notice of Filing

May 28, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:10 p.m. this date, administrative rule (97-5-10) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:

Office of the Senate Majority Leader

June 11, 1997

I would like to inform you that I have created a task force which is to be called the Task Force on Youth Gang Violence. Dr. Carl Taylor, a professor at Michigan State University as well as a prominent author and expert on gangs and youth violence, will chair this task force. The remaining members will include the following individuals:

Judge Antonio Viviano
 Pastor Eddie Edwards
 Ms. Trina Jones
 Lt. Gerard Simon
 Mr. Robert Ezelle
 Mr. Darnell Jackson
 Mr. Chris Flores
 Ms. Maria Garcia
 Mr. Haywood Julian

The Task Force on Youth Gang Violence is scheduled to hold a series of public hearings across the state. Using information gathered at the public hearings, the members will meet throughout the summer to develop recommendations which will be presented to the Legislature at a later date. As a result of their travel, the committee will incur various minor expenses which will be paid for through my administrative account.

Please make this communication an official part of the record. Thank you.

Sincerely,
 Dick Posthumus
 Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, June 12:

House Bill No. 4328

The Secretary announced the printing and placement in the members' files on Wednesday, June 11 of:

**House Bill Nos. 4874 4875 4876 4877 4878 4879 4880 4881 4882 4884 4885 4886 4887 4888
 4889 4890 4891 4892 4893 4894 4895 4896 4897 4898**

Messages from the House

Senate Bill No. 166, entitled

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has substituted (H-1) the bill as substituted.

The House of Representatives has passed the bill.

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

Senator DeGrow moved that rule 3.901 be suspended to allow filming from the Gallery.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Geake as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 345, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 105 and 108 (MCL 560.105 and 560.108), section 105 as amended and section 108 as added by 1996 PA 591.

Substitute (S-3).

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

1. Amend page 6, line 11, after "IN" by striking out the balance of the sentence and inserting "SUBDIVISIONS 109(B), 109(C), AND 109(D).".
2. Amend page 6, line 16, by inserting "LESS THAN".

3. Amend page 6, line 16, after "FEET" by striking out "OR LESS".
4. Amend page 7, line 2, after "PARCEL" by striking out "OF" and inserting "LESS THAN".
5. Amend page 7, line 2, after "FEET" by striking out "OR LESS".
6. Amend page 7, following line 11, by inserting:

"SEC. 109B. IF A PARCEL OR TRACT IS NOT ACCESSIBLE AND IS IN FORESTRY USE, AN EXEMPT SPLIT OF THE PARCEL OR TRACT IS NOT SUBJECT TO APPROVAL UNDER THIS ACT. HOWEVER, THE PROPRIETOR SHALL PROVIDE THE PURCHASER OF A RESULTING PARCEL WITH THE FOLLOWING WRITTEN STATEMENT BEFORE CLOSING:

"THIS PARCEL IS NOT ACCESSIBLE AS DEFINED IN THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO 560.293." "

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

During the Committee of the Whole, Senators Posthumus, Koivisto, Gast, Stallings, Young and Bouchard entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator V. Smith moved that Senator A. Smith be temporarily excused from the balance of today's session. The motion prevailed.

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

Senate Bill No. 526, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 356

Yeas—36

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, V.
Bullard	Emmons	North	Stallings
Byrum	Gast	O'Brien	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

Nays—0

Excused—2

Carl	Smith, A.
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 580, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 621 (MCL 418.621), as amended by 1994 PA 271.

The question being on the passage of the bill,

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

Roll Call No. 357

Yeas—28

Bennett	DeBeaussaert	Gougeon	Rogers
Bouchard	DeGrow	Hoffman	Schuette
Bullard	Dingell	Koivisto	Schwarz
Byrum	Dunaskiss	McManus	Shugars
Cherry	Emmons	Miller	Steil
Cisky	Gast	North	Stille
Conroy	Geake	Posthumus	Van Regenmorter

Nays—7

Berryman	O'Brien	Smith, V.	Young
Hart	Peters	Vaughn	

Excused—2

Carl	Smith, A.
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Not Voting—1

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:53 a.m.

11:25 a.m.

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

Senator DeGrow moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 345

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

Senator A. Smith entered the Senate Chamber.

Senator Shugars asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Shugars' statement is as follows:

In the east balcony, I, too, have two guests. The first guest is the current president for the Michigan Association of Certified Public Accountants (MACPA), Ed Dupke. Ed is the current president and he is a constituent of our Majority Leader, Dick Posthumus.

Next to Ed is the new Executive Director for MACPA, Peggy Dzierzawski. If we could have them stand and my colleagues give a warm welcome to those two, I'd appreciate it.

The following bill was read a third time:

Senate Bill No. 345, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 105 and 108 (MCL 560.105 and 560.108), section 105 as amended and section 108 as added by 1996 PA 591.

The question being on the passage of the bill,

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

Roll Call No. 358

Yeas—36

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young

Nays—1

DeGrow

Excused—1

Carl

Not Voting—0

In The Chair: President

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

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 105 and 109 (MCL 560.105 and 560.109), section 105 as amended and section 109 as added by 1996 PA 591, and by adding sections 109a and 109b.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator A. Smith stated that had she been present when the vote was taken on the passage of the following bill, she would have voted "yea":

Senate Bill No. 526

Senator A. Smith stated that had she been present when the vote was taken on the passage of the following bill, she would have voted "nay":

Senate Bill No. 580

By unanimous consent the Senate proceeded to the order of
Resolutions

Senate Concurrent Resolution No. 32.

A concurrent resolution to increase the total project cost of the Wayne State University Undergraduate Library project. The question being on the adoption of the concurrent resolution, The concurrent resolution was adopted.

Senate Concurrent Resolution No. 33.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Jackson Parole Camp.

The Secretary of the Senate made the following statement:

Madam President, and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney/Olds Plaza Building.

The question being on the adoption of the concurrent resolution,
 The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 359

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—1

Carl

Not Voting—0

In The Chair: President

Senate Concurrent Resolution No. 34.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections State Prison of Southern Michigan Reorganization (Phase I).

The Secretary of the Senate made the following statement:

Madam President, and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney/Olds Plaza Building.

The question being on the adoption of the concurrent resolution,
 The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 360**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—1**

Carl

Not Voting—0

In The Chair: President

Senate Concurrent Resolution No. 35.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Renovation.

The Secretary of the Senate made the following statement:

Madam President, and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney/Olds Plaza Building.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 361**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—1

Carl

Not Voting—0

In The Chair: President

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 75**Senate Resolution No. 76**

The resolution consent calendar was adopted.

Senators Dingell, Koivisto, Van Regenmorter, Steil and Posthumus offered the following resolution:

Senate Resolution No. 75.

A resolution commemorating the 45th Biennial State Convention of the Polish Legion of American Veterans USA, Department of Michigan, and the Ladies Auxiliary.

Whereas, It is a distinct pleasure to commemorate the 45th Biennial State Convention of the Polish Legion of American Veterans and the Ladies Auxiliary from August 21-24, 1997, at the Airport Hilton in Grand Rapids. This occasion is greatly anticipated by its members and regarded as an opportunity to renew friendships, share information and concerns, and draw inspiration from the past as they set the building blocks for a bright tomorrow; and

Whereas, The 4,000 members of the Michigan Department have just cause for pride in their achievements. They are part of a larger organization that includes approximately 10,000 members nationally. Posts in Michigan are located in Dearborn, Dearborn Heights, Hamtramck, Warren, Livonia, Bay City, Alpena, Belleville, Jackson, and Wyandotte. These are hubs of activity as members seek to serve the needs of veterans and their families. Projects run the gamut from fundraisers through poppy sales, to visiting veterans hospitals, and participation in parades on such patriotic occasions as Memorial Day, the Fourth of July, and Veterans Day. In addition to seeing to the pressing needs of veterans, their widows, and orphans, the Polish Legion of American Veterans provides a service officer at Iron Mountain and a veterans' service office in Hamtramck; and

Whereas, Posts and their auxiliaries provide outstanding services for the benefit of veterans of Polish descent and their families. The Polish Legion offers frequent opportunities for socializing and is a source of camaraderie and comfort to those who share a common Polish heritage, as well as a common bond of service to America; now, therefore, be it

Resolved by the Senate, That the highest tribute be accorded to the members of the Polish Legion of American Veterans USA, Department of Michigan, and the Ladies Auxiliary as they gather at their 45th Biennial State Convention; and be it further

Resolved, That a copy of this resolution be transmitted to the Commander of the Department of Michigan as evidence of our respect.

Senators Cherry, Young, Berryman, Hart, Schwarz, Stallings, Hoffman, Conroy, Shugars, Dunaskiss, Emmons, Gougeon and Bouchard were named co-sponsors of the resolution.

Senators Hart, Hoffman and Peters offered the following resolution:

Senate Resolution No. 76.

A resolution to congratulate David Lefere for winning the First-Team GTE Academic All-American for the 1997 season.

Whereas, David Lefere of Albion College was named a College Division First-Team GTE Academic All-American for the 1997 season; and

Whereas, Lefere (Jackson Luman Christi) was named to the GTE Academic All-American football team in 1995 and 1996, and David Lefere, a recent graduate with a 3.603 grade point average in economics and management, batted - 474 in 34 games. He had 57 hits, 75 total bases, 36 RBI and 17 stolen bases. This season he was second-team All-Michigan Intercollegiate Athletic Association in baseball and first-team in football; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby congratulate David Lefere for winning the First-Team GTE Academic All-American for the 1997 season; and be it further

Resolved, That we congratulate and honor David Lefere for a job well done. This is an accomplishment that only few are so honored to receive such an award.

Senators Stallings, Conroy, Shugars, Dunaskiss, Young, Emmons, Schwarz and Bouchard were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 13.

A concurrent resolution approving a general form of lease between the State of Michigan and the State Building Authority, relative to furnishings and equipment to be leased to the State of Michigan.

(For text of resolution, see Senate Journal No. 17, p. 184.)

The House of Representatives has adopted the concurrent resolution and named Reps. Prusi, Oxender, Wetters, Tesanovich, Brackenridge, Llewellyn and Dalman as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 24.

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.

(For text of resolution, see Senate Journal No. 23, p. 277.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

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 above bill was read a third time.

The question being on the passage of the bill,

Senator McManus offered the following amendments:

1. Amend page 10, line 14, after "pounds" by striking out "1,931.00" and inserting "1,793.00".
2. Amend page 10, line 15, after "pounds" by striking out "2,156.00" and inserting "2,002.00".
3. Amend page 10, line 16, after "pounds" by striking out "2,394.00" and inserting "2,223.00".
4. Amend page 10, line 17, after "pounds" by striking out "2,636.00" and inserting "2,448.00".
5. Amend page 10, line 18, after "pounds" by striking out "3,081.00" and inserting "2,670.00".
6. Amend page 10, line 19, after "pounds" by striking out "3,339.00" and inserting "2,894.00".
7. Amend page 10, line 20, after "pounds" by striking out "3,597.00" and inserting "3,117.00".

The amendments were not adopted, a majority of members serving not voting therefor.

Senator McManus requested the yeas and nays.

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

The amendments were adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 362**Yeas—20**

Berryman	Dunaskiss	McManus	Shugars
Byrum	Emmons	North	Smith, A.
Cisky	Gast	Rogers	Steil
DeGrow	Gougeon	Schuette	Van Regenmorter
Dingell	Koivisto	Schwarz	Young

Nays—17

Bennett	DeBeaussaert	Miller	Smith, V.
Bouchard	Geake	O'Brien	Stallings
Bullard	Hart	Peters	Stille
Cherry	Hoffman	Posthumus	Vaughn
Conroy			

Excused—1

Carl

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Gougeon's statement is as follows:

I rise to support the McManus amendment. The first point I would like to address is the one brought up by the previous speaker—and that is the information that I have is it's not the heavier trucks causing the damage on the highways. The tests and studies that I have over in my office that I would have brought today if I thought this was going to be the issue, is the damage is done by the weight per axle. If the axle weights are heavier, even on a smaller truck than they are on a bigger truck, the smaller truck, in fact, ends up doing more of the damage than the larger truck does.

I think the McManus amendment is important for all of the reasons that I also brought up yesterday—that is the preservation of farms and farm property here in the state of Michigan.

Somebody said yesterday that the productivity of the Michigan farmer and the reasons that their commodity prices were down so low was the result of their own success. They're so successful, they're flooding the market with commodities and driving the prices down.

I don't see that so much the issue as I see whether we are willing to stand up to the preservation of Michigan farms here in this state versus the willingness of other State Houses to stand up for the preservation of farms in Ohio and Indiana. It is true that farmers are the product of their own success in having low commodities prices. As I've told you before, those commodity prices are very similar to the prices they received 50 years ago. In fact, when we consider the value of a dollar today, they're getting ten cents on the dollar for the commodity prices. Forty or 50 years ago they could plant 300 acres of corn, perhaps, and trade that for a truck from the city of Detroit or the production facilities in and around Detroit. Today to buy the same truck, you've got to plant 3,000 acres and that's the disparity we're talking about.

So, when you talk about adding the cost on that the farmers are not masters of their own destiny. The commodity prices are determined by somebody else and we're saying that we're going to increase the cost of that freight by 30%. That's the 30% the farmer has to swallow and an already fragile situation. The question before us, though, is to recognize that those costs are going up for Michigan farmers. Are they also going up in the same way for Indiana farmers? Are they also going up in the same way for Ohio farmers? I would submit to you that the state Houses in Ohio and Indiana are not letting that happen to their farmers. We let it happen to our Michigan farmers. Then tomorrow morning you will get your fresh milk out of Ohio and Indiana, not Michigan.

I think we have a good deal going now, and I would address my concerns to our representatives here from Detroit, who, I hope, are hearing my words. I would tell the people in Detroit and Flint if they are listening, that there's a lot of Detroit Ford steel out there in farms all over the state of Michigan. There's a lot of Detroit Ford stainless steel hauling milk all over this state. Farmers of the state of Michigan are the customers for the factories and steel mills out of Detroit and you have to be willing to support Michigan farmers. If we lose them, then you will be buying the fresh milk that you enjoy today, every morning from Ohio and Indiana. When Ohio and Indiana go, then you will be importing that milk from Wisconsin and maybe the Dakotas. If we lose those farmers, then someday you will be importing your milk, like we do strawberries, from Los Angeles.

It wouldn't hurt any of us, whether you're from the city of Detroit or the city of Flint, or any place in this state to stand up for Michigan farmers, to preserve Michigan farmland and to preserve Michigan farmers. Support the McManus amendment.

Senator North's statement is as follows:

The previous two speakers, from the 34th District and also from the 23rd District, preempted most of my remarks. I would state that I heartily concur that the number of axles underneath a tractor trailer determines more the amount of damage that is not done, than a smaller truck with a more per axle load. So it is definite that the axle load is a factor. I think this is fair. I would just comment that instead of the railroad tracks in my area being used now by bicyclists, for about 10 months of the year, they are used by snowmobiles. I would hope that we do concur in the McManus amendment.

The President pro tempore, Senator Schwarz, assumed the Chair.

Senator McManus offered the following amendment:

1. Amend page 8, line 21, after "organization," by striking out "88" and inserting "65".

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

Senator Berryman offered the following amendments:

1. Amend page 6, line 22, after "the" by striking out "fee" and inserting "TAX".
2. Amend page 11, line 3, after the second "the" by striking out "fee" and inserting "TAX".
3. Amend page 16, line 22, after "The" by striking out "fee" and inserting "TAX".
4. Amend page 16, line 23, after "the" by striking out "fee" and inserting "TAX".

The question being on the adoption of the amendments,

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 363

Yeas—14

Berryman	DeBeaussaert	Peters	Stallings
Byrum	Hart	Smith, A.	Vaughn
Cherry	Koivisto	Smith, V.	Young
Conroy	O'Brien		

Nays—23

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	Miller	Shugars
Bullard	Gast	North	Steil
Cisky	Geake	Posthumus	Stille
DeGrow	Gougeon	Rogers	Van Regenmorter
Dingell	Hoffman	Schuette	

Excused—1

Carl

Not Voting—0

In The Chair: Schwarz

Senator Stille offered the following amendment:

1. Amend page 10, line 2, after "pounds" by striking out "491.00" and inserting "400.00".

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

Senator Miller offered the following amendment:

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

"Sec. 722. (1) ~~The~~ UNTIL DECEMBER 31, 1999, THE maximum axle load shall not exceed the number of pounds designated in the following provisions which prescribe the distance between axles:

(a) When the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(b) When the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.

(c) When axles are spaced less than 3-1/2 feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.

(d) Subdivisions (a), (b), and (c) shall be known as the normal loading maximum.

(2) ~~When~~ UNTIL DECEMBER 31, 2001, WHEN normal loading is in effect, the state transportation department and local authorities with respect to highways under their jurisdiction may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, which designation may be revised as

needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly, if there is no other axle within 9 feet of any axle of the assembly.

(3) Except as provided in subsection (8), on a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. When the maximum gross weight of a combination of vehicles with load does not exceed 73,280 pounds, 2 tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly. THIS SUBSECTION SHALL APPLY UNTIL DECEMBER 31, 2001.

(4) BEGINNING JANUARY 1, 2000, THE MAXIMUM GROSS VEHICLE WEIGHT FOR THE OPERATION OF VEHICLES SHALL NOT BE MORE THAN 80,000 POUNDS AND SHALL NOT EXCEED ANY OF THE FOLLOWING:

(A) TWENTY THOUSAND POUNDS ON 1 AXLE.

(B) A TANDEM AXLE WEIGHT OF 17,000 POUNDS PER AXLE INCLUDING ALL ENFORCEMENT TOLERANCES.

(C) AN OVERALL GROSS WEIGHT ON A GROUP OF 2 OR MORE CONSECUTIVE AXLES EQUALING:

$$W = 500 \frac{\sqrt{LN} + 12N + 36}{\sqrt{N-1}}$$

WHERE W = OVERALL GROSS WEIGHT ON A GROUP OF 2 OR MORE CONSECUTIVE AXLES TO THE NEAREST 500 POUNDS, L = DISTANCE IN FEET BETWEEN THE EXTREME OF A GROUP OF 2 OR MORE CONSECUTIVE AXLES, AND N = NUMBER OF AXLES IN THE GROUP UNDER CONSIDERATION. HOWEVER, 2 CONSECUTIVE SETS OF TANDEM AXLES MAY CARRY A GROSS LOAD OF 17,000 POUNDS PER AXLE EACH IF THE FIRST AND LAST AXLES OF THE CONSECUTIVE SETS OF TANDEM AXLES ARE NOT LESS THAN 36 FEET APART, AND THE GROSS VEHICLE WEIGHT DOES NOT EXCEED 80,000 POUNDS INCLUDING ALL ENFORCEMENT TOLERANCES.

(5) ~~(4)~~ The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(6) ~~(5)~~ During the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements, or pavements with a concrete base, shall be reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months shall be reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Upon receipt of a written application and good cause being shown, the state transportation department, for roads under their jurisdiction, and county road commissions, for roads under their jurisdiction, may permit exemptions from seasonal weight restrictions for milk on specified routes when requested. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant shall have the right to appeal to the state transportation commission or the county road commission. These exemptions shall not apply on county roads in counties which have negotiated agreements with milk haulers, or haulers of other commodities, during periods of seasonal load limits in years prior to the effective date of this 1993 amendatory act. This 1993 amendatory act shall not limit the ability of these counties to continue to negotiate such agreements.

(7) ~~(6)~~ The state transportation department, or a local authority with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where, in its discretion, conditions of the highways or the public health, safety, and welfare so warrant, and may impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway may require.

(8) ~~(7)~~ For the purpose of enforcement of this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, ON AND UNTIL DECEMBER 31, 1999, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. Pursuant to subsection ~~(8)~~ (4) OR (9) AS APPLICABLE, the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(9) ~~(8)~~ The loading maximum in this subsection shall apply to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds which are subject to the following load maximums:

(a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.

(b) A tandem axle weight of 34,000 pounds including all enforcement tolerances.

(c) An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W = 500 \frac{\sqrt{LN} + 12N + 36}{\sqrt{N-1}}$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semi-trailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection shall be subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches, but not more than 96 inches, apart, extending across the full width of the vehicle. THIS SUBSECTION SHALL APPLY UNTIL DECEMBER 31, 1999.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 364

Yeas—11

Bennett
Bouchard
Cisky

Conroy
DeBeaussaert
Geake

Hart
Hoffman
Miller

Peters
Smith, V.

Nays—26

Berryman
Bullard
Byrum
Cherry
DeGrow
Dingell
Dunaskiss

Emmons
Gast
Gougeon
Koivisto
McManus
North
O'Brien

Posthumus
Rogers
Schuette
Schwarz
Shugars
Smith, A.

Stallings
Steil
Stille
Van Regenmorter
Vaughn
Young

Excused—1

Carl

Not Voting—0

In The Chair: Schwarz

Senator North offered the following amendment:

1. Amend page 10, line 25, after "MCL 247.675." by inserting "EACH COMMERCIAL VEHICLE REGISTERED PURSUANT TO THIS SUBDIVISION SHALL RECEIVE A CREDIT OF 50% OF THE TOLL PER TRIP FOR EACH TRIP OVER THE MACKINAC BRIDGE AGAINST THE REGISTRATION TAX UNDER THIS SUBDIVISION. THE TOTAL CREDIT ALLOWED UNDER THIS SUBDIVISION IN A CALENDAR YEAR SHALL NOT EXCEED THE INCREASE IN REGISTRATION TAX IMPOSED BY THE 1997 AMENDATORY ACT THAT AMENDED THIS SUBDIVISION."

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

Senator Stille offered the following amendment:

1. Amend page 13, line 16, after "(a)" by inserting "AND EACH MOTOR VEHICLE PREVIOUSLY SUBJECT TO THE TAX SCHEDULE DESCRIBED IN SUBDIVISION (P)".

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

The President, Lieutenant Governor Binsfeld, resumed the Chair.

Senators Van Regenmorter, Hoffman and Steil offered the following amendments:

1. Amend page 9, line 23, after "in" by striking out the balance of the line through "(4)," on line 24 and inserting "SUBDIVISIONS (J) AND (P)".

2. Amend page 13, line 3, by inserting:

~~"(p) For each pickup truck or van, which pickup truck or van weights not more than 5,000 pounds and is owned by a business, corporation, or person other than an individual, TRUCK WEIGHING LESS THAN 80,000 POUNDS THAT IS DRIVEN LESS THAN 25,000 MILES IN MICHIGAN IN A YEAR, according to the following schedule of empty ELECTED GROSS weights:~~

Empty weights	Fee
0 to 4,000 pounds.....	\$ 39.00
4,001 to 4,500 pounds.....	44.00
4,501 to 5,000 pounds.....	49.00
ELECTED GROSS WEIGHTS	FEE
0 to 24,000 pounds	\$ 435.00
24,001 to 26,000 pounds	493.00
26,001 to 28,000 pounds	493.00
28,001 to 32,000 pounds	574.00
32,001 to 36,000 pounds	658.00
36,001 to 42,000 pounds	773.00
42,001 to 48,000 pounds	889.00
48,001 to 54,000 pounds	1,004.00
54,001 to 60,000 pounds	1,121.00
60,001 to 66,000 pounds	1,236.00
66,001 to 72,000 pounds	1,352.00
72,001 to 80,000 pounds	1,469.00

FOR EACH COMMERCIAL VEHICLE REGISTERED PURSUANT TO THIS SUBDIVISION \$15.00 SHALL BE DEPOSITED IN A TRUCK SAFETY FUND TO BE EXPENDED FOR THE PURPOSES PRESCRIBED IN SECTION 25 OF 1951 PA 51, MCL 247.675."

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

Senator Stille offered the following amendments:

1. Amend page 11, line 13, by striking out "1,501 pounds and over" and inserting "1,501 pounds to 5,000".

2. Amend page 11, following line 13, by inserting:

"5,001 pounds and over 100.00".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Rogers offered the following amendments:

1. Amend page 10, line 2, after "pounds" by striking out "491.00" and inserting "378.00".
2. Amend page 10, line 3, after "pounds" by striking out "558.00" and inserting "429.00".
3. Amend page 10, line 4, after "pounds" by striking out "558.00" and inserting "429.00".
4. Amend page 10, line 5, after "pounds" by striking out "649.00" and inserting "499.00".
5. Amend page 10, line 6, after "pounds" by striking out "744.00" and inserting "572.00".
6. Amend page 10, line 7, after "pounds" by striking out "874.00" and inserting "672.00".
7. Amend page 10, line 8, after "pounds" by striking out "1,005.00" and inserting "773.00".
8. Amend page 10, line 9, after "pounds" by striking out "1,135.00" and inserting "873.00".
9. Amend page 10, line 10, after "pounds" by striking out "1,268.00" and inserting "975.00".
10. Amend page 10, line 11, after "pounds" by striking out "1,398.00" and inserting "1,075.00".
11. Amend page 10, line 12, after "pounds" by striking out "1,529.00" and inserting "1,176.00".
12. Amend page 10, line 13, after "pounds" by striking out "1,660.00" and inserting "1,277.00".
13. Amend page 10, line 14, after "pounds" by striking out "1,931.00" and inserting "1,586.00".
14. Amend page 10, line 15, after "pounds" by striking out "2,156.00" and inserting "1,771.00".
15. Amend page 10, line 16, after "pounds" by striking out "2,394.00" and inserting "1,967.00".
16. Amend page 10, line 17, after "pounds" by striking out "2,636.00" and inserting "2,165.00".
17. Amend page 10, line 18, after "pounds" by striking out "3,081.00" and inserting "2,362.00".
18. Amend page 10, line 19, after "pounds" by striking out "3,339.00" and inserting "2,560.00".
19. Amend page 10, line 20, after "pounds" by striking out "3,597.00" and inserting "2,758.00".
20. Amend page 10, line 25, after "MCL 247.675." by inserting "FOR EACH TRUCK REGISTERED PURSUANT TO THIS SUBDIVISION WITH AN ELECTED GROSS WEIGHT OF MORE THAN 80,000 POUNDS, THE AMOUNT IMPOSED BY THIS SUBDIVISION SHALL BE INCREASED BY 15% BEGINNING OCTOBER 1, 1998."

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Peters offered the following amendment:

1. Amend page 2, line 24, after "TRIP" by inserting "FOR VEHICLES WITH ELECTED GROSS WEIGHTS UP TO 90,000 POUNDS, \$55.00 FOR VEHICLES WITH GROSS ELECTED WEIGHTS UP TO 130,000 POUNDS AND \$75.00 FOR VEHICLES WITH GROSS ELECTED WEIGHTS OVER 130,000 POUNDS".

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

Senator Peters offered the following amendment:

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

"Sec. 724. (1) A police officer or a duly authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed by the department of agriculture as a legal weighing device, and may require that the vehicle be driven to the nearest weighing station of the state transportation department for the purpose of allowing an officer or agent of the state transportation department or county road commission to determine whether the conveyance is loaded in conformity with this chapter.

(2) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section which are not paid in full immediately or for which a bond is not immediately posted in double the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent shall have all the powers conferred upon peace officers by the general laws of this state.

(3) An owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates section 722 is responsible for a civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. However, the court shall have discretionary power as to the amount of the civil fine within the schedule provided by this subsection and may impose the civil fine provided in section 907(3) for a civil infraction where, at the time of the violation, either the motor vehicle, motor vehicle and semitrailer, or trailer did not exceed the total weight which would be lawful for each unit by a proper distribution of the load upon the various axles supporting each unit.

(4) IN ADDITION TO SUCH FINE, THE OWNER OF A VEHICLE OR A LESSEE OF THE VEHICLE OF AN OWNER-OPERATOR, OR OTHER PERSON WHO IS LIABLE FOR A FINE UNDER SUBSECTION (3) SHALL BE LIABLE FOR AN ASSESSMENT EQUAL TO DOUBLE THE FINE WHICH SHALL BE DEPOSITED INTO THE MICHIGAN TRANSPORTATION FUND CREATED IN 1951 PA 51.

(5) ~~(4)~~ A driver or owner of a vehicle, truck or truck tractor, truck or truck tractor with other vehicles in combination, or special mobile equipment who knowingly fails to stop at or who knowingly bypasses any scales or weighing station is guilty of a misdemeanor.

(6) ~~(5)~~ An agent or authorized representative of the state transportation department or a county road commission shall not stop a truck or vehicle in movement upon a road or highway within the state for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented.

(7) ~~(6)~~ A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so by a police officer, or a duly authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor.”.

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

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 365**Yeas—18**

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Steil
Bullard	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
DeGrow	Hoffman		

Nays—19

Berryman	Dingell	O'Brien	Smith, V.
Byrum	Dunaskiss	Rogers	Stallings
Cherry	Hart	Schuette	Vaughn
Conroy	Koivisto	Shugars	Young
DeBeaussaert	Miller	Smith, A.	

Excused—1

Carl

Not Voting—0

In The Chair: President

Senator DeGrow moved to reconsider the vote by which the bill was defeated.

The question being on the motion to reconsider,

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

The motion prevailed.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 1:48 p.m.

1:55 p.m.

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

The question being on the motion to reconsider the vote by which the bill was defeated,
The motion prevailed.

The question being on the passage of the bill,

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

Roll Call No. 366**Yeas—20**

Bennett	DeGrow	Hoffman	Schwarz
Bouchard	Emmons	McManus	Shugars
Bullard	Gast	North	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter

Nays—15

Berryman	Dingell	Miller	Smith, A.
Byrum	Dunaskiss	O'Brien	Vaughn
Conroy	Hart	Rogers	Young
DeBeaussaert	Koivisto	Schuette	

Excused—1

Carl

Not Voting—2

Smith, V. Stallings

In The Chair: President

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

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 amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Miller, Berryman, Byrum, A. Smith, Conroy, DeBeaussaert and Rogers, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 581.

Senator Miller moved that the statements he made during the discussion of the amendment he offered be printed as his reasons for voting "no."

The motion prevailed.

Senator Miller's first statement is as follows:

Mr. President, year after year—we touched on it a little earlier—we have been talking about overweight trucks in this state and what it does not only to our roads, but to our bridges. One just has to drive on the freeway system in southeast Michigan along I-75 going north to the Bridge and you will see a lot of bridge work being done. The damage isn't being done by 5,000-pound cars. I'm not a rocket scientist and I don't pretend to be one. But when you look at a 5,000-pound car riding on a Michigan road and you look at a 164,000-pound truck, then you wonder why the roads start to crumble a little bit and why they start to crack.

We have failed to address this situation and I offer that if we're going to step up to the Chamber here and offer a concrete solution to fix Michigan's roads, then let's start with the problem of overweight trucks. Thirty-five states in

this country allow a maximum of 80,000 pounds. If people get up here and tell you they need the weight to transport steel, Mr. President, you cannot transport steel from Indiana, Illinois and Ohio into Michigan if the truck is over 80,000 pounds. It's against the law.

Once and for all—we've heard about all the arguments from the truckers and from the Teamsters—let's put Michigan's roads in sync with our neighboring states. Let's give back to the taxpayers some final long relief not only from a safety standpoint, but also from a crumbling road standpoint.

Senator Miller's second statement is as follows:

I see that there is some concern about doing some scientific studies here. I'll just say one thing. When I came here, I always thought that my goal was to listen to my constituents who sent me here. I want to tell you something. I challenge every member in this body that between now and next year's election, I want you to ask every one of your constituents what they think about overweight trucks. You can say that I'm nuts. You can say that my constituents are nuts. You can say that we do not have doctorate degrees in physics and science. That's not the point, Mr. President. The point here is that we are here to protect the constituents and the infrastructure of Michigan's roads, not listen to the scientific studies that destroy these roads. I'll put my faith in my constituents and I'll challenge any other member in this body that if you did a survey, it's going to come back to say that we are nuts for allowing trucks over 160,000 pounds in this state.

Senator Berryman moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Berryman's first statement is as follows:

Obviously, some phone calls were made. I want to make sure that my colleagues know you can call it anything you want to call it. The Constitution calls it a tax and this a tax increase. This is a tax increase that is not fair and across the board there are exemptions after exemptions after exemptions. I'm not going to vote for a tax increase until I see a whole package. You all can vote for this tax increase and raise these fees on a lot of different businesses around the state and people around the state and then nothing else happens in this gas tax package. People are not going to see their roads fixed but yet you've voted for a tax increase on registration of vehicles. I'm not going to put in that position.

If we really want to work on raising enough money that we're going to actually see and my constituents see their bridges fixed and their roads fixed, we ought to have a package on the floor, all tie-barred together, and if one doesn't go none of them go. So we know when we're all done voting that what we've done is actually going to improve the roads here in Michigan. The only thing you're doing by passing this bill is going after one segment of the solution. I would hate to hinge that debate with my constituents on, "well, we hope that something else is coming and we're going to deal with it." I think it's the wrong approach. We ought to have enough faith in the process that we can see a complete package out there.

Again, call it what you want—an assessment, a fee—the Constitution clearly calls it a tax. That's what it is. Madam President, I'm going to use this for my "no" vote explanation and I want to make you aware that I'm a convert to the trucks and the amount of damage that they're causing. I used to do the same thing and say that truckers are causing all the problems. Politically that was easy to do. I think today the trucks are causing an unbelievable amount of damage. But it's not because of Michigan's weight system. It's because of the quality of roads of Michigan. That's the problem. It's a lack of building a quality road that the industry can build if we would allow it. It's a lack of maintenance. Yet we're trying to pick on one particular industry.

Yes, again, I'm a convert. I hopefully have learned from this process. I think if the trucks that drive Michigan's roads the same as they drive in Indiana, Ohio and the rest of them, and you put them on a properly built smooth surface, you wouldn't see this problem. You wouldn't have this debate today. It's years of neglect that has caused this problem, not a particular segment of the population. So, yes, I've changed my mind. I've been convinced that there's a lot more to it than just blaming a particular segment of this state. We ought to stand up to the responsibility. We haven't stood up to that responsibility of properly maintaining Michigan's roads and properly allowing the industry to build a road that can last 25-35 years. They can do that. We just have not allowed them to do that.

To the leadership on the other side—I wish we would have a package in front of us that everyone of us, when we took these votes, knew when it was all done that none of them would take effect unless they all took effect. The bottom line was, what we were doing was actually going to raise enough money that would actually see our constituents see their roads improved. I'm certainly not convinced of that.

Senator Berryman's second statement is as follows:

The Senator from the 21st District was talking about getting more money back from the feds. I would like to remind him there were only four "no" votes in Washington a couple of weeks ago that would have brought at least \$200 million to \$295 million back to Michigan. Three of those were Republicans and one of those was a Democrat.

Senator Byrum moved that the statement she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Byrum's statement, in which Senator A. Smith concurred, is as follows:

I rise to speak in opposition of final passage of Senate Bill No. 581. I have to ask myself, why in isolation? We have an understanding that we need a comprehensive approach to funding Michigan's infrastructure and that is going to be embodied in a package with numerous bills. Why do this in isolation? We should be dealing with a package that is tie-barred. So when we go into the tough votes, on increasing fees or taxes, we understand the full implication and what the distribution might be in the process. This needs to be a comprehensive approach and they need to be tie-barred, but yet we do not even have all of the vehicles in place to tie-bar. You cannot even put a tie-bar amendment up because you do not know the package that it needs to be tie-barred to. This whole subject are tough votes, but they are critical to Michigan. They are critical today and they are critical to our future. I cannot in good conscience put up a vote today, being totally unclear on certain and not even having in front of me what that total package is going to entail. That is not doing the job the way it needs to be done. So at this point, I am going to vote "no" because we do not have the whole package before us, it is not tie-barred and the big question that I have in my mind is what is the distribution?

Senator Conroy moved that the statement he made during the discussion of the amendment offered by Senator Miller be printed as his reasons for voting "no."

The motion prevailed.

Senator Conroy's statement is as follows:

Mr. President, I think the one thing that was brought up here that I have a concern with is what Senator Berryman said about the quality of the roads. Senators Gougeon and Cisky come down I-75 and they see at least in the Flint area a blacktop application that has been put over a scrubbed out previous asphalt. They'll put three inches on and take five months to do it. Then five years later, they go bumpity, bumpity, bump again. The applicators, being the state highway department, probably struggling for funds, reduce the quality of the application. You know where Indiana is putting in a large base foundation over sand with a drainage system and then 12 inches of concrete, at the most we're putting in nine inches of concrete, even where we have put in a new concrete highway, which we don't seem to have as many over in our neck of the woods. But I think the application itself is defective in terms of it lasting. So it's only a five-year approach to fixing the roads. It just seems to me that the engineers' idea of what makes sense is inapplicable. So the application of this engineering marvel of 18 wheels and no damage doesn't even apply because this three-inch coating is certainly not something that is designed for 18-wheelers to begin with.

At least the Miller amendment is going at damage and putting the blame where the blame is. Even though we need to have commerce transported, clearly, we've allowed it. It's been our fault. We've increased the size of these vehicles I don't know how many feet since I've been here. So we're part of the problem in terms of fixing it. I haven't seen such a solution that he's proposing, but clearly it goes right straight at who's causing the damage. They're causing the damage because the department has been a part of putting up defective roads. Oh yes, they look very nice and very smooth. If you're not aware of it, in the off-expressway roads, there is only an inch and a half of asphalt that they're putting on—an inch and a half—and they last for about four years.

Everybody is a part of the problem in terms of defective installation and they blame it on the fact that they don't have enough money; that somehow or another we're not providing them with enough money. That all is probably true as well. I just don't think that we should let this go by based on some engineering feat because the accuracy would be accurate if we were building the roads to the 18-wheeler test. We are not doing that.

Senator DeBeaussaert moved that statements he made during the discussion of amendments offered by Senators McManus and Miller be printed as his reasons for voting "no."

The motion prevailed.

Senator DeBeaussaert's first statement is as follows:

I appreciate the little educational seminars that we've been experiencing. I don't have any studies in my back pocket, one way or the other on this. I think as some of the previous speakers have indicated, especially my colleague from Macomb County, the public has some questions that they'd like answered as it relates to all of this. They don't have studies either, but they know that in this state, we allow heavier weights than virtually any other state. I guess we have Louisiana that joins us in that category. At the same time they see that we have some of the worst roads in the country. They make a connection between the two. That may or may not be a valid connection, but the additional question that they raise and that I would raise is, if, in fact, our system is so superior going by the per-axle weight, why haven't other states adopted that approach? Does all the engineering wisdom of the country reside in the state of Michigan? It seems to me that there are some serious questions that haven't been addressed, at least that hasn't had that approach. The per-axle weight hasn't been endorsed by the other states around the country.

I'm going to oppose the McManus amendment because I think it does, in a small way, attempt to address the concern that these trucks may, in fact, be causing greater damage. It's my understanding that the difference between the McManus amendment and the bill that's before us is about \$750,000. I think that is a relatively small price to pay considering the cost of the damage to the roads across the state. I'm going to oppose the amendment. I'd ask for a "no" vote.

Senator DeBeaussaert's second statement is as follows:

If that is in fact the case, that Michigan is allowed this exception because of a loophole in the law that we've been grandparented in some cases, there have been a lot of changes in this country since 1955. In fact, this is such sound science, you'd think that across this country the scientists would be rising up and urging the federal government to change that standard. That hasn't happened. There's obviously a reason why that hasn't happened. I'm going to support the Miller amendment.

Senator DeBeaussaert's third statement is as follows:

I did support the amendments to this bill that were offered by Senator Peters, which would assess additional fines for trucks that are illegally overweight. It seems to me that the bigger problem is what we allow legally in this state and the adoption of the McManus amendment, which stripped the language attempting to target those trucks that have the highest weight in this state and the failure of the Miller amendment which would have banned those large trucks, seems to me to have missed the point of concern for so many Michigan citizens that the large trucks, in fact, are causing a great deal of harm. The cost for fixing the roads in this package is assessed across the board rather than targeting those who I think should be addressed more directly. That's why I voted "no."

Senator Rogers moved that the statement he made during the discussion of the amendment he offered be printed as his reasons for voting "no."

The motion prevailed.

Senator Rogers' statement is as follows:

This amendment is a bit of a modification on the McManus amendment. I look at what we're trying to do here and if I understand this correctly, and I certainly don't profess to understand what we do here today, is to get after the trucks that are overweight, over the 80,000 pounds, the ones that are causing the damage. Even by the University of Michigan's Transportation Research Institute that I believe most Senators have on their desks, they argue that in fact our system is a good system, engineering-wise and based on good science. It's on axle weight. It's not overweight trucks. But they did defer on one topic and that was bridges. They couldn't specifically say what damage that extra weight had done to our bridges.

Well, the bridges are, in the grand scheme of things, smaller of the two—money we spend on roads and money we spend on bridges. So, maybe there is some logic for raising the fee on those heaviest of trucks. However, before we get into that portion of this, I just wanted to talk a little bit about what trucks pay. I had a person in my district send me something. He's a very small hauler of motor fuel for the local area. He doesn't even leave one, in particular, county. Last year—this is just for one rig—for his federal road tax it was about \$4,800, the Michigan road tax was about \$1,800, sales tax on that was about \$960, the MUSTFA money that he paid was \$175, his Michigan registration \$2,400. The increase that we just gave them, this is important now—we just heaped an increase on these folks—costs them about \$500 per truck for this year.

We just increased the cost of doing business in Michigan on these guys, on this particular hauler, about \$500 per truck. Then he gets hit with an IRS heavy vehicle use tax—\$550. That is over \$11,000 for that truck. That's one truck. That's the tractor. For his trailer that he hooks up to it, he pays a Michigan registration fee, a Michigan vapor test, a United States Department of Transportation hazardous material fee, a USDOT driver physical, a USDOT driver drug test, a USDOT emergency contact at \$165 for a total of about another \$1,100.

That truck costs him, when he rides down the road, just about \$13,000 before he can make one penny. So trucks—we've got to get the mentality here that these folks are getting off scot-free is absolutely ridiculous. This is a small hauler, a small hauler. He doesn't even get out of one county. He's a little nervous about this, but he said, "We'd understand if you just don't hurt us too bad." Well, if we're not worried about the folks who are under 80,000 pounds because we all agree that's the right weight apparently with Ohio and Indiana and all those states, and we want to do everything they're doing, apparently, so let's exempt them. They're not doing the harm. Let's not hit them again. We just hit them with an increase in the cost of doing business in Michigan with that effective rate of about two cents a gallon on diesel fuel tax that they're going to pay. We just whacked them with that. Let's exempt them. There may be a cause to get after them for the bridges. They even recognize that but let's not gouge them too bad. Let's have the 30 percent that McManus talked about in his bill but phase it in over two years. Don't hit them again, right now, all of it.

We've got to be cognizant. These are some of the small business men and women in the state who are making our engine run. Just because they're easy targets, because they're big trucks floating down the road ought not to be a reason that we gouge their profits. Maybe \$500 increased costs doesn't sound like much, but to this guy's salary, it's a bump and we're going to hit him again with a fee increase. I think this is reasonable. I think this is what we need to do to say "thanks" to all those small businesses who continue to drive our economic recovery. It's not the Big Three. It's these small guys. They're creating most of the jobs. They're going to continue to create most of the jobs. Let's not gouge them today. Let's use common sense about this and do the right thing for them. It still gives us enough bump that maybe we can put that money toward bridges. Let's not punish the 87 percent of the people that we're saying in this Chamber are doing the right thing by running under 80,000 pounds.

Senator Shugars asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Shugars' statement is as follows:

I voted in support of this after hearing from my constituents about their concern for overweight trucks and trucks on highways. I think an increase to those is much more acceptable than for someone to introduce a gas tax that hurts not only the seniors, but the economically disadvantaged. I think a gas tax is the most regressive and unfair tax to our seniors who are on fixed incomes and economically disadvantaged individuals who are on fixed incomes. Some suggest that it's better to have a gas tax on them and to not have an increase fee on trucks that are overweight and are beating up the bridges. We have testimony on that. The constituents feel quite strongly that there are too many trucks and too many heavy trucks on the roads now.

I, for one, support my seniors and would like to help them as much as I can, rather than the truckers in this particular case. The Senate did pass tort reform. They did pass warranties on the roads and asked that the license fees be used for roads rather than for Secretary of State and other non-road departments.

I want to remind my colleagues that I think it's incredible that the state of Michigan for the last seven years has paid \$1.4 billion to the federal government that went to foreign aid, that went to defense and went to other programs that the federal government has and never went to roads not only in the state of Michigan, but nowhere in the United States. I think it's incredible that roads in Bosnia are better than roads in America. I think it's time that Congress steps up and the money that's been paid for roads—the users fees—be used for roads. They need to step up and send it back to the state governments.

I think it's about time that the House of Representatives pass some of the bills that the Senate has passed, like tort reform and the interest on the Rainy Day Fund. It's imperative that if everybody talks about the roads are bad and we need to fix them, then let's make sure their money gets into the construction this year and not play politics and push it into next year.

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Tuesday, June 24.
The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 164, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 172, entitled

A bill to make appropriations for the department of military affairs for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senate Bill No. 342, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 411h and 411i (MCL 750.411h and 750.411i), section 411h as added by 1992 PA 260 and section 411i as added by 1992 PA 261.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 14, after "IS" by striking out "2" and inserting "5".
2. Amend page 6, line 22, after "probation," by inserting "A CONDITION OF PAROLE,".
3. Amend page 7, line 11, after "IS" by striking out "2" and inserting "5".

4. Amend page 7, line 13, after the first "THAN" by striking out "20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00" and inserting "10 YEARS OR A FINE OF NOT MORE THAN \$15,000.00".

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title of the bill.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Stille introduced

Senate Bill No. 606, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 53d. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Stille, Rogers, Steil, Carl, Bennett, Shugars and Dunaskiss introduced

Senate Bill No. 607, entitled

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

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

Senators Stille, Rogers and Shugars introduced

Senate Bill No. 608, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43536 (MCL 324.43536), as amended by 1996 PA 585.

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

Senator McManus introduced

Senate Bill No. 609, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and section 210 (MCL 37.2210), the title as amended by 1992 PA 258, and by adding section 210a.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Stille introduced

Senate Bill No. 610, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Shugars introduced

Senate Bill No. 611, entitled

A bill to repeal 1935 PA 140, entitled "An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933," (MCL 752.161 to 752.162).

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:19 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, June 24, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

