

No. 69
JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, July 16, 1997.

12:01 a.m.

The House was called to order by Acting Speaker DeHart.

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—absent	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—excused	Rhead—present
Basham—absent	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. James “Mick” Middaugh, from the 80th District, offered the following invocation:

“Dear Lord, Give us wisdom, give us strength, and give us courage as we conclude our legislative work this morning. Keep us safe as we travel to our families later today. In Jesus’ name we pray. Amen.”

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

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

Notices

July 16, 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 assumed the Chair.

Rep. Gagliardi moved that a respectful message be sent to the Senate requesting the return of **House Bill No. 4191**.
The motion prevailed.

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

The Senate returned, in accordance with the request of the House

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.

Rep. Gagliardi moved to reconsider the vote by which the House concurred in the adoption of the substitute (S-4), as amended,

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

Rep. Gagliardi moved to reconsider the vote by which the House adopted the amendment offered previously by Reps. Dobb, Brackenridge and LeTarte.

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

The question being on the adoption of the amendment offered previously by Reps. Dobb, Brackenridge and LeTarte, Rep. Dobb demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Dobb, Brackenridge and LeTarte,

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

Roll Call No. 773

Yeas—46

Baade
Banks

DeHart
DeVuyst

LeTarte
Llewellyn

Rhead
Rocca

Bodem	Dobb	Lowe	Schauer
Bogardus	Emerson	Mathieu	Schermesser
Brackenridge	Frank	McNutt	Schroer
Brater	Freeman	Middaugh	Varga
Brown	Galloway	Nye	Voorhees
Callahan	Godchaux	Olshove	Wetters
Ciaramitaro	Goschka	Owen	Whyman
Crissman	Gubow	Palamara	Willard
Cropsey	Hood	Profit	Wojno
Curtis	Horton		

Nays—56

Anthony	Green	Kelly	Price
Baird	Griffin	Kilpatrick	Prusi
Birkholz	Gustafson	Kukuk	Quarles
Bobier	Hale	LaForge	Rackowski
Brewer	Hammerstrom	Leland	Richner
Byl	Hanley	London	Rison
Cassis	Harder	Mans	Scott
Dalman	Hertel	Martinez	Scranton
Dobronski	Jansen	McBryde	Sikkema
Fitzgerald	Jaye	McManus	Stallworth
Gagliardi	Jelinek	Middleton	Tesanovich
Geiger	Jellema	Oxender	Thomas
Gernaat	Johnson	Parks	Vaughn
Gilmer	Kaza	Perricone	Wallace

In The Chair: Hertel

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. 774**Yeas—85**

Anthony	Gagliardi	Kelly	Perricone
Baade	Galloway	Kilpatrick	Price
Baird	Geiger	Kukuk	Prusi
Birkholz	Gernaat	LaForge	Quarles
Bodem	Goschka	Leland	Rackowski
Bogardus	Green	Llewellyn	Rhead
Brewer	Griffin	London	Richner
Brown	Gustafson	Mans	Rison
Byl	Hale	Martinez	Rocca
Callahan	Hammerstrom	Mathieu	Schauer
Cassis	Hanley	McBryde	Schermesser
Cherry	Harder	McManus	Scott
Ciaramitaro	Hertel	McNutt	Scranton
Crissman	Hood	Middaugh	Sikkema
Curtis	Horton	Middleton	Tesanovich
Dalman	Jansen	Murphy	Thomas
DeHart	Jaye	Olshove	Vaughn

DeVuyst
Dobronski
Fitzgerald
Frank
Freeman

Jelinek
Jellema
Johnson
Kaza

Owen
Oxender
Palamara
Parks

Wallace
Whyman
Willard
Wojno

Nays—19

Agee
Banks
Bobier
Brackenridge
Brater

Cropsey
Dobb
Emerson
Gilmer
Godchaux

Gubow
LeTarte
Lowe
Nye
Profit

Schroer
Varga
Voorhees
Wetters

In The Chair: Hertel

Reps. DeVuyst, Gustafson, Johnson, Kelly and Murphy were named co-sponsors of the bill.

Rep. Brackenridge moved that his name be removed as sponsor of the bill.
The motion prevailed.

Rep. Dobb moved that her name be removed as sponsor of the bill.
The motion prevailed.

Rep. Gubow moved that his name be removed as sponsor of the bill.
The motion prevailed.

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

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

“Mr. Speaker and members of the House:

The Senate replaced the language the House added to HB 4191 that opened the tax credit up to all college students. The Senate believes that the family of a college student should only receive a income tax credit if they chose the right university which complied with the Senate’s view of how a university should be run. What arrogance! What pride! What a mistake! Families never know when they choose a university whether it will meet the litmus test the Senate has ordained.

Oh no! Marge, ABD University raised their tuition more than the Senate liked to replace that building they lost in the fire. I guess we don’t get a tax credit for our son or daughter. If we had only known we would have sent them to XYZ University then we would have gotten the credit.

I cannot support the changes the Senate made nor the removal of the Dobb amendment.

God so loved the world, he didn’t send a committee. Its to bad he agreed to allow us to create and pass our own laws.”

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

“Mr. Speaker and members of the House:

I voted no on HB4191 because I feel strongly that the tuition credit should be offered to all taxpayers attending Michigan colleges and universities and not just those on a select list. Parents and students have little control over tuition increases. The legislature, however, can influence the colleges’ administrations through the appropriations process. This House passed the tuition credit overwhelmingly without the CPI limiter. It’s a shame that members compromised fair public policy for the sake of a tax increase package with very limited, very targeted tax credits.”

Senate Bill No. 303, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending the title and sections 10, 10e, 11, 12, and 13 (MCL 247.660, 257.660e, 247.661, 247.662, and 247.663), the title as amended by 1992 PA 223 and sections 10, 11, 12, and 13 as amended by 1993 PA 294, and by adding sections 1g, 1h, 9b, 15a, and 15b.

The Senate has amended the House substitute (H-3) as follows:

1. Amend page 7, line 25, after "appropriated," by striking out the balance of the line through "(G)" on line 26 and inserting "FOR THE FISCAL YEARS ENDING SEPTEMBER 30, 1993 THROUGH SEPTEMBER 30, 1998".

2. Amend page 9, following line 3, by striking out all of subdivisions (C), (D), and (E) and inserting:

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

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

(E) \$43,000,000.00 TO THE STATE TRUNK LINE FUND FOR DEBT SERVICE COSTS ON STATE OF MICHIGAN PROJECTS."

3. Amend page 10, line 3, after "THROUGH" by striking out "(E)" and inserting "(G)".

4. Amend page 10, line 18, after "(2)" by striking out the balance of the line through "law," on line 19 and inserting "If a distribution formula is not enacted into law for any time period beginning after September 30, 1998,".

5. Amend page 10, line 21, after "year" by inserting "thereafter".

6. Amend page 10, following line 23, by inserting:

"(A) 80% OF THE REVENUE RECEIVED IN THE SAME PERCENTAGES AS THE DISTRIBUTION FORMULA IN EFFECT BEFORE OCTOBER 1, 1998 TO THE STATE TRUNK LINE FUND UNDER THE CONDITIONS PROVIDED IN SECTION 11, TO THE COMPREHENSIVE TRANSPORTATION FUND UNDER THE CONDITIONS PROVIDED IN SECTION 10E, TO THE COUNTY ROAD COMMISSIONS UNDER THE CONDITIONS PROVIDED IN SECTION 12, AND TO THE CITIES AND VILLAGES UNDER THE CONDITIONS PROVIDED IN SECTION 13." and relettering the remaining subdivisions.

7. Amend page 11, line 26, after "(4)" by striking out the balance of the line and inserting "The distribution formula enacted into law after September 30, 1998".

8. Amend page 12, line 18, by striking out all of subsection (6) and renumbering the remaining subsection.

9. Amend page 15, line 7, after the first "of" by inserting "up to".

10. Amend page 16, line 2, after the first "of" by inserting "up to".

11. Amend page 21, line 22, after the first "FOR" by inserting "EITHER MATCHING FEDERAL FUNDS FOR LOCAL BUS CAPITAL OR".

12. Amend page 32, line 23, after "tion" by striking out "10(1)(D)" and inserting "10(1)(G)".

13. Amend page 39, line 21, after "section" by striking out "10(1)(D)" and inserting "10(1)(G)".

14. Amend page 45, line 8, after "ARE" by striking out the balance of the line through "\$10,000.00" on line 9 and inserting "EXTRAS AND OVERRUNS SUFFICIENT TO REQUIRE APPROVAL OF EITHER THE STATE ADMINISTRATIVE BOARD OR THE COMMISSION, OR BOTH,".

15. Amend page 46, following line 3, by inserting:

“(13) ANY PERFORMANCE AUDITS OF THE DEPARTMENT SHALL BE CONDUCTED ACCORDING TO GOVERNMENT AUDITING STANDARDS ISSUED BY THE UNITED STATES GENERAL ACCOUNTING OFFICE.

Sec. 11c. All federal aid construction projects, ~~and~~ all other projects of the department concerning highways, streets, roads, and bridges, whose cost exceeds ~~\$20,000.00~~ \$100,000.00 for construction or maintenance as defined in section 11, shall be performed by contract awarded by competitive bidding unless the department shall affirmatively find that under the circumstances relating to those projects, some other method is in the public interest. All of those findings shall be reported to the state transportation commission 90 days before work is commenced and promptly in writing to the appropriations committees of the senate and house of representatives. However, in a case in which the department determines emergency action is required, the reports need not be filed before work is commenced but shall be promptly filed. LOCAL ROAD AGENCIES THAT MAKE A DECISION NOT TO PERFORM CONSTRUCTION OR MAINTENANCE PROJECTS EXCEEDING \$100,000.00 SHALL CONTRACT FOR THIS WORK THROUGH COMPETITIVE BIDDING.”

16. Amend page 50, line 4, after “(9)” by striking out “MONEY” and inserting “Not to exceed 30% per year of the amount”.

17. Amend page 50, line 7, after “county.” by inserting “Not to exceed 15% per year of the amount returned to a county for expenditure on the county local road system may be used, with or without matching, on the county primary road system of that county, and not to exceed an additional 15% per year of the amount returned to a county for expenditure on the county local road system, may, in case of an emergency or with the approval of the state transportation department, be expended, with or without matching, on the county primary road system of that county.”.

18. Amend page 50, line 22, by inserting:

“(10) Not less than 20% per year of the funds returned to a county by this section shall be expended for snow and ice removal, the construction or reconstruction of a new highway or existing highway, and the acquisition of a necessary right of way for those highways, and work incidental to those highways, or for the servicing of bonds issued by the county for these purposes. Surplus funds may be expended for the development, construction, or repair of an off-street parking facility.” and renumbering the remaining subsections.

19. Amend page 59, line 12, after “OFFICE.” by inserting “THE DEPARTMENT OF TREASURY SHALL PROVIDE 6 MONTHS NOTICE TO THE COUNTY ROAD COMMISSION OR COUNTY BOARD OF COMMISSIONERS, AS APPLICABLE, OF THE STANDARDS TO BE USED FOR AUDITS PERFORMED UNDER THIS SUBSECTION PRIOR TO THE FISCAL YEAR IN WHICH THE AUDIT IS CONDUCTED. THE DEPARTMENT SHALL NOTIFY THE COUNTY ROAD COMMISSION OR COUNTY BOARD OF COMMISSIONERS OF ANY SUBSEQUENT CHANGES TO THE STANDARDS.”.

20. Amend page 59, line 15, by striking out all of subsections (22), (23), and (24).

21. Amend page 66, line 6, after “(a)” by striking out the balance of the subdivision and inserting “Not to exceed 25% per year of the amount returned to a city or village for use on the major street system, may be expended on the local street system of that city or village and not to exceed an additional 15% per year of the amount returned to an incorporated city or village for expenditure on the major street system, may, in case of an emergency or with the approval of the state transportation department, be expended on the local street system of that city or village.”.

22. Amend page 66, line 16, by inserting:

“(b) Money returned for expenditure on the major street system may be expended on the local street system in an amount equal to the amount of local revenues, as provided in subsection (5), expended by the city or village on the major street system or on state trunk line highways, and to the extent that that amount of major street money is not transferred for expenditure on the local street system in that year, major street money received during the next succeeding 2 years may be transferred for expenditure on the local system until the amount so authorized for transfer is fully expended.” and relettering the remaining subdivisions.

23. Amend page 68, line 21, after “OFFICE.” by inserting “THE DEPARTMENT OF TREASURY SHALL PROVIDE NOTICE TO CITIES AND VILLAGES OF THE STANDARDS TO BE USED FOR AUDITS UNDER THIS SUBSECTION PRIOR TO THE FISCAL YEAR IN WHICH THE AUDIT IS CONDUCTED. THE DEPARTMENT SHALL NOTIFY CITIES AND VILLAGES OF ANY SUBSEQUENT CHANGES TO THE STANDARDS.”.

24. Amend page 68, line 23, by striking out all of subsections (11) and (12).

25. Amend page 69, following line 15, section 15B, by striking out all of subsection (4) and inserting:

“(4) A RIGHT-OF-WAY MAY BE MOWED AS NECESSARY TO MAINTAIN HEALTH AND SAFETY.”.

26. Amend page 69, following line 15, enacting section 1, by striking out “(c) House Bill No. 4371.” and inserting “(c) Senate Bill No. 208.”.

The Senate has concurred in the House substitute (H-3) as amended and amended the title to read as follows:

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up

and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending the title and sections 10, 10e, 11, 11c, 12, and 13 (MCL 247.660, 247.660e, 247.661, 247.661c, 247.662, and 247.663), the title as amended by 1992 PA 223 and sections 10, 11, 11c, 12, and 13 as amended by 1993 PA 294, and by adding sections 1g, 1h, 9b, 15a, and 15b.

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. 775

Yeas—79

Baird	Fitzgerald	Johnson	Perricone
Bankes	Frank	Kelly	Price
Birkholz	Gagliardi	Kilpatrick	Quarles
Bobier	Galloway	LaForge	Raczkowski
Bodem	Geiger	Leland	Rhead
Brackenridge	Gernaat	LeTarte	Richner
Brater	Gilmer	London	Rison
Brewer	Godchaux	Mans	Rocca
Brown	Green	Martinez	Schauer
Byl	Gustafson	Mathieu	Scott
Callahan	Hale	McBryde	Scranton
Cassis	Hammerstrom	McManus	Sikkema
Cherry	Hanley	McNutt	Stallworth
Ciaramitaro	Harder	Middaugh	Thomas
Crissman	Hertel	Middleton	Varga
Cropsey	Hood	Murphy	Vaughn
Curtis	Horton	Nye	Voorhees
Dalman	Jansen	Olshove	Wallace
DeVuyst	Jelinek	Oxender	Wetters
Dobronski	Jellema	Parks	

Nays—25

Agee	Goschka	Llewellyn	Schermesser
Anthony	Griffin	Lowe	Schroer
Baade	Gubow	Owen	Tesanovich

Bogardus	Jaye	Palamara	Whyman
DeHart	Kaza	Profit	Willard
Dobb	Kukuk	Prusi	Wojno
Freeman			

In The Chair: Hertel

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

This bill does not require Indian run gas stations to pay gas tax and undergo compliance audits.

This bill expands racist minority preferences in road contracts which currently cost taxpayers over \$28 million annually in overcharges. Taxpayers also currently pay for \$2 million in minority compliance bureaucrats at MDOT and private road firms must pay approximately \$6 million in company bureaucrats to produce all the compliance reports for the minority bureaucrats. This bill continues the diversion of 59% of gas tax money (\$286 million) to non road projects like mass transit, state bureaucrats, wetland creation and corporate welfare of train subsidies. This bill simply raises taxes and fees permanently by \$269.1 million without implimenting the following reforms:

ALTERNATIVES TO A STATE GAS TAX INCREASE

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

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

A. Attorney General	\$2.5 million
B. Management & Budget	\$1.6 million
C. DNR/DEQ	\$0.8 million
D. Treasury	\$6.3 million
E. Legislative Auditor General	\$0.5 million
F. Secretary of State	\$81.6 million
G. State Police	\$5.7 million
H. Civil Service	\$4.2 million
6. End the special 10% of gas tax money which goes to mass transit before any allocations to Act 51 funding formula -- saving \$69 million.
7. End special Detroit Subsidies of Trolley car \$500,000 and Detroit People Mover \$4.2 million, and maintenance of Detroit Highways \$25 million -- total savings \$30 million.
8. Eliminate state money for road and infrastructure improvements for new Tiger Stadium, transfer funds to improve existing local roads -- saving \$55 million.
9. Lawsuit reform by strictly limiting government liability for road maintenance Stille/Jaye Legislation: cutting lawsuits budget by 80% at MDOT, and also saving another 5% of maintenance in excessive tree removal and unnecessary signs -- saving \$35 million.
10. Eliminate the corporate welfare of special Diesel fuel tax breaks -- saving \$12 million.
11. Increase fares for non poor/handicapped uses of mass transit, people mover fare 50 cents, carnival rides cost \$1.25 -- saving \$9 million.
12. Eliminate Corporate welfare of train freight and passenger subsidy -- saving \$4.4 million.
13. Eliminate Corporate welfare of commercial forest road maintenance -- saving \$5 million.
14. Repeal the union wage overcharges and pay local wage rate -- saving \$35 million.
15. Eliminate public Transportation Discretionary special grants -- saving \$20 million.
16. Sell State owned rail tracks - saving \$33 million.

17. 10% cut in land acquisitions -- saving \$6 million.
 18. 5% cut in capitol outlays -- saving \$21 million.
 19. End subsidy of rich people and vacationers Drummond Island Boat ferry -- saving \$1 million.
 20. Have private firms run rest stops not state bureaucrats -- saving \$496,000.
 21. Moderate excessive environmental regulations on road & bridge projects like 2 for 1 wetland replacement -- saving \$15 million.
 22. Privatize the engineering functions at MDOT -- 10% savings \$75 million.
 23. Reduce Michigans' truck cargo weight laws which are the highest in the nation.
 24. Make farmers subject to all fuel taxes.
- * Michigans' higher speed limits means more gas burned and more gas tax generated.

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

"Mr. Speaker and members of the House:

This so-called reform legislation continues the practice of preferential treatment in awarding contracts on transportation projects.

This is the second time we have been asked to approve legislation that continues the practice of preferential treatment.

Preferential treatment as a public policy needs to be addressed and repealed when awarding transportation contracts.

The Senate-passed version also increases the threshold on when the state Department of Transportation must engage in competitive bidding from \$20,000 to \$100,000. In short, it is long on political rhetoric and short on real reform."

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 303 because it contains one very serious flaw. It allows for guaranteed set-aside minority contracts which does a tremendous disservice to both minorities and taxpayers. The wording of this bill requires MDOT to establish technical assistance programs to minority contractors, and that those contractors would be required to be in enterprise or empowerment zones.

I support the right of minority contractors to bid competitively, and I would fight for their right to be involved in the process every step of the way. However, when contracts are guaranteed to anyone, there is inherently the lack of a competitive bid. Not only does this send the wrong message that minority contractors cannot make it on their own when they certainly can and do, the taxpayers lose out because they may possibly pay top dollar for jobs that would cost less.

We put the sunset back on this bill and many good reforms are in, but this provision of which I have spoken is unacceptable."

The Speaker laid before the House

House Bill No. 4872, entitled

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

(The bill was received from the Senate on July 10, with substitute (S-8), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until July 15, see House Journal No. 67, p. 1862.)

The question being on concurring in the adoption of the substitute (S-8) made to the bill by the Senate,

Rep. Alley moved to amend the Senate substitute (S-8) as follows:

1. Amend page 5, line 14, after the first "the" by striking out "twentieth" and inserting "TENTH, TWENTIETH, AND THIRTIETH".
2. Amend page 5, line 14, after the second "the" by striking out "twentieth" and inserting "TENTH, TWENTIETH, AND THIRTIETH".
3. Amend page 5, line 22, after "preceding" by striking out "calendar month" and inserting "10 DAYS".
4. Amend page 6, line 20, after "preceding" by striking out "calendar month" and inserting "10 DAYS".

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

Rep. Basham moved to amend the Senate substitute (S-8) as follows:

1. Amend page 3, line 25, after "CENTS" by inserting a comma and "EXCEPT THE TAX IMPOSED ON DIESEL MOTOR FUEL FOR USE IN NONCOMMERCIAL BOATS OR RECREATIONAL VEHICLES IS 15 CENTS".

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-8) as follows:

1. Amend page 10, line 21, 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. 4371."

Rep. Gubow moved to amend the Harder amendment as follows:

1. Amend the Harder amendment, page 10, line 21, following subdivision (c), by inserting:

"(d) House Bill No. 4813."

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

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

Rep. Harder withdrew the amendment.

Rep. Profit moved to amend the Senate substitute (S-8) as follows:

1. Amend page 3, line 23, after "1997" by inserting "AND AFTER JULY 31, 2002".

2. Amend page 3, line 24, after "1997" by inserting "AND BEFORE AUGUST 1, 2002".

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

Rep. Gubow moved to amend the Senate substitute (S-8) as follows:

1. Amend page 3, line 23, after "1997" by inserting "AND AFTER SEPTEMBER 30, 1998".

2. Amend page 3, line 24, after "1997" by inserting "AND BEFORE SEPTEMBER 30, 1998".

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

Reps. Gubow and Nye moved to amend the Senate substitute (S-8) as follows:

1. Amend page 3, line 24, after "1997" by inserting "AND BEFORE JANUARY 1, 1999".

2. Amend page 3, line 27, after "1997" by inserting "AND BEFORE JANUARY 1, 1999".

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

Rep. Gilmer moved to amend the Senate substitute (S-8) as follows:

1. Amend page 3, line 27, after "1997," by striking out "15" and inserting "19".

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

Reps. Voorhees, Goschka and Raczkowski moved to amend the Senate substitute (S-8) as follows:

1. Amend page 10, line 21, 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) Senate Bill No. 303.
- (b) House Bill No. 4642.
- (c) House Bill No. 4643."

The question being on the adoption of the amendment offered by Reps. Voorhees, Goschka and Raczkowski,

Rep. Voorhees demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Voorhees, Goschka and Raczkowski,

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

Roll Call No. 776

Yeas—34

Birkholz
Bodem
Byl

Goschka
Green
Hammerstrom

Lowe
Mathieu
McBryde

Profit
Raczkowski
Richner

Cassis	Horton	McManus	Rocca
Cropsey	Jaye	McNutt	Schermesser
Dalman	Jellema	Nye	Voorhees
DeVuyst	Kaza	Palamara	Whyman
Dobb	Kukuk	Perricone	Willard
Gernaat	Llewellyn		

Nays—70

Agee	Emerson	Jelinek	Prusi
Anthony	Fitzgerald	Johnson	Quarles
Baade	Frank	Kelly	Rhead
Baird	Freeman	Kilpatrick	Rison
Banks	Gagliardi	LaForge	Schauer
Bobier	Galloway	Leland	Schroer
Bogardus	Geiger	LeTarte	Scott
Brackenridge	Gilmer	London	Scranton
Brater	Godchaux	Martinez	Sikkema
Brewer	Griffin	Middaugh	Stallworth
Brown	Gubow	Middleton	Tesanovich
Callahan	Gustafson	Murphy	Thomas
Cherry	Hale	Olshove	Varga
Ciaramitaro	Hanley	Owen	Vaughn
Crissman	Harder	Oxender	Wallace
Curtis	Hertel	Parks	Wetters
DeHart	Hood	Price	Wojno
Dobronski	Jansen		

In The Chair: Hertel

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

“Mr. Speaker and members of the House:

The offset of a gas tax increase by reducing the sales tax cuts funding to local government by \$84 million per year and funding to the school aid fund by \$170 million. Given that the net increase in funding for roads is around \$90 million and that local governments spend million of dollars on road maintenance and repair, it is likely that this proposal would result in a cut in funding for local roads.

Let’s see, less money for schools, less money for local government, and less money for local roads. This proposal is the same proposal the Senate passed when it adopted the substitute offered by Senator from the 34th District. Both of these proposals create far more problems than they solve. I cannot support this amendment or any proposal which would so dramatically cut funding for local services and K-12 and sacrifice those essential programs.”

Rep. Gubow moved to amend the Senate substitute (S-8) as follows:

1. Amend page 10, line 21, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4813 of the 89th Legislature is enacted into law.”.

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 Senate substitute (S-8) as follows:

1. Amend page 5, following line 11, by inserting:

“SEC. 3C. MONEY SHALL NOT BE SPENT BY THIS STATE OR A COUNTY TO REPAIR OR CONSTRUCT ROADS LOCATED ON AN INDIAN RESERVATION IN THIS STATE UNLESS ALL RETAILERS OF MOTOR FUEL LOCATED ON THE RESERVATION REMIT TO THE DEPARTMENT ALL SALES TAX ON ALL MOTOR FUEL SOLD AND ALL OTHER GOODS SOLD BY THE RETAILER AND THE DEPARTMENT OF TREASURY CERTIFIES THAT THE SALES TAX HAS BEEN PAID.”.

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

The question being on concurring in the substitute (S-8) made to the bill by the Senate,

The substitute (S-8) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 777**Yeas—56**

Baade	Gernaat	Johnson	Price
Banks	Gilmer	Kilpatrick	Richner
Birkholz	Godchaux	LaForge	Rison
Bobier	Green	Leland	Schauer
Brackenridge	Griffin	LeTarte	Schroer
Brater	Gustafson	London	Scott
Byl	Hale	McNutt	Scranton
Crissman	Hammerstrom	Middaugh	Sikkema
Dalman	Hanley	Middleton	Stallworth
DeVuyst	Harder	Murphy	Thomas
Emerson	Hertel	Oxender	Varga
Fitzgerald	Jansen	Palamara	Vaughn
Freeman	Jelinek	Parks	Wallace
Galloway	Jellema	Perricone	Wetters

Nays—48

Agee	Curtis	Kelly	Profit
Anthony	DeHart	Kukuk	Prusi
Baird	Dobb	Llewellyn	Quarles
Bodem	Dobronski	Lowe	Raczkowski
Bogardus	Frank	Mans	Rhead
Brewer	Gagliardi	Martinez	Rocca
Brown	Goschka	Mathieu	Schermesser
Callahan	Gubow	McBryde	Tesanovich
Cassis	Hood	McManus	Voorhees
Cherry	Horton	Nye	Whyman
Ciaramitaro	Jaye	Olshove	Willard
Cropsey	Kaza	Owen	Wojno

In The Chair: Hertel

The House agreed to the title as amended.

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

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

“Mr. Speaker and members of the House:

I voted no on HB 4872 for the following reasons:

1) this is a broad-based tax imposed on everyone who buys fuel; teenagers, seniors, adults with children and adults without children

2) the tax cuts included in this package are very targeted and will result in many families enjoying a net tax cut and the rest of Michigan's taxpayers paying for the roads. Any tax cuts should be shared equally by all those who will be burdened with a tax increase

3) many reforms were left out of the final package so this tax increase is merely putting new money into an archaic inequitable system.

- reform of jurisdiction over state and local roads - out!
- guarantee that 90% of the tax increase will be returned to the county of origin - out!
- reforms to distribution formula - out!
- allowing townships the option of receiving funds directly as do cities and villages - out!
- reforms to stop the diversion of transportation dollars to other programs - out!

4) One fourth of the tax increase will go to bridges which are mostly in Wayne County

5) The Senate refused to vote to increase the diesel fuel tax so motorists who buy gasoline will be paying 4¢ more than those who buy diesel fuel

6) agreement has not been reached on the transportation budget, which has now been put off until fall.

We have failed to explore cost-saving measures and meaningful reforms in a hasty, irrational rush to push out a package so we could break for the summer."

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 House Bill 4872 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. Lowe, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

The Michigan Legislature attempted to respond to the condition of the state's roads. We narrowly passed a measure to raise the gas tax by 4 cents. Michigan residents already work until May 9 to pay their tax bill. It is more than four months before they can begin paying their own bills. Taxes are too high and the fuel tax is no exception.

When you combine our 15 cent per gallon gas tax with Michigan's 6 percent sales tax, we are tied with Colorado having the 17th highest tax burden on gas in the country. With the 4 cents we added today, Michigan now ranks seventh. 20 cents from every gallon of gas you buy should already be going into the Michigan transportation fund to build our roads before this increase. The federal government is charging you over 18.3 cents per gallon. Now, a tankful of gas will cost you \$17.25. Of that amount, the total tax will be over \$6.50. There as a better way.

I offered a plan to fix Michigan roads without an increase in taxes.

- | | |
|---|-------------|
| 1. Interest on the state's rainy day fund to roads | 69 million |
| 2. HB 4147 capture all transportation money for roads | 108 million |
| 3. 4 cents of sales tax on gas to transportation fund | 234 million |

That is 411 million dollars more for roads without raising taxes, money that for years should have gone to fix the roads. There is an additional 128 million dollars that goes directly to mass transit. I cannot in good conscience ask the people to pay more at the pump, when we could improve the roads without the increase. We just need to stop diverting the money we collect on gas for other purposes. That is why I voted no."

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

"Mr. Speaker and members of the House:

The bill before us raises the Michigan gas tax without cost containment and economic reform.

This legislation raises the gas tax from 15 to 19 cents per gallon, an increase of more than 25 percent. It is one of the largest percentage tax increases in recent Michigan history.

We have all heard today from the proponents of a gas tax increase regarding this Lansing legislative package.

It remains for those of us who are anti-tax Republican legislators to explain to the people of Michigan what is not in this legislation.

There is no cost containment or economic reform in this Lansing legislative package.

Corporate welfare spending of more than \$600 million—nearly eight percent of state discretionary spending—continues under this legislation. The same special interests who have been arm-twisting and lobbying for a gas tax increase in the back corridors and dark halls of Lansing refuse to support any cuts in corporate welfare spending.

Cut corporate welfare spending, and earmark the savings and cost containment for road maintenance and infrastructure development.

Legislative spending of nearly \$100 million continues under this legislation. Cut perks and privileges for politicians by abolishing the taxpayer-subsidized central political staffs and cutting legislative office allotments.

Special interest lobbyists and Lansing politicians who say there is no fat in this budget have not looked hard enough for the pork that clearly exists. We should send them back to the drawing board with instructions to cut corporate welfare and legislative spending, and earmark the savings for road maintenance and infrastructure development.

The majority of constituents who have communicated with me on the issue of road funding have instructed me to vote for a gas tax increase only as part of an agreement that also includes cost containment and economic reform.

Following are representative communications from constituents in the 42nd District (Troy-Rochester Hills) regarding the issue before us today:

* “The elected officials in Lansing have to make some choices. Some programs will have to be set aside until the road situation is corrected . . . Every department can trim its budget the percentage that is necessary to provide the funding that is required to repair the roads . . . We want the roads taken care of with the money the government already has. Rochester Hills and Troy are examples of communities that have turned down the opportunity for higher taxes to pay for road repair because WE DO NOT WANT TO PAY MORE IN TAXES.”

* “Don’t raise taxes . . . cut costs.”

* “Don’t raise the gasoline tax.”

* “No gas tax without cost containment.”

* “I voted for you last election, but I won’t next time if you raise my taxes, gas or any other. Plus, I will encourage my family and friends to vote against you (if you raise taxes).”

* “No on (the) gas tax.”

* “Why do we divert so much money out of the gas tax-road fund for things other than road repaving/improvements?”

I will vote accordingly.”

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

“Mr. Speaker and members of the House:

I voted ‘No’ on this legislation because it raises taxes on citizens without implementing sufficient cost cutting reforms to existing road funding methods.

My constituents in Macomb County have made it clear to me throughout my years of legislative service that they do not support raising taxes unless every effort has been made to utilize existing tax revenue wisely and responsibly. At the same time, constituents have told me that they are dissatisfied with the current quality of our Michigan roads. We need to make roads a higher priority by budgeting existing revenues differently and more efficiently.

Legislation that I introduced in this chamber which would have required the state to use non-violent prisoners for minor road repair work was not enacted into law. In addition, legislation to redirect existing alcohol tax revenue from Cobo Hall to road repair has never been addressed. Failure of our state to implement these two reforms has convinced me that everything has not been done to prioritize Michigan roads and maximize existing revenue.

Also the Macomb Co. Board of Commissioners passed a resolution opposing any form of gas tax increase.”

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

“Mr. Speaker and members of the House:

I voted “no” on HB 4872, because it did not have sufficient off setting tax cuts. A four cent increase in the fuel tax would have been more acceptable if there had been sufficient tax cuts to offset it.

The Senate had a far superior proposal that would have reduced the sales tax on gas by four cents; and since gasoline normally runs more than \$1.00 per gallon, this plan would have represented a net tax cut! Also, since the sales tax on gas is a “tax on a tax,” a 4 cent reduction on the sales tax would have improved this situation tremendously.

Further, while the income tax cuts incorporated in the final plan are constructive, they do not represent a net tax cut. We currently are running at least \$139 million in lapsed funds in our state’s general fund—so we certainly can afford tax cuts at this time. Also, the recent state employee retirements, which exceeded expectations, make even more money available for tax cuts.

In conclusion, since the Senate’s plan to provide a net tax cut of about \$210 million for Michigan residents was rejected, I must protest, Mr. Speaker. That is why I am voting “no” on HB 4872.”

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

“Mr. Speaker and members of the House:

I voted no on HB 4872 for the following reasons:

1) this is a broad-based tax imposed on everyone who buys fuel; teenagers, seniors, adults with children and adults without children

2) the tax cuts included in this package are very targeted and will result in many families enjoying a net tax cut and the rest of Michigan's taxpayers paying for the roads. Any tax cuts should be shared equally by all those who will be burdened with a tax increase

3) many reforms were left out of the final package so this tax increase is merely putting new money into an archaic inequitable system.

- reform of jurisdiction over state and local roads - out!
- guarantee that 90% of the tax increase will be returned to the county of origin - out!
- reforms to distribution formula - out!
- allowing townships the option of receiving funds directly as do cities and villages - out!
- reforms to stop the diversion of transportation dollars to other programs - out!

4) One-fourth of the tax increase will go to bridges which are mostly in Wayne County

5) The Senate refused to vote to increase the diesel fuel tax so motorists who buy gasoline will be paying 4¢ more than those who buy diesel fuel

6) agreement has not been reached on the transportation budget, which has now been put off until fall

We have failed to explore cost-saving measures, & meaningful reforms in a hasty irrational rush to get out for summer."

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

"Mr. Speaker and members of the House:

This gas tax increase offers no significant reform for the roads in my district. The vast majority of my roads are maintained by Wayne County, who spends 25 cents of every dollar on administrative overhead. Oakland County spends 13 cents. Throwing money at the roads will NOT fix them. Reform is necessary. To vote for the gas tax increase would demonstrate I believe the road system will be improved. I do not believe we are doing anything more than throwing money at the problem

Taxpayers in Michigan already have a tax burden higher than the National average. I cannot ask taxpayers to pay more at the gasoline pump when I am not convinced we done an adequate job ensuring we can actually improve the roads."

Senate Concurrent Resolution No. 44.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, July 16, 1997, it stand adjourned until Tuesday, September 23, 1997, at 10:00 a.m. for the Senate and at 2:00 p.m. for the House of Representatives.

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.

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, September 23, at 2:00 p.m. The motion prevailed.

House Bill No. 4180, entitled

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 Senate has concurred in the House amendment to the Senate substitute (S-4).

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

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 concurred in the House amendments to the Senate substitute (S-4).

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

Introduction of Bills

Reps. Jellema, Law, Middleton and London introduced

House Bill No. 5057, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50 (MCL 750.50), as amended by 1996 PA 458.

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

Rep. Gagliardi introduced

House Bill No. 5058, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

Reps. Brackenridge and Jelinek introduced

House Bill No. 5059, entitled

A bill to amend 1994 PA 35, entitled "The forensic laboratory funding act," by amending the title and section 2 (MCL 12.202); and to repeal acts and parts of acts.

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

Reps. Cropsey, Kukuk, McBryde and Lowe introduced

House Bill No. 5060, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending sections 2, 9, 14, and 22 (MCL 125.1502, 125.1509, 125.1514, and 125.1522), sections 2 and 22 as amended by 1980 PA 371 and section 9 as amended by 1994 PA 22.

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

Reps. Griffin, LeTarte, Profit, Nye, Law, Raczkowski, Brackenridge, Jelinek, Owen, Hale and Oxender introduced

House Bill No. 5061, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 4 (MCL 445.574), as amended by 1982 PA 39, and by adding sections 4a and 4b.

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

Rep. Kaza introduced

House Joint Resolution AA, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 4 of article II and adding section 11 to article II, to provide for a term limits pledge for congressional candidates.

The joint resolution was read a first time by its title and referred to the Committee on House Oversight and Ethics.

Rep. Rocca moved that the House adjourn.

The motion prevailed, the time being 5:20 a.m.

The Speaker declared the House adjourned until Tuesday, September 23, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.