

No. 74
JOURNAL OF THE HOUSE

House Chamber, Lansing, Wednesday, October 1, 1997.

2:00 p.m.

The House was called to order by the Speaker.

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—present	Prusi—present
Baade—present	Freeman—present	Kukuk—present	Quarles—present
Baird—present	Gagliardi—present	LaForge—present	Rackowski—present
Bankes—present	Galloway—present	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	Rison—present
Bobier—present	Gilmer—present	Llewellyn—present	Rocca—present
Bodem—present	Gire—present	London—present	Schauer—present
Bogardus—present	Godchaux—present	Lowe—present	Schermesser—present
Brackenridge—present	Goschka—present	Mans—excused	Schroer—present
Brater—present	Green—present	Martinez—present	Scott—excused
Brewer—present	Griffin—present	Mathieu—present	Scranton—present
Brown—present	Gubow—present	McBryde—present	Sikkema—present
Byl—present	Gustafson—present	McManus—present	Stallworth—excused
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—present
Curtis—present	Horton—excused	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. Andrew Richner, from the 1st District, along with his guest, Father Timothy R. Pelc, Pastor of Saint Ambrose Catholic Church, Grosse Pointe Park, offered the following invocation:

"Today we observe, with all of our Jewish sisters and brothers, the feast of Rosh Hashanah . . . the New Year. In synagogues throughout the State the horn is sounded, calling to mind the beginning of a brand new year as well as God's judgment on the past year. It is appropriate, then, for us to begin our prayer with a reading from the Hebrew Scriptures, from the Prophet Habakkuk:

How long, Yahweh, am I to cry for help
while you will not listen;
to cry "Oppression!" in your ear
and you will not save?
Why do you set injustice before me,
why do you look on where there is tyranny?
Outrage and violence, this is all I see,
all is contention, and discord flourishes.
And so, the law loses its hold
and justice never shows itself.
Yes, the wicked man gets the better of the upright,
and so justice is seen to be distorted.
Then the Lord answered me and said:
Write down the vision clearly upon the tablets
so that one can read it readily.
For the vision still has its time,
presses on to fulfillment
and will not disappoint;
If it delays, wait for it,
it will surely come, it will not be late.
The rash man has no integrity;
but the just man, because of his faith, shall live.

Our world is very much like that of the Prophet Habakkuk. Violence and senseless destruction are often the only news we hear. With the Jewish prophet we ask: WHY? God's answer to us centuries later is the same: 'Have faith in the vision of peace and by that faith make your dreams a reality.'

So now, let us gather our broken world into our thoughts as we pray. I would ask that after each invocation that you would join me by adding the words: 'Lord, hear our prayer.'

For this State, and the people living in our cities and suburbs, on our farms and in rural places, and for those who have become disenchanted and disenfranchised from our government and from one another, we pray to the Lord.

For our Governor, and for all those who advise him, that they may have the wisdom to lead us with compassion, especially for those who are weak, broken or defenseless, we pray to the Lord.

For this House, and for all those who serve in office here, that they may never accept as normal the violence of poverty and the discrimination found in our land, we pray to the Lord.

For the corners of the world where life is viewed as expendable for the sake of profit, progress or power, may God raise up leaders who have a heart for the people they serve, we pray to the Lord.

For those who are young, that they will have the courage to face the world as it really is, while never losing faith in what can be, we pray to the Lord.

For those who have grown weary because every day they see the worst side of humanity. For our courts, our law enforcement and correction personnel, that they will not lose hope, we pray to the Lord.

For those whose lives have been scarred by the violence of others, that men and women of vision will touch their lives with compassion. For all those who work in social services, we pray to the Lord.

For those who have died, especially for children or sick people who have not been allowed to live. For a deeper respect for human life, we pray to the Lord.

For all the great women and men in Michigan's past who have served in public office. For those who did not live long enough to see their vision of a better world, and for the courage we need to keep that vision alive, we pray to the Lord.

May Almighty God bless us all, the Father, Son and Holy Spirit. Amen."

Rep. Dobronski moved that Reps. Scott, Stallworth and Mans be excused from today's session.
The motion prevailed.

Rep. Hammerstrom moved that Rep. Horton be excused from today's session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 58.

A concurrent resolution to disapprove Executive Order 1997-12 on executive reorganization.

(For text of resolution, see House Journal No. 70, p. 1912.)

(The concurrent resolution was reported by the Committee on Labor and Occupational Safety, rules suspended for immediate consideration and concurrent resolution postponed temporarily on September 25, see House Journal No. 72, p. 1957.)

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 798

Yeas—54

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

Nays—49

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

In The Chair: Hertel

Second Reading of Bills

House Bill No. 4447, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

The bill was read a second time.

Rep. Hanley moved that the bill be placed on the order of Third Reading of Bills.

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

Rep. Gagliardi moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4447, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

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

Roll Call No. 799

Yeas—103

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

Nays—2

Jaye

Llewellyn

In The Chair: Hertel

The House agreed to the title of the bill.

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

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

Reps. Anthony, Baird, Bodem, Brackenridge, DeHart, DeVuyst, Frank, Gagliardi, Gernaat, Gire, Jansen, Jellema, Kaza, Kilpatrick, Kukuk, LaForge, Law, McBryde and Tesanovich were named co-sponsors of the bill.

The Speaker called the Associate Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4585, entitled

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 3 (MCL 15.323), as amended by 1984 PA 184; and to repeal acts and parts of acts.

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

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

Rep. Hanley moved that the bill be placed on the order of Third Reading of Bills.

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

Rep. Cherry moved that the bill be placed on its immediate passage.

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

Rep. Cherry moved that Reps. Hertel, Gagliardi and Harder be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4585, entitled

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 3 (MCL 15.323), as amended by 1984 PA 184; and to repeal acts and parts of acts.

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

Roll Call No. 800

Yeas—101

Agee	Dobb	Kaza	Perricone
Alley	Dobronski	Kelly	Price
Anthony	Emerson	Kilpatrick	Profit
Baade	Fitzgerald	Kukuk	Prusi
Baird	Frank	LaForge	Quarles
Bankes	Freeman	Law	Rackowski
Basham	Galloway	Leland	Richner
Birkholz	Geiger	LeTarte	Rison
Bobier	Gernaat	Llewellyn	Rocca
Bodem	Gilmer	London	Schauer
Bogardus	Gire	Lowe	Schermesser

Brackenridge	Godchaux	Martinez	Schroer
Brater	Goschka	Mathieu	Scranton
Brewer	Green	McBryde	Sikkema
Brown	Gubow	McManus	Tesanovich
Byl	Gustafson	McNutt	Thomas
Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Murphy	Voorhees
Ciaramitaro	Hood	Nye	Walberg
Crissman	Jansen	Olshove	Wallace
Cropsey	Jaye	Owen	Wetters
Curtis	Jelinek	Oxender	Whyman
Dalman	Jellema	Palamara	Willard
DeHart	Johnson	Parks	Wojno
DeVuyst			

Nays—0

In The Chair: Gire

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

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

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending sections 3 and 8 (MCL 15.323 and 15.328), section 3 as amended by 1984 PA 184; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kaza, Goschka, McBryde, Godchaux, Cassis, Schauer, Middleton, Jaye, Perricone, Prusi, Jansen, Wetters and Raczkowski offered the following resolution:

House Resolution No. 146.

A resolution to memorialize the President and the Congress of the United States to enact the Building Efficient Surface Transportation Equity Act of 1997.

Whereas, On September 4, 1997, bipartisan legislation entitled the Building Efficient Surface Transportation Equity Act of 1997 (BESTEA) was introduced in the United States to increase and bring equity to federal spending on roads; and

Whereas, It is estimated that BESTEA will appropriate to Michigan an additional \$250 million a year for transportation programs, a 50 percent increase over the current level of federal roads funding to the state. This amount would go a long way toward curing the problems of Michigan’s crumbling road system; and

Whereas, As a donor state, Michigan traditionally receives only 78 cents back on each transportation dollar sent to the federal government. BESTEA will promote funding equity by assuring a true 95 percent minimum return to all donor states, including Michigan; and

Whereas, BESTEA will institute an Interstate System Reconstruction Program, focusing money specifically to the well-worn, heavily traveled I-94 in Michigan. This highway is a vital transportation link that is important within the southeastern metropolitan portion of the state, for east-west transportation across the state, and for transportation beyond the borders of the state; and

Whereas, In 1993, revenue from a 4.3 cent increase in the tax that was passed in that year was earmarked for purposes other than transportation; and

Whereas, BESTEA will redirect federal gas tax revenue back to its traditional and proper role, which is to build and repair roads; and

Whereas, Under BESTEA, flexibility will be afforded to Michigan road programs by permitting a 50 percent transfer of funds within Michigan's various federally funded highway program categories; and

Whereas, Under BESTEA, Michigan will be able to eliminate virtually all federal oversight of highway projects not related to the Interstate system, thereby allowing the state to transfer resources away from unproductive bureaucratic procedures and toward building and repairing roads; and

Whereas, BESTEA places a strong emphasis on promoting a clean environment by significantly increasing funding for the Congestion Mitigation and Air Quality Program; and

Whereas, As a state sharing an international border with Canada, a signatory of the North American Free Trade Agreement (NAFTA), Michigan is aware of the threats of extranational safety standards that do not necessarily provide the same level of safety protection as United States domestic standards. Our state welcomes the provisions of BESTEA that will target enforcement of safety standards on all trucks entering the United States; and

Whereas, To further address the safety concerns of a state impacted by the implementation of NAFTA, BESTEA will create a Border Infrastructure Program; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to enact the Building Efficient Surface Transportation Equity Act of 1997 to restore funding equity, improve road safety, and rebuild our state and nation's crumbling transportation infrastructure; and be it further

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

The resolution was referred to the Committee on Transportation.

Rep. Griffin offered the following concurrent resolution:

House Concurrent Resolution No. 63.

A concurrent resolution to express opposition to the Michigan Board of Dentistry's adoption of new policies in the examination and certification of dental specialists and to urge rejection of any major revisions of the examination process.

Whereas, There is considerable opposition to the Michigan Board of Dentistry Examination Committee's recommendation to implement the Northeast Examination Regional Board of Specialty Examinations (NERB) as the state examination to be required for certification as a specialist in the state of Michigan; and

Whereas, In addition, the "authority and responsibility" for the function of the Specialty Field Task Force has been transferred to the Director of the Department of Consumer and Industry Services. The Director of the Department of Consumer and Industry Services has not fulfilled the responsibility of consulting with Michigan specialists in the various fields to determine if the NERB specialty exams are substantially equivalent to those already in use in those fields; and

Whereas, Various educational experts from the dental specialist community have testified before the Board of Dentistry that the NERB examinations are not substantially equivalent to the present Michigan Specialty Examinations. Dental specialty groups in Michigan were unanimous in their opposition to the change in testing procedures; and

Whereas, Further, the one specialist field representative on the Michigan Board of Dentistry who attained the required advanced education and training beyond that required for initial licensure in his specialty field was not appointed to the Exam Committee. Additionally, members of subfields were allowed to vote on the issue, which is prohibited by section 16148 of the Public Health Code (1978 PA 368), being MCL § 333.16148; and

Whereas, Many experts believe the implementation of the NERB examination will lessen long-standing professional standards of dental care in Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature express our opposition to the Michigan Board of Dentistry's adoption of new policies in the examination and certification of dental specialists; and be it further

Resolved, That we urge the full Michigan Board of Dentistry to reject any major revisions of the Michigan Dental Specialty Examination process; and be it further

Resolved, That copies of this resolution be transmitted to the Board of Dentistry.

The concurrent resolution was referred to the Committee on Health Policy.

This resolution is offered to comply with MCL §§ 24.248 and 24.251.

Reps. Profit, Palamara, Hanley, Griffin, Wojno, Quarles and Perricone offered the following concurrent resolution:

House Concurrent Resolution No. 64.

A concurrent resolution to rescind emergency rules filed by the Department of Treasury on August 22, 1997, pertaining to the new requirement for affixing tax stamps to packages of cigarettes.

Whereas, Section 48 of the Administrative Procedures Act, 1969 PA 306, being MCL § 24.248, provides that an agency of the executive branch may, upon a proper finding of emergency, file emergency rules for the "...preservation of the public health, safety, or welfare." Under this section of law, and only for an emergency, the rules need not follow the same promulgation procedures as otherwise required by the Administrative Procedures Act. Emergency rules become effective immediately upon filing with the Secretary of State and for a period set forth in the rules not to exceed six months, unless extended as set forth in Section 48 of the act; and

Whereas, On August 22, 1997, the State Treasurer filed emergency rules with the Secretary of State, citing as the sole authority for promulgation of the rules Section 13 (2) of the Tobacco Products Tax Act, 1993 PA 327, being MCL § 205.433; and

Whereas, Implementation of a program requiring tax stamps to be affixed to packages of cigarettes is a new program not specifically authorized by 1993 PA 327; and

Whereas, MCL § 24.248(3) provides that the legislature may rescind emergency rules by concurrent resolution. Section 51 of 1969 PA 306, being MCL § 24.251, provides, in part:

Adoption of the concurrent resolution constitutes legislative

disapproval of the rule, but rejection of the resolution does

not constitute legislative approval of the rule. ; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature, pursuant to MCL §§ 24.248 and 24.251, rescinds the emergency rules filed by the Department of Treasury on August 22, 1997.

The concurrent resolution was referred to the Committee on Tax Policy.

Reports of Standing Committees

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 4355, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 1a (MCL 28.241a), as amended by 1996 PA 259.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4355 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Kilpatrick, Schauer, Wojno, Nye, Cropsey, Fitzgerald, Law, McNutt, Richner,

Nays: None.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 4655, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 9 (MCL 552.509), as amended by 1996 PA 365.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4655 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Kilpatrick, Schauer, Wojno, Nye, Cropsey, Fitzgerald, Law, McNutt, Richner,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wallace, Chair of the Committee on Judiciary, was received and read:

Meeting held on: Tuesday, September 30, 1997, at 9:00 a.m.,

Present: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Willard, Wojno, Nye, Cropsey, Dalman, Fitzgerald, Law, McNutt, Richner,

Absent: Rep. Vaughn,

Excused: Rep. Vaughn.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

House Bill No. 4929, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 40 (MCL 211.40), as amended by 1995 PA 143.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4929 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Hanley, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Goschka, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Profit, Chair of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, October 1, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wetters, Wojno, Perricone, Brackenridge, Cassis, Goschka, Middleton,

Absent: Reps. Wallace, Dobb, Whyman,

Excused: Reps. Wallace, Dobb, Whyman.

The Committee on Consumer Protection, by Rep. Brater, Chair, reported

House Bill No. 4984, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 3 (MCL 445.113).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4984 To Report Out:

Yeas: Reps. Brater, DeHart, Brown, Freeman, Gire, Cropsey, Law,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:

Meeting held on: Wednesday, October 1, 1997, at 9:00 a.m.,

Present: Reps. Brater, DeHart, Brown, Freeman, Gire, Crissman, Cropsey, Law, Perricone.

The Committee on Appropriations, by Rep. Hood, Chair, reported

House Bill No. 5083, entitled

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

With the recommendation that the substitute (H-6)* be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5083 To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Price, Prusi, Rison, Schroer, Tesanovich, Godchaux,

Nays: Reps. Gilmer, Bankes, Bobier, Geiger, Jansen, Jellema, Johnson, McBryde, Oxender.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hood, Chair of the Committee on Appropriations, was received and read:

Meeting held on: Wednesday, October 1, 1997, at 10:00 a.m.,

Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Price, Prusi, Rison, Schroer, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Absent: Reps. Parks, Stallworth,

Excused: Rep. Stallworth.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Wednesday, October 1, 1997, at 12:00 Noon,

Present: Reps. LaForge, Bogardus, Schauer, London, McManus,

Absent: Reps. Scott, Gire, Horton, Jaye,

Excused: Reps. Scott, Gire, Horton, Jaye.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Baird, Chair of the Committee on Mental Health, was received and read:

Meeting held on: Wednesday, October 1, 1997, at 12:00 Noon,

Present: Reps. Baird, Brater, Gubow, LaForge, Scranton, Cassis, Green, Hammerstrom,

Absent: Rep. Wallace,

Excused: Rep. Wallace.

Messages from the Senate**Senate Bill No. 52, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending the title and sections 237, 305, 350a, 350e, 352, 384, 396, 404, 484, 485, 486, 488, 492, and 493 (MCL 18.1237, 18.1305, 18.1350a, 18.1350e, 18.1352, 18.1384, 18.1396, 18.1404, 18.1484, 18.1485, 18.1486, 18.1488, 18.1492, and 18.1493), the title as amended by 1994 PA 301, sections 350a, 350e, and 396 as added and section 384 as amended by 1988 PA 504, section 352 as amended by 1991 PA 72, and sections 484, 485, 486, and 488 as added by 1986 PA 272, and by adding section 353e and article 6; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 240, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 17b, 20, 31a, 51a, 81, and 107 (MCL 388.1606, 388.1611, 388.1617b, 388.1620, 388.1631a, 388.1651a, 388.1681, and 388.1707), sections 6, 11, 17b, 20, 51a, 81, and 107 as amended by 1997 PA 93, and section 31a as amended by 1997 PA 24, and by adding sections 11e, 11f, 20k, 29, and 31c.

The Senate has passed the bill.

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

Senate Bill No. 251, entitled

A bill to adjust appropriations for the state transportation department for the fiscal year ending September 30, 1998; and to prescribe certain duties of the department.

The Senate has passed the bill.

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

Senate Bill No. 719, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending the title and sections 4, 5, 22, 34, 36, and 41 (MCL 38.1304, 38.1305, 38.1322, 38.1334, 38.1336, and 38.1341), the title and sections 4, 22, and 34 as amended by 1996 PA 488, section 5 as amended by 1994 PA 272, section 36 as added by 1989 PA 194, and section 41 as amended by 1996 PA 278, and by adding section 113.

The Senate has passed the bill.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, September 25:

Senate Bill No. 719

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, September 29:

Senate Bill Nos. 706 707

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, October 1:

House Bill No. 5116

Communications from State Officers

The following communication from the Auditor General was received and read:

September 30, 1997

Enclosed is a copy of the following audit report and/or executive digest:

Performance audit of the Specialized Residential Services

Program of LifeWays

An agency under contract with the Department of
Community Health

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Ethics.

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

August 22, 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 11:40 A.M. this date, administrative rule (97-8-3E) for the Department of Treasury, Revenue Division, entitled "*Tobacco Products Tax*", effective immediately.

August 25, 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 11:45 A.M. this date, administrative rule (97-8-4) for the Family Independence Agency, Family Services Administration, entitled "*Family Independence Program*", effective 15 days hereafter.

August 25, 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 11:48 A.M. this date, administrative rule (97-8-5) for the Family Independence Agency, Family Services Administration, entitled "*Child Day Care Program*", effective 15 days hereafter.

August 25, 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 11:50 A.M. this date, administrative rule (97-8-6) for the Family Independence Agency, Family Services Administration, entitled "*Food Stamp Program*", effective 15 days hereafter.

August 25, 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 11:52 A.M. this date, administrative rule (97-8-7) for the Family Independence Agency, Family Services Administration, entitled "*Employment and Training Program*", effective 15 days hereafter.

August 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 4:58 P.M. this date, administrative rule (97-8-8E) for the Department of State, Bureau of Elections, entitled "*Campaign Financing*", effective immediately.

August 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 4:59 P.M. this date, administrative rule (97-8-9) for the Department of Agriculture, Food Division, entitled "*Dispensing Facility Reid Vapor Pressure*", effective 15 days hereafter.

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

The communications were referred to the Clerk.

Introduction of Bills

Rep. Brackenridge introduced

House Bill No. 5209, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1804, 1809, and 1812 (MCL 339.1804, 339.1809, and 339.1812).

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

Reps. Profit, Brackenridge and Palamara introduced

House Bill No. 5210, entitled

A bill to amend 1979 PA 101, entitled "An act to implement section 29 of article 9 of the state constitution of 1963; to provide a state disbursement to local units of government for costs required to administer or implement certain activities or services required of local units of government by the state; to prescribe the powers and duties of certain state agencies and public officers in relation thereto; and to provide for the administration of this act," by amending section 10 (MCL 21.240).

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

Reps. Profit, Wallace, Varga, Thomas, Kilpatrick, Leland, Murphy, Stallworth, Hale and Vaughn introduced

House Bill No. 5211, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

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

Rep. Profit introduced

House Bill No. 5212, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 4a, and 9 (MCL 205.51, 205.54a, and 205.59), section 1 as amended by 1995 PA 209, section 4a as amended by 1996 PA 435, and section 9 as amended by 1991 PA 87.

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

Rep. Profit introduced

House Bill No. 5213, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 4, and 10 (MCL 205.92, 205.94, and 205.100), section 2 as amended by 1995 PA 208, section 4 as amended by 1996 PA 436, and section 10 as amended by 1993 PA 263.

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

Rep. Brackenridge introduced

House Bill No. 5214, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 503, 513, 616, 617, 661, 662, 681, 687, 690, 701, 702, 705, 861, 931, 1024, 1031, 1052, 1053, 1057, 1058, 1103, 1212, 1216, 1351, 1451, and 1722 (MCL 380.4, 380.5, 380.6, 380.11a, 380.503, 380.513, 380.616, 380.617, 380.661, 380.662, 380.681, 380.687, 380.690, 380.701, 380.702, 380.705, 380.861, 380.931, 380.1024, 380.1031, 380.1052, 380.1053, 380.1057, 380.1058, 380.1103, 380.1212, 380.1216, 380.1351, 380.1451, and 380.1722), sections 5, 6, 503, 513, 687, and 690 as amended and sections 11a and 1031 as added by 1995 PA 289, section 617 as amended by 1989 PA 268, section 662 as amended by 1982 PA 369, sections 681, 705, and 1451 as amended by 1994 PA 258, sections 1052 and 1057 as amended by 1992 PA 263, section 1053 as amended by 1993 PA 9, section 1212 as amended by 1993 PA 312, section 1216 as amended by 1992 PA 236, and section 1351 as amended by 1990 PA 352.

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

Reps. Brown, Gire, Kilpatrick, Callahan, Goschka, LaForge, Palamara, Schauer, Hanley, Kelly, Martinez, Leland, Baird, Agee, Gubow, DeHart, Bogardus, Schermesser and Thomas introduced

House Bill No. 5215, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 1995 PA 289.

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

Reps. Brown, Kilpatrick, Callahan, Tesanovich, Goschka, LaForge, Brater, Palamara, Schauer, DeHart, Hanley, Martinez and Schermesser introduced

House Bill No. 5216, entitled

A bill to regulate certain practices relating to telemarketing, sweepstakes promotions, and buying clubs; and to provide for remedies and penalties.

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

Reps. Dalman, Nye, McBryde, Cropsey, Jelinek, Gernaat, Walberg, Goschka, Horton, Jansen and Raczkowski introduced

House Bill No. 5217, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 6, 7, 13, and 19 (MCL 552.6, 552.7, 552.13, and 552.19) and by adding sections 1a, 5, 5a, 5b, 5c, 6a, 6b, and 8.

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

Reps. Schroer and Baird introduced

House Bill No. 5218, entitled

A bill to regulate certain fitness center contracts.

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

Rep. DeHart introduced

House Bill No. 5219, entitled

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 2 (MCL 287.892).

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

Reps. Nye and Walberg introduced

House Bill No. 5220, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8112 (MCL 600.8112).

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

Rep. Cherry moved that Reps. Gubow, Callahan and Dobronski be excused temporarily from today's session.
The motion prevailed.

Rep. Cropsey moved that Reps. Jaye and Walberg be excused temporarily from today's session.
The motion prevailed.

Rep. Gagliardi questioned the presence of a quorum and moved that the roll be called and printed in the Journal.
The motion prevailed.
The roll was called and the Clerk announced that a quorum was present.
The following is the roll call:

Roll Call No. 801

Yeas—94

Agee	DeVuyst	Kaza	Parks
Alley	Dobb	Kelly	Perricone
Anthony	Emerson	Kilpatrick	Price
Baade	Fitzgerald	Kukuk	Profit
Baird	Frank	LaForge	Prusi
Banks	Gagliardi	Law	Quarles
Basham	Galloway	Leland	Rackowski
Birkholz	Geiger	LeTarte	Rhead
Bobier	Gernaat	Llewellyn	Richner
Bodem	Gilmer	London	Rison
Bogardus	Gire	Lowe	Rocca
Brackenridge	Godchaux	Martinez	Schauer
Brater	Goschka	Mathieu	Schermesser
Brewer	Gustafson	McBryde	Schroer
Brown	Hale	McManus	Scranton
Byl	Hammerstrom	McNutt	Sikkema
Cassis	Hanley	Middaugh	Tesanovich

Cherry	Harder	Middleton	Thomas
Ciaramitaro	Hertel	Murphy	Varga
Crissman	Hood	Nye	Vaughn
Cropsey	Jansen	Olshove	Voorhees
Curtis	Jelinek	Owen	Wetters
Dalman	Jellema	Palamara	Wojno
DeHart	Johnson		

In The Chair: Gire

The Speaker resumed the Chair.

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

By unanimous consent the House returned to the order of

Reports of Select Committees

Senate Bill No. 174, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1998; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds; to prescribe requirements for certain railroad facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 174, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1998; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds; to prescribe requirements for certain railroad facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House and to the following amendments:

1. Amend page 1, line 1, by striking out all of section 101 and inserting:

"Sec. 101. There is appropriated for the state transportation department and certain state purposes designated in this act for the fiscal year ending September 30, 1998, from the following funds:

STATE TRANSPORTATION DEPARTMENT

APPROPRIATION SUMMARY:

Full-time equated unclassified positions6.0

Full-time equated classified positions3,223.0

GROSS APPROPRIATION \$ 2,428,611,500

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers 0

ADJUSTED GROSS APPROPRIATION \$ 2,428,611,500

Federal revenues:

Total federal revenues 531,817,800

Special revenue funds:	
Total local revenues	5,600,000
Total private revenues	0
Total other state restricted revenues	1,891,193,700
State general fund/general purpose	\$ 0
DEBT SERVICE	
State trunkline	\$ 46,578,400
Trunkline bonds, series 1989A-EDF (\$100,000,000)	11,483,200
Critical bridge	3,000,000
Bluewater bridge	2,385,900
Comprehensive transportation	23,129,300
GROSS APPROPRIATION	\$ 86,576,800
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund	23,129,300
Michigan transportation fund	14,483,200
State trunkline fund	46,578,400
Blue water bridge fund	2,385,900
State general fund/general purpose	\$ 0
INTERDEPARTMENT & STATUTORY CONTRACTS	
Michigan transportation fund (MTF)	
MTF grant to department of civil service	\$ 724,500
MTF grant to department of environmental quality	777,700
MTF grant to department of management and budget	336,800
MTF grant to department of state	44,808,700
MTF grant to department of state police	610,800
MTF grant to department of treasury	6,868,900
MTF grant to legislative auditor general	162,500
State trunkline fund (STF)	
STF grant to department of attorney general	2,276,100
STF grant to department of civil service	3,668,300
STF grant to department of management and budget	693,900
STF grant to department of natural resources	35,500
STF grant to department of state police	5,863,000
STF grant to department of treasury	18,800
STF grant to legislative auditor general	341,000
State aeronautics fund (SAF)	
SAF grant to department of attorney general	116,400
SAF grant to department of civil service	54,700
SAF grant to department of management and budget	28,900
SAF grant to department of treasury	59,300
SAF grant to legislative auditor general	15,700
Comprehensive transportation fund (CTF)	
CTF grant to department of attorney general	120,600
CTF grant to department of civil service	109,400
CTF grant to department of management and budget	39,000
CTF grant to department of treasury	7,500
CTF grant to legislative auditor general	48,500
GROSS APPROPRIATION	\$ 67,786,500
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund	325,000
Michigan transportation fund	54,289,900
State aeronautics fund	275,000
State trunkline fund	12,896,600
State general fund/general purpose	\$ 0
EXECUTIVE DIRECTION	
Full-time equated unclassified positions	6.0
Full-time equated classified positions	33.3

Unclassified salaries	\$	455,900
Commission Audit—33.3 FTE positions		2,938,900
GROSS APPROPRIATION	\$	<u>3,394,800</u>
Appropriated from:		
Special revenue funds:		
State trunkline fund		3,394,800
State general fund/general purpose	\$	0
ADMINISTRATIVE SERVICES		
Full-time equated classified positions		116.7
Administration and data center—70.2 FTE positions	\$	12,032,700
Building occupancy charges-property management		4,319,400
Human resources—41.5 FTE positions		3,462,700
Economic development administration—5.0 FTE positions		537,800
Transportation service centers		3,000,000
Rent		1,940,000
Worker's compensation		2,436,300
GROSS APPROPRIATION	\$	<u>27,728,900</u>
Appropriated from:		
Special revenue funds:		
General fund restricted purpose		130,000
State aeronautics fund		722,700
Comprehensive transportation fund		1,388,400
Michigan transportation fund		401,000
State trunkline fund		25,086,800
State general fund/general purpose	\$	0
BUREAU OF FINANCE AND ADMINISTRATION		
Full-time equated classified positions		218.6
Administration—218.6 FTE positions	\$	20,930,600
Equipment rental		(5,022,700)
GROSS APPROPRIATION	\$	<u>15,907,900</u>
Appropriated from:		
Special revenue funds:		
Michigan transportation fund		461,800
State trunkline fund		15,446,100
State general fund/general purpose	\$	0
BUREAU OF TRANSPORTATION PLANNING		
Full-time equated classified positions		187.0
Administration—187.0 FTE positions	\$	16,040,600
Grants to regional planning councils		488,800
GROSS APPROPRIATION	\$	<u>16,529,400</u>
Appropriated from:		
Federal revenues:		
DOT-FHWA Highway research, planning, and construction		7,275,000
Special revenue funds:		
State aeronautics fund		226,700
Comprehensive transportation fund		1,618,500
Michigan transportation fund		4,290,900
State trunkline fund		3,118,300
State general fund/general purpose	\$	0
BUREAU OF HIGHWAYS		
Full-time equated classified positions		1,714.3
Engineering operations—836.3 FTE positions	\$	33,446,400
Maintenance operations—85.0 FTE positions		8,964,700
Program services—793.0 FTE positions		38,539,000
Testing services		(12,000,000)
GROSS APPROPRIATION	\$	<u>68,950,100</u>
Appropriated from:		
Federal revenues:		
DOT-FHWA Highway research, planning, and construction		2,000,000
DOT-NHTSA, State and community highway safety		146,800

Special revenue funds:		
Michigan transportation fund		1,989,200
State trunkline fund.....		64,814,100
State general fund/general purpose	\$	0
HIGHWAY MAINTENANCE		
Full-time equated classified positions	758.1	
State operations—758.1 FTE positions	\$	74,194,300
Equipment rental.....		(10,334,800)
Sign and signal		(1,500,000)
Contract operations		114,128,300
GROSS APPROPRIATION.....	\$	176,487,800
Appropriated from:		
Special revenue funds:		
State trunkline fund.....		176,487,800
State general fund/general purpose	\$	0
ROAD AND BRIDGE PROGRAMS		
State trunkline federal aid and road and bridge construction.....	\$	695,853,400
Local federal aid and road and bridge construction.....		105,000,000
Grants to local programs.....		33,000,000
Rail grade crossing		3,000,000
Critical bridge program.....		5,250,000
County road commissions		523,631,700
Cities and villages.....		291,948,200
GROSS APPROPRIATION.....	\$	1,657,683,300
Appropriated from:		
Interdepartmental grant revenues:		
Federal revenues:		
DOT-FHWA Highway research, planning, and construction		491,250,000
Special revenue funds:		
Local funds		5,000,000
Comprehensive transportation fund.....		25,000,000
State restricted funds.....		7,335,500
Michigan transportation fund		841,354,900
State trunkline fund.....		287,742,900
State general fund/general purpose	\$	0
BLUE WATER BRIDGE		
Full-time equated classified positions	32.0	
Blue water bridge operations—32.0 FTE positions	\$	9,953,600
GROSS APPROPRIATION.....	\$	9,953,600
Appropriated from:		
Special revenue funds:		
Blue water bridge fund		9,953,600
State general fund/general purpose	\$	0
TRANSPORTATION ECONOMIC DEVELOPMENT FUND		
Forest roads	\$	5,000,000
Rural county urban system.....		2,500,000
Target industries/economic redevelopment.....		14,885,400
Urban county congestion.....		11,434,300
Rural county primary		11,434,300
GROSS APPROPRIATION.....	\$	45,254,000
Appropriated from:		
Special revenue funds:		
General fund restricted purpose		12,870,000
Michigan transportation fund		28,424,000
State trunkline fund.....		3,960,000
State general fund/general purpose	\$	0
BUREAU OF AERONAUTICS		
Full-time equated classified positions	57.0	
Administration—57.0 FTE positions.....	\$	7,570,000
Air service program		1,000,000
GROSS APPROPRIATION.....	\$	8,570,000

Appropriated from:	
Special revenue funds:	
State aeronautics fund.....	8,570,000
State general fund/general purpose	\$ 0
BUREAU OF URBAN & PUBLIC TRANSPORTATION	
Full-time equated classified positions	106.0
Administration—106.0 FTE positions.....	\$ 8,349,900
GROSS APPROPRIATION.....	\$ 8,349,900
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	7,159,400
Michigan transportation fund.....	1,190,500
State general fund/general purpose	\$ 0
BUS TRANSIT DIVISION: STATUTORY OPERATING	
Local bus operating.....	\$ 162,134,800
Nonurban operating/capital	6,746,000
GROSS APPROPRIATION.....	\$ 168,880,800
Appropriated from:	
Federal revenues:	
DOT-Federal transit act.....	6,546,000
Special revenue funds:	
Local funds	200,000
Comprehensive transportation fund.....	162,134,800
State general fund/general purpose	\$ 0
INTERCITY PASSENGER AND FREIGHT	
Freight property management.....	\$ 2,000,000
Detroit/Wayne county port authority.....	301,800
Intercity bus equipment.....	1,800,000
Rail passenger service.....	5,000,000
Freight preservation and development.....	5,500,000
Rail infrastructure loan program	3,300,000
Intercity bus service development	2,100,000
Marine passenger services.....	1,453,500
Terminal development.....	1,500,000
Intercity passenger and freight discretionary.....	5,342,500
GROSS APPROPRIATION.....	\$ 28,297,800
Appropriated from:	
Federal revenues:	
DOT-Federal transit act.....	1,000,000
DOT-FRA, Local rail service assistance.....	2,000,000
DOT-FRA, rail passenger/HSGT	3,000,000
Special revenue funds:	
Local funds	100,000
Rail preservation fund.....	1,000,000
Rail infrastructure fund.....	300,000
Intercity bus equipment fund	300,000
Comprehensive transportation fund.....	20,597,800
State general fund/general purpose	\$ 0
PUBLIC TRANSPORTATION DEVELOPMENT	
Specialized services	\$ 3,600,100
Municipal credit program.....	2,000,000
Bus capital	29,500,000
Ride sharing.....	330,700
Van pooling.....	145,000
Bus property management.....	175,000
Service development and new technology.....	3,400,000
Planning grants	150,000
Audit settlements	200,000
Region service coordination.....	3,000,000

Work first initiative.....	2,050,000
Public transportation development discretionary	1,044,600
GROSS APPROPRIATION.....	\$ 45,595,400
Appropriated from:	
Federal revenues:	
DOT-Federal transit act.....	18,600,000
Special revenue funds:	
Local funds	300,000
Comprehensive transportation fund.....	26,695,400
State general fund/general purpose	\$ 0
EARLY RETIREMENT	
Early retirement savings.....	\$ (7,335,500)
GROSS APPROPRIATION.....	\$ (7,335,500)
Appropriated from:	
Special revenue funds:	
State restricted funds.....	(7,335,500)
State general fund/general purpose	\$ 0".

2. Amend page 11, following line 23, by striking out all of section 102.

3. Amend page 12, line 2, by striking out all of section 201 and inserting:

"Sec. 201. (1) In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1997-1998 is estimated at \$1,891,193,700.00 and state sources paid to local units of government for fiscal year 1997-1998 are estimated at \$1,066,658,200.00. The itemized list below identifies appropriations from which spending to units of local government will occur:

	For Fiscal Year Ending Sept. 30, 1998
DEPARTMENT OF TRANSPORTATION	
Local grant program.....	\$ 33,000,000
Economic development fund	30,368,600
Grants to cities and villages	291,948,200
Grants to county road commissions	523,631,700
Critical bridge program.....	5,250,000
Grants to regional planning councils.....	488,800
Local bus operating.....	162,134,800
Bus capital	12,000,000
Marine passenger service	1,453,500
Detroit/Wayne County port authority	301,800
Local ride sharing operating grants	330,700
Planning grants	150,000
Municipal credit program.....	2,000,000
Specialized services	3,600,100
Total payments to local units of government.....	\$ 1,066,658,200

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, and the senate and house fiscal agencies."

4. Amend page 14, following line 25, by inserting:

"Sec. 207. (1) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$240,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$40,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$1,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$1,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393."

5. Amend page 15, line 17, by striking out all of section 211 and inserting:

"Sec. 211. The negative appropriation in section 101 for early retirement compensation savings represents savings from the state's 1997 early retirement program. Not later than October 15, 1997, the department and the state budget director shall request legislative transfers under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, to apply the retirement costs and salary and fringe benefits savings to the appropriated line items affected by the early retirement of state employees."

6. Amend page 17, following line 18, by striking out all of section 218.

7. Amend page 18, line 5, after "council" by inserting a comma and "but each senator shall receive 2 times the number of maps of each representative".

8. Amend page 19, line 23, by striking out all of section 310 and inserting:

"Sec. 310. The department shall continue its efforts to privatize functions that can be efficiently and effectively performed by the private sector. Efforts shall include, but not be limited to, airports, roads, bridges, maintenance, rest areas, and other areas that would result in a savings to the state. The department shall also develop a strategy for privatizing ownership of limited access highways. The department shall provide a written report to the house and senate appropriations subcommittees on transportation by December 31 of each year, listing functions that have been reviewed for privatization and estimated savings."

9. Amend page 24, line 9, by striking out all of sections 318 and 319 and inserting:

"Sec. 318. From funds appropriated in section 101 for federal aid and road and bridge construction, the department shall provide funding for the proposed soundwall on I-696 in Southfield, including the proposed extension to Inkster Road as well as the proposed type II soundwall on I-94 between Martin and Little Mack in Roseville."

10. Amend page 25, following line 10, by striking out all of sections 322 and 323.

11. Amend page 25, following line 10, section 324, after "beyond" by striking out "a first term demonstrate cost savings in that first term" and inserting "36 months demonstrate cost savings in that 36-month period".

12. Amend page 26, line 1, by striking out all of section 402 and inserting:

"Sec. 402. Of the amount appropriated in section 101, between 23% and 27% of federal aid to highways shall be allocated to federal aid programs administered by the department for local jurisdictions. The funds shall be distributed to eligible local agencies for transportation purposes in a manner consistent with state and federal law. The allocation to programs for local jurisdictions shall be calculated from the overall federal aid made available to this state from the highway account of the federal highway trust fund, minus funds that are specifically allocated at the federal level to local or state jurisdictions and funds allocated by the department to state and local jurisdictions through a competitive process. The federal aid excluded from the calculation of funding to programs for local jurisdictions includes, but is not limited to, congestion, mitigation, and air quality funds, transportation enhancement funds, funds distributed at the discretion of the U.S. secretary of transportation, and congressionally designated funds. It is the intent of the legislature that federal aid to highways be distributed in a manner that produces on average a 25% allocation of applicable funds to programs for local jurisdictions."

13. Amend page 26, line 13, by striking out all of section 403.

14. Amend page 32, following line 10, by inserting:

"Sec. 508. Of the amounts appropriated in section 101 from the Michigan transportation fund to the department of state, \$9,282,000.00 represents the cost of establishing a new commemorative license plate for 1998 pursuant to section 225 of the Michigan vehicle code, 1949 PA 300, MCL 257.225."

15. Amend page 32, line 16, by striking out all of sections 509 and 510.

16. Amend page 33, line 12, by striking out all of section 603.

17. Amend page 33, line 22, after "freeway" by inserting "provided that repayment of the amount appropriated is pledged to be paid to the department for highway maintenance from private funds within 6 months after the appropriation is made".

18. Amend page 33, following line 22, section 605, after "corridor." by striking out the balance of the section.

19. Amend page 33, following line 22, by striking out all of sections 608 and 609 and inserting:

"Sec. 610. Any local road construction project currently underway as the result of cooperation and shared costs between a city and a county shall continue unabated regardless of any funding changes brought on by this act."

20. Amend page 35, line 14, after "county," by inserting "the suburban mobility authority for regional transportation,".

21. Amend page 35, line 15, after "sector." by striking out the balance of the section.

22. Amend page 44, line 8, after "December 31, 1996" by inserting a comma and "including the Eastern Upper Peninsula Transportation Authority and the Beaver Island Transportation Authority,".

23. Amend page 44, following line 17, following section 714, by inserting:

"Sec. 716. For the fiscal year ending September 30, 1998, each eligible authority and each eligible governmental agency which provides public transportation services in urbanized areas with a Michigan population of less than or equal to 100,000 and nonurbanized areas under section 5311 of title 49 of the United States Code, 49 U.S.C. 5311, shall receive a grant of up to 60% of its eligible operating expenses. Each eligible authority and each eligible

government agency which provides public transportation services in urbanized areas with a Michigan population of greater than 100,000 under section 5311 of title 49 of the United States Code, 49 U.S.C. 5311, shall receive a grant of up to 50% of its eligible operating expenses. If funds appropriated in section 101 for local bus operating are not sufficient to fulfill this requirement, sufficient funds appropriated for public transportation development discretionary may be used for this purpose.

Sec. 717. Of the amount appropriated in section 101 for bus capital, for the fiscal year ending September 30, 1998, any funds not utilized for matching federal funds for local bus capital shall be distributed for 100% capital projects for eligible authorities and eligible governmental agencies that are not eligible to receive federal capital formula funds under section 5307 of the federal intermodal surface transportation efficiency act, Public Law 102-240, or any successor act.”.

24. Amend page 45, line 1, by striking out all of section 802.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1998; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds; to prescribe requirements for certain railroad facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

Philip E. Hoffman
Dan L. DeGrow
Michael J. O’Brien
Conferees for the Senate

Clark A. Harder
Jon Jellema
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day to fulfill the Journal printing requirements.

Rep. Gagliardi moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the member’s desks.

The question being on the adoption of the conference report,

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

Roll Call No. 802

Yeas—86

Agee	DeHart	Kaza	Palamara
Alley	DeVuyst	Kelly	Parks
Anthony	Dobb	Kukuk	Perricone
Baade	Fitzgerald	LaForge	Price
Baird	Frank	Law	Profit
Bankes	Freeman	Leland	Prusi
Basham	Gagliardi	LeTarte	Quarles
Birkholz	Galloway	Llewellyn	Raczkowski
Bobier	Geiger	London	Rhead
Bodem	Gernaat	Martinez	Richner
Bogardus	Gilmer	Mathieu	Rison
Brackenridge	Gire	McBryde	Rocca
Brater	Godchaux	McManus	Schauer
Brewer	Gustafson	McNutt	Schermesser
Brown	Hammerstrom	Middaugh	Schroer
Byl	Hanley	Middleton	Scranton
Cassis	Harder	Murphy	Sikkema
Cherry	Hood	Nye	Tesanovich
Ciaramitaro	Jansen	Olshove	Varga
Crissman	Jelinek	Owen	Wetters
Curtis	Jellema	Oxender	Wojno
Dalman	Johnson		

Nays—10

Cropsey
Goschka
Hale

Kilpatrick
Lowe
Thomas

Vaughn
Voorhees

Wallace
Willard

In The Chair: Hertel

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

“Mr. Speaker and members of the House:

Dear Mr. Speaker & House Colleagues I voted no on Record Roll Call #802 for the following reason. In the heat of the negotiations on the Gas Tax issue an agreement was made between myself along with a few other colleagues and Governor Engler appointees as well as other House members. The agreement would have allocated funds to my districts and surrounding districts for specific much needed transit programs. This language was not in the final package after assurance was given to me that it would be. I could not possibly support a negotiation that totally ignored and rejected, the much needed financial support of the people that I was sent here to represent.”

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

“Mr. Speaker and members of the House:

Mr. Speaker, with much regret I am compelled to vote no on the transportation budget conference report, record roll call 802. My support of this legislation and my support of the comprehensive transportation package containing the gas tax increase of July, 1997 was conditioned on the inclusion of a provision returning unreserved CTF funds to local governments for discretionary spending. This provision was removed from the conference report and I believe results in the loss of as much as \$20 million for the city of Detroit. This money was critical to the continued well being of my district, and the safety of my constituents.”

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, October 7, at 2:00 p.m. The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Parks, Wallace, Hood, Agee, Hanley, Palamara, Price, Callahan, Brown, Tesanovich, Hale, Kilpatrick, Rison, Frank, Brewer, Murphy, Quarles, Thomas, Vaughn, Dobronski, Wetters, Olshove, Baird, Martinez, Leland, Mathieu, Freeman, Anthony, LaForge, Harder, London, Cherry, Varga, Brater, Bankes, Sikkema, Dalman, Dobb, Oxender, Middleton, McBryde and Hertel offered the following resolution:

House Resolution No. 147.

A resolution of tribute honoring the life of Congressman George W. Crockett, Jr.

Whereas, It was with deep sadness that we learned of the passing of Congressman George W. Crockett, Jr., a dedicated public servant and caring person who enriched many lives. With genuine respect for his legacy of accomplishments, we join with the community in extending our condolences to his family and many friends. He will be sincerely missed and long remembered; and

Whereas, Congressman Crockett’s judicial and ethical achievements made him a legendary figure in his own time. His name evokes the respect, the approbation and the enthusiasm of people in all walks of life, in all parts of the country and in many countries of the world. This devotion by the people, this respect by his colleagues and this recognition of his accomplishment have come only after many trials and many battles; and

Whereas, His distinguished career has included service with the U.S. Department of Labor where he was Senior Attorney, then the highest ranking Black lawyer in the federal government. He was a Hearings Commissioner on President Roosevelt’s Committee on Fair Employment Practices, Founder of the UAW-CIO Fair Practices Committee

from 1944-46; Administrative Assistant to the International Secretary-Treasurer of the UAW-CIO from 1946-47 and Associate General Counsel of the UAW-CIO in 1947. In 1971, he was elected the first President of the Judicial Council of the National Bar Association. He has had many articles published in legal periodicals including the Michigan Law Review, Judicature, the American Scholar, and the National Bar Journal, and cited with approval by state and federal courts. Included in his writings are analyses of the criminal justice in China, where he visited twice; and

Whereas, For fifteen years he was a member of one of Detroit's most distinguished law firms, Goodman, Crockett, Eden and Robb, the first in the nation to have an integrated partnership. In 1949, as a member of the law firm, he joined the legal defense team representing communist leaders indicted under the Smith Act. The spirited defense by the five attorneys who refused to remain silent when they believed the federal judge was riding roughshod over their clients' rights brought each of them contempt sentences, and he served four months in a federal penitentiary. In 1964, he responded to the desperate need of the civil rights fighters in the South. In 1966, he was elected to Detroit's Records Court. In 1969, the New Bethel incident became one of his most memorable and historic judicial contributions. A violent confrontation between police and a meeting of black activists erupted in the shooting of two police, followed by massive police retaliation with gun fire into the interior of the New Bethel Church and the wholesale arrest of nearly 150 men, women and children. His swift action in holding immediate hearings led to the release of those incarcerated overnight. He applied the constitutional protections to those before his court, and he made the system work; now, therefore, be it

Resolved by the House of Representatives, That we offer our words of praise as a memorial for Congressman George W. Crockett, Jr. May his family find comfort in their faith and their memories of this fine man and his distinguished career; and be it further

Resolved, That a copy of this resolution be transmitted to his family as evidence of our deepest sympathy.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the 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 resolution,

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

Rep. Emerson moved that the House adjourn.

The motion prevailed, the time being 5:00 p.m.

The Speaker declared the House adjourned until Tuesday, October 7, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.