

## No. 65

# JOURNAL OF THE SENATE

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

12:15 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

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

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

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

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

Senator William Van Regenmorter of the 22nd District offered the following invocation:

Dear Heavenly Father, as we begin a new day in the wee hours of the morning, we are nevertheless thankful that You have given us this unique opportunity to serve. We ask that You will bless that service and that it will be in accord with Your will. We also ask that You will be with the family members of every person in this building tonight, recognizing that all of us are separate from our family members. We pray that You will bless them and us with life and health but also with strength and wisdom. We ask these things in the name of Jesus. Amen.

### Motions and Communications

Senator Dunaskiss entered the Senate Chamber.

Senator DeGrow moved that Senators Bouchard and Emmons be temporarily excused from today's session. The motion prevailed.

Senator DeGrow moved that Senators Carl, Cisky and Posthumus be excused from today's session. The motion prevailed.

Senators Bouchard and Emmons entered the Senate Chamber.

Senator V. Smith moved that Senators Conroy and O'Brien be temporarily excused from today's session. The motion prevailed.

Senator V. Smith moved that Senator Koivisto be excused from today's session. The motion prevailed.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, July 10:  
**House Bill No. 4371**

The Secretary announced the enrollment printing and presentation to the Governor on July 14, for his approval the following bills:

**Enrolled Senate Bill No. 121 at 2:06 p.m.**  
**Enrolled Senate Bill No. 284 at 2:08 p.m.**  
**Enrolled Senate Bill No. 297 at 2:10 p.m.**  
**Enrolled Senate Bill No. 345 at 2:12 p.m.**  
**Enrolled Senate Bill No. 501 at 2:14 p.m.**  
**Enrolled Senate Bill No. 570 at 2:16 p.m.**  
**Enrolled Senate Bill No. 571 at 2:18 p.m.**  
**Enrolled Senate Bill No. 572 at 2:20 p.m.**  
**Enrolled Senate Bill No. 574 at 2:22 p.m.**  
**Enrolled Senate Bill No. 592 at 2:24 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on July 15, for his approval the following bill:

**Enrolled Senate Bill No. 569 at 3:31 p.m.**

The Secretary announced the printing and placement in the members' files on Wednesday, July 9 of:

**Senate Bill Nos. 654 655 656 657 658 659 660 661 662 663 664**  
**House Bill Nos. 5004 5005 5006 5007 5008 5009 5010 5011 5012**

The Secretary announced the printing and placement in the members' files on Thursday, July 10 of:

**House Bill Nos. 5013 5014 5015 5016 5017 5018 5019 5020 5021 5022 5023 5024 5025 5034**

The Secretary announced the printing and placement in the members' files on Tuesday, July 15 of:

**Senate Bill Nos. 665 666 667 668 669 670 671 672**  
**House Bill Nos. 5026 5027 5028 5029 5030 5031 5032 5033 5035 5036 5037 5038 5039 5040**  
**5041**

**House Joint Resolution Z**

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

**Senate Bill No. 272, entitled**

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

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 1, line 7, by striking out “402,003,800” and inserting “402,903,800”.
2. Amend page 2, line 1, by striking out “401,547,800” and inserting “402,447,800”.
3. Amend page 2, line 6, by striking out “56,994,200” and inserting “57,894,200”.
4. Amend page 6, line 10, by striking out “104,138,600” and inserting “104,388,600”.
5. Amend page 6, line 11, by striking out “104,138,600” and inserting “104,388,600”.
6. Amend page 6, line 15, by striking out “(78,134,500)” and inserting “(77,884,500)”.
7. Amend page 7, following line 1, by inserting:  
 “Beneficiary notification ..... 250,000”.
8. Amend page 7, line 2, by striking out “103,538,600” and inserting “103,788,600”.
9. Amend page 7, line 10, by striking out “(78,734,500)” and inserting “(78,484,500)”.
10. Amend page 19, line 3, by striking out “62,659,600” and inserting “62,909,600”.
11. Amend page 19, line 4, by striking out “62,659,600” and inserting “62,909,600”.
12. Amend page 19, line 7, by striking out “34,453,700” and inserting “34,703,700”.
13. Amend page 19, following line 21, by inserting:  
 “Qualified voter file ..... 250,000”.
14. Amend page 19, line 22, by striking out “23,441,300” and inserting “23,691,300”.
15. Amend page 19, line 26, by striking out “8,400,000” and inserting “8,650,000”.
16. Amend page 24, line 4, by striking out “1,806,400” and inserting “2,106,400”.
17. Amend page 24, line 5, by striking out “1,806,400” and inserting “2,106,400”.
18. Amend page 24, line 8, by striking out “1,000,000” and inserting “1,300,000”.
19. Amend page 24, following line 19, by inserting:  
 “Veterans foundation ..... 218,400  
 American legion ..... 7,000  
 Disabled American veterans ..... 6,300  
 Marine corps veterans ..... 2,900  
 American veterans of World War II and Korea ..... 4,000  
 Veterans of foreign wars ..... 7,700  
 Michigan paralyzed veterans of America ..... 1,400  
 Purple heart ..... 1,400  
 Polish legion of American veterans ..... 400  
 Jewish war veterans of America ..... 400  
 State of Michigan council Vietnam veterans of Michigan ..... 50,000  
 Catholic war veterans ..... 100”.
20. Amend page 24, line 20, by striking out “1,000,000” and inserting “1,300,000”.
21. Amend page 24, line 22, by striking out “1,000,000” and inserting “1,300,000”.
22. Amend page 25, line 3, by striking out “7,171,000” and inserting “7,271,000”.
23. Amend page 25, line 6, by striking out “6,715,000” and inserting “6,815,000”.
24. Amend page 25, line 8, by striking out “3,000,000” and inserting “3,100,000”.
25. Amend page 25, following line 24, by inserting:  
 “Stream habitat improvement ..... 100,000”.
26. Amend page 25, line 25, by striking out “3,050,000” and inserting “3,150,000”.
27. Amend page 26, line 3, by striking out “3,000,000” and inserting “3,100,000”.
28. Amend page 30, line 10, after “is” by striking out “\$159,240,600.00” and inserting “\$160,140,600.00”.
29. Amend page 31, line 24, after “affairs,” by striking out the balance of the line and inserting “grants appropriation unit.”.
30. Amend page 35, following line 11, by inserting:  
 “Sec. 254. In consideration of losses incurred by health plans due to delayed implementation of the medicaid enrollment broker, the department of community health shall pay a penalty to each health plan equal to 5% of each plan’s competitive bid capitation rates for health plans that have signed a medicaid contract by July 31, 1997, until such time as the medicaid enrollment broker is implemented and medicaid enrollments resulting from the broker are

effective. The department shall expend up to \$250,000.00 to notify unenrolled eligible medicaid beneficiaries to enable them to make informed choices of health plans.”.

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

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

32. Amend page 44 following line 21, by inserting:

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

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

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

34. Amend page 51 following line 11, by inserting:

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

The House of Representatives has concurred in the Senate substitute (S-3) as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 468**

**Yeas—32**

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

**Nays—0**

**Excused—6**

Carl	Conroy	O'Brien	Posthumus
Cisky	Koivisto		

**Not Voting—0**

In The Chair: Schwarz

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

### Recess

Senator DeGrow moved that the Senate recess until 12:45 a.m.  
The motion prevailed, the time being 12:25 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senators Conroy and O'Brien entered the Senate Chamber.

### Recess

Senator DeGrow moved that the Senate recess until 1:30 a.m.  
The motion prevailed, the time being 12:46 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

### Senate Bill No. 303, entitled

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

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect 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, 12, and 13 (MCL 247.660, 247.660e, 247.661, 247.662, and 247.663), the title as amended by 1992 PA 223 and sections 10, 11, 12, and 13 as amended by 1993 PA 294, and by adding sections 1g, 1h, 9b, 15a, and 15b.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

Senators Bennett and Geake offered the following amendment to the substitute:

1. Amend page 46, line 10, after "FUNDS." by inserting "IN COUNTIES WITH A POPULATION OF 2,000,000 OR MORE AND COUNTIES WITH A POPULATION OF 250,000 OR MORE THAT BORDER ON A COUNTY WITH A POPULATION OF 2,000,000 OR MORE, THE MONTHLY DISTRIBUTION SHALL BE IN THE FORM OF 2-PARTY CHECKS TO THE COUNTY IN THE NAME OF THE COUNTY AND EACH RESPECTIVE TOWNSHIP WITHIN THE COUNTY. EACH DISTRIBUTION CHECK UNDER THIS SUBSECTION SHALL BE DETERMINED IN THE SAME MANNER AS FUNDS ARE DISTRIBUTED UNDER SUBSECTION (6) EXCEPT THAT EACH DETERMINATION SHALL BE BASED UPON THE MILES OF COUNTY PRIMARY AND COUNTY LOCAL ROADS WITHIN EACH RESPECTIVE TOWNSHIP. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE COUNTY AND EACH TOWNSHIP SHALL JOINTLY DETERMINE HOW FUNDS SHALL BE ALLOCATED IN THE RESPECTIVE TOWNSHIP."

The amendment to the substitute was not adopted.

Senator Hoffman offered the following amendment to the substitute:

1. 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."

The amendment to the substitute was adopted.

Senator Hoffman offered the following amendments to the substitute:

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, enacting section 1, by striking out "(c) House Bill No. 4371." and inserting "(c) Senate Bill No. 208."

The amendments to the substitute were adopted.

Senator Hoffman offered the following amendments to the substitute:

1. Amend page 36, line 10, by inserting "COOPERATIVE".

2. Amend page 36, line 11, after "street." by inserting "A COOPERATIVE AGREEMENT ENTERED INTO UNDER THIS SUBDIVISION MAY PERMIT A COUNTY, CITY, OR VILLAGE TO PERFORM WORK ON A HIGHWAY, ROAD, OR STREET BEYOND THEIR RESPECTIVE JURISDICTIONAL BOUNDARIES."

3. Amend page 36, line 11, after "The" by inserting "COOPERATIVE".

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 469**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Carl	Cisky	Koivisto	Posthumus
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**Not Voting—0**

In The Chair: Schwarz

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

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

comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending the title and sections 10, 10e, 11, 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 amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator DeGrow moved to reconsider the vote by which the House substitute to the following bill was concurred in:  
**Senate Bill No. 303**

The question being on the motion to reconsider,

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

The motion prevailed.

Senator V. Smith moved that Senator Miller be temporarily excused from the balance of today's session.

The motion prevailed.

**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 House of Representatives has amended the Senate substitute (S-4) as follows:

1. Amend page 2, line 5, after "YEAR," by striking out "7.5%" and inserting "8.0%".
2. Amend page 3, line 6, after the first "year" by striking out the balance of the line through "year" on line 7.
3. Amend page 4, line 5, by striking out all of enacting section 1 and inserting:

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

(a) House Bill No. 4872.

(b) Senate Bill No. 303."

The House of Representatives has concurred in the Senate substitute (S-4) as amended and pursuant to Joint Rule 20, agreed to the full title of the bill.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

Senator Bennett offered the following amendment to the amendments:

1. Amend House Amendment No. 2, page 3, line 6, after "line 7" by inserting "and inserting "and each tax year ~~after~~ SUBSEQUENT TO the 1996 tax year"."

The amendment to the amendments was adopted.

The question being on concurring in the House amendments, as amended,

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

**Roll Call No. 470**

**Yeas—33**

Bennett	Dingell	McManus	Smith, A.
Berryman	Dunaskiss	North	Smith, V.
Bouchard	Emmons	O'Brien	Stallings
Bullard	Gast	Peters	Steil
Byrum	Geake	Rogers	Stille

Cherry  
Conroy  
DeBeaussaert  
DeGrow

Gougeon  
Hart  
Hoffman

Schuette  
Schwarz  
Shugars

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—5**

Carl  
Cisky

Koivisto

Miller

Posthumus

**Not Voting—0**

In The Chair: Schwarz

Senator Miller entered the Senate Chamber.

**Senate Bill No. 225, entitled**

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

The House of Representatives has concurred in the Senate amendment to the House amendments.

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

**Senate Bill No. 581, entitled**

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

The House of Representatives has concurred in the Senate amendments to the House substitute (H-2).

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

By unanimous consent the Senate proceeded to the order of

**Resolutions**

Senator DeGrow offered the following concurrent resolution:

**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.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 42.**

A concurrent resolution to extend a declared state of disaster in Allegan and Ottawa Counties.  
(For text of resolution, see Senate Journal No. 64, p. 1303.)

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

The concurrent resolution was referred to the Secretary for record.

#### **Senate Concurrent Resolution No. 43.**

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

(For text of resolution, see Senate Journal No. 64, p. 1303.)

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

The concurrent resolution was referred to the Secretary for record.

#### **Recess**

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

The motion prevailed, the time being 2:10 a.m.

3:06 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

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

The motion prevailed.

Senator Dunaskiss' statement is as follows:

I want to take this opportunity to make a comment on an amendment that I sponsored along with Senators Shugars and Koivisto, on Senate Bill No. 272, last week. The way the bill was originally drafted it would have appropriated \$1.2 million to implement a cigarette stamping program. While I support the idea of a cigarette stamping program to be used for combating cigarette smuggling in Michigan, I do not support an appropriation without planned legislation put in place. The legislature should not be appropriating money for programs that have no parameters; for a program with no rules, guidelines or staff. There is simply an appropriation of money that is absolutely wrong and that is taking away our legislative review.

Secondly we do have Senate Bill No. 101, which was widely supported in a bipartisan manner, that is now awaiting action in the House. It sets clear, concise parameters on how the state cigarette stamping program should operate. I encourage that this bill, or a similar bill, is implemented before the department treasury goes forth with any type of stamping program or any further discussion on this issue. That is clearly the right of the legislature, to set the parameters. I am very pleased that the amendment passed in a bipartisan manner.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

Senator DeGrow moved to reconsider the vote by which the House amendments to the following bill were concurred in:

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

The question being on concurring in the House amendments made to the Senate substitute, Senator DeGrow moved to reconsider the vote by which the amendment offered by Senator Bennett to the House amendments was adopted.

The motion prevailed.

The question being on the adoption of the amendment,

Senator Bennett withdrew the amendment.

The question being on concurring in the House amendments made to the Senate substitute,

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

The motion prevailed.

The House of Representatives requested the return of

**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.

Senator DeGrow moved that the request of the House be granted.

The motion prevailed.

### Recess

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

The motion prevailed, the time being 3:15 a.m.

3:25 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

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

**Senate Bill No. 303, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending sections 10, 11, 11c, 12, 13, and 15 (MCL 247.660, 247.661, 247.661c, 247.662, 247.663, and 247.665), sections 10, 11, 11c, 12, and 13 as amended by 1993 PA 294 and section 15 as amended by 1982 PA 438, and by adding sections 1g, 1h, and 1i.

(This bill was returned from the House with a substitute earlier today, concurred in as amended and the motion to reconsider the vote postponed. See pp. 1313, 1317.)

The question being on the motion to reconsider the vote by which the House substitute was concurred in.

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

The question being on concurring in the substitute made to the bill by the House, Senator DeGrow moved to reconsider the vote by which the last set of amendments offered by Senator Hoffman to the House substitute were adopted.

The motion prevailed.

The question being on the adoption of the amendments to the substitute, Senator Hoffman withdrew the amendments.

The question being on concurring in the House substitute, as amended,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 471****Yeas—34**

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

**Nays—0****Excused—4**

Carl	Cisky	Koivisto	Posthumus
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**Not Voting—0**

In The Chair: Schwarz

**Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 3:29 a.m.

3:33 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

**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 House of Representatives has amended the Senate substitute (S-4) as follows:

1. Amend page 2, line 5, after "YEAR," by striking out "7.5%" and inserting "8.0%".
2. Amend page 4, line 5, by striking out all of enacting section 1 and inserting:

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

- (a) House Bill No. 4872.
- (b) Senate Bill No. 303."

The House of Representatives has concurred in the Senate substitute (S-4) as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 472**

**Yeas—33**

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

**Nays—0**

**Excused—4**

Carl	Cisky	Koivisto	Posthumus
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**Not Voting—1**

Hoffman

In The Chair: Schwarz

**Recess**

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

The motion prevailed, the time being 3:36 a.m.

4:59 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

Senator DeGrow moved that upon receipt of Senate bills returned from the House of Representatives without amendment, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

**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, 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 House of Representatives has concurred in the Senate amendments to the House substitute (H-3) and agreed to the title of the bill.

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

By unanimous consent the Senate proceeded to the order of

#### **Introduction and Referral of Bills**

Senator Schwarz introduced

#### **Senate Bill No. 673, entitled**

A bill to permit nonprofit health care corporations to convert to domestic nonprofit mutual insurers; to provide for the terms and conditions of the conversions; to prescribe certain duties and responsibilities of certain state officers; and to prescribe certain duties and responsibilities of the converted domestic nonprofit mutual insurer.

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

Senator Schwarz introduced

#### **Senate Bill No. 674, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 5902.

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

Senator Schwarz introduced

#### **Senate Bill No. 675, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 230 (MCL 418.230), as amended by 1994 PA 271.

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

Senators Stallings, A. Smith, Conroy and Berryman introduced

#### **Senate Bill No. 676, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 147b (MCL 750.147b), as added by 1988 PA 371.

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

**House Bill No. 4371, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**Resolutions****Senate Concurrent Resolution No. 44.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see p. 1318.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

**Scheduled Meeting**

Trial Court Assessment Commission - Friday, August 22, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 5:02 a.m.

Pursuant to Senate Concurrent Resolution No. 44, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, September 23, at 10:00 a.m.

CAROL MOREY VIVENTI

Secretary of the Senate.