

No. 68  
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**House of Representatives**  
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House Chamber, Lansing, Friday, July 3, 1998.

12:01 a.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	Kelly—present	Profit—present
Alley—excused	Fitzgerald—present	Kilpatrick—present	Prusi—present
Anthony—present	Frank—present	Kukuk—present	Quarles—present
Baade—excused	Freeman—present	LaForge—present	Raczkowski—present
Baird—present	Gagliardi—present	Law—excused	Rhead—present
Bankes—excused	Galloway—present	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—excused	Rison—present
Birkholz—present	Gernaat—present	Llewellyn—present	Rocca—present
Bobier—present	Gilmer—present	London—present	Sanborn—present
Bodem—present	Gire—present	Lowe—present	Schauer—present
Bogardus—present	Godchaux—present	Mans—excused	Schermesser—present
Brackenridge—excused	Goschka—present	Martinez—present	Schroer—present
Brater—present	Green—present	Mathieu—present	Scott—present
Brewer—present	Griffin—absent	McBryde—present	Scranton—present
Brown—present	Gubow—present	McManus—present	Sikkema—present
Byl—present	Gustafson—present	McNutt—present	Stallworth—present
Callahan—present	Hale—present	Middaugh—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middleton—present	Thomas—present
Cherry—present	Hanley—present	Murphy—present	Varga—present
Ciaramitaro—present	Harder—excused	Nye—excused	Vaughn—present
Crissman—excused	Hertel—present	Olshove—present	Voorhees—present
Cropsey—present	Hood—present	Owen—present	Walberg—excused
Curtis—excused	Horton—present	Oxender—excused	Wallace—present
Dalman—present	Jansen—present	Palamara—excused	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—excused	Price—present	Wojno—present
Dobronski—present	Kaza—excused		

e/d/s = entered during session

Rep. Eileen DeHart, from the 18th District, offered the following invocation:

“Lord, help us.”

Rep. Hammerstrom moved that Reps. Nye, LeTarte, Law, Brackenridge, Bankes, Kaza, Oxender and Walberg be excused from today’s session.

The motion prevailed.

Rep. McBryde moved that Reps. Johnson and Crissman be excused from today’s session.

The motion prevailed.

Rep. Dobronski moved that Reps. Alley, Mans, Curtis, Baade, Palamara and Harder be excused from today’s session.

The motion prevailed.

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 5516, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11i, 20, 25, 51a, 62, 81, 101, and 166b (MCL 388.1611, 388.1611i, 388.1620, 388.1625, 388.1651a, 388.1662, 388.1681, 388.1701, and 388.1766b), sections 11, 20, 51a, 62, 81, and 101 as amended and section 11i as added by 1997 PA 142, section 25 as amended by 1997 PA 93, and section 166b as amended by 1996 PA 300, and by adding sections 11j, 11k, 11l, 25a, 31b, 31d, and 63.

(The bill was received from the Senate on July 2, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 67, p. 1921.)

The question being on concurring in the adoption of the substitute (S-1) made to the bill by the Senate,

Rep. Agee moved to substitute (H-2) the Senate substitute (S-1).

The question being on the adoption of the substitute (H-2) offered by Rep. Agee,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. Agee,

The substitute (H-2) was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 843

#### Yeas—56

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

#### Nays—29

Bobier	Galloway	Horton	Middaugh
Bodem	Geiger	Jansen	Perricone
Byl	Gernaat	Jelinek	Rackowski

Cassis	Gilmer	London	Richner
Cropsey	Godchaux	Lowe	Scranton
Dalman	Green	McManus	Sikkema
DeVuyst	Gustafson	McNutt	Voorhees
Fitzgerald			

In The Chair: Hertel

Rep. Agee moved to amend the Senate substitute (S-1) as follows:

1. Amend page 14, line 20, by striking out "\$9,038,433,000.00" and inserting "\$8,996,463,800.00".
2. Amend page 16, line 11, after "IS" by striking out "\$5,532.00" and inserting "\$5,512.00".
3. Amend page 16, line 15, by striking out "\$8,101,514,700.00" and inserting "\$8,060,687,500.00".
4. Amend page 30, line 2, by striking out "\$763,355,800.00" and inserting "\$762,505,300.00".
5. Amend page 30, line 23, by striking out "\$660,129,300.00" and inserting "\$657,536,600.00".
6. Amend page 32, line 4, by striking out "\$29,277,700.00" and inserting "\$29,054,000.00".
7. Amend page 36, line 21, by striking out "\$9,596,900.00" and inserting "\$9,562,800.00".
8. Amend page 38, line 9, after "EXCEED" by striking out "\$80,934,100.00" and inserting "\$80,642,600.00".
9. Amend page 38, line 19, after "TO" by striking out "101.3%" and inserting "100.9%".

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

Rep. Gire moved to amend the Senate substitute (S-1) as follows:

1. Amend page 16, following line 8, by inserting:

"SEC. 111. (1) IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$2,000,000.00 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999 AND THERE SHALL BE APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$2,000,000.00 EACH FISCAL YEAR FOR EACH SUCCEEDING FISCAL YEAR THROUGH THE FISCAL YEAR ENDING SEPTEMBER 30, 2008. PAYMENTS UNDER THIS SECTION WILL CEASE AFTER SEPTEMBER 30, 2008. THESE APPROPRIATIONS ARE FOR PAYING THE AMOUNTS DESCRIBED IN SUBSECTION (2) TO DISTRICTS, OTHER THAN THOSE RECEIVING A LUMP SUM PAYMENT UNDER SUBSECTION (3), THAT HAVE ISSUED FOR A SCHOOL CONSTRUCTION PROJECT BONDS THAT MEET ALL OF THE FOLLOWING:

(A) THE ISSUANCE OF THE BONDS WAS APPROVED BY THE SCHOOL ELECTORS AT AN ELECTION THAT OCCURRED AFTER NOVEMBER 21, 1994 AND BEFORE JUNE 27, 1997.

(B) THE BONDS ARE QUALIFIED BONDS UNDER 1961 PA 108, MCL 388.951 TO 388.963.

(2) THE AMOUNT PAID EACH FISCAL YEAR TO EACH DISTRICT UNDER SUBSECTION (1) SHALL BE 1/10 OF THE TOTAL AMOUNT, AS DETERMINED BY THE DEPARTMENT, THAT THE DISTRICT IS OR HAS BEEN REQUIRED TO PAY TO COMPLY WITH 1965 PA 116, MCL 408.551 TO 408.558, ON THOSE PORTIONS OF THE CONSTRUCTION PROJECT DESCRIBED IN SUBSECTION (1) THAT WERE NOT CONTRACTED FOR OR BID BEFORE JUNE 27, 1997.

(3) IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$50,000.00 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999. THIS APPROPRIATION IS FOR PAYING THE AMOUNTS DESCRIBED IN THIS SUBSECTION TO DISTRICTS THAT HAVE ISSUED FOR A SCHOOL CONSTRUCTION PROJECT BONDS THAT MEET THE REQUIREMENTS UNDER SUBSECTION (1), AND FOR WHICH THE TOTAL AMOUNT AS OTHERWISE CALCULATED UNDER SUBSECTION (2) IS LESS THAN \$25,000.00. FOR A DISTRICT QUALIFYING FOR A PAYMENT UNDER THIS SUBSECTION, THE ENTIRE AMOUNT CALCULATED UNDER SUBSECTION (2) SHALL BE PAID IN A LUMP SUM ON NOVEMBER 15, 1998 OR ON THE NEXT BUSINESS DAY FOLLOWING THAT DATE.

(4) THE ENTIRE AMOUNT OF EACH PAYMENT UNDER SUBSECTION (1) EACH FISCAL YEAR SHALL BE PAID ON NOVEMBER 15 OF THE APPLICABLE FISCAL YEAR OR ON THE NEXT BUSINESS DAY FOLLOWING THAT DATE.

(5) TO BE ELIGIBLE FOR A PAYMENT UNDER THIS SECTION, A DISTRICT SHALL SUBMIT TO THE DEPARTMENT EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT IT MEETS THE REQUIREMENTS FOR A PAYMENT UNDER THIS SECTION AND SHALL SUBMIT TO THE DEPARTMENT ALL INFORMATION THE DEPARTMENT CONSIDERS NECESSARY TO CALCULATE THE AMOUNT OF THE PAYMENT."

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

The question being on concurring in the Senate substitute (S-1), as substituted (H-2),

The Senate substitute (S-1), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 844****Yeas—91**

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

**Nays—1**

Horton

In The Chair: Hertel

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

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

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 20, 51a, 81, 101, and 166b (MCL 388.1606, 388.1611, 388.1620, 388.1651a, 388.1681, 388.1701, and 388.1766b), sections 6, 11, 20, 51a, 81, and 101 as amended by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding section 117.

The motion prevailed.

The House agreed to the title as amended.

**Second Reading of Bills****Senate Bill No. 733, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

The bill was read a second time.

Rep. Profit moved to substitute (H-1) the bill.

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

Rep. Profit moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

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

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

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

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**Senate Bill No. 733, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

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

**Roll Call No. 845**

**Yeas—61**

Agee	Gernaat	Leland	Richner
Anthony	Gire	Llewellyn	Rocca
Baird	Goschka	Lowe	Sanborn
Basham	Gustafson	McBryde	Schauer
Bodem	Hammerstrom	McManus	Schroer
Brater	Hanley	McNutt	Scott
Brewer	Hertel	Middaugh	Sikkema
Brown	Hood	Middleton	Stallworth
Cassis	Horton	Murphy	Tesanovich
Cropsey	Jansen	Olshove	Thomas
DeVuyst	Jelinek	Parks	Varga
Dobronski	Jellema	Price	Vaughn
Frank	Kilpatrick	Profit	Wallace
Gagliardi	Kukuk	Quarles	Whyman
Galloway	LaForge	Rackowski	Wojno
Geiger			

**Nays—20**

Bobier	Freeman	Kelly	Perricone
Bogardus	Gilmer	London	Prusi
Cherry	Godchaux	Martinez	Rhead
DeHart	Gubow	Mathieu	Schermesser
Fitzgerald	Hale	Owen	Willard

In The Chair: Hertel

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

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

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act," (MCL 211.1 to 211.157) by adding section 9f.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 905, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

Rep. Gagliardi moved that Rule 49 be suspended.

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

#### Senate Bill No. 905, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

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

#### Roll Call No. 846

#### Yeas—84

Agee	Dobronski	Horton	Perricone
Anthony	Emerson	Jansen	Price
Baird	Fitzgerald	Jelinek	Prusi
Basham	Frank	Jellema	Quarles
Birkholz	Freeman	Kelly	Raczkowski
Bobier	Gagliardi	Kukuk	Rhead
Bodem	Galloway	Leland	Richner
Bogardus	Geiger	Llewellyn	Rison
Brater	Gernaat	London	Rocca
Brewer	Gilmer	Lowe	Sanborn
Brown	Gire	Martinez	Schauer
Byl	Godchaux	Mathieu	Schermesser
Callahan	Goschka	McBryde	Scranton
Cassis	Green	McManus	Sikkema
Cherry	Gubow	McNutt	Tesanovich
Ciaramitaro	Gustafson	Middaugh	Varga
Cropsey	Hale	Middleton	Voorhees
Dalman	Hammerstrom	Murphy	Wetters
DeHart	Hanley	Olshove	Whyman
DeVuyst	Hertel	Owen	Willard
Dobb	Hood	Parks	Wojno

#### Nays—8

Kilpatrick	Profit	Scott	Thomas
LaForge	Schroer	Stallworth	Vaughn

In The Chair: Hertel

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

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

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 1997, September 30, 1998, and September 30, 1999; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The motion prevailed.  
 The House agreed to the title as amended.  
 Rep. Gagliardi moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### Senate Bill No. 928, entitled

A bill to supplement and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 1997 and September 30, 1998; and to provide for the expenditure of the appropriations.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Appropriations,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Hood moved to amend the bill as follows:

1. Amend page 55, line 20, by striking out “(50,300)” and inserting “(30,300)”.
2. Amend page 55, line 26, by striking out “(196,000)” and inserting “(170,000)”.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

Rep. Gagliardi moved that Rule 49 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

#### Senate Bill No. 928, entitled

A bill to supplement and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 1997 and September 30, 1998; and to provide for the expenditure of the appropriations.

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

#### Roll Call No. 847

#### Yeas—93

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

**Nays—0**

In The Chair: Hertel

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

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

A bill to make, supplement and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Gagliardi and Gustafson offered the following resolution:

**House Concurrent Resolution No. 113.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Friday, July 3, 1998, they stand adjourned until Tuesday, September 15, 1998.

Pending the reference of the concurrent resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the concurrent resolution be considered at this time.

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

The question being on the adoption of the concurrent resolution,

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

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Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, September 15, at 2:00 p.m.  
The motion prevailed.

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Human Services and Children from further consideration of **House Bill No. 5855**.

Rep. McManus

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Rep. Middaugh moved that the House adjourn.

The motion prevailed, the time being 1:05 a.m.

The Speaker declared the House adjourned until Tuesday, September 15, at 2:00 p.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.