

No. 58
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House Chamber, Lansing, Thursday, June 20, 2002.

12:05 a.m.

The House was called to order by Associate Speaker Pro Tempore Julian.

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

Adamini—present	Garza—present	Lockwood—present	Schauer—present
Allen—present	George—present	Mans—present	Schermesser—excused
Anderson—present	Gielegthem—present	McConico—present	Scranton—present
Basham—present	Gilbert—present	Mead—present	Shackleton—present
Bernero—present	Godchaux—present	Meyer—present	Sheltrown—present
Birkholz—present	Gosselin—present	Middaugh—present	Shulman—present
Bisbee—present	Hager—present	Minore—present	Spade—present
Bishop—present	Hale—present	Mortimer—present	Stallworth—present
Bogardus—present	Hansen—present	Murphy—present	Stamas—present
Bovin—present	Hardman—present	Neumann—present	Stewart—present
Bradstreet—present	Hart—present	Newell—present	Switalski—present
Brown, Bob—present	Howell—present	O’Neil—present	Tabor—present
Brown, Cameron—present	Hummel—present	Palmer—present	Thomas—present
Brown, Rich—present	Jacobs—present	Pappageorge—present	Toy—excused
Callahan—present	Jamnack—present	Patterson—present	Van Woerkom—present
Cassis—present	Jansen—excused	Pestka—present	Vander Roest—present
Caul—present	Jelinek—present	Phillips—present	Vander Veen—present
Clark—present	Johnson, Rick—present	Plakas—present	Vear—present
Clarke—present	Johnson, Ruth—present	Pumford—present	Voorhees—present
Daniels—present	Julian—present	Quarles—present	Waters—present
Dennis—present	Koetje—present	Raczkowski—present	Whitmer—present
DeRossett—present	Kolb—present	Reeves—present	Williams—present
DeVuyst—present	Kooiman—present	Richardville—present	Wojno—present
DeWeese—present	Kowall—present	Richner—present	Woodward—present
Drolet—present	Kuipers—present	Rison—excused	Woronchak—excused
Ehardt—present	LaSata—present	Rivet—present	Zelenko—present
Faunce—present	Lemmons—excused	Rocca—present	
Frank—present	Lipsev—present		

Rep. Jerry Vander Roest, from the 63rd District, offered the following invocation:

“Dear Heavenly Father, these are difficult times and everyone of these 110 legislators care about this state and the people that are in it. All of us are here with a common goal, to make this the best state, a place for our families and quality of life and all that is good. Many difficult decisions are going to be discussed in this next hour. Lord, give us knowledge, wisdom and understanding. May we be patient with each other as we all work toward something that is good for the people of the state of Michigan. Amen.”

Rep. Vander Roest moved that Reps. Jansen, Toy and Woronchak be excused from today’s session.
The motion prevailed.

Rep. Jacobs moved that Reps. Lemmons, Rison and Schermesser be excused from today’s session.
The motion prevailed.

Reports of Select Committees

The Speaker laid before the House the conference report relative to

House Bill No. 5642, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(The conference report was reported by the conference committee on June 19, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 57, p. 2157.)

The question being on the adoption of the conference report,

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

Roll Call No. 966

Yeas—55

Allen	George	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Mead	Shackleton
Bradstreet	Hager	Meyer	Shulman
Brown, C.	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Stewart
Caul	Hummel	Newell	Tabor
DeRossett	Jelinek	Palmer	Van Woerkom
DeVuyst	Johnson, Rick	Pappageorge	Vander Roest
DeWeese	Johnson, Ruth	Patterson	Vander Veen
Drolet	Julian	Pumford	Vear
Ehardt	Koetje	Rackowski	Voorhees
Faunce	Kooiman	Richardville	

Nays—48

Adamini	Dennis	Mans	Schauer
Anderson	Frank	McConico	Sheltrown

Basham	Garza	Minore	Spade
Bernero	Gielegthem	Murphy	Stallworth
Bogardus	Hale	Neumann	Switalski
Bovin	Hansen	O'Neil	Thomas
Brown, B.	Hardman	Pestka	Waters
Brown, R.	Jacobs	Phillips	Whitmer
Callahan	Jamnack	Plakas	Williams
Clark, I.	Kolb	Quarles	Wojno
Clarke, H.	Lipsey	Reeves	Woodward
Daniels	Lockwood	Rivet	Zelenko

In The Chair: Julian

Rep. Richardville moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Plakas, Anderson, Phillips, Waters, Callahan, Lockwood, Murphy, Kolb, Basham, Williams, Lipsey, Jacobs, Dennis, Schauer, Jamnick, Minore, Reeves and Clark, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the conference report to House Bill 5642, the Agriculture budget, because:

- I believe the cuts to the Food Bank in this time of economic uncertainty is irresponsible when the demand for the services are increasing.

In addition, I voted no on House Bill 5642 because:

- The conference report did remove \$ 4 million dollars that would go to the animal diagnostic lab is being built at MSU. This laboratory would examine chronic wasting disease, bovine TB and testing if an anthrax outbreak were to occur.
- This state is facing a \$480 million deficit for the current 2002 fiscal year and over \$350 million for next fiscal year, 2003. As it stands right now, a number of revenues which contribute substantially to the state's General Fund are down a full ten percent from where they were a year ago.
- Unfortunately, the Governor and Republican Legislatures still cannot recommend actions to deal with the state's structural deficit. Until we receive a clearer indication on where our revenues are heading and how the Republican Legislative leadership intends to deal with the state's structural deficit, I cannot in good conscience vote to make cuts in essential programs.”

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

“Mr. Speaker and members of the House:

I voted no on the conference report to House Bill 5642, the Agriculture budget, because:

I believe the cuts to the Food Bank in this time of economic uncertainty is irresponsible when the demand for the services are increasing.

In addition, I voted no on House Bill 5642 because:

The conference report did remove \$ 4 million dollars that would go to the animal diagnostic lab is being built at MSU. This laboratory would examine chronic wasting disease, bovine TB and testing if an anthrax outbreak were to occur.”

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

“Mr. Speaker and members of the House:

I voted no on the conference report for HB 5642 (Agriculture Budget) because I feel that the removal of \$4 million for the animal diagnostic lab at MSU is wrong. Especially due to the need of examining chronic wasting disease, bovine TB and testing in the event of an anthrax outbreak. I also believe that the cuts to the Food Bank are heartless, irresponsible, and unmindful of the increasing demand for these services during these times of economic uncertainty. In addition, the State of Michigan is facing a \$480 + million deficit for this current fiscal year (2002) and over \$350 million for next fiscal year (2003). With the revenues that contribute to the State's General Fund down from last year, and the projections indicate they will continue to fall, it makes sense to seriously consider a pause in the scheduled SBT and Income Tax cuts, and focus on the state's structural deficit.”

Second Reading of Bills

Senate Bill No. 1242, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416c.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5881, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 22b, 96, and 104a (MCL 388.1622b, 388.1696, and 388.1704a), section 22b as amended by 2001 PA 121, section 96 as added by 2000 PA 297, and section 104a as amended by 1999 PA 119.

(The bill was read a second time, substituted, amendment offered and bill postponed temporarily on June 19, see House Journal No. 57, p. 2200.)

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

Point of Order

Rep. Frank requested a point of order on whether the bill is properly before the House.

The Chair ruled that the bill is properly before the House.

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

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

Roll Call No. 967

Yeas—64

Adamini	Daniels	Lipsey	Reeves
Allen	Dennis	Lockwood	Rivet
Anderson	DeWeese	Mans	Schauer
Basham	Ehardt	McConico	Shackleton
Bernero	Frank	Mead	Spade
Birkholz	Garza	Middaugh	Stallworth
Bogardus	Gielegthem	Minore	Stamas
Bovin	Hager	Murphy	Switalski
Bradstreet	Hale	Neumann	Thomas
Brown, B.	Hansen	Newell	Vander Roest
Brown, R.	Hardman	O’Neil	Waters
Callahan	Jacobs	Pestka	Whitmer
Cassis	Jamnick	Phillips	Williams
Caul	Julian	Plakas	Wojno
Clark, I.	Kolb	Quarles	Woodward
Clarke, H.	Kowall	Rackowski	Zelenko

Nays—36

Bisbee	Godchaux	Kuipers	Rocca
Bishop	Gosselin	LaSata	Scranton
Brown, C.	Hart	Meyer	Shulman
DeRossett	Howell	Mortimer	Stewart
DeVuyst	Hummel	Palmer	Tabor

Drolet
Faunce
George
Gilbert

Johnson, Rick
Johnson, Ruth
Koetje
Kooiman

Pappageorge
Patterson
Richardville
Richner

Van Woerkom
Vander Veen
Vear
Voorhees

In The Chair: Julian

Reps. Switalski and Rivet moved to amend the bill as follows:

1. Amend page 144, following line 21, by striking out all of enacting section 2.

The question being on the adoption of the amendment offered by Reps. Switalski and Rivet,

Rep. Switalski demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Switalski and Rivet,

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

Roll Call No. 968

Yeas—54

Adamini
Anderson
Basham
Bernero
Bogardus
Bovin
Bradstreet
Brown, B.
Brown, R.
Callahan
Clark, I.
Clarke, H.
Daniels
Dennis

Drolet
Frank
Garza
Gielegthem
Gosselin
Hale
Hansen
Hardman
Jacobs
Jamnick
Kolb
Lipsey
Lockwood
Mans

McConico
Minore
Murphy
Neumann
O'Neil
Pestka
Phillips
Plakas
Quarles
Raczkowski
Reeves
Rivet
Rocca

Schauer
Sheltrown
Spade
Stallworth
Stamas
Switalski
Thomas
Waters
Whitmer
Williams
Wojno
Woodward
Zelenko

Nays—47

Allen
Birkholz
Bisbee
Bishop
Brown, C.
Cassis
Caul
DeRossett
DeVuyst
DeWeese
Ehardt
Faunce

George
Gilbert
Godchaux
Hager
Hart
Howell
Hummel
Jelinek
Johnson, Rick
Johnson, Ruth
Julian
Koetje

Kooiman
Kowall
LaSata
Mead
Meyer
Middaugh
Mortimer
Newell
Palmer
Pappageorge
Patterson
Pumford

Richardville
Scranton
Shackleton
Shulman
Stewart
Tabor
Van Woerkom
Vander Roest
Vander Veen
Vear
Voorhees

In The Chair: Julian

Rep. Switalski moved to reconsider the vote by which the House did not adopt the amendment.

The motion did not prevail, a majority of the members serving not voting therefor.

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 35, line 5, after "51c." by inserting "HOWEVER, NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THERE SHALL NOT BE ANY STATE SCHOOL AID ALLOCATED UNDER THIS SECTION OR ANY OTHER PROVISION OF THIS ACT TO A PUBLIC SCHOOL ACADEMY AUTHORIZED BY A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE AFTER JUNE 16, 2002.".

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

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 969

Yeas—53

Adamini	Dennis	Mans	Reeves
Anderson	Frank	McConico	Schauer
Basham	Garza	Mead	Sheltrown
Bernero	Gielegghem	Middaugh	Spade
Birkholz	Godchaux	Minore	Stallworth
Bogardus	Hale	Mortimer	Stewart
Bovin	Hansen	Murphy	Switalski
Brown, B.	Hardman	Neumann	Thomas
Brown, C.	Jacobs	O'Neil	Waters
Brown, R.	Jamnick	Pestka	Whitmer
Callahan	Kolb	Phillips	Williams
Clark, I.	Lipsey	Plakas	Woodward
Clarke, H.	Lockwood	Pumford	Zelenko
Daniels			

Nays—41

Allen	Gilbert	Kuipers	Rocca
Bisbee	Gosselin	LaSata	Scranton
Bishop	Hart	Meyer	Shackleton
Cassis	Howell	Newell	Shulman
Caul	Hummel	Palmer	Stamas
DeRossett	Johnson, Rick	Pappageorge	Tabor
DeWeese	Julian	Patterson	Vander Roest
Drolet	Koetje	Rackowski	Vander Veen
Ehardt	Kooiman	Richardville	Vear
Faunce	Kowall	Richner	Voorhees
George			

In The Chair: Julian

Rep. Jacobs moved to reconsider the vote by which the House did not adopt the amendment.

The question being on the motion made by Rep. Jacobs,

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Jacobs,

The motion did not prevail, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 970

Yeas—48

Adamini	Dennis	Mans	Schauer
Anderson	Frank	McConico	Sheltrown

Basham	Garza	Minore	Spade
Bernero	Gielegthem	Murphy	Stallworth
Bogardus	Hale	Neumann	Switalski
Bovin	Hansen	O'Neil	Thomas
Brown, B.	Hardman	Pestka	Waters
Brown, R.	Jacobs	Phillips	Whitmer
Callahan	Jamnick	Plakas	Williams
Clark, I.	Kolb	Quarles	Wojno
Clarke, H.	Lipsey	Reeves	Woodward
Daniels	Lockwood	Rivet	Zelenko

Nays—55

Allen	George	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Mead	Shackleton
Bradstreet	Hager	Meyer	Shulman
Brown, C.	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Stewart
Caul	Hummel	Newell	Tabor
DeRossett	Jelinek	Palmer	Van Woerkom
DeVuyst	Johnson, Rick	Pappageorge	Vander Roest
DeWeese	Johnson, Ruth	Patterson	Vander Veen
Drolet	Julian	Pumford	Vear
Ehardt	Koetje	Rackowski	Voorhees
Faunce	Kooiman	Richardville	

In The Chair: Julian

The Speaker Pro Tempore assumed the Chair.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 35, line 5, after "51c." by inserting "HOWEVER, NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THERE SHALL NOT BE ANY STATE SCHOOL AID ALLOCATED UNDER THIS SECTION OR ANY OTHER PROVISION OF THIS ACT TO A PUBLIC SCHOOL ACADEMY AUTHORIZED BY A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE AFTER JULY 1, 2002.".

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

Rep. Schauer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 971**Yeas—54**

Adamini	Dennis	McConico	Schauer
Anderson	Frank	Middaugh	Scranton
Basham	Garza	Minore	Sheltrown

Bernero	Gielegheem	Mortimer	Spade
Birkholz	Godchaux	Murphy	Stallworth
Bogardus	Hale	Neumann	Switalski
Bovin	Hansen	O'Neil	Thomas
Brown, B.	Hardman	Pestka	Waters
Brown, C.	Jacobs	Phillips	Whitmer
Brown, R.	Jamnick	Plakas	Williams
Callahan	Kolb	Quarles	Wojno
Clark, I.	Lipsey	Reeves	Woodward
Clarke, H.	Lockwood	Rivet	Zelenko
Daniels	Mans		

Nays—46

Allen	George	Kuipers	Rocca
Bisbee	Gilbert	LaSata	Shackleton
Bishop	Gosselin	Mead	Shulman
Bradstreet	Hager	Meyer	Stamas
Cassis	Hart	Newell	Stewart
Caul	Howell	Palmer	Tabor
DeRossett	Hummel	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
DeWeese	Julian	Raczkowski	Vander Veen
Drolet	Koetje	Richardville	Vear
Ehardt	Kooiman	Richner	Voorhees
Faunce	Kowall		

In The Chair: Birkholz

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

The motion prevailed.

Rep. Richardville 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. 5881, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 22b, 96, and 104a (MCL 388.1622b, 388.1696, and 388.1704a), section 22b as amended by 2001 PA 121, section 96 as added by 2000 PA 297, and section 104a as amended by 1999 PA 119.

Was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 972**Yeas—53**

Allen	Gilbert	Kuipers	Richner
Birkholz	Godchaux	LaSata	Rocca
Bisbee	Hager	Mead	Scranton
Bishop	Hart	Meyer	Shackleton
Bradstreet	Howell	Middaugh	Shulman
Brown, C.	Hummel	Mortimer	Stamas

Cassis	Jelinek	Newell	Stewart
Caul	Johnson, Rick	Palmer	Tabor
DeRossett	Johnson, Ruth	Pappageorge	Van Woerkom
DeVuyst	Julian	Patterson	Vander Roest
DeWeese	Koetje	Pumford	Vander Veen
Ehardt	Kooiman	Rackowski	Vear
Faunce	Kowall	Richardville	Voorhees
George			

Nays—49

Adamini	Drolet	Lockwood	Schauer
Anderson	Frank	Mans	Sheltrown
Basham	Garza	McConico	Spade
Bernero	Gielegghem	Minore	Stallworth
Bogardus	Gosselin	Murphy	Switalski
Bovin	Hale	Neumann	Thomas
Brown, B.	Hansen	O'Neil	Waters
Brown, R.	Hardman	Phillips	Whitmer
Callahan	Jacobs	Plakas	Williams
Clark, I.	Jamnick	Quarles	Wojno
Clarke, H.	Kolb	Reeves	Woodward
Daniels	Lipsey	Rivet	Zelenko
Dennis			

In The Chair: Birkholz

Reps. Dennis, Reeves, Callahan, Jacobs, Waters, Murphy, Basham, Lipsey, Hale, Minore, Clark, Bogardus, Adamini, Williams, Zelenko, Brown, Anderson, Jamnick and Plakas, having reserved the right to explain their protest against passage, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5881 because the funding scheme in this bill is all smoke and mirrors. Three years ago the Governor stripped \$420 million in GF/GP funding from the School Aid budget with the promise that the funding would be returned in FY 2003. If the Governor would keep that promise, then the Legislature would not be raising taxes on the people of this State. This bill would not be facing a severe deficit if that funding were restored. There is no need to raise this tax; instead, the Governor should keep his promise.”

Rep. Schauer, having reserved the right to explain his protest against passage, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5881 because the funding scheme in this bill is all smoke and mirrors. Three years ago the Governor stripped \$420 million in GF/GP funding from the School Aid budget with the promise that the funding would be returned in FY 2003. If the Governor would keep that promise, then the Legislature would not be raising taxes on the people of this State. This bill would not be facing a severe deficit if that funding were restored. There is no need to raise the cigarette tax; instead, the Governor should keep his promise.”

Rep. Spade, having reserved the right to explain his protest against passage, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5881 because it is irresponsible to pass a two-year K-12 budget when the state continues to experience declining revenues. The language in the bill linking school aid for 2003-04 to approval of a cigarette tax increase inappropriately attempts to force one segment of the state's population to shoulder an inordinate proportion of the expense. Furthermore, history has shown that this legislature cannot entirely keep its promises to schools and frequently makes negative budget adjustments to them. Passage of this bill would have given no guarantee to schools that the funding would be forthcoming. And the next legislature would be under no obligation to adhere to this budget's provisions.”

Rep. Richardville moved to reconsider the vote by which the House did not pass the bill.
The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,
Rep. Richardville moved that consideration of the bill be postponed temporarily.
The motion prevailed.

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

Rep. Richardville moved that when the House adjourns today it stand adjourned until Thursday, June 27, at 12:00 Noon.
The motion prevailed.

Rep. Richner moved that the House adjourn.
The motion prevailed, the time being 1:05 a.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 27, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.