

No. 109
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House Chamber, Lansing, Wednesday, December 14, 2005.

12:01 a.m.

The House was called to order by the Speaker Pro Tempore.

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—excused	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kolb—present	Pearce—present	Wenke—present
DeRoche—present	Kooiman—present	Phillips—present	Whitmer—present
Dillon—present	LaJoy—present	Plakas—present	Williams—present
Donigan—present	Law, David—present	Polidori—present	Wojno—present
Drolet—present	Law, Kathleen—present	Proos—present	Zelenko—present
Elsenheimer—present			

e/d/s = entered during session

Rep. Tom Pearce, from the 73rd District, offered the following invocation:

“It was written in the 117th Psalm:

Praise the Lord, all you nations;
Extol him, all you peoples,
For great is His love toward us,
And the faithfulness of the Lord endures forever.

It’s our confession Lord, that we are weak, but You are strong. Lord, I pray that in our weakness we will seek Your strength. I pray that in our ignorance we will seek Your wisdom. Lord, I pray that in our frailty we will seek You. May we have Your wisdom, Your discernment, Your truth, to carry us on as we take on the needs of this great state. May what we say, may what we do, be honoring and pleasing to You. We ask this in Your name, Amen.”

Messages from the Senate

The Speaker laid before the House

House Bill No. 4540, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

(The bill was received from the Senate on December 8, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 13, see House Journal No. 107, p. 2492.)

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

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

Roll Call No. 820

Yeas—108

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipse	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayer	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Koومان	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

Third Reading of Bills**Senate Bill No. 529, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

(The bill was read a third time and postponed for the day on December 13, see House Journal No. 108, p. 2526.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 821**Yeas—108**

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,”

The House agreed to the full title.

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

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

Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

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

Roll Call No. 822

Yeas—108

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayer	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time

and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,"

The House agreed to the full title.

Rep. Ward 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. 783, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11546 (MCL 324.11546), as amended by 2004 PA 41.

The bill was read a second time.

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

The motion prevailed.

Rep. Ward 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. 783, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11546 (MCL 324.11546), as amended by 2004 PA 41.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 4853, 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 establish certain standards for road contracts for certain businesses; 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, local 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 acts and parts of acts,” by amending section 13 (MCL 247.663), as amended by 2004 PA 9.

The bill was read a second time.

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

The motion prevailed.

Rep. Ward 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. 4853, 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 establish certain standards for road contracts for certain businesses; 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, local 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 acts and parts of acts,” by amending section 13 (MCL 247.663), as amended by 2004 PA 9.

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

Roll Call No. 823

Yeas—108

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub

Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. McConico, Phillips, Zelenko, Kolb, Lipsey, Hunter, LaJoy, Hopgood, Bieda, Wojno, Clack, Vagnozzi, Sak, Moolenaar, Casperson, Angerer, Ball, Cheeks, Espinoza, Lemmons, III, Lemmons, Jr., Marleau, McDowell, Mortimer, Sheltrown, Alma Smith and Murphy were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Senate requested the return of

House Bill No. 5177, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11549 (MCL 324.11549).

(The bill was enrolled on December 1, see House Journal No. 104, p. 2329.)

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved to vacate the enrollment of **House Bill No. 5177**.

The motion prevailed.

Rep. Ward moved that the request of the Senate be granted.

The motion prevailed.

Messages from the Senate

The Senate requested the return of

House Bill No. 5178, entitled

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance

violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382. (The bill was enrolled on December 1, see House Journal No. 104, p. 2329.)

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved to vacate the enrollment of **House Bill No. 5178**.
The motion prevailed.

Rep. Ward moved that the request of the Senate be granted.
The motion prevailed.

Reps. Tobocman, Meisner, Farrah, Vagnozzi, Condino, David Law, Kahn, Taub and Alma Smith offered the following resolution:

House Resolution No. 174.

A resolution to condemn statements made by the President of Iran against Israel and to call on the President of the United States to continue efforts with the United Nations to deal with threats from Iran against Israel.

Whereas, On October 26, 2005, Iranian President Mahmoud Ahmadinejad said that "Israel must be wiped off the map" and that "anybody who recognizes Israel will burn in the fire of the Islamic nation's fury." This statement has generated strong reactions and once again heightened concerns for Israel's security and the future of this troubled region; and

Whereas, Iran's action in supporting, funding, and training terrorists, its efforts to secure nuclear power, and its existing military capabilities are a serious threat to our country and the world. Clearly, Iran's threat against Israel impedes progress toward stability that could be made in this part of the world; and

Whereas, The statements made by Iran's president must be met by actions that point out the need for cooperation among the community of nations to work against terrorism and hatred; now, therefore, be it

Resolved by the House of Representatives, That we condemn statements made by the President of Iran against Israel and call on President George W. Bush to continue efforts with the United Nations to deal with threats from Iran against Israel. We urge the President to work with the United Nations to prevent Iran from acquiring nuclear weapons that could be used against American forces or allies. We also call upon Michigan citizens to work in their communities to blot out hatred and intolerance toward others; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Miller, Acciavatti, Wojno, Bieda, Accavitti, Meisner and Drolet offered the following resolution:

House Resolution No. 175.

A resolution to express support for the Southeast Michigan WIRED project's designation for a grant through the United States Department of Labor.

Whereas, Our state has a well-documented need for new initiatives to stimulate economic development and the creation of jobs. Michigan's transition to the new challenges and opportunities before our state and nation depends upon a commitment to embracing new technologies; and

Whereas, In response to this need for new ideas and strategies, the Detroit Regional Economic Partnership and the Detroit Regional Chamber of Commerce have worked with members of the community to develop a grant application to the United States Department of Labor. This grant, Southeast Michigan WIRED, recognizes the importance of technology in economic development in a wide range of industries and activities; and

Whereas, The Governor's designation of the Southeast Michigan WIRED proposal for the state is an expression of the great value this project holds for the metropolitan area and our entire state; now, therefore, be it

Resolved by the House of Representatives, That we express support for the Southeast Michigan WIRED project's designation for a grant through the United States Department of Labor; and be it further

Resolved, That copies of this resolution be transmitted to United States Department of Labor.

The resolution was referred to the Committee on Government Operations.

Reps. Byrum, Sak, Meisner, Zelenko, Waters, Anderson, Bieda, Hopgood, Alma Smith, Condino, Kathleen Law, Bennett, Mayes, Kolb, Gillard, Tobocman, Lipsey, Accavitti, Farrah, Donigan, Vagnozzi, Cushingberry, Brown and Gleason offered the following resolution:

House Resolution No. 176.

A resolution to memorialize the Congress of the United States to enact the Employee Free Choice Act.

Whereas, One of the key reasons for the development of a strong middle class in our country was the emergence of organized labor as a means for workers to join together to express their concerns from a position of strength that could balance out corporate interests. Over time, the labor movement has come to work with management, in many situations, for the benefit not only of employees, but also of the companies themselves; and

Whereas, Lately, however, some employers have become far stronger in their opposition to unionization activities. It has been reported in numerous workplaces that efforts to establish unions through the current elections process have been met by a variety of actions that can be considered discriminatory or threatening to the workers. Workers who feel at risk of harassment are not as able to express their wishes honestly; and

Whereas, The Employee Free Choice Act, H.R. 1696 and S. 842, which includes bipartisan sponsorship in both houses of Congress, would amend the National Labor Relations Act to establish an efficient system for employees to follow to form or join a labor union. The legislation incorporates a procedure that uses signed authorization designations for certifying a person's desire on the question of establishing or joining a union. The proposed certification process would eliminate the added threat of harassment that can take place when elections are held on this question. The legislation provides significant penalties and safeguards to ensure the integrity of the process; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Employee Free Choice Act; and be it further

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

The resolution was referred to the Committee on Government Operations.

Messages from the Senate

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending sections 5a, 34, and 35 (MCL 28.725a, 28.734, and 28.735), section 5a as amended by 2004 PA 240, section 34 as added by 2005 PA 127, and section 35 as added by 2005 PA 121.

The Senate has concurred in the House amendment to the Senate substitute (S-1).

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

House Bill No. 5459, entitled

A bill to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35j.

The Senate has concurred in the House amendments to the Senate substitute (S-1).

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

Introduction of Bills

Reps. Ward, Farhat, Elsenheimer, Gillard, Accavitti, Sheltroun, Espinoza, Stakoe, Miller, Pavlov, Green, Sak, Vagnozzi, Schuitmaker, Taub, Jones, Baxter, Kahn, Gaffney and Waters introduced

House Bill No. 5511, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811o.

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

Rep. Condino introduced

House Bill No. 5512, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 1b of chapter IX (MCL 769.1 and 769.1b), section 1 as amended by 1999 PA 87 and section 1b as amended by 1998 PA 520.

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

Rep. Condino introduced

House Bill No. 5513, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2d and 18 of chapter XIIA (MCL 712A.2d and 712A.18), section 2d as amended by 1998 PA 478 and section 18 as amended by 2004 PA 475.

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

Rep. Condino introduced

House Bill No. 5514, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

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

Rep. Condino introduced

House Bill No. 5515, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b.

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

Reps. Kolb, Byrnes, Alma Smith, Zelenko, Bieda, Kathleen Law, Proos and Brown introduced

House Bill No. 5516, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 603 (MCL 436.1603).

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

Reps. Lemmons, III, Lemmons, Jr. and Cheeks introduced

House Bill No. 5517, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2004 PA 566.

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

Reps. Lemmons, III, Lemmons, Jr., Lipsey, Virgil Smith, Waters, Williams, Hunter, Cushingberry, Hood, McConico, Tobocman, Leland, Murphy, Clack and Cheeks introduced

House Bill No. 5518, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 91.

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

Reps. Lemmons, III, Lemmons, Jr., Hunter, Virgil Smith, Tobocman, Gonzales, Plakas, Clack, Vagnozzi, Zelenko, Williams, Cushingberry and Cheeks introduced

House Bill No. 5519, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Reps. Vander Veen, Taub, Newell, Sak, Brandenburg, Zelenko, Sheen, Stahl, Emmons, David Law, LaJoy, Gaffney, Robertson, Condino and Walker introduced

House Bill No. 5520, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

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

Reps. Gosselin, Drolet, Marleau, Hoogendyk, Baxter, Shaffer, Steil, Garfield, Acciavatti, Mortimer, Sheen, Stahl, Pastor and Palmer introduced

House Bill No. 5521, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," (MCL 141.901 to 141.921) by adding section 20a.

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

Reps. Gosselin, Drolet, Marleau, Hoogendyk, Baxter, Shaffer, Steil, Garfield, Acciavatti, Mortimer, Sheen, Stahl, Pastor and Palmer introduced

House Bill No. 5522, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 164f.

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

Reps. Gosselin, Drolet, Marleau, Hoogendyk, Baxter, Shaffer, Steil, Garfield, Acciavatti, Mortimer, Sheen, Stahl, Pastor, Palmer and Schuitmaker introduced

House Bill No. 5523, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 213 (MCL 18.1213).

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

Reps. Lipsey, Condino, Stewart, Vander Veen, Gillard, Shaffer, Kolb, Tobocman, Gaffney, Bieda, Alma Smith and Cushingberry introduced

House Bill No. 5524, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by amending the heading for part 5 of article V and by adding sections 5525 and 5527.

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

Reps. Caswell and Hildenbrand introduced

House Bill No. 5525, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 499 (MCL 168.499), as amended by 2004 PA 92.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Rep. Caswell introduced

House Bill No. 5526, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1999 PA 23.

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

Reps. Gaffney, Ward, Drolet, Byrum and Condino introduced

House Bill No. 5527, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2946 and 5805 (MCL 600.2946 and 600.5805), section 2946 as amended by 1995 PA 249 and section 5805 as amended by 2002 PA 715.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Meisner, Bieda, Byrum, Sak, Hopgood, Vagnozzi, Kathleen Law, Gleason, Sheltroun, Miller, Tobocman, Cushingberry and Gillard introduced

House Bill No. 5528, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 92.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4796, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 4 of chapter VI (MCL 766.1 and 766.4), section 4 as amended by 1994 PA 167.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Judiciary,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Lipsey moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Stahl moved to amend the bill as follows:

1. Amend page 3, following line 21, by inserting:

"(6) UPON A MOTION BY EITHER THE PROSECUTING ATTORNEY OR THE ACCUSED, THE COURT FOR GOOD CAUSE MAY ORDER A PRELIMINARY EXAMINATION WHERE THE STATUTORY MAXIMUM FOR THE UNDERLYING FELONY IS IMPRISONMENT FOR 10 YEARS OR MORE. A MOTION UNDER THIS SUBSECTION SHALL BE MADE NO LATER THAN 14 DAYS FROM THE DATE OF ARRAIGNMENT. THE COURT SHALL SET THE DATE FOR THE EXAMINATION."

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

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

The motion prevailed.

Rep. Ward 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. 4796, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 4 of chapter VI (MCL 766.1 and 766.4), section 4 as amended by 1994 PA 167.

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

Roll Call No. 824

Yeas—64

Angerer
Ball
Baxter
Brandenburg
Byrum

Garfield
Gosselin
Green
Hansen
Hildenbrand

McDowell
Meyer
Moolenaar
Moore
Mortimer

Rocca
Sak
Schuitmaker
Shaffer
Sheen

Casperson	Hoogendyk	Newell	Sheltrown
Caswell	Huizenga	Nitz	Spade
Caul	Hummel	Nofs	Stahl
Condino	Jones	Palmer	Stakoe
DeRoche	Kahn	Palsrok	Steil
Dillon	Kolb	Pastor	Stewart
Drolet	Kooiman	Pavlov	Taub
Elsenheimer	LaJoy	Pearce	Van Regenmorter
Emmons	Law, David	Plakas	Vander Veen
Espinoza	Lipsey	Proos	Ward
Farhat	Marleau	Robertson	Wenke

Nays—43

Accavitti	Clemente	Hunter	Smith, Alma
Acciavatti	Cushingberry	Law, Kathleen	Smith, Virgil
Adamini	Donigan	Leland	Tobocman
Anderson	Farrah	Lemmons, III	Vagnozzi
Bennett	Gaffney	Lemmons, Jr.	Walker
Bieda	Gillard	Mayes	Waters
Booher	Gleason	Meisner	Whitmer
Brown	Gonzales	Miller	Williams
Byrnes	Hood	Murphy	Wojno
Cheeks	Hopgood	Phillips	Zelenko
Clack	Hune	Polidori	

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted ‘no’ because this bill upsets the balance of the rights of the accused and takes away a fundamental right in violation of the U.S. and State Constitutions. The idea of a preliminary exam is to weed out cases without merit and to fully allow individuals to know the nature of the charges. This gives one accused the opportunity to adequately prepare and to protect the various rights guaranteed by our Constitution. by eliminating a probable cause standard, we will diminish the right to be considered innocent until proven guilty, the right to confront witnesses, to have the basis of any charge fleshed out to the satisfaction of the District Court. This bill will cost all District Courts funds and create further budgetary problems. There will be no savings to police departments. There are no winners in this action.”

Second Reading of Bills

House Bill No. 4799, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 40 and 42 of chapter VII (MCL 767.40 and 767.42), section 40 as amended by 1986 PA 46.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Lipsey moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Schuitmaker moved to amend the bill as follows:

1. Amend page 2, line 15, after “**SECTION**” by striking out “**1**” and inserting “**1(3)**”.

2. Amend page 2, line 16, after “**CONFERENCE**” by inserting “**OR THE PERSON HAS HAD A PRELIMINARY EXAMINATION AS ALLOWED UNDER SECTION 1(6) OF CHAPTER VI**”.

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

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

The motion prevailed.

Rep. Ward 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. 4799, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 40 and 42 of chapter VII (MCL 767.40 and 767.42), section 40 as amended by 1986 PA 46.

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

Roll Call No. 825

Yeas—64

Angerer	Garfield	McDowell	Rocca
Ball	Gosselin	Meyer	Sak
Baxter	Green	Moolenaar	Schuitmaker
Brandenburg	Hansen	Moore	Shaffer
Byrum	Hildenbrand	Mortimer	Sheen
Casperson	Hoogendyk	Newell	Sheltrown
Caswell	Huizenga	Nitz	Spade
Caul	Hummel	Nofs	Stahl
Condino	Jones	Palmer	Stakoe
DeRoche	Kahn	Palsrok	Steil
Dillon	Kolb	Pastor	Stewart
Drolet	Kooiman	Pavlov	Taub
Elsenheimer	LaJoy	Pearce	Van Regenmorter
Emmons	Law, David	Plakas	Vander Veen
Espinoza	Lipsey	Proos	Ward
Farhat	Marleau	Robertson	Wenke

Nays—43

Accavitti	Clemente	Hunter	Smith, Alma
Acciavatti	Cushingberry	Law, Kathleen	Smith, Virgil
Adamini	Donigan	Leland	Tobocman
Anderson	Farrah	Lemmons, III	Vagnozzi
Bennett	Gaffney	Lemmons, Jr.	Walker
Bieda	Gillard	Mayes	Waters
Booher	Gleason	Meisner	Whitmer
Brown	Gonzales	Miller	Williams
Byrnes	Hood	Murphy	Wojno
Cheeks	Hopgood	Phillips	Zelenko
Clack	Hune	Polidori	

In The Chair: Kooiman

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

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

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

“Mr. Speaker and members of the House:

It would make sense for us to create a pre-exam conference and keep the preliminary exam. This would allow for the streamlining called for by the proponents. We could do more to save police resources by repealing the draconian traffic laws adopted lately which cause officers to have to sit in Courtrooms for hours. This bill is just another step in the erosion of personal rights, and wrong headed. The reasons set forth are far from reality and the practitioners would tell you this package is unnecessary.”

Second Reading of Bills

House Bill No. 4800, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8311 (MCL 600.8311).
Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Lipsey moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Nofs moved to amend the bill as follows:

1. Amend page 2, following line 6, by inserting:

“(E) BEGINNING AUGUST 1, 2006, PRELIMINARY EXAMINATIONS ORDERED UNDER SECTION 1(6) OF CHAPTER VI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 766.1.” and relettering the remaining subdivisions.

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

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

The motion prevailed.

Rep. Ward 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. 4800, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8311 (MCL 600.8311).
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 826

Yeas—64

Angerer
Ball
Baxter

Garfield
Gosselin
Green

McDowell
Meyer
Moolenaar

Rocca
Sak
Schuitmaker

Brandenburg	Hansen	Moore	Shaffer
Byrum	Hildenbrand	Mortimer	Sheen
Casperson	Hoogendyk	Newell	Sheltrown
Caswell	Huizenga	Nitz	Spade
Caul	Hummel	Nofs	Stahl
Condino	Jones	Palmer	Stakoe
DeRoche	Kahn	Palsrok	Steil
Dillon	Kolb	Pastor	Stewart
Drolet	Kooiman	Pavlov	Taub
Elsenheimer	LaJoy	Pearce	Van Regenmorter
Emmons	Law, David	Plakas	Vander Veen
Espinoza	Lipsey	Proos	Ward
Farhat	Marleau	Robertson	Wenke

Nays—43

Accavitti	Clemente	Hunter	Smith, Alma
Acciavatti	Cushingberry	Law, Kathleen	Smith, Virgil
Adamini	Donigan	Leland	Tobocman
Anderson	Farrah	Lemmons, III	Vagnozzi
Bennett	Gaffney	Lemmons, Jr.	Walker
Bieda	Gillard	Mayes	Waters
Booher	Gleason	Meisner	Whitmer
Brown	Gonzales	Miller	Williams
Byrnes	Hood	Murphy	Wojno
Cheeks	Hopgood	Phillips	Zelenko
Clack	Hune	Polidori	

In The Chair: Kooiman

The House agreed to the title of the bill.
Rep. Ward 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
Messages from the Senate

Senate Concurrent Resolution No. 37.

A concurrent resolution prescribing the legislative schedule.
Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, December 14, 2005, it stands adjourned until Thursday, December 29, 2005, at 11:30 a.m.; and be it further Resolved, That when the Legislature adjourns on Thursday, December 29, 2005, it stands adjourned without day. The Senate has adopted the concurrent resolution.
Pending the reference of the concurrent resolution to a committee,
Rep. Ward 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.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.
The motion prevailed.

Rep. Ward moved that when the House adjourns today it stand adjourned until Thursday, December 29, at 11:30 a.m.
The motion prevailed.

—————

Rep. Bieda moved that the House adjourn.
The motion prevailed, the time being 1:40 a.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 29, at 11:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

