

No. 102
STATE OF MICHIGAN
Journal of the Senate

93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, November 10, 2005.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs —present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Thomas M. George of the 20th District offered the following invocation:

Colleagues, let us remember the 29 crew members of the *Edmund Fitzgerald* who lost their lives 30 years ago today. Indeed, let us remember all those seafarers who have lost their lives in the fresh waters that lap our shores and give shape to our great peninsular state.

Heavenly Father, the tumultuous forces of nature acting on this firmament You have wrought bring forth great winds, hosts of thunder, hailstones, earthquakes, scattering fires, storms, and mighty tempests that consume our fragile man-made vessels and their maritime crews.

We pray, then, for our seafarers and entrust them to Your care. We ask that You will guide them and protect them on their journeys. We pray for our Coast Guard, that its ships and personnel may keep our sea-lanes and harbors safe and that You will guide them and all of us safely home on our earthly sojourn. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:30 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Thomas, Emerson, Brater, Garcia, Jelinek, Birkholz, Barcia and Leland entered the Senate Chamber.

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Hammerstrom moved that the Committee on Finance be discharged from further consideration of the following bills:

House Bill No. 4342, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

House Bill No. 4973, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the Order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4342

House Bill No. 4973

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, November 9:

House Bill Nos. 5025 5063 5104 5281 5331 5395

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 10:

House Bill Nos. 4508 4993 5036 5160 5244 5346

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, November 9, for her approval the following bill:

Enrolled Senate Bill No. 747 at 3:10 p.m.

The Secretary announced that the following official bills were printed on Wednesday, November 9, and are available at the legislative website:

Senate Bill No. 865

House Bill Nos. 5404 5405 5406 5407 5408 5409 5410 5411 5412 5413 5414

Messages from the Governor

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 272

Senate Bill No. 271

Senate Bill No. 264

Senate Bill No. 274

Senate Bill No. 281

The motion prevailed.

The following message from the Governor was received and read:

November 9, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and to office under Section 5 of the Library of Michigan Act, 1982 PA 540, MCL 397.15:

State Librarian

Ms. Nancy R. Robertson of 3817 Midberry Road, Jackson, Michigan 49203, county of Jackson, succeeding Christie P. Brandau, who has resigned, appointed for a term commencing November 9, 2005 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

Senator Hammerstrom moved that consideration of the following bill be postponed for today:

Senate Bill No. 648

The motion prevailed.

Senate Bill No. 533, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4 and 13 (MCL 125.2004 and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

The House of Representatives has substituted (H-5) to the Senate substitute (S-6).

The House of Representatives has concurred in the Senate substitute (S-6) as substituted (H-5) and amended the title to read as follows:

A bill to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and

conditions for, notes and bonds of the Michigan strategic fund; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of the state; to provide penalties; and to repeal certain acts and parts of acts,” (MCL 125.2001 to 125.2093) by adding sections 88g, 88h, 88i, 88j, and 88k.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 575

Yeas—35

Allen	Clark-Coleman	Jacobs	Schauer
Barcia	Clarke	Jelinek	Scott
Basham	Cropsey	Johnson	Sikkema
Bernero	Emerson	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	

Nays—3

Cassis	Gilbert	Sanborn
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Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

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

Senate Bill No. 664, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 665, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 666, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 667, entitled

A bill to amend 1982 PA 213, entitled "Michigan revised uniform limited partnership act," by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

House Bill No. 5047, entitled

A bill to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, notes and bonds of the Michigan strategic fund; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of the state; to provide penalties; and to repeal certain acts and parts of acts," by amending the title and sections 4, 5, 6, 7, and 13 (MCL 125.2004, 125.2005, 125.2006, 125.2007, and 125.2013), sections 4, 5, 6, and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

The House of Representatives has substituted (H-11) to the Senate substitute (S-3).

The House of Representatives has concurred in the Senate substitute (S-3) as substituted (H-11) and agreed to the full title.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 576

Yeas—35

Allen
Barcia
Basham

Clark-Coleman
Clarke
Cropsey

Jacobs
Jelinek
Johnson

Schauer
Scott
Sikkema

Bernero	Emerson	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	

Nays—3

Cassis	Gilbert	Sanborn
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Excused—0**Not Voting—0**

In The Chair: President

House Bill No. 5048, entitled

A bill to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

The House of Representatives has substituted (H-7) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-7).

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 577**Yeas—35**

Allen	Clark-Coleman	Jacobs	Schauer
Barcia	Clarke	Jelinek	Scott
Basham	Cropsey	Johnson	Sikkema
Bernero	Emerson	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	

Nays—3

Cassis	Gilbert	Sanborn
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Excused—0

Not Voting—0

In The Chair: President

House Bill No. 5109, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending the title and section 2 (MCL 12.252), and by adding sections 7 and 8; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-5) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-5) and amended the title to read as follows:

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending the title and section 2 (MCL 12.252) and by adding sections 7, 8, 9, and 10; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 578

Yeas—35

Allen	Clark-Coleman	Jacobs	Schauer
Barcia	Clarke	Jelinek	Scott
Basham	Cropsey	Johnson	Sikkema
Bernero	Emerson	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	

Nays—3

Cassis	Gilbert	Sanborn
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Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

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

“An act to create certain funds; to provide for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.”

The Senate agreed to the full title.

Senate Bill No. 633, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom 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,

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

Roll Call No. 579

Yeas—34

Allen	Clark-Coleman	Jacobs	Prusi
Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Johnson	Schauer
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman		

Nays—4

Brater	Emerson	Scott	Thomas
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Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

House Bill No. 4972, 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 35d.

The House of Representatives has substituted (H-4) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-4) and agreed to the full title.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 580**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

House Bill No. 4980, entitled

A bill to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

The House of Representatives has substituted (H-4) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-4) and agreed to the full title.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 581**Yeas—36**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer
Basham	Clarke	Jelinek	Scott
Bernero	Cropsey	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

Nays—2

Emerson

Leland

Excused—0**Not Voting—0**

In The Chair: President

House Bill No. 5095, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

The House of Representatives has substituted (H-3) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-3) and amended the title to read as follows:

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 3, 4, 19, and 24 (MCL 205.3, 205.4, 205.19, and 205.24), section 3 as amended by 2003 PA 92, sections 4 and 19 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 582**Yeas—22**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—16

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas

Excused—0**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.
 The motion did not prevail, 2/3 of the members serving not voting therefor.
 Senator Hammerstrom requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 583**Yeas—27**

Allen	Garcia	Jelinek	Schauer
Barcia	George	Johnson	Sikkema
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Goschka	McManus	Switalski
Brown	Hammerstrom	Olshove	Toy
Cassis	Hardiman	Patterson	Van Woerkom
Cropsey	Jacobs	Sanborn	

Nays—9

Basham	Clark-Coleman	Leland	Scott
Brater	Clarke	Prusi	Thomas
Cherry			

Excused—0**Not Voting—2**

Bernero	Emerson
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In The Chair: President

The Senate agreed to the title as amended.

House Bill No. 5096, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

The House of Representatives has substituted (H-5) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-5) and amended the title to read as follows:

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; to provide penalties; and to repeal acts and parts of acts.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 584**Yeas—24**

Allen	Cropsey	Hardiman	Patterson
Barcia	Garcia	Jacobs	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Johnson	Stamas
Brown	Goschka	Kuipers	Toy
Cassis	Hammerstrom	McManus	Van Woerkom

Nays—14

Basham	Clark-Coleman	Olshove	Scott
Bernero	Clarke	Prusi	Switalski
Brater	Emerson	Schauer	Thomas
Cherry	Leland		

Excused—0**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

House Bill No. 5097, entitled

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 on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture 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 with property delinquent for taxes; 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 acts and parts of acts,” by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7jj.

The House of Representatives has substituted (H-5) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-5) and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom 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 substitute made to the Senate substitute,

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

Roll Call No. 585

Yeas—23

Allen	Garcia	Jacobs	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Johnson	Stamas
Brown	Goschka	Kuipers	Toy
Cassis	Hammerstrom	McManus	Van Woerkom
Cropsey	Hardiman	Patterson	

Nays—15

Barcia	Cherry	Leland	Scott
Basham	Clark-Coleman	Olshove	Switalski
Bernero	Clarke	Prusi	Thomas
Brater	Emerson	Schauer	

Excused—0

Not Voting—0

In The Chair: President

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

The President pro tempore, Senator Birkholz, assumed the Chair.

Senate Bill No. 789, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 586**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom 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,

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

Roll Call No. 587**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 799, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom 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,

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

Roll Call No. 588

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

House Bill No. 4572, entitled

A bill to amend 1994 PA 451, entitled “An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of this state and water suppliers regarding, and allow certain agreements regarding obligations of this state, political subdivisions of this state, and water suppliers purchased by the authority or assigned to the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; to grant powers and impose duties on officers and agencies of this state, political subdivisions of this state, and water suppliers; to accept and expend certain appropriations; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 5204a.

The House of Representatives has amended the Senate substitute (S-5) as follows:

1. Amend page 4, line 19, after “(e)” by striking out “Senate Bill No. 800” and inserting “House Bill No. 5297”.

The House of Representatives has concurred in the Senate substitute (S-5) as amended and agreed to the title.

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

Senator Hammerstrom 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 amendment made to the Senate substitute,

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

Roll Call No. 589**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

House Bill No. 4573, 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 19708 (MCL 324.19708), as added by 2002 PA 397.

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

1. Amend page 2, line 24, after “(d)” by striking out “Senate Bill No. 800” and inserting “House Bill No. 5297”.

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 Hammerstrom 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 amendment made to the Senate substitute,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 590**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

Senate Bill No. 308, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 722.676), as amended by 2003 PA 192.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

Senate Bill No. 657, entitled

A bill to amend 1913 PA 275, entitled “An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation,” by amending section 4a (MCL 47.4a); and to repeal acts and parts of acts.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

The President, Lieutenant Governor Cherry, resumed the Chair.

House Bill No. 5098, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 3, 36, 38e, and 71 (MCL 208.3, 208.36, 208.38e, and 208.71), sections 3 and 71 as amended by 1999 PA 115, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding section 79.

The House of Representatives has substituted (H-7) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-7) and amended the title to read as follows:

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 9, 22a, and 38e (MCL 208.9, 208.22a, and 208.38e), section 9 as amended by 2004 PA 258, section 22a as amended by 1996 PA 578, and section 38e as amended by 2003 PA 273, and by adding sections 79 and 130.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

Senator Cassis offered the following amendments to the House substitute:

1. Amend page 8, line 6, after "**SECTION**" by striking out "**4A OR**".
2. Amend page 9, line 6, after "**WHICH**" by striking out "**SECTIONS 4A AND 35F ARE**" and inserting "**SECTION 35F IS**".
3. Amend page 12, line 2, after "**WHICH**" by striking out "**SECTIONS 4A AND 35F ARE**" and inserting "**SECTION 35F IS**".
4. Amend page 12, line 10, after "**SECTION**" by striking out "**4A OR**".
5. Amend page 15, line 4, after "**WHICH**" by striking out "**SECTIONS 4A AND 35F ARE**" and inserting "**SECTION 35F IS**".

The amendments to the substitute were adopted.

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

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

Roll Call No. 591

Yeas—23

Allen	Clark-Coleman	Hammerstrom	Patterson
Barcia	Cropsey	Hardiman	Sikkema
Basham	Garcia	Jelinek	Stamas
Birkholz	George	Johnson	Toy
Brown	Gilbert	Kuipers	Van Woerkom
Cassis	Goschka	McManus	

Nays—15

Bernero	Clarke	Olshove	Scott
Bishop	Emerson	Prusi	Switalski
Brater	Jacobs	Sanborn	Thomas
Cherry	Leland	Schauer	

Excused—0

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

The Senate agreed to the title as amended.

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

"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.”.

The Senate agreed to the full title.

House Bill No. 5106, entitled

A bill to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4d (MCL 205.54d), as added by 2004 PA 173.

The House of Representatives has substituted (H-3) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-3) and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom 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 substitute made to the Senate substitute, Senator Cassis offered the following amendments to the House substitute:

1. Amend page 1, line 9, after “SECTION” by striking out “4A OR”.
2. Amend page 1, line 10, after “MCL” by striking out “208.4A AND”.
3. Amend page 2, line 7, after “SECTION” by striking out “4A OR”.
4. Amend page 2, line 8, after “MCL” by striking out “208.4A AND”.

The amendments to the substitute were adopted.

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

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

Roll Call No. 592

Yeas—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—16

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas

Excused—0

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

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

House Bill No. 5107, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a and 4 (MCL 205.93a and 205.94), as amended by 2004 PA 172, and by adding section 5a.

The House of Representatives has substituted (H-4) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-4) and amended the title to read as follows:

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a and 4 (MCL 205.93a and 205.94), as amended by 2004 PA 172.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

Senator Cassis offered the following amendments to the House substitute:

1. Amend page 3, line 8, after "IF" by striking out "SECTIONS 4A AND" and inserting "SECTION".
2. Amend page 3, line 9, after "MCL" by striking out "208.4A AND 208.35F ARE" and inserting "208.35F, IS".
3. Amend page 6, line 9, after "SECTION" by striking out "4A OR".
4. Amend page 6, line 10, after "MCL" by striking out "208.4A AND".

The amendments to the substitute were adopted.

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

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

Roll Call No. 593**Yeas—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—16

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas

Excused—0**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

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

"An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act."

The Senate agreed to the full title.

House Bill No. 5108, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, and 36 (MCL 208.4a, 208.31, and 208.36), section 4a as added by 2003 PA 241, section 31 as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284.

The House of Representatives has substituted (H-5) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-5) and amended the title to read as follows:

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 36 and 71 (MCL 208.36 and 208.71), section 36 as amended by 1995 PA 284 and section 71 as amended by 1999 PA 115, and by adding section 35f.

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

Senator Hammerstrom 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 substitute made to the Senate substitute,

Senator Cassis offered the following amendments to the House substitute:

1. Amend page 5, line 23, after "**WHICH**" by striking out "**SECTIONS 4A AND 35F ARE**" and inserting "**SECTION 35F IS**".

2. Amend page 11, line 27, after "**WHICH**" by striking out "**SECTIONS 4A AND 35F ARE**" and inserting "**SECTION 35F IS**".

3. Amend page 12, line 9, after "**WHICH**" by striking out the balance of the line through "**ARE**" on line 10 and inserting "**SECTION 35F IS**".

The amendments to the substitute were adopted.

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

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

Roll Call No. 594

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

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

"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.”.

The Senate agreed to the full title.

Senator Hammerstrom moved that the following bill be given immediate effect:

House Bill No. 5098

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

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4973, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4342, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4342

House Bill No. 4973

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

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4973

House Bill No. 4342

House Bill No. 5050

Senate Bill No. 448

House Bill No. 4718

Senate Bill No. 624

Senate Bill No. 686

Senate Bill No. 685

House Bill No. 5297

House Bill No. 4325

The motion prevailed.

The following bill was read a third time:

House Bill No. 4973, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 595

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

"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,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4342, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 596

Yeas—36

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer
Basham	Clarke	Jelinek	Scott
Bernero	Cropsey	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas

Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

Nays—2

Emerson	Leland
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Excused—0**Not Voting—0**

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5050, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 597**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 448, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410, 600.810, 600.859, 600.871, 600.1105, 600.1701, 600.8322, 600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185, section 303d as amended by 2004 PA 448, section 410 as added by 2002 PA 678, sections 859, 1105, and 8611 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 598

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701, 8321, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410, 600.810, 600.859,

600.871, 600.1105, 600.1701, 600.8321, 600.8322, 600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185, section 303d as amended by 2004 PA 448, section 410 as added by 2002 PA 678, sections 859, 1105, and 8611 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 4718, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 78.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 599

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

Nays—0

Excused—0

Not Voting—1

Cassis

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 624, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 80.

The question being on the passage of the bill,
Senators Switalski and Olshove offered the following amendment:

1. Amend page 1, line 3, after “COUNTY” by inserting “**BEGINNING AT THE INTERSECTION OF M-3 AND HARRINGTON BOULEVARD AND CONTINUING NORTH TO ITS END**”.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 600**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 686, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 552c.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 601**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—0

Not Voting—1

Emerson

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 685, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 602

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5297, entitled

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” (MCL 141.1051 to 141.1076) by adding section 16d.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 603**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of this state and water suppliers regarding, and allow certain agreements regarding obligations of this state, political subdivisions of this state, and water suppliers purchased by the authority or assigned to the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; to grant powers and impose duties on officers and agencies of this state, political subdivisions of this state, and water suppliers; to accept and expend certain appropriations; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4325, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

The question being on the passage of the bill,

Senator Johnson offered the following amendments:

1. Amend page 4, line 15, after “(3)” by striking out the balance of the line through “SECTION.” on line 22.
2. Amend page 4, line 22, after “MONTH.” by inserting:

“A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND INTERPRETATION OF ELECTRO-DIAGNOSTIC STUDIES THAT IS SATISFACTORY TO HIS OR HER RESPECTIVE BOARD MAY UPON SPECIFIC REFERRAL FROM A PHYSICIAN REQUESTING ELECTRODIAGNOSTIC STUDIES PERFORM THOSE STUDIES THAT ARE WITHIN HIS OR HER SCOPE OF PRACTICE. UPON COMPLETION OF ELECTRODIAGNOSTIC STUDIES, THE PHYSICAL THERAPIST SHALL REPORT THE RESULTS TO THE REFERRING PHYSICIAN. AS EVIDENCE OF ADDITIONAL TRAINING THE BOARD SHALL REQUIRE CERTIFICATION BY A CREDENTIALING BODY ACCEPTABLE TO THE BOARD.”

3. Amend page 7, line 8, by striking out all of subsection (3) and inserting:

“(3) A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE AND HAS SUCCESSFULLY COMPLETED ADDITIONAL TRAINING IN THE PERFORMANCE AND INTERPRETATION OF ELECTRODIAGNOSTIC STUDIES THAT IS SATISFACTORY TO HIS OR HER RESPECTIVE BOARD MAY UPON SPECIFIC REFERRAL FROM A PHYSICIAN REQUESTING ELECTRODIAGNOSTIC STUDIES PERFORM THOSE STUDIES THAT ARE WITHIN HIS OR HER SCOPE OF PRACTICE. UPON COMPLETION OF ELECTRODIAGNOSTIC STUDIES, THE PHYSICAL THERAPIST SHALL REPORT THE RESULTS TO THE REFERRING PHYSICIAN. AS EVIDENCE OF ADDITIONAL TRAINING THE BOARD SHALL REQUIRE CERTIFICATION BY A CREDENTIALING BODY ACCEPTABLE TO THE BOARD.”

The amendments were not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 604

Yeas—24

Allen	Cassis	Hardiman	Schauer
Barcia	Clark-Coleman	Jacobs	Scott
Bernero	Clarke	Leland	Stamas
Bishop	Emerson	Olshove	Switalski
Brater	George	Prusi	Thomas
Brown	Gilbert	Sanborn	Van Woerkom

Nays—14

Basham	Garcia	Johnson	Patterson
Birkholz	Goschka	Kuipers	Sikkema
Cherry	Hammerstrom	McManus	Toy
Cropsey	Jelinek		

Excused—0

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the

implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Senator Hammerstrom moved to reconsider the vote by which the following bill was passed:

House Bill No. 4342, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

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

The question being on the passage of the bill,

Senator Cassis offered the following amendment:

1. Amend page 3, line 23, after “**JANUARY 1,**” by striking out “**2008**” and inserting “**2009**”.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 605

Yeas—36

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer
Basham	Clarke	Jelinek	Scott
Bernero	Cropsey	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

Nays—2

Emerson	Leland
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Excused—0

Not Voting—0

In The Chair: Birkholz

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following bills:

House Bill No. 4959, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 107, 113, 203, 537, 543, and 607 (MCL 436.1107, 436.1113, 436.1203, 436.1537, 436.1543, and 436.1607), sections 107 and 537 as amended by 2001 PA 223, section 203 as amended by 2000 PA 289, and section 543 as amended by 2005 PA 97.

Senate Bill No. 625, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

Senate Bill No. 626, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 909 (MCL 436.1909).

Senate Bill No. 627, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 111 (MCL 436.1111).

Senate Bill No. 628, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 107 (MCL 436.1107), as amended by 2001 PA 223.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Hammerstrom moved that the bills be referred to the Committee on Economic Development, Small Business and Regulatory Reform.

The motion prevailed.

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Tuesday, November 15; when it adjourns on Tuesday, November 15, it stand adjourned until Tuesday, November 22; when it adjourns on Tuesday, November 22, it stand adjourned until Tuesday, November 29.

The motion prevailed.

The Associate President pro tempore, Senator Barcia, assumed the Chair.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hardiman, Johnson, Cassis and Cropsey introduced

Senate Bill No. 883, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

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

Senators Hardiman, Johnson, Cassis, Cropsey and Goschka introduced

Senate Bill No. 884, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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

Senators Hardiman, Johnson, Cassis, Cropsey and Goschka introduced

Senate Bill No. 885, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Cherry, Brater, Schauer and Goschka introduced

Senate Bill No. 886, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 24 (MCL 125.294), as amended by 1994 PA 24.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Cherry, Brater, Schauer and Goschka introduced

Senate Bill No. 887, entitled

A bill to amend 1941 PA 359, entitled "An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts," by amending section 4 (MCL 247.64), as amended by 2003 PA 321.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Cherry, Brater, Schauer and Goschka introduced

Senate Bill No. 888, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1999 PA 58.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Cherry, Brater, Schauer and Goschka introduced

Senate Bill No. 889, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1999 PA 59, and by adding sections 7a and 7b.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Sanborn, Garcia, Jelinek, Gilbert, Basham, Toy, Kuipers, Goschka, Hardiman, Cropsey and Olshove introduced

Senate Bill No. 890, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 56a (MCL 559.156a), as added by 1991 PA 183.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Hardiman, Jacobs and Scott introduced

Senate Bill No. 891, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending the title and sections 1, 3, 13, and 28 (MCL 205.1, 205.3, 205.13, and 205.28), the title and section 1 as

amended by 2002 PA 657, section 3 as amended by 2003 PA 92, section 13 as amended by 1996 PA 479, and section 28 as amended by 2003 PA 114; and to repeal acts and parts of acts.

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

Senator Hardiman introduced

Senate Bill No. 892, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57e and 57f (MCL 400.57e and 400.57f), as amended by 2001 PA 280.

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

Senator Cropsey introduced

Senate Bill No. 893, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 43 and 57g (MCL 400.43 and 400.57g), section 57g as amended by 2001 PA 280.

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

Senator Clark-Coleman introduced

Senate Bill No. 894, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d and 57g (MCL 400.57d and 400.57g), as amended by 2001 PA 280.

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

Senator Johnson introduced

Senate Bill No. 895, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 632 (MCL 380.632) and by adding sections 506a, 527a, 633, 1255, and 1311m.

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

Senator Johnson introduced

Senate Bill No. 896, entitled

A bill to provide for catastrophic stop loss benefit plans; to provide for a catastrophic stop loss fund; to create a board of directors of the catastrophic stop loss benefit plan and catastrophic stop loss fund; to prescribe the conditions upon which school employers may provide certain benefits; to require the compilation and release of certain information and data; and to provide certain powers and duties to certain state officials, departments, agencies, and authorities.

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

Senators Kuipers and Johnson introduced

Senate Bill No. 897, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 5 (MCL 124.5), as amended by 1999 PA 83.

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

Senators Kuipers and Johnson introduced

Senate Bill No. 898, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 123 and 124 (MCL 389.123 and 389.124), section 123 as amended by 1980 PA 5 and section 124 as amended by 1997 PA 135.

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

Senator Allen introduced

Senate Bill No. 899, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4508, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

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 Judiciary.

House Bill No. 4993, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 18 (MCL 124.468).

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 Transportation.

House Bill No. 5025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

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 Health Policy.

House Bill No. 5036, entitled

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 287.900).

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 Agriculture, Forestry and Tourism.

House Bill No. 5063, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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 Health Policy.

House Bill No. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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 Transportation.

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

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 Agriculture, Forestry and Tourism.

House Bill No. 5244, entitled

A bill to amend 1913 PA 275, entitled "An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation," by amending section 4a (MCL 47.4a); and to repeal acts and parts of acts.

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 Local, Urban and State Affairs.

House Bill No. 5281, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 514 (MCL 280.514).

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 Local, Urban and State Affairs.

House Bill No. 5331, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

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 Health Policy.

House Bill No. 5346, entitled

A bill to amend 1976 PA 412, entitled "An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts," by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

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 Agriculture, Forestry and Tourism.

House Bill No. 5395, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 98.

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 Transportation.

Statements

Senators Scott, Brown, Cassis, Schauer, Kuipers, Cropsey, Brater, Johnson, Emerson, Patterson and Sikkema asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I must say something about my insurance and then I want deal with the historic Veterans' Day events. Here's a person from Detroit: "I think my story would only echo that of every other citizen in the city that carries auto and homeowners insurance. Rates are too high. We all know this as a fact, but are helpless as to how to remedy this problem. To say shop for lower rates is OK, one might save \$100 to \$200 here and there. But you are still paying too much. Has anyone considered repealing the Michigan No-Fault law as a majority of other states have, and has there been research in that regard?"

I would like to honor some veterans from many years back. Historic Veterans' Day event will be tomorrow, November 11. "In commemoration of Detroit's 33rd Black Historic Sites birthday, veterans, historians, students and other citizens will gather on Veterans' Day, Friday, November 11, at 10 a.m. at Detroit's Historic Elmwood Cemetery, 1200 Elmwood at E. Lafayette, to honor the memory of members of the 102nd Colored Infantry.

This is the 21st year that members of the Detroit Black Historic Sites Committee led by Beulah Ware Hamilton have conducted the ceremony. The ritual will take place in Section 'S' of the cemetery where 19 members of the 102nd Colored Infantry are buried.

The idea for this ceremony was inspired by visits Mrs. Hamilton made to her husband's gravesite after his death. Her husband, Karl Walker Hamilton, was an internationally known historian who had guided numerous tours to the graves of these Civil War veterans.

The 102nd U.S. Colored Infantry Regiment was formed during the summer of 1863 as the volunteer First Michigan Colored Infantry. It was renamed the 102nd after they mustered into the Union Army in 1864. Members of the 102nd served with distinction in South Carolina, Georgia and Florida.

Participating in the ceremony will be members of the W.A.C. Veterans Association; Wolverine Chapter 67; the Brewster Old-Timers; the Detroit Chapter of the Tuskegee Airmen; the U.S. Marine Corps Montford Point and the U.S. Marine Corps Detachment; the Tom Phillips Post #184; the James Europe Post #3080; the Colin L. Powell American Veterans Post #910; the Detroit Civil War Reenactment Group the Buffalo Soldiers 9th and 10th Cavalry; the Historic Daughters of the Union Veterans of the Civil War Tent #3; the 1279th U.S. Combat Engineers Alumni Association; the Historic Triple Nickels; the Michigan National Guard; the 761st U.S. Tank Battalion; the Detroit Veterans of Desert Storm; the Coleman A. Young Post #202; units of JROTC cadets from several area high schools; and veterans of several wars.

Highlights of the program include a presentation of the American flag, a presentation of wreaths honoring the 102nd Colored Infantry, two Native Americans from Michigan who served in the Civil War, and all veterans, living and deceased, a roll call for the 102nd Colored Infantry and the two native Americans, Taps, a gun salute, and a Ceremony Postlude. Also, weather permitting, there will be a mini-parade of men and women in period dress.

Again, this year, Mrs. Hamilton and the Detroit Historic Sites Committee are donating a wreath to be presented at the gravesite of the late Mayor Coleman A Young who served with the Tuskegee Airmen.

There is no charge for the program.”

Senator Brown’s statement is as follows:

I, too, rise to honor our veterans and, Mr. Chairman, last evening I left the Capitol and drove down to Kurtz Funeral Home in Hillsdale. From noon yesterday until nine in the evening, the family of fallen soldier, Sergeant Michael Hodshire received family and friends. The outpouring of support was unlike anything I have ever seen. It was obvious that this young man had a great impact on his community.

I was told that the parade of comforters and mourners was constant throughout the day. Young Sergeant Hodshire was the son of Edwin Hodshire and Tarry Eicher. He was the nephew of Hillsdale County Undersheriff Jeremiah Hodshire.

Marine Sergeant Hodshire recently gave the last full measure of devotion. He was killed in Iraq. He died October 30th from wounds sustained on the 29th from an improvised explosive device during combat operations near Nasser Wa Salaam, Iraq. His closed casket was given the soldier’s honor of being draped with our nation’s colors: the most brilliant red, white, and blue.

Today, Mr. Chairman, is the birthday, as has been noted, of the United States Marine Corps and tomorrow is Veterans’ Day, the day we celebrate America’s heroes.

When my three brothers and sister and I were growing up, we were aware of our father’s service in World War II, but not because of anything he said. In fact, he wouldn’t talk about it, but we knew it was something he did, and we knew it changed him. Because he did what he did, our lives were different: full of opportunity and freedom and the joy of life.

I’m grateful for my father’s service, for veterans like him, and I join with all my Senate colleagues in saluting the men and women of our Armed Forces, America’s heroes.

Senator Cassis’ statement is as follows:

Today we reached the eleventh hour on a tax plan and in recognition of the long hours, extensive—legislators and administrators—discussions and debates, we come to the end of round one. The current tax plan is just that: the end of round one. Is it a perfect plan? No. A temporary fix, limited economic small business relief. There are more bold steps needed to achieve Michigan’s long-term economic health. First, real restructuring and maintenance of the repeal of the insidious single business tax—a promise made, a promise to be kept.

As chair of the Senate Finance Committee, I will recommend the appointment of a small, select committee of a few objective, respected economists and policymakers to research sound restructuring and tax streamlining options with a report to follow to the appropriate legislative committees within six months. I will continue to fight for spending restraint and have already offered some ideas as to how to accomplish this.

The economic crisis we face, in part due to an outmoded and obsolete tax structure, that we currently have calls on a bipartisan approach and on people of goodwill to come together for the good of our state. We have so much good, so much bounty in our state, so much to be proud and thankful for. At this time of our Thanksgiving season, I am optimistic that we can reach long-term solutions and accord to the reform of Michigan’s tax code.

Senator Schauer’s statement is as follows:

I want one thing to be perfectly clear. Democrats in the Michigan Senate are in total agreement with Governor Jennifer Granholm. A deal is a deal. While Michigan jobs are at stake in all of our districts, the Republican leaders have reneged on this deal and have put politics—gubernatorial politics—ahead of Michigan workers and Michigan families. This is a classic bait and switch—agree to one thing, then change the deal.

Senate Democrats were content today to move this process forward—legislation to invest \$3 billion in support of diversifying Michigan's economy; creating Jobs of the 21st Century; and easing the tax burden on existing manufacturers and creating incentives for new investments and new jobs. The deal struck last Thursday night, one week ago today, was a good deal for Michigan businesses and Michigan workers. And, by the way, the Speaker and Senate Majority Leader and Governor Granholm stood together last Friday afternoon to announce their agreement.

Not one rational person with even an ounce of objectivity would believe that bills such as House Bill No. 4342, which phases out the health care add-back and the single business tax over five years beginning in 2009 through 2014, would buy the argument that we would also intend to eliminate the same single business tax in 2009, the very year the health care add-back is to begin its phase-out. There are other even better examples, like the SBT rate cut of .05 percent occurring the same year the tax is supposedly being eliminated. A .05 percent rate cut the same year the tax is eliminated is interesting policymaking, to say the least.

If you haven't seen the Senate Fiscal Agency analysis of the economic development proposal and business tax relief agreement, on page 6, the fifth bullet point down, states that the single business tax repealer would be eliminated, if you have any doubt about that agreement.

I hear the Republican rhetoric about a sunset, trying to convince us that they really aren't intent on eliminating business taxation in our state, but with Republicans politically supporting and proposing a so-called fair tax plan to more than double and broaden the state sales tax, it makes you wonder. Or are the Republicans instead proposing to eliminate \$1.9 billion from the state's budget?

I ask, I urge Republican leadership in both chambers to fulfill the agreement they made with Governor Granholm and do it now, today, not next Tuesday or the Tuesday after that. To do anything else is putting Michigan jobs and Michigan families at risk.

Senator Kuipers' statement is as follows:

I didn't intend to talk on this issue today. In fact, I was halfway downstairs getting ready to go to Education Committee. But I think the statements that were made by the previous speaker can't go unanswered.

We had a deal that was cut between leadership in the House and Senate and the Governor's office. At no point in that discussion was there ever talk about extending the sunset on the SBT. Many of us who are in this caucus, when we were in the House—and I suspect some in the other caucus when they were in the House—were here when that SBT repealer was voted on. We were all very excited about voting to repeal a very onerous tax. That tax is set to sunset in 2009. If it were up to many of us, it would be gone now because it is a tax that inflicts great harm on business in this state as we try to be competitive with our neighboring states of Ohio, Indiana, Illinois, Wisconsin and some of the other Midwest states.

The Governor's a big fan of the SBT tax. I suspect she will veto this bill, this package of bills, but I think there is more going on here. We are talking about negotiating on a tax plan with a Governor who doesn't believe that tax cuts will help stimulate the economy into growth. It is very difficult in situations like that to negotiate honestly. This is about trust. We had this similar dance when we were here in this chamber trying to vote on a package of bills that would help grow charter schools here in Michigan. At the time, we had a similar agreement. All of the sides signed off and, in fact, handshakes were conducted all around. Then when we got back to Lansing, we suddenly learned that because of some minuscule misunderstanding, the deal was off.

I think we have seen a similar action take place over the last two days in regard to the securitization and tax plan. The House and Senate have now concurred on a package of bills for securitization for changes to the SBT and the tax system here in Michigan. My hope is that the Governor will sign these bills as a first step in what must be a longer journey and that is reworking Michigan's tax structure.

We are falling further and further behind as we look at what some of our neighboring states are going to do. If we want to be successful as a state, we have to get serious about making Michigan competitive. This is a step in the right direction, but it's not the final step.

Senator Cropsey's statement is as follows:

This is really distressing what the Minority Floor Leader has stated at this point. You consider that this Governor of this state has had a very, very, very poor track record of communicating what an agreement is and then going back and in essence renegeing on it. The previous speaker just alluded to the charter schools. We had a philanthropist giving \$200 million to upgrade education in Detroit. An agreement is made and then the Governor of this state fritters it away. I mean, she broke her word. More importantly, she dashed the hopes of thousands of children in this state to have a better life.

This Governor is playing politics with the jobs and the people of this state. I resent it. I've got Electrolux with 3,000 jobs moving out of my district. Other people are going to be facing that sort of problem if further factories close in this state. The single business tax is one of the most onerous taxes that we have in Michigan. We've had it for years, and it has been a huge drag on our economy.

When I was first elected in 1978, one of the key things that businesses told me back then was the single business tax hurts this state. We finally, a few years ago, were able to get a phase-out of the single business tax. This has been on our agenda for a long, long time to get rid of this tax and very frankly, if an agreement would have been reached that would have done away with the phase-out of the single business tax, I certainly would not have voted for this package of bills. I view the phase-out of the single business tax as being the most important that this Legislature can do to help businesses in this state. Incidentally, if we repeal the sunset on the single business tax, what you are doing, you are really increasing by \$1 billion the tax burden on businesses starting January 1, 2010.

For this Governor to come out and say that a sunset on the single business tax that takes place four years from now is a deal breaker because she could not communicate effectively—at very best, she could not communicate effectively what the deal was—then shame on her. Incidentally, this Governor is an attorney. She was the former Attorney General, and can she provide any document that was signed by the Majority Leader, by the Speaker, and by the Governor that says that this was part of the deal? I challenge her to come up with that? Didn't she write it down? She didn't—shame on her.

I would hope that we would stop the personal attacks against the Speaker of the House and the Majority Leader of the Senate. I would hope, more importantly, that we would continue to work to phase out these onerous business taxes so that maybe we can have businesses move back into my district, instead of leaving my district, so that my people can be put back to work.

I call upon the Governor to sign this instead of playing politics and threatening to veto it because of a sunset that takes place four years from now.

Senator Brater's statement is as follows:

I salute the Senator from the 33rd District for calling on for an end to personal attacks on the floor of the Senate, and I think that should include personal attacks on the Governor of the great state of Michigan. We don't allow those kinds of attacks on fellow members of the Senate, and I think it's time for us to stop the partisan politics and put the public policy of this state first. The Governor, as you well know, a very long time ago, made a proposal to restructure the single business tax of this state in a way that would reinvigorate our economy, help our manufacturers, help diversify the Michigan economy. It stalled, and stalled and stalled and finally, a compromise was reached with the House and Senate leadership.

Now, if you think this deal was not reached, I would refer you to your document from your Senate Fiscal—from our Senate Fiscal Agency—a nonpartisan agency—dated November 4, 2005, page 6. It's entitled "Economic Development Proposal and Business Tax Relief Agreement, Description of Key Components," as prepared by the Senate Fiscal. On the front, it says November 7, but the bottom of this page says November 4, so you can take whichever date you want, but it says, "Eliminate SBT repeal, the repeal of the Single Business Tax scheduled to occur January 1, 2010, under current law would be eliminated."

I don't know why Senate Fiscal put that in an analysis they passed out to us if that wasn't part of the agreement. I also don't understand why we voted on a plan to phase in an elimination of the health care add-back for five years starting in 2009, if the SBT was supposed to be eliminated. Now, whether or not you think they made a deal to eliminate the SBT, why on earth would you want to do that? The SBT provides 25 percent of our state's General Fund—\$2 billion a year. Do you want to make another hole of additional \$2 billion a year to our deficit? How are we going to pay for schools, for higher ed, for public safety, for roads and bridges? These are the things that study after study shows that businesses need to flourish and to be attracted to the great state of Michigan.

So I don't understand how you can call this a miniscule issue—to eliminate 25 percent of the General Fund. I also don't understand how you could possibly think the Governor of our great state is not a great communicator. I think she could be accused of a lot of things, but that is not one of them. You can really go any day of the week, any event that the Governor is at and watch her communicate. She's very clear, she's very concise, and she's very understanding of what is said to her. So I don't think that you should go down that road.

Furthermore, on the merits of this proposal to eliminate the single business tax, if you're going to eliminate this \$2 billion from the state budget, who do you think is going to pay for the taxes that the business community is now paying? The individuals of the state of Michigan who can least afford it. So the point is that we need to protect the core values of the state of Michigan. We need to protect health care, public safety, education and not create another hole in the budget.

We shouldn't even be having an argument over who said what to whom. We should just be doing the right thing, which is making sure that we have a restructuring in a fair approach and not trying to point fingers and putting partisan politics above the good of the Michigan economy.

Senator Johnson's statement is as follows:

First, I would like to remind all of the members on both sides of the aisle that the Senate Fiscal Agency makes assumptions. When you are reading from their documents, you are reading an assumption that they provided us with. They don't make agreements; that's our job.

Making agreements around here is getting more and more frustrating. As a matter of fact, I have reminded my caucus and I am going to remind all of you of a song that dates back to the '40s, and it is very apropos for your side of the aisle. I don't envy you for what you are going through. It has got to be very tough because, first, you say you do, and then you don't; then you say you will; that's when you won't. You are undecided now, so what are you going to do? You have been sitting on a fence; now that doesn't make much sense and you keep us in suspense and you know it. You promised to return; when you don't, we really burn, but I guess we will never learn and we show it. But, first, you say you do, and then you don't; then you say you will, and then you won't. You are undecided now, what are you going to do?

Senator Emerson's statement is as follows:

You know, it would be rather easy to retort to the silliness of that song, but it seems to me this is a bit of a sad day because without much debate, we passed what the House of Representatives decided at 1 o'clock in the morning ad good public policy for us.

It certainly is not the agreement that either the Speaker, the Majority Leader, or the Governor would say was their agreement. The PEO issue is not included. The securitization is at \$400 million instead of a billion dollars. I was not in the room, unlike a couple of other people who spoke and know what the agreement was. I wasn't in the room when the agreement was made, but like the Fiscal Agency, I made certain assumptions about what was meant.

When you begin phasing out an issue that you claim is the most important issue in the whole SBT, and that is the health care add-back—and I have heard that ad nauseam from the Republican Caucus in the House and the Senate for the last year—that was their No. 1 priority in the single business tax. When you don't begin phasing that out until after the sunset of the single business tax, I'd make the same assumption that the Fiscal Agency did. But I wasn't in the room, so I don't know what was agreed to, unlike some of the previous speakers who also weren't in the room, but claim they know what was agreed to.

I know some folks around here think they know what's going on in places other than where they're at, but I've never claimed that and would never try to. So what I know is what's in this agreement, and what's in this agreement is not what was described to me by anybody who was in the room, including the Majority Leader. There are issues here including some of the loophole closings, some of the revenues that were supposed to be raised that were not even brought up today.

To argue that this is a package only continues the political gamesmanship that has been going on around this building since the Governor announced both of these initiatives back in February. We played around all summer. People claimed they were working in task forces, came in once a week, played the rope-a-dope strategies, and never accomplished a thing. We've been here dealing with this for nearly nine months and nothing is being done. I can tell you, living in a district where we are losing jobs, manufacturing jobs, where I have a major corporation located not ten blocks from my house, where there's a Delphi factory, that we need to do something about our economy.

I praised the Majority Leader this morning because I think when we dealt with the securitization package, nobody could have made a more eloquent defense of doing securitization. Now we're doing 40 percent of the 50 percent that the Governor originally asked for, and we consider that part of an agreement. I don't believe that was part of the agreement. I cannot believe the Governor would have ever agreed to that. But, again I say, I wasn't in the room, so I don't know that.

I would encourage people to get back to what we need to be doing and that is fixing Michigan's economy. I think everybody needs to remember that's what our prime goal here is. Nothing is more important to our constituents. Stop playing the political games because I think today has been most of that, and it's been played by both sides, so I'm not trying to shoot arrows exclusively at anybody. But it seems to me that we need to get back to the work of the people of this state and stop playing politics with jobs and the economy.

The President pro tempore, Senator Birkholz, resumed the Chair.

Senator Patterson's statement is as follows:

Further building on the comments of the previous speaker, bipartisanship means working together; not claiming credit, not laying blame. Michigan is experiencing difficulties. The Governor, in fact, has described Michigan as being in crisis. We need to build relationships, trusting relationships, and harmony.

As the previous speaker said, most of us were not present when the deal was struck. However, we do know certain facts: fact is the Governor is an attorney; fact is, I'm an attorney; fact is, in law school, even now at Harvard, attorneys are taught to draft documents, prepare briefs, write memorandum in order to eternalize deals. That's why we even put our remarks printed in the journal, to put them in stone, if you will, because honest people can have lapses in memory and honest disagreements about understandings. Absent a written memorandum initialed by the parties, there was no deal; there wasn't even an understanding.

In my mind, to have no written memorandum is, at the least, bad lawyering. It is poor practice. Some would suggest it is negligent, and therefore, it is lawyer malpractice.

Senator Sikkema's statement is as follows:

I hesitate to get up because I was in the room. You know, we can focus on a sunset that is four years hence. We can focus on exactly how the securitization and the economic diversification piece is structured. We can focus on this little piece and that little piece. Or we could focus squarely on the issue that's the most important issue facing the state of Michigan, and that is our economy, the hemorrhage of jobs, the need for us to do whatever we can in Lansing to reposition this state for economic growth, and, I would say, the need to do something immediately recognizing that the auto industry in particular is undergoing a restructuring and decisions are actually being made in the days and weeks ahead about that.

A previous speaker talked about a Delphi plant in his district. I have two of them, one in my district and one just outside my district, two plants in west Michigan. Those decisions about the consolidation of the manufacturing operations of that particular company are being made right now.

This plan, this economic plan, which includes a billion dollars of tax cuts over six years and about a \$1.5 billion economic diversification piece needs to be done. It needs to be signed into law irrespective of these other side issues. I, for the life of me, can not understand how all of the good that is being done in these bills that we have just passed would be thrown aside because of a sunset four years down the road. I, for the life of me, cannot understand why all of the good that could be done here, including influencing the decisions being made right now by big corporations in this state about where they are going to locate plants, because there's not a liquor tax in front of us.

I don't understand how you could veto this bill because it doesn't deal with something called PEO. Everything that's in this package is good. Now there's a lot that's not in it, but everything that's in it is good for Michigan. I'm a firm believer in this package. The Governor should sign it. It's not the be-all, end-all. We've got to continue a debate about how to reposition this state on the tax side, diversification side, education, government regulation—these issues don't away. And this isn't the end of the debate, but I don't, for the life of me, understand why you wouldn't accomplish something that's good because it doesn't include something you want.

Yes, I was in the room. This whole thing about the sunset is just ridiculous. It's just ridiculous in terms of the grand scheme of things. The Speaker is right; it was not discussed. It might have been obliquely referred to; I grant that. But that's different than saying this the really is important issue to me if I'm Governor and I've got to get this addressed. If it was that critical, how could you escape not addressing it?

Governor, sign these bills. Do something for Michigan's economy right now, and let's continue talking about the other things we have to do.

Committee Reports

The Committee on Commerce and Labor reported

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 802, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2004 PA 398.

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

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

House Bill No. 4027, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 7 (MCL 207.552 and 207.557), section 2 as amended by 2005 PA 118 and section 7 as amended by 1996 PA 513.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 181, entitled

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

House Bill No. 4817, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, November 8, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

The Committee on Judiciary reported

House Bill No. 4777, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922 (MCL 600.2922), as amended by 2000 PA 56.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4597, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 335a (MCL 750.335a), as amended by 2002 PA 672.

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

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer and Brater

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4598, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2004 PA 240.

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

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Brater

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4599, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

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

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Brater

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4258, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).

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

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson and Schauer

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported
House Bill No. 4186, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Brater

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, November 8, 2005, at 1:10 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

The Committee on Natural Resources and Environmental Affairs reported
Senate Resolution No. 84.

A resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

(For text of resolution, see Senate Journal No. 100, p. 2150.)

With the recommendation that the following substitute (S-3) be adopted and that the resolution then be adopted:

A resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the Action Plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, A recent report by the federal Great Lakes Interagency Task Force has, at the eleventh hour, attempted to change the rules that the Regional Collaboration operated under by recommending that the strategy be constrained by current budget projections; and

Whereas, The action plan previously developed through the Regional Collaboration includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the Senate, That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we urge the United States Congress to adopt legislation to implement and fully invest in the Action Plan; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

Senate Concurrent Resolution No. 34.

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

(For text of resolution, see Senate Journal No. 95, p. 2067.)

With the recommendation that the following substitute (S-3) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the Action Plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, A recent report by the federal Great Lakes Interagency Task Force has, at the eleventh hour, attempted to change the rules that the Regional Collaboration operated under by recommending that the strategy be constrained by current budget projections; and

Whereas, The action plan previously developed through the Regional Collaboration includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we urge the United States Congress to adopt legislation to implement and fully invest in the Action Plan; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, November 8, 2005, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

Scheduled Meetings

Michigan Capitol Committee - Tuesday, November 29, 3:00 p.m., Room 426, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 3:08 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, November 15, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate