No. 112 STATE OF MICHIGAN Journal of the Senate

93rd Legislature **REGULAR SESSION OF 2005**

Senate Chamber, Lansing, Wednesday, December 14, 2005.

12:01 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—excused
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 Michelle McManus of the 35th District offered the following invocation:

Lord, You are great,

But the hour is late,

And yet, still we wait,

Which some of us hate.

We want to see our mate.

Can You arrange this fate?

Amen.

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

Motions and Communications

Senator Schauer moved that Senator Bernero be excused from today's session.

The motion prevailed.

Senator Allen entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 13: **House Bill Nos.** 4522 5198 5487

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 13, for her approval the following bills:

Enrolled Senate Bill No. 648 at 10:55 a.m.

Enrolled Senate Bill No. 34 at 10:57 a.m.

Enrolled Senate Bill No. 625 at 10:59 a.m.

Enrolled Senate Bill No. 722 at 11:01 a.m.

Enrolled Senate Bill No. 724 at 11:03 a.m.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 203, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 54 (MCL 208.54), as added 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 were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 745 Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski

Brown Goschka Olshove Thomas Cassis Hammerstrom Patterson Toy

Cherry Hardiman Prusi Van Woerkom

Clark-Coleman

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

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. 634, 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 House of Representatives has amended the bill as follows:

- 1. Amend page 2, line 3, after "1," by striking out "2007" and inserting "2008".
- 2. Amend page 2, line 8, after "BY" by striking out "2.5%" and inserting "3.75%".
- 3. Amend page 2, line 9, after "BY" by striking out "2.5%" and inserting "3.75%".
- 4. Amend page 2, line 10, after "BY" by striking out "95%" and inserting "92.5%".
- 5. Amend page 2, line 11, after "31," by striking out "2006" and inserting "2007".
- 6. Amend page 2, line 15, after "BY" by striking out the balance of the subsection and inserting "A PERCENTAGE, WHICH IS THE SUM OF ALL OF THE FOLLOWING PERCENTAGES:
 - (A) THE PROPERTY FACTOR MULTIPLIED BY 2.5%.
 - (B) THE PAYROLL FACTOR MULTIPLIED BY 2.5%.
 - (C) THE SALES FACTOR MULTIPLIED BY 95%.".
 - 7. Amend page 3, line 3, by striking out all of enacting section 1.

The House of Representatives has passed the bill as amended, 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 amendments made to the bill by the House,

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

Roll Call No. 746 Yeas—35

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy

[No. 112

Van Woerkom Cherry Hardiman Prusi Clark-Coleman Jacobs Sanborn

Nays—2

Brater Emerson

Excused—1

Bernero

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.

Senate Bill No. 910, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35i.

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. 747 Yeas—37

Allen Clarke Jacobs Sanborn Barcia Cropsey Jelinek Schauer Johnson Scott Basham Emerson Birkholz Garcia **Kuipers** Sikkema Bishop George Leland Stamas Brater Gilbert McManus Switalski Brown Goschka Olshove Thomas Hammerstrom Patterson Toy Cassis

Van Woerkom Hardiman Cherry Prusi

Clark-Coleman

Excused—1

Bernero

Not Voting—0

In The Chair: President

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. 5397, entitled

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

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 8, line 24, after "zone" by striking out the balance of the subdivision and inserting a period.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the title 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. 748

Yeas-	_37

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

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

House Bill No. 5459, entitled

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

The House of Representatives has amended the Senate substitute (S-1) as follows:

- 1. Amend page 3, line 3, after "SUBSECTION" by striking out "(3)" and inserting "(4)".
- Amend page 4, line 2, after "SECTION," by inserting ""FACILITY",".
 Amend page 4, line 2, after "TAXES" by inserting a comma.

The House of Representatives has concurred in the Senate substitute (S-1) as amended 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 amendments made to the Senate substitute,

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

Roll Call No. 749

Yeas-37

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

Clark-Coleman

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 37.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, December 14, 2005, it stands adjourned until Thursday, December 29, 2005, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Thursday, December 29, 2005, it stands adjourned without day. Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on government Operations.

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

Committee Reports

The Committee on Commerce and Labor reported

Senate Bill No. 922, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), as amended by 2004 PA 430.

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

Senate Bill No. 900, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8c (MCL 125.2688c), as amended by 2003 PA 93.

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

Navs: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, December 13, 2005, at 8:00 a.m., Room 100, Farnum Building

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

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:18 a.m.

Pursuant to Senate Concurrent Resolution No. 37, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, December 29, 2005 at 11:30 a.m.

CAROL MOREY VIVENTI Secretary of the Senate