

No. 5
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, January 25, 2006.

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 not present.

Allen—present
Barcia—present
Basham—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

Reverend Ocie Tabb of New Beginnings Missionary Baptist Church of Detroit offered the following invocation:

Gracious God, our Father, we thank You for Your goodness, Your kindness, Your mercy, and Your grace. We thank You, God, for being the Giver of every good and perfect gift; for being the Sustainer of times past, present, and future.

We ask now, God, that You allow Your presence to rest in this place. We ask that You touch the hearts and the minds, the understanding of these our leaders. Give them courage to fight the fight that needs to be fought. Give them courage, O God, to do the job that needs to be done.

We ask for peace in this state, and we ask for peace in every district that is represented in this chamber. We ask now, O God, that You continue to keep us and that You give us perfect peace.

In Jesus' name we pray. Amen, amen, and amen.

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

Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

10:17 a.m.

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

During the recess, Senators Emerson, Toy, Gilbert, Brown, Cropsey, Jelinek, Van Woerkom, Sikkema, Cassis, Hammerstrom, Stamas, Kuipers, Garcia, George, Bishop, Hardiman, Birkholz, Allen, Johnson, Goschka and Brater entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 956, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and certain other state purposes for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

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.

Senator Barcia entered the Senate Chamber.

Senate Bill No. 957, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 36 (MCL 208.36), as amended by 1995 PA 284.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 22, after the first “OR” by striking out the comma and “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,”.
2. Amend page 5, line 4, after the first “OR” by striking out the comma and “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,”.
3. Amend page 5, line 13, after the first “OR” by striking out the comma and “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,”.
4. Amend page 5, line 22, after the first “OR” by striking out the comma and “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,”.

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. 23

Yeas—23

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

Nays—14

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

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. 5361, 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 section 21 (MCL 205.21), as amended by 2002 PA 657.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 4, line 2, after "conference." by striking out the balance of the subdivision and inserting "**A TAXPAYER WHO HAS MADE A TIMELY REQUEST FOR AN INFORMAL CONFERENCE MAY AT ANY TIME WITHDRAW THAT REQUEST BY FILING WRITTEN NOTICE WITH THE DEPARTMENT. UPON RECEIPT OF THE REQUEST FOR WITHDRAWAL FROM THE INFORMAL CONFERENCE PROCESS, THE DEPARTMENT SHALL ISSUE A DECISION AND ORDER OF DETERMINATION AND, WHERE APPROPRIATE, A FINAL ASSESSMENT, FROM WHICH A TAXPAYER MAY SEEK AN APPEAL AS PROVIDED UNDER SECTION 22.**".

The House of Representatives has concurred in the Senate substitute (S-2) 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. 24

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—0

Not Voting—0

In The Chair: President

House Bill No. 5362, 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," (MCL 205.1 to 205.31) by adding section 6a.

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

1. Amend page 2, line 2, after the second “**RULING**” by striking out “**THAT HAVE NOT BEEN MODIFIED OR OVERTURNED BY A SUBSEQUENT**” and inserting “**FOR TAX PERIODS UP TO THE EFFECTIVE DATE OF AN AMENDMENT TO THE LAW UPON WHICH THE BULLETIN OR LETTER RULING IS BASED OR FOR TAX PERIODS UP TO THE DATE OF A**”.

2. Amend page 2, line 2, after “**EXPIRED**” by striking out “**OR AN AMENDMENT TO**” and inserting “**THAT OVERRULES OR MODIFIES**”.

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

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

Roll Call No. 25

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—0

Not Voting—0

In The Chair: President

House Bill No. 5364, 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 sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105.

The House of Representatives has substituted (H-6) the Senate substitute (S-3).

The House of Representatives has concurred in the Senate substitute (S-3) as substituted (H-6) 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 substitute made to the Senate substitute,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 26**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—0****Not Voting—0**

In The Chair: President

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

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

Senate Bill No. 802
House Bill No. 4733
House Bill No. 4734
Senate Bill No. 579
Senate Bill No. 922
Senate Bill No. 900
Senate Bill No. 907
Senate Bill No. 883
Senate Bill No. 925
Senate Bill No. 946
Senate Bill No. 955

The motion prevailed.

The following bill was read a third time:

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), section 3 as amended by 2004 PA 398 and section 8 as amended by 2005 PA 185.

The question being on the passage of the bill,

Senator Van Woerkom offered the following amendments:

1. Amend page 8, line 17, after "of" by striking out "75" and inserting "50".
2. Amend page 8, line 19, after "of" by striking out "150" and inserting "100".

- 3. Amend page 9, line 8, after “of” by striking out “75” and inserting “50”.
 - 4. Amend page 9, line 10, after “of” by striking out “150” and inserting “100”.
- The amendments were adopted, a majority of the members serving voting therefor.

Senator Basham offered the following amendment:

- 1. Amend page 18, following line 3, by inserting:
“(h) Senate Bill No. 734.”.

The amendment was not adopted, a majority of the members serving not voting therefor.
The question being on the passage of the bill,
Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

The following bill was read a third time:

House Bill No. 4733, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35c.
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. 27

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—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.
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. 4734, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

The question being on the passage of the bill,
Senator Allen offered the following substitute:
Substitute (S-7).

The substitute 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. 28

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—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.

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:

Senate Bill No. 579, 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,
 Senator Gilbert offered the following substitute:
 Substitute (S-3).

The substitute 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. 29

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—0

Not Voting—0

In The Chair: President

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

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 2005 PA 251.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Cassis offered the following substitute:

Substitute (S-2).

The substitute 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. 30**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—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 31**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—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 907, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 508 and 549a (MCL 600.508 and 600.549a), section 508 as amended by 2001 PA 253.

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. 32

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—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 33

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 925, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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. 34

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 946, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2001 PA 252.

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. 35

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—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 955, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

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. 36

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—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

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), section 3 as amended by 2004 PA 398 and section 8 as amended by 2005 PA 185.

(This bill was read a third time earlier today, amendments adopted and consideration postponed. See p. 90.)

The question being on the passage of the bill,

Senator Hardiman offered the following amendments:

1. Amend page 15, line 26, after “facility;” by striking out “is a rural business;”.
2. Amend page 16, line 7, after “31,” by striking out “2006” and inserting “2007”.
3. Amend page 16, line 9, by striking out “1” and inserting “2”.
4. Amend page 16, line 9, after “written” by striking out “agreement” and inserting “AGREEMENTS”.
5. Amend page 16, line 9, after “that” by striking out “is” and inserting “ARE”.

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

Senator Basham offered the following amendment:

1. Amend page 17, line 24, by striking out all of subdivision (a) and relettering the remaining subdivisions.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

Roll Call No. 37

Yeas—15

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

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. 38**Yeas—34**

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

Nays—3

Basham	Brater	Emerson
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Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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 Jacobs as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 866, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 51a (MCL 388.1651a), as amended by 2005 PA 155.

The bill was placed on the order of Third Reading of Bills.

Resolutions**House Concurrent Resolution No. 29.**

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, January 25, 2006, at 6:30 p.m., to receive the message of Governor Jennifer M. Granholm.

The House of Representatives has adopted the concurrent resolution.

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.

Senators Birkholz, Bishop, Brater, Gilbert, Kuipers, Switalski and Toy were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators McManus, Birkholz, Kuipers, Allen and Jelinek introduced

Senate Bill No. 1004, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2005 PA 23.

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

Senators Jelinek, Allen, Garcia, Switalski and Birkholz introduced

Senate Bill No. 1005, entitled

A bill to amend 2005 PA 92, entitled "School bond qualification, approval, and loan act," by amending section 9 (MCL 388.1929).

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

Senators Cassis, Toy and Van Woerkom introduced

Senate Bill No. 1006, entitled

A bill to make, supplement, and adjust appropriations for the department of treasury for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

Statements

Senators Brown, Switalski and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

On this day in 1759, the first child of seven was born to William and Agnes. They were poor Scottish tenant farmers. This child grew up to be known affectionately by native Scots as Robbie Burns; we know him as Robert Burns. There is a statue of him in Central Park. He penned the words for "Auld Lang Syne," "Tam o' Shanter," and "O my luv's like a red, red rose," to name only a few of his many literary accomplishments.

He died young at the age of 37 and at his funeral some 10,000 mourners showed to pay him respect. On this celebration of his birthday, Scots all over the world have a special feast celebrating Scotland's greatest bard and one of the centerpieces, of course, is the traditional Scottish treat of haggis.

With that, I just wanted to acknowledge Robert Burns' birthday for all the Scots in the chamber and around the state.

Senator Switalski's statement is as follows:

My colleague has spoken admirably about Robert Burns, but I thought I would just add to that very briefly and quote you a few lines from his 1786 poem "The Author's Earnest Cry and Prayer" to the right honorable Scottish members of Parliament. This was his advice to the Scottish members in Parliament on how to speak effectively and advocate for the Scottish people:

"Ne'er claw your lug
An' fidge your back
An' hum and haw
But raise your arm
An' tell your crack
Before them a'."

Senator Scott's statement is as follows:

I will be brief today because there is a package of bills that are in, and I'm hoping these bills will be taken up soon. But here is a person from Detroit who says, "Currently, my auto insurance costs more than the car note. If possible, I would like someone to answer this question. If I have a car wreck in Detroit or the wreck happens in Bloomfield Hills, the value of the car doesn't change, therefore, why is there a difference in rates? Urban versus suburban. I have never stolen a car or committed insurance fraud. Why do I have to pay for something I don't partake in?"

Recess

Senator Cropsey moved that the Senate recess until 6:00 p.m.
The motion prevailed, the time being 11:35 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Hammerstrom moved that rule 3.902 be suspended to allow guests admittance to the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:02 p.m.

6:21 p.m.

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

Senator Hammerstrom moved that rule 3.902 be suspended to allow the House escort committee to use the center aisle.
The motion prevailed, a majority of the members serving voting therefor.

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the center aisle.
The motion prevailed, a majority of the members serving voting therefor.

Joint Convention

The Sergeant at Arms announced a committee from the House of Representatives, Representatives Vander Veen, Walker, V. Smith and Lemmons, Jr., who reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Cherry, announced that the hour had arrived for the meeting of the two Houses in Joint Convention.

Senator Hammerstrom moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 6:24 p.m.

(For proceedings in Joint Convention, see House Journal No. 6, p. 87.)

The Senate reconvened at the expiration of the recess at 8:03 p.m. and was called to order by the Assistant President pro tempore, Senator Sanborn.

The Assistant President pro tempore, Senator Sanborn, announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State message by Governor Granholm.

Committee Reports

The Committee on Transportation reported

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.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Leland

Nays: Senator Basham

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 779, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 932, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

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 Transportation submitted the following:

Meeting held on Tuesday, January 24, 2006, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

The Committee on Families and Human Services reported

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.

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.

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

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 Families and Human Services submitted the following:

Meeting held on Tuesday, January 24, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 24, 2006, at 1:05 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, January 24, 2006, at 3:00 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, January 26, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Thursday, February 9, 1:00 p.m. or later immediately following Senate/House Appropriations Committee Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, January 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Appropriations, Senate/House - Thursday, February 9, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Monday, January 30, 3:00 p.m., Muskegon ISD, 630 Harvey Street, Muskegon (373-6920)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Wednesday, February 1, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Thursday, January 26, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 8:04 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, January 26, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate