

No. 3
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, January 19, 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 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

Pastor Eric Majeski of Grace Lutheran Church of Romeo offered the following invocation:

Gracious Lord, as we begin this day in Your name, may Your blessing be upon these men and women who publicly serve the people of this state that we gratefully call home. Lord, the demands of their vocation and service are great, so grant them wisdom and discernment, patience, and peace for the business of this day.

Heavenly Father, these men and women who serve this state are not only Senators and those who are behind them, but they are also moms and dads, sons and daughters; therefore, bless their homes with love, joy, and Your enduring peace.

For the communities, cities, towns, and villages represented, we pray for prosperity and determination and diligence. Bless every vocation as honored and valuable in Your sight and ours.

May we live this day with brave and true hearts with much room for Your gracious presence. Direct this day and our deeds in Your peace.

In Jesus' name. Amen.

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

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.

Senators Emerson, Gilbert and Thomas entered the Senate Chamber.

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

Senate Bill No. 957

House Bill No. 4244

House Bill No. 5355

House Bill No. 5356

House Bill No. 5357

House Bill No. 5358

House Bill No. 5359

House Bill No. 5360

House Bill No. 5361

House Bill No. 5362

House Bill No. 5363

House Bill No. 5364

House Bill No. 5386

Senate Bill No. 956

House Bill No. 5447

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

Senator Schauer moved that Senators Barcia, Brater and Clarke be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Department of State Police

December 21, 2005

The Michigan Office of Highway Safety Planning certifies that Michigan has attained greater than an 80 percent compliance with the state's safety belt legislation requirements, pursuant to Michigan's safety belt legislation Section 257.710e, subsection 5 (see attached). Michigan's official safety belt usage rate for calendar year 2005 is 92.9 percent.

Based on the 92.9 percent safety belt usage rate and the above mentioned section of the Michigan safety belt legislation, Michigan law enforcement agencies shall continue to accomplish this enforcement as a primary action.

If you have any questions regarding this matter, please contact Alicia Sledge at (517) 333-5321 or via e-mail at sledgea@michigan.gov.

Sincerely,
Michael L. Prince
Division Director
Office of Highway Safety Planning

The communication was referred to the Secretary for record.

The following communication was received:
Department of Management and Budget

January 3, 2006

I am pleased to announce that the Annual Reports for the Michigan Public School Employees' Retirement System, the State Employees' Retirement System, the State Police Retirement System and the Judges' Retirement System for the fiscal year ending September 30, 2005 are available online at www.michigan.gov/ors. The reports in a printable format are listed separately in the "What's new" section under each retirement system.

These reports are an excellent source of information on the four statewide retirement systems administered by the Department of Management and Budget, Office of Retirement Services. In keeping with the statewide effort to reduce costs, we will be sending out printed copies only upon request.

Please share this information as appropriate and if I can provide further information, please let me know.

Sincerely,
Chris DeRose, Director
Office of Retirement Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, January 18:
House Bill No. 5374

The Secretary announced that the following official bills were printed on Wednesday, January 18, and are available at the legislative website:

House Bill Nos. 5546 5547 5548 5549 5550

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

Senate Bill No. 175

Senate Bill No. 236

Senate Bill No. 892

Senate Bill No. 893

The motion prevailed.

The following message from the Governor was received and read:

January 18, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following designation to state office under Section 3 of the Children's Ombudsman Act, 1994 PA 204, MCL 722.923:

Children's Ombudsman

Ms. Verlie M. Ruffin of 18010 Muirland, Detroit, Michigan 48221, county of Wayne, succeeding Lynn Martinez, who has resigned, designated to serve as Children's Ombudsman, for a term commencing January 30, 2006 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

Senators Van Woerkom, Brater, Barcia and Birkholz entered the Senate Chamber.

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 Kuipers 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 with a substitute therefor, the following bill:

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. 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 956

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

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 2, line 26, by striking out “21,500,000” and inserting “79,650,000”.
2. Amend page 3, line 5, by striking out “0” and inserting “58,150,000”.
3. Amend page 3, line 23, after “of” by striking out “\$116,300,000.00” and inserting “\$58,150,000.00” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate returned 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 Kuipers 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:

House Bill No. 4244, 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 21a.

The bill 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. 5355, 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 3 (MCL 205.3), as amended by 2003 PA 92.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 26, after “fund.” by inserting “**A TAXPAYER SHALL REQUEST A LETTER RULING ON A FORM AND IN A MANNER PRESCRIBED BY THE DEPARTMENT.**”.

The Senate agreed to the substitute, as amended, 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. 5356, 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 6.

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. 5357, 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 21a.

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. 5358, 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.

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. 5359, 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.

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. 5360, 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.

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. 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.

Substitute (S-2).

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. 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 6.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 2, after “**WRITING.**” by inserting “**HOWEVER, THAT RELIANCE BY THE TAXPAYER IS LIMITED TO ISSUES ADDRESSED IN THE BULLETIN OR LETTER RULING THAT HAVE NOT BEEN MODIFIED OR OVERTURNED BY A SUBSEQUENT FINAL ORDER OF A COURT OF COMPETENT JURISDICTION FOR WHICH ALL RIGHTS OF APPEAL HAVE BEEN EXHAUSTED OR HAVE EXPIRED OR AN AMENDMENT TO THE LAW UPON WHICH THE BULLETIN OR LETTER RULING IS BASED.**”.

The Senate agreed to the substitute, as amended, 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. 5363, 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 30c (MCL 205.30c), as amended by 2002 PA 616.

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. 5386, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 2004 PA 172.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 6, after “**AND**” by striking out “**AN EXEMPTION CERTIFICATE**” and inserting “**IDENTIFYING INFORMATION OF THE PURCHASER AND THE REASON FOR CLAIMING A TAX EXEMPTION AT THE TIME OF PURCHASE**”.

The Senate agreed to the substitute, as amended, 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

Senators Sikkema and Johnson asked and were granted unanimous consent to make statements and moved that statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

The real effects of term limits, I am starting to realize, as I have in this case a very important staff member with me, Eric Dean, who has been doing constituent work for me, even in my first term here in the Senate. Eric is leaving my staff to do some work in the House. He has an opportunity to work with Representative Howard Walker, not just constituent work, but some legislative work, which I know Eric will do a wonderful job. I wanted to take a moment; I just have a tribute for Eric. He has family in the east Gallery—his wife Lori and his son Evan are there. I should mention also that there is one on the way. His stepmom and dad are here. His mom and stepdad are here. His grandmother is here. His sister is here. Lori's parents are here to help us honor the work that Eric has done for me. He has done a tremendous job. It's a bittersweet moment for me that in terms of an opportunity for him, but obviously, leaving my staff.

Eric, I just want you to know it has been a tremendous pleasure and honor for me to have you on my staff. I want this entire Senate to take a moment to honor your work as well.

Senator Johnson's statement is as follows:

Since we are spending a little time introducing and saying good-byes, this is very difficult for me, as those of you who are part of the Appropriations Committee will remember yesterday. It's almost like my daughter is sort of moving out of state. There is a young woman who came to work for me. She actually started as an intern and ended up staying with the office and has risen to the point to where she is second-in-command and is responsible for a multitude of things. She can do just about any darn thing you ask of her; in fact, she will do it. Whether she can or not, she will, by God.

This young woman is somebody whose integrity, whose personality, whose ambition, who's just the individual that she is, is incredible. There are a few among us who are like her. Evie has been with our office for five years. Brian is going to fall on his face without her. You know, we all think Brian is that strong, wonderful—by God, he'll get it done—well, you just wait till you see what he is like without Evie.

You know, it's hard for me to explain to you all that she has meant to me. She has not just been the daughter I could have had, but she has also been my best friend. She is the confidant as well as an employee. She is somebody when frustration sort of meets its peak that you need to go to and I'll go to. She is someone that when my personal life, as most of you know, gets very jumbled because of the situation that I happen to have, I go to.

I don't know exactly what I am going to do for the next several months without her. I don't know what I am going to do without her for the rest of my life, as a matter of fact. She means that much to me. Saying good-bye is the hardest darn thing in the world for me to do. It's not a good-bye; she is just going to Dykema Gossett.

I know Stacey Murray will tell you the same. She is just an incredible, incredible human being. If God put people on this planet for a purpose to be special, this broad is it. I'd like for all of you to say farewell and you will see her out there because she will be lobbying you every now and then—Evie Zois.

Senator Clarke entered the Senate Chamber.

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

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. (This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 28.)

The question being on the adoption of the amendments offered by Senator Cherry,

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 2**Yeas—18**

Barcia
 Basham
 Brater
 Cherry
 Clark-Coleman

Clarke
 Emerson
 Jacobs
 Leland
 Olshove

Patterson
 Prusi
 Schauer
 Scott

Switalski
 Thomas
 Toy
 Van Woerkom

Nays—19

Allen
 Birkholz
 Bishop
 Brown
 Cassis

Cropsey
 Garcia
 George
 Gilbert
 Goschka

Hammerstrom
 Hardiman
 Jelinek
 Johnson
 Kuipers

McManus
 Sanborn
 Sikkema
 Stamas

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. 3**Yeas—23**

Allen
 Birkholz
 Bishop
 Brown
 Cassis
 Cropsey

Garcia
 George
 Gilbert
 Goschka
 Hammerstrom
 Hardiman

Jelinek
 Johnson
 Kuipers
 McManus
 Patterson
 Sanborn

Schauer
 Sikkema
 Stamas
 Toy
 Van Woerkom

Nays—13

Barcia
 Basham
 Cherry
 Clark-Coleman

Clarke
 Emerson
 Jacobs

Leland
 Olshove
 Prusi

Scott
 Switalski
 Thomas

Excused—0

Not Voting—1

Brater

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 956 and moved that the statements she made during the discussion of the amendments be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s first statement is as follows:

I rise in support of the Cherry amendment because we can’t afford not to. You know, they said from the Public Service Commission that they were raising the rates 46-50 percent. Well, let me tell you, in the inner city it’s like 70 percent. I have talked to a number of individuals who have these high bills. Personally, mine went up 70 percent—\$700 for utilities on the gas side, \$100 from DTE on the Edison side, that’s \$800. That’s a lot of money. Most people in those areas, some of them don’t get \$800 a month. So I think we have an opportunity to help these people at this time. Or we shouldn’t have allowed the Public Service Commission to raise these rates to what they have done because they have reserves, and at this time, they are not using that. What they are talking about is Katrina and all of those. Those are just buzz words that they’re using.

You know, it’s just like the insurance rates. In the inner cities, you just pay more for everything. How do you expect people to live? So I ask my colleagues to support this amendment.

Senator Scott’s second statement is as follows:

I just want to respond to the Senator from the 13th District. We can compare bills if it’s needed because her’s went up a hundred and some dollars; mine went up four hundred and some dollars, okay? Let’s compare the math alright?

All I am saying is where I can afford to pay, but I shouldn’t have to put my money there. I’m talking about those who only get \$800 or \$900 a month. They still have to pay car insurance. They still have to pay high food bills, high utility rates, all of this stuff. Let’s make people’s lives affordable.

You know, we’re here as the legislators, and no matter what the executive branch says, we can do what we need to do here. We are responsible for being legislators.

Senator Clark-Coleman asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

I rise in support of the Cherry amendment. You know, I have heard and read that utility rates were going to be increased and they talked about 40 percent. So, although that was just an enormous amount of money, I could kind of accept the fact that it was going to be 40 percent. Well, my husband was paying the bills last week and he called me into his office and he said, “Look at this.” I looked at the bill that we were paying and it was more than doubled. My husband said to me, “How in the world are these senior citizens, who are living on fixed incomes, how are they going to be able to pay these bills?”

You know, we sometimes forget that there are people out there who are earning a very small amount of money, and even a 10 percent increase means that they have to cut back on their food and medicine and other things. We are now talking about over 100 percent. Nobody ever told me it was going to be a 100 percent increase, but our bill—and I am talking from experience—doubled. I thought it was a mistake. It was no mistake, and what in the world are these seniors, who are living from Social Security check to Social Security check, how are they going to pay these bills? We sat here and allowed the Public Service Commission to allow DTE to increase these bills.

Since we did that, then we have to step up and do something to help these people who are out living on fixed incomes. So, certainly, we have to do something to make sure that people aren’t freezing to death over this winter time.

So for that reason and many others, including my own personal reason, I think that we ought to support the Cherry amendment.

By unanimous consent the Senate returned 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 Kuipers as Chairperson.

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

House Bill No. 5364, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105, and by adding section 27e.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 1, by striking out all of section 53a.
2. Amend page 4, line 17, after "**SECTION**" by inserting "**AND SECTION 53A**".

The Senate agreed to the substitute, as amended, 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 at the head of the Third Reading of Bills calendar:

House Bill No. 4244

House Bill No. 5355

House Bill No. 5356

House Bill No. 5357

House Bill No. 5358

House Bill No. 5359

House Bill No. 5360

House Bill No. 5361

House Bill No. 5362

House Bill No. 5363

House Bill No. 5364

House Bill No. 5386

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

The following bill was read a third time:

House Bill No. 4244, 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 21a.

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. 4**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: 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:

House Bill No. 5355, 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 3 (MCL 205.3), as amended by 2003 PA 92.

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. 5**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—15

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

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.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5355 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Thomas’ statement is as follows:

Unfortunately, colleagues, I rise to oppose this legislation concerning RABs—revenue administrative bulletins. RABs are guidance offered to taxpayers from the Treasury Department. They are not laws, but they are designed to help in compliance with laws that this Legislature writes. I say that again, RABs help taxpayers understand complex tax laws.

This bill, however, raises RABs up to a level of legislation; that’s wrong. Legislation is our job, not the job of bulletins published by the Treasury Department. The net result of this bill will be for Treasury to scale back—or end—the issuance of RABs and let all tax disputes go to court. No one should want that. This does not create a more efficient system. It creates a complicated system, and it will ultimately lead to the elimination of a taxpayer tool that has been very useful for years and years. I don’t think this is in the best interest of this Legislature, and certainly, of taxpayers.

For those reasons, I oppose the legislation.

The following bill was read a third time:

House Bill No. 5356, 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 6.

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. 6**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: 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:

House Bill No. 5357, 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 21b.

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. 7**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: 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:

House Bill No. 5358, 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 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. 8

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: 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:

House Bill No. 5359, 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 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. 9

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: 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:

House Bill No. 5360, 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 question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 4, line 4, after “**TAXPAYER’S**” by striking out “**OPTION**” and inserting “**WRITTEN REQUEST**”.

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. 10

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: 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:

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 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. 11

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: 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:

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 question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 2, line 7, after “**TRANSACTION.**” by inserting “**A TAXPAYER SHALL REQUEST A LETTER RULING ON A FORM AND IN A MANNER PRESCRIBED BY THE DEPARTMENT.**”.

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. 12

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
Clark-Coleman

Hardiman

Prusi

Van Woerkom

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:

House Bill No. 5363, 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 30c (MCL 205.30c), as amended by 2002 PA 616.

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. 13

Yeas—23

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jelinek
Johnson
Kuipers
McManus
Patterson
Sanborn

Sikkema
Stamas
Thomas
Toy
Van Woerkom

Nays—14

Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Emerson
Jacobs

Leland
Olshove
Prusi

Schauer
Scott
Switalski

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:

House Bill No. 5364, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105.

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. 14**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: 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.

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

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 53b (MCL 211.53b), as amended by 2003 PA 105.

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. 5386, entitled

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

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. 15

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—15

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

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 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.

By unanimous consent the Senate returned 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 pro tempore, Senator Birkholz, designated Senator Kuipers 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 without amendment, the following bill:

House Bill No. 5447, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

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

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

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 following are the amendments recommended by the Committee of the Whole:

1. Amend page 3, line 17, after "1998" by striking out "or" and inserting a comma.
2. Amend page 3, line 18, after "1997" by inserting "**AND BEFORE JANUARY 1, 2006, OR MORE THAN \$125,000.00 FOR TAX YEARS COMMENCING AFTER DECEMBER 31, 2005**".
3. Amend page 3, line 26, after "1998" by striking out "or" and inserting a comma.
4. Amend page 3, line 27, after "1997" by inserting "**AND BEFORE JANUARY 1, 2006, OR EXCEED \$125,000.00 FOR TAX YEARS COMMENCING AFTER DECEMBER 31, 2005**".
5. Amend page 4, line 3, after "1998" by striking out "or" and inserting a comma.
6. Amend page 4, line 4, after "1997" by inserting "**AND BEFORE JANUARY 1, 2006, OR EXCEEDS \$125,000.00 FOR TAX YEARS COMMENCING AFTER DECEMBER 31, 2005**".
7. Amend page 4, line 22, after "\$100,000.00" by inserting "**FOR TAX YEARS THAT BEGIN BEFORE JANUARY 1, 2006, OR, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, MORE THAN \$105,000.00 BUT LESS THAN \$110,000.00 FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2006**".
8. Amend page 5, line 4, after "\$105,000.00" by inserting "**FOR TAX YEARS THAT BEGIN BEFORE JANUARY 1, 2006, OR, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, \$110,000.00 OR MORE BUT LESS THAN \$115,000.00 FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2006**".
9. Amend page 5, line 13, after "\$110,000.00" by inserting "**FOR TAX YEARS THAT BEGIN BEFORE JANUARY 1, 2006, OR, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, \$115,000.00 OR MORE BUT LESS THAN \$120,000.00 FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2006**".
10. Amend page 5, line 22, after "\$115,000.00" by inserting "**FOR TAX YEARS THAT BEGIN BEFORE JANUARY 1, 2006, OR, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, \$120,000.00 OR MORE BUT LESS THAN OR EQUAL TO \$125,000.00 FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2006**".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 957

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

The following bill was read a third time:

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 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. 16**Yeas—22**

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

Nays—15

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

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Protests

Senators Brater, Switalski and Emerson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 957 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

Madam President and members, I rise to oppose Senate Bill No. 957. Let me address some of the arguments that have been put forth in support of this bill, which I would characterize as myths.

Myth No. 1: Despite a direct cost is \$29 million—and that \$29 million is a number that I do get from Treasury as an estimate of the cost of this legislation—the bill will encourage growth that will actually lead to more revenue. Simple math and logic reject this argument that the proposed 1 percent tax break, we would need \$3 billion worth—yes, \$3 billion worth—of new taxable growth to fill a \$30 million hole that this bill creates. If there is an economist alive who will testify to that likelihood, I’d like to hear it. We are being asked to simply believe that these tax cuts will create jobs. Not a shred of evidence was offered in committee to that effect.

Myth No. 2: It is presumed that tax cuts create jobs. In fact, a large chunk of Michigan’s job loss is directly attributable to disinvestment by the government. The economists at the University of Michigan have estimated that 5,000-7,000 of our annual job losses are direct government job losses as a result of budget cuts. This does not even address the tens of thousands of government contracting jobs that go by the wayside with each tax cut.

Myth No. 3: It’s only \$30 million and we can afford it. Well, as I said earlier, we already saw an example this morning of a very crucial government function that we can’t afford, and that is preventing people from going without home heating this winter. We were told by the good chair of Appropriations that we could not afford that and that we had other existing commitments that we had to fund. So how can we fund another \$30 million tax cut?

I would simply ask you, as I know you do, to go back and look in the eyes of your local officials, of your school teachers, and of parents looking for health care for their children, firefighters who lack safe and up-to-date equipment to do their jobs safely, and parents who are seeking mental health care for their children. Road safety is literally costing lives with our inability to correct dangerous interchanges and curves on old roads. Talk to the teachers who are spending from their meager incomes to buy school supplies for their classrooms and tell me that we can afford yet another tax cut.

Businesses in Michigan to thrive need for us to be able to provide a high quality education, health care, roads, and other infrastructure. In a time of ongoing deficits, we cannot afford more tax cuts. I urge your opposition to Senate Bill No. 957.

Senator Switalski’s statement is as follows:

I also rise in opposition to Senate Bill No. 957. One of the unintended consequences of this bill will be to expand our current PEO problem. In the last two years, we have seen a dramatic number of increases in the tax avoidance PPOs, and this bill effectively creates a new PEO tax shelter by cutting the tax to 1 percent; creating a strong incentive for businesses to reorganize and fit into the description, into the definition of a small business, which means somebody

under \$10 million in receipts.

This will result in a proliferation of tax avoidance schemes and will drain state revenues. Proponents have not identified a continuing revenue stream to pay for this revenue loss. Until these problems are corrected, I must oppose the bill.

Senator Emerson's statement is as follows:

Some of us didn't vote for the tax cut in December, not everybody—very few of us—but I voted against the tax cut then because I didn't think we could afford it. We heard arguments today about how we could not afford to spend money to help people with home heating assistance and that we needed to save all the money we could to make sure we took care of our budget problems. Here we are, those of us who were forced by the Majority Leader to read the *Price of Government* last year, and if you read, the chapter text says expenditures are expenditures just like budget expenditures are. I happened to read that chapter and noticed that here we are spending money, but 20 minutes ago, we couldn't spend money to help people who need assistance desperately with their home heating bills that have gone up anywhere from 40 to 70 percent. God knows that this \$700 that people are going to get annually, these small businesses, on top of all the tax cuts they have received in previous years that they've used to create jobs. Lord knows, this \$700 that they are going to get they are going to use immediately to create a job. I want to know that if even at our current minimum wage, who is going to work for that \$700 a year? That's the tax break we're talking about.

I always recall reading in one of my colleague's office a poster that said, "Einstein's definition of insanity was doing the same thing over and over again and expecting different results." I have a list of all of the small business tax cuts that we've made over the last 15 years, and unfortunately, I think we're going to see the same results as this if it were to be signed into law. My hope is that it would not be signed into law.

Senators Sikkema, Toy and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

I rise to support this bill. A few short weeks ago, less than a month ago, this Legislature passed and the Governor embraced and signed a significant tax cut for large employers in the state of Michigan. There was no call, at least from the Governor and others who supported that tax cut, that we had to backfill the budget for that one. It was an important tax cut. I supported it. I strongly advocated for it. I am glad that it passed, and I am glad and appreciate the Governor signing it. That same rationale and the same criteria we used for that tax cut is now being applied to small business owners in Michigan who, by and large, do not get a tax cut from that manufacturing tax cut.

The latest Treasury estimate of the manufacturing tax in the current fiscal year is \$100 million and yet, that is okay. As long as you do it for the big employers, it's okay to have a tax cut and you don't have to backfill the budget and it's going help job creation. It is important for Michigan's future, but boy, you can't do it for small employers. I don't understand that rationale, particularly when you look at the manufacturing tax cut everybody understood and admitted that it was essentially a job-retention strategy that nobody holds out a lot of hope that at least in the near future that the automobile industry and the auto parts suppliers will be creating new jobs. It was a strategy to simply retain as many of those jobs as we can in Michigan.

Now we are looking at small business. We are looking at the fact that small businesses in this state and across the country generally provide 70 percent of the new jobs in Michigan and across the country. So this really is a job-creation strategy. But I don't understand how you can have one set of criteria in December for large companies and then abandon that criteria in January for small companies. Compared to the tax cut in December, this is extremely modest. On an annual basis, it is less than \$30 million. I happen to believe you need to budget for tax cuts. It either has to come from the revenue you have, a surplus or balance, or it has to come, honestly, from the budget. I don't have a problem with that.

What I object to is having a standard for large companies that says you don't have to backfill the budget, but then when it comes to small companies in Michigan, you want to abandon that standard, and suddenly, you want to put up all kinds of obstacles to this particular tax cut. Michigan is going through an economic restructuring. The small and medium-size companies are going to be our lifeblood for the future. Hopefully, some of those will become the big companies. That is how big companies start. They start small.

I happen to believe that this ought to be the year that we focus on small business. We ought to focus on the direct cost that government burdens them with, which is taxes and the indirect, often invisible, cost that government burdens them with, and that's regulation. I hope the members will support this bill. Apply the same standard and criteria to this tax cut that we so readily applied to the tax cut of December for large companies.

Senator Toy's statement is as follows:

I rise today not only as a Michigan State Senator, but as a 27-year small business owner. Now, I am not sure how many of you own a small business in this chamber—pay the unemployment taxes the state has on us, pay that personal property tax, pay those insurance rates, pay that small business tax, and then leave money for yourself to make a living,

as well as those people you employ.

Yes, many of those people who are paying those high heat bills and gas bills that this state has gotten themselves in this wonderful mess are paying those and sometimes are working not only in those large businesses that we just talked about, but in those small businesses that we all provide the great number of jobs. Anybody who has been in government for years knows that small business provides a majority of jobs within this great country. We need to realize that today as we look at this vote. We need to realize that some of those people who work in our factories as well as in those small businesses sometimes work an extra job in some of those small businesses as well.

It behooves us with an unemployment rate, a lack of job creation in our great state that we begin to look at the small businesses, I think our leader just said. As I chair this committee about commerce and how we are going to restructure and look at changes in this state, I have big and small businesses coming to us giving testimony that what we need to begin to do is radically change what we do in this state and provide that kind of leadership.

If we don't look at the kind of jobs that these small businesses have provided and are providing and are surviving in spite of some of the drastic things that are occurring with the flattening of this world, then we are going to be blindsided and we are all going to pay for this in the end.

So please take it from somebody who has been in the small business for many years and provides jobs to people in a service business. We need a tax break and we need it now.

Senator Cassis' statement is as follows:

I do believe our Majority Leader and the good Senator from Livonia said it best. I have to ask this question: Why would any legislator want to discriminate against small businesses in our state?

Last month, we completed tax relief for our ailing manufacturing sector, and we promised Step 2 to help small businesses. Today we are keeping our word. Small businesses are the job-creating engine that drives our economy. They create more than two-thirds of all new jobs in Michigan and are an essential element to restoring prosperity.

This legislation sends a very strong message that Michigan is on the march to improve its business climate, and hence, Michigan's overall economy in a positive and prosperous direction.

Some have asked, "How can we afford it?" My reply is this: How can we not afford it? There is an end of the year surplus and the General Fund of at least \$116 million.

We are all familiar with *Crain's Detroit Business* weekly magazine. Back in November, they wrote an editorial, which I think is important and I would like to just briefly quote it. In her 1969 book, *On Death and Dying*, Elizabeth Kubler-Ross described five stages people go through as they approach death. The first is denial, then comes anger, bargaining, depression, and acceptance. They ask this question, "Could some of these stages apply to Michigan?" The state isn't dead, but its economy is on life support. Yet Michigan can live and even thrive if policymakers make hard choices and get out of the stubborn denial and anger modes. They make this statement as well, "It's more expensive to operate in Michigan than in most other states."

I think we all fully recognize that keeping dollars in the coffers of job providers will promote their solvency at a time when businesses are laying off workers weekly. When many are declaring bankruptcy and even leaving the state, this becomes more crucial.

These are the small businesses that employ our parents, sisters, brothers, cousins, uncles, friends, and neighbors. Today, we recognize this and do something solid and concrete to reduce a tremendous anxiety in our state and to create a stronger Michigan—a Michigan that will produce revenue, not reduce revenue.

Yes, there is even more to do. We start anew today.

By unanimous consent the Senate proceeded to the order of

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 92

The resolution consent calendar was adopted.

Senators Goschka, Johnson, Van Woerkom, Stamas, Hammerstrom, Toy, Gilbert, Patterson, Birkholz, George, Kuipers, Bishop, Allen, Barcia, Garcia, Cassis, Sanborn, Cropsey, Jelinek, Hardiman, Brown, McManus and Sikkema offered the following resolution:

Senate Resolution No. 92.

A resolution declaring February 6, 2006, as Ronald Reagan Day in the state of Michigan.

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States

of America; the second of which he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states in the General Election—a record unsurpassed in the history of American presidential elections; and

Whereas, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, During Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to meet 21st century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2006, will be the 95th anniversary of Ronald Reagan's birth and the second since his passing; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby declare February 6, 2006, as Ronald Reagan Day in the state of Michigan. We urge all the citizens of Michigan to take cognizance of this event and participate in its observance; and be it further

Resolved, That a copy of this resolution be forwarded to Nancy Reagan as a token of our highest esteem.

Senate Concurrent Resolution No. 38.

A concurrent resolution to create the Joint Select Committee on Oversight of the 21st Century Jobs Funds.

(For text of resolution, see Senate Journal No. 1, p. 7.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Kuipers and McManus introduced

Senate Bill No. 967, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80124 (MCL 324.80124), as added by 1995 PA 58.

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

Senator Switalski introduced

Senate Bill No. 968, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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

Senator Johnson introduced

Senate Bill No. 969, entitled

A bill to authorize the state administrative board to convey certain interests in property in Ingham county; to prescribe certain conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

House Bill No. 5374, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507, 508, 517, 518, 549a, and 549g (MCL 600.507, 600.508, 600.517, 600.518, 600.549a, and 600.549g), section 507 as amended by 2001 PA 252, section 508 as amended by 2001 PA 253, section 517 as amended by 2002 PA 715, section 518 as amended

by 2001 PA 256, and section 549g as added by 1981 PA 182.

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.

Statements

Senators Scott and Cropsey 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:

This one comes from Detroit, "Since I have lived in my home for 16 years, I have never paid \$3,600 and more a year for property insurance. I have had my agent write me two policies, one for content; the other for fire and so forth just to keep the cost down. It is just ridiculous. Then when an individual gets ready to have a claim written or filed, they can't even afford to pay the deductible. This is another reason why so many homeowners in the city of Detroit are selling their homes and moving away from Detroit and also out of Detroit. The thought has entered into my mind and once more."

Senator Cropsey's statement is as follows:

Today, I and several other Senators have introduced a package of bills to address a creeping corruption in a constitutionally-authorized entity—the Board of State Canvassers. A sampling of news headlines tells it all. The *Lansing State Journal* on December 29th of this last year says, "Canvassers: Granholm appears too accepting of status quo on the vote panel." The first paragraph says, "Gov. Jennifer Granholm needs to find a policy on the Board of State Canvassers. Her tepid support for the current ineffective board wastes voters' time and money."

The Detroit News, December 16th of this last year, says "Subversive canvassers cheat state's voters. Board ignores democracy in refusing to put measure on ballot. Democratic members of the state Board of Canvassers are cheating Michigan of democracy. They should be removed from office by Gov. Jennifer Granholm or, better yet, tossed in jail."

In *The Detroit News*, an editorial by Frank Bechmann, December 16th, titled, "Granholm's silence helps robbers of state voting rights." And in *The Detroit News*, December 18th, by Thomas Bray, an editorial, "Fascism of the left trumps civil rights." This is once again dealing with the state Board of Canvassers.

Normally, the state Board of Canvassers is a relatively obscure body, but the board has had an increasing role to play in protecting our constitutional rights as ballot proposals have recently proliferated. As a former member of the state Board of Canvassers, I well remember the process, the problems, the issues, but most importantly, the oath I took to uphold the Constitution.

As ballot issues reached out to previously untested areas, we had to determine our responsibility to the Constitution and the law, our responsibility to the voters, and our responsibility to the governmental system itself. Sometimes our decisions were appealed to the courts, who handed down bright-line standards on what our powers were and then we did abide by the court rulings and the court interpretations.

Sadly, in recent years, a disturbing trend has surfaced among certain members of this board. The heart of this problem is epitomized by a comment recently by Mark Brewer to *MIRS* newsletter about the composition of the board, and I quote, "I appoint them," Brewer said. "I lobby them like I would any other member of the Party." Mr. Brewer clearly is either unaware of the law and Constitution, or he also is flouting both. He does not appoint anybody, and to suggest otherwise is an arrogation of power rightfully belonging to the Governor. Apparently, he believes he owns the members' votes, and this has led to the disaster we witnessed earlier this year.

Worse, the lawless members of the Board of Canvassers have been attempting to re-write their actions, stating that what they said and did either did not happen or was wrongly reported. They are lying. They have attempted to blame someone else. They are frantically and pathetically pointing their fingers at everyone but themselves. Their partisan contempt for the Constitution and the voters is breathtaking and absolutely unconscionable.

These members claim that they want to investigate potential fraud. I wholeheartedly agree that fraud should be hunted down and eliminated. But for these members to claim that they should be the ones doing the investigating is like the fox overseeing the henhouse. They have clearly relinquished any moral claim to oversight and should either resign or be removed today.

Ten million citizens had their constitutional rights hijacked. Up to 500,000 citizens had their constitutional rights trashed. The Governor, who did appoint these members, has publicly stated that she will not act, leaving that to the members themselves, who clearly lack an ethical compass. If the Governor truly believes in enacting an ethics standard for government, these bills should be on the top of the list, and she should sign them the moment they reach her desk.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 907, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507, 508, 517, 518, 549a, 549g, 803, 8134, and 8135 (MCL 600.507, 600.508, 600.517, 600.518, 600.549a, 600.549g, 600.803, 600.8134, and 600.8135), section 507 as amended by 2001 PA 252, sections 508 and 8134 as amended by 2001 PA 253, sections 517 and 803 as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 549g as added by 1981 PA 182, and section 8135 as amended by 1982 PA 161.

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.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn 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

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.

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 and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

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.

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 and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

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.

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 and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

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.

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 and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 17, 2006, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senators Patterson and Brater

The Committee on Finance reported

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.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Thomas

Nays: Senator Brater

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4244, 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 21a.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5355, 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 3 (MCL 205.3), as amended by 2003 PA 92.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: None

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

The Committee on Finance reported

House Bill No. 5356, 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 6.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

House Bill No. 5357, 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 21a.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

House Bill No. 5358, 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.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

House Bill No. 5359, 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.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

House Bill No. 5360, 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.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

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 6.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: None

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

The Committee on Finance reported

House Bill No. 5363, 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 30c (MCL 205.30c), as amended by 2002 PA 616.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Thomas

Nays: None

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

The Committee on Finance reported

House Bill No. 5364, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105, and by adding section 27e.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: Senator Thomas

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

The Committee on Finance reported

House Bill No. 5386, entitled

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

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

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 Finance submitted the following:

Meeting held on Wednesday, January 18, 2006, at 12:10 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

The Committee on Appropriations reported

Senate Bill No. 956, entitled

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

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman and George
 Nays: Senators Prusi, Barcia, Scott, Cherry, Clarke and Switalski
 The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, January 18, 2006, at 2:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 5447, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 17.

With the recommendation that the bill pass.

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

Alan Sanborn
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, January 18, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, January 17, 2006, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Brown, Switalski and Prusi

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, January 18, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Olshove, Leland and Thomas

Scheduled Meetings

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)

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

Commerce and Labor - Tuesday, January 24, 3:00 p.m., Room 100, Farnum Building (373-2413)

Judiciary - Tuesday, January 24, 1:00 p.m., Room 210, Farnum Building (373-3760)

Senior Citizens and Veterans Affairs - Wednesday, January 25, 1:00 p.m., Room 100, Farnum Building (373-1707)

State Drug Treatment Court Advisory Committee - Tuesday, January 24, 9:15 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0212)

Transportation - Tuesday, January 24, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:45 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, January 24, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

