

No. 63  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2007

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Senate Chamber, Lansing, Thursday, June 21, 2007.

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  
Anderson—present  
Barcia—present  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—excused  
Cropsey—present

Garcia—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present  
Olshove—present

Pappageorge—present  
Patterson—present  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—present  
Thomas—excused  
Van Woerkom—present  
Whitmer—present

Reverend Father Stratton Dorozenski of St. Nicholas Greek Orthodox Church of Troy offered the following invocation:

I would like to open with a reading from part of Psalm 100: "Make a joyful shout to the Lord, all you lands; serve the Lord with gladness, come before his presence with singing. Know that the Lord, he is God. It is he who has made us, not we ourselves. We are his people and the sheep of his pasture. Enter into his gates with thanksgiving and into his courts with praise. Be thankful to him and bless his name. For the Lord is good, his mercy is everlasting and his truth endures for all generations."

O heavenly God, we are reminded in Your sacred Psalm that we look to You as the divine shepherd of Your people, and it is You who maintains the righteous guidance to Your earthly flock. Today we, as servants of the people of this great state, gather into deliberation and thought and humbly request in our prayer for Your direction and guidance in our discussions and decisions.

We beseech You, O Lord, to direct our paths and thoughts in love and respect of all here present and our representation of the breadth and plurality which comprises this fine state. Fill us with Your heavenly bridge to overcome our earthly challenges and to view them as opportunities which You have placed at our doorstep. With each opportunity placed before us, let us be filled with respect, cooperation, and fellowship reflecting Your heavenly image.

Instill Your divine and ever-abiding wisdom upon our entrusted civic leaders and staff. Protect those who watch, and guard us under the shelter of Your wings.

We offer our heartfelt prayers for Your divine blessings upon the citizens of our state. We offer our fervent prayers and thoughts for the very souls of the men and women of our armed forces who bravely have offered their lives for the freedom of our country and the world. Give comfort and strength to all in need and who call upon Your name.

In Your name we offer You praise and glory now and forever, until the ages of ages. Amen.

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

### **Motions and Communications**

Senators Scott and Birkholz entered the Senate Chamber.

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

**Senate Bill No. 561**

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

Senator Anderson moved that Senators Gleason and Barcia be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senators Thomas and Clarke be excused from today's session.

The motion prevailed.

### **Recess**

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

The motion prevailed, the time being 10:07 a.m.

11:07 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

During the recess, Senators Gleason and Barcia entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 20:  
**House Bill Nos. 4736 4737 4861**

The Secretary announced that the following official bills were printed on Wednesday, June 20, and are available at the legislative website:

**House Bill Nos.** 4928 4929 4930 4931 4932 4933 4934 4935 4936 4937 4938 4939 4940 4941  
4942 4943 4944 4945 4946 4947 4948 4949 4950 4951 4952 4953 4954 4955

**Messages from the Governor**

Senator Cropsey moved that consideration of the following bill be postponed for today:  
**Senate Bill No. 436**  
The motion prevailed.

The following messages from the Governor were received:

Date: June 19, 2007  
Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 344 (Public Act No. 20), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 1 of chapter I and sections 16 and 16z of chapter XVII (MCL 761.1, 777.16, and 777.16z), section 1 as amended by 1999 PA 76, section 16 as added by 1998 PA 317, and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

(Filed with the Secretary of State on June 19, 2007, at 3:45 p.m.)

Date: June 19, 2007  
Time: 2:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 194 (Public Act No. 21), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1311g (MCL 380.1311g), as amended by 2005 PA 28.

(Filed with the Secretary of State on June 19, 2007, at 3:47 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received and read:

June 20, 2007

I respectfully submit to the Senate, pursuant to Section 6, Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 4 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.604:

**State Child Abuse and Neglect Prevention Board**

Ms. Shirley Mann Gray of 5399 West Bloomfield Lake Road, West Bloomfield, Michigan 48323, county of Oakland, representing professional providers of child abuse and neglect prevention services, for a term commencing June 20, 2007 and expiring December 19, 2010.

Dr. Sophie J. Womack of 2310 West McNichols, Detroit, Michigan 48221, county of Wayne, succeeding Bishop Nathaniel Wells, who has resigned, representing the religious community, for a term commencing June 20, 2007 and expiring December 19, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations and Reform.

### Messages from the House

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

**Senate Bill No. 354**

The motion prevailed.

**Senate Bill No. 134, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ingham county and Wayne county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies in relation to the conveyances; to provide for disposition of revenue derived from the conveyances; and to provide for the release of certain property rights held by the state.

The House of Representatives has amended the bill as follows:

1. Amend page 10, following line 1, by inserting:

“Sec. 4. (1) The state administrative board, on behalf of the state, may convey to Indianfields township in Tuscola county, for consideration of \$1.00 plus the cost necessary to prepare the real property for sale, all of certain real property now under the jurisdiction of the department of community health and located in Tuscola county, Michigan, and more particularly described as:

Part of the Southeast 1/4 and Southwest 1/4 of Section 17, and part of the Northwest 1/4 of Section 20, T12N, R9E, Indianfields Township, Tuscola County, Michigan, described as commencing at the Center of said Section 17; thence along the East-West 1/4 line of said Section 17, S. 88° 41' 50" E., 335.38 feet to the Point of Beginning; thence continuing along said East-West 1/4 line of Section 17, S. 88° 41' 50" E., 2177.53 feet to a traverse line on the top of bank of the Cass River; thence along said traverse line, S. 41° 54' 49" W., 1422.68 feet and S. 82° 35' 09" W., 751.00 feet and S. 62° 37' 43" W., 572.95 feet and S. 34° 54' 06" W., 865.51 feet and S. 63° 47' 30" W., 1325.94 feet and S. 46° 04' 24" W., 492.67 feet to the centerline of Chambers Road; thence along said centerline of Chambers Road on a curve to the right having a radius of 327.40 feet, central angle of 83° 39' 40", and long chord bearing and distance of N. 16° 26' 39" W., 436.71 feet; thence continuing along said centerline of Chambers Road, N. 25° 23' 11" E., 1028.69 feet to a point on a curve; thence on said curve to the left having a radius of 230.00 feet, central angle of 52° 44' 42", and long chord bearing and distance of N. 00° 57' 57" W., 204.33 feet to the Southeasterly line of railroad right-of-way; thence on a non-tangent curve to the left having a radius of 3447.47 feet, central angle of 10° 18' 35", and long chord bearing and distance of N. 50° 54' 56" E., 619.50 feet; thence continuing along said Southeasterly line of railroad right-of-way, N. 47° 34' 00" E., 1723.14 feet to the Point of Beginning; containing 116.54 acres to the water's edge, more or less; subject to riparian rights pertaining to the Cass River and other rights-of-way, easements and restrictions of record.

(2) The description of the real property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The property described in subsection (1) includes all surplus, salvage, and scrap property and equipment.

(4) The department of management and budget shall take the steps necessary to convey the property described in subsection (1).

(5) The conveyance authorized by subsection (1) shall provide for all of the following:

(a) The property shall be used exclusively for the purpose of a public park and if any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for

use of this property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) Upon termination of the use described in subdivision (a) or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(c) If the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(6) The conveyance authorized by this section shall be by quitclaim deed. The department of attorney general shall approve as to legal form the quitclaim deed authorized under this section.

(7) The conveyance authorized under this section shall provide for the exercise of the state's ongoing property interests in and regulatory jurisdiction over any historic artifacts and antiquities subsequently found on the site.

(8) The state shall not reserve oil, gas, or mineral rights to the parcels of property conveyed under this section. However, the conveyance authorized under this section shall provide that, if the purchaser or any grantee develops any oil, gas, or minerals found on, within, or under the conveyed property, the purchaser or any grantee shall pay the state 1/2 of the gross revenue generated from the development of the oil, gas, or minerals. This payment shall be deposited in the general fund.

(9) The revenue received from the conveyance authorized by this section shall be deposited in the state treasury and credited to the general fund."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ingham county, Wayne county, and Tuscola county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies in relation to the conveyances; to provide for disposition of revenue derived from the conveyances; and to provide for the release of certain property rights held by the state.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

### **General Orders**

Senator Cropsey 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 Richardville, designated Senator Basham as Chairperson.

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

#### **Senate Bill No. 561, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 12a (MCL 141.912a), as amended by 1998 PA 532.

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 Cropsey 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:

#### **Senate Bill No. 561**

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

The following bill was read a third time:

#### **House Bill No. 4851, entitled**

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127.

The question being on the passage of the bill,

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



**Nays—0**

**Excused—2**

Clarke

Thomas

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

### **Resolutions**

Senator Cropsey moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

**Senate Resolution No. 75**

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

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

**Senate Resolution No. 76**

The resolution consent calendar was adopted.

Senator Clark-Coleman offered the following resolution:

**Senate Resolution No. 76.**

A resolution honoring Louis Gossett, Jr., for his unyielding contributions to American arts and culture.

Whereas, Louis Gossett, Jr., began his acting career in 1953 at the age of 17, when he appeared in "Take a Giant Step," and subsequently earned the Donaldson Award for that year's best newcomer. Lou, as he is known by his legion of fans, later played in the theatrical production of "A Raisin in the Sun," a role that he reprised on film in 1961; and

Whereas, Lou is a well-regarded thespian most well-known for feature films in which he set the standard for African American leading men. His breakthrough role came about at a pivotal time in American history, where this country grappled with the civil rights victories of the '60s and the social upheaval of the '70s. His role as Fiddler in Alex Haley's superior TV miniseries "Roots" remains the bellwether for supporting roles in historical television movies; and

Whereas, Stretching himself wider than the silver screen and lending his voice to the cause of social justice, Lou has remained active in assuring that all Americans are afforded equal opportunity. He serves as a role model in Hollywood to African American actors and actresses who strive to portray roles that reflect the true experiences of Americans; and

Whereas, His career is a reflection of his ability to speak to the experiences of American citizens, regardless of race. He has earned awards for various roles that looked outside of stereotypical strongholds. In 1977, he earned a Best Supporting Actor Oscar for playing a deceptively rigid drill sergeant in "An Officer and A Gentleman." That same year, he also starred in another television series as the wise mentor to an alien prince in "The Powers of Matthew Star"; and

Whereas, Lou's portrayals are unbounded. He has worked on comedies such as "The Landlord" (1970), "The Skin Game" (1971) with James Garner, "Travels With My Aunt" (1972), and the film adaptation of the Tony Award-winning drama, "The River Niger" (1975). His riveting performance as a cut-throat character stalking Nick Nolte and Jacqueline Bisset in "The Deep" (1977) signaled the beginning of his rising star; and

Whereas, Lou's nuanced performances lent credibility to socially-themed projects, and his career has charted the social growth of the United States. His latest movie, "Daddy's Little Girls" (2006) shows the efforts of a single father to gain custody of his three daughters while gaining control of his own life. In his supporting role, Lou's character offers the wisdom that only a seasoned gentleman can provide. His role in the film reflects the man that Lou is in real life. Organizations such as the NAACP, CARE, and the United States Armed Forces have honored him for his contributions to others; and

Whereas, Louis Gossett, Jr., is a national treasure and has offered his talents and gifts to the American public for the past 54 years; now, therefore, be it

Resolved by the Senate, That we recognize him for not only entertaining us, but for teaching America about the greatness that lies within each citizen; and be it further

Resolved, That a copy of this resolution be transmitted to Louis Gossett, Jr., on Saturday, June 23, 2007, at a reception honoring him at Campus Martius in Detroit, Michigan.

Senator Hunter offered the following resolution:

**Senate Resolution No. 75.**

A resolution honoring Norman “Turkey” Stearnes.

Whereas, Baseball’s great common denominator resides in the statistics that surround and define achievement; and

Whereas, Norman “Turkey” Stearnes’ lifetime batting average of .364, career slugging percentage of .654, batting average of .474 in playoff games, coupled with his record of leading the league in doubles twice, triples three times, and home runs seven times renders more than ample documentation for entry into the Michigan Sports Hall of Fame; and

Whereas, Turkey Stearnes garnered more votes (59,904) than any other player when fans selected participants for the first Negro League All-Star Game in 1933; and

Whereas, Had Turkey Stearnes put up those incredible numbers in the major leagues, not the old Negro Leagues, he would surely rest comfortably among other Michigan Sports Hall of Fame inductees who currently form the roster of Michigan’s most prestigious sports club; and

Whereas, According to available scoresheets, in games played against their white major league counterparts, Negro League teams won 60 percent of the time, prompting the great Harry Salsinger, chronicler of sports for *The Detroit News*, to write, “The level of the game in the Negro League is easily on par with that being played at Navin Field”; and

Whereas, In his twenty years in professional baseball, Turkey Stearnes not only compiled Hall of Fame statistics, but also demonstrated a rare love of America’s pastime, earning the name “Turkey” from the way he flapped his arms while he ran the bases with the speed and grace of a giant cat; and

Whereas, Such greats of the game as James “Cool Papa” Bell—“If they don’t put Turkey in, they shouldn’t put anybody in”—and Leroy “Satchel” Paige—“Turkey was one of the greatest hitters we ever had. He was as good as Josh Gibson. He was as good as anybody who ever played baseball”—readily offered their accolades to Turkey Stearnes; and

Whereas, Turkey Stearnes stands as an outstanding role model for all athletes of any league and any sport. When asked about the number of home runs he had, Turkey responded, “I never counted my home runs unless they won games”; and

Whereas, Turkey Stearnes refused to bear false witness when asked on a questionnaire from Cooperstown, “What do you consider your outstanding achievement in baseball?” He responded simply and directly, “Hitting, fielding, running and throwing”; and

Whereas, After spending nine of his twenty years in baseball with the Detroit Stars, Turkey Stearnes did retire from the game in 1946 and took for his wife the beautiful Nettie Mae McArthur and chose to call Detroit his permanent home, where their children, Rosilyn and Joyce, and grandchildren became their greatest joys in life; and

Whereas, In 2000, Turkey Stearnes was recognized in Cooperstown for his outstanding service to baseball by being inducted into the Major League Hall of Fame; and

Whereas, After his retirement from baseball, Turkey Stearnes, while working in the foundry at the River Rouge Plant, rarely missed a Detroit Tigers game, preferring to sit in the bleachers “with those who knew and loved the game”; now, therefore, be it

Resolved by the Senate, That the Michigan Senate, representing all the citizens of the great state of Michigan, go on record urging the Michigan Sports Hall of Fame to follow the lead of the Major League Hall of Fame in Cooperstown and cast their vote in favor of Norman “Turkey” Stearnes’ entry into the Michigan Sports Hall of Fame; and be it further

Resolved, That this action be taken not to salve the collective guilt that stems from a sorry page in our nation’s history, but because of this body’s firm belief that Turkey Stearnes rightfully belongs in the Michigan Sports Hall of Fame based on his outstanding and measurable achievements on the playing field; and be it further

Resolved, That a copy of this resolution be transmitted to his daughters, Rosilyn and Joyce, and to the Michigan Sports Hall of Fame.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Anderson, Barcia, Cherry, Clark-Coleman, Gleason, Hardiman, Jacobs, Pappageorge, Richardville, Schauer and Scott were named co-sponsors of the resolution.

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

The motion prevailed.



Senator Hunter's statement is as follows:

The resolution before us today pays tribute to the late, great Norman "Turkey" Stearnes, one of the best all-around players in the history of baseball. Born in Nashville, Tennessee, Turkey Stearnes started his professional career in 1921 when he joined the Montgomery Gray Socks, a minor league team belonging to the Negro Southern League. After two years, he transferred to the Detroit Stars on the Negro National League, where he played for the next eight years of his life. He ended out his career by playing eleven more years for the Kansas City Monarchs, another Negro National League team.

He batted over 403 times and led the Negro leagues in home runs seven times. He is credited with 183 home runs in his Negro league career, the all-time Negro league record, and 50 more than second-place Mule Suttles. Since Negro league seasons were very short, sometimes lasting fewer than 30 games, it is unknown how many home runs Stearnes would have hit in a 162-game major league season. But had he kept that pace, it is estimated that he would have hit 54 home runs in 1924, 97 in 1925, and a staggering 130 home runs in 1928.

At 165 pounds, Stearnes was also a fast base runner, in spite of his awkward running style, hence his nickname "Turkey." He was also one of the best outfielders of his generation. You know, while we pay tribute this morning to Turkey Stearnes, I can't help but be reminded of the time when I was 12 years old playing baseball in the park by my childhood home, when I hit an estimated 473-foot home run that completely cleared the entire field. All of the kids looked in awe as the ball traveled farther than the eye could see. In fact, in the park today, we will see a marker that shows the exact place the ball landed the day that I hit that amazing home run. It reads: "July 4, 1985, the day Tupac A. Hunter hit the longest home run in the history of sandlot baseball." Now, Mr. President, of course, what I just said is entirely a figment of my very vivid imagination, as a young boy at heart who loves the game of baseball and who has a great respect for every player who has made outstanding contributions to this wonderful game, regardless of their ethnicity or race.

In spite of the accomplishments of Mr. Stearnes, he was underappreciated and underpaid. Having to work winters in Detroit's auto plants to survive financially, he worked in an auto factory owned by Mr. Walter Briggs, who was the owner of the Detroit Tigers, a team for which he was not allowed to play because of the color of his skin. Unfortunately, he did not live to see his induction into the Baseball Hall of Fame in 2000, having died 21 years earlier in Detroit at the age of 78.

We should all be very proud that Norman "Turkey" Stearnes called Detroit, Michigan, his home. I offer this resolution this morning so that Norman "Turkey" Stearnes will be inducted into the Michigan's Sports Hall of Fame, as he is more than worthy. Had Turkey not lived and played in the era that he did, he would have had the full recognition that he deserved.

I hope that my Senate colleagues will join me in offering this chamber's support for Mr. Turkey Stearnes' well-deserved induction into the Michigan's Sports Hall of Fame.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:27 a.m.

11:56 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

### Introduction and Referral of Bills

Senator McManus introduced  
**Senate Bill No. 601, entitled**

A bill to authorize the state administrative board to convey certain interests in property in Kalkaska county; 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.

Senators Gleason and Barcia introduced  
**Senate Bill No. 602, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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

Senators Gleason and Barcia introduced

**Senate Bill No. 603, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2006 PA 234.

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

Senators Clarke, Hunter, Gleason, Brater, Clark-Coleman, Schauer and Scott introduced

**Senate Bill No. 604, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 24c, 44, 53c, 78a, 78g, and 78k (MCL 211.24c, 211.44, 211.53c, 211.78a, 211.78g, and 211.78k), section 24c as amended by 2003 PA 247, section 44 as amended by 2002 PA 641, section 53c as added by 1995 PA 74, section 78a as added by 1999 PA 123, section 78g as amended by 2003 PA 263, and section 78k as amended by 2006 PA 611.

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

Senator Schauer introduced

**Senate Bill No. 605, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 51e (MCL 206.30 and 206.51e), section 30 as amended by 2005 PA 214 and section 51e as amended by 2003 PA 239.

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

**House Bill No. 4736, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 4a (MCL 722.954a), as added by 1997 PA 172.

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 Families and Human Services.

**House Bill No. 4737, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13a of chapter XIII (MCL 712A.13a), as amended by 2004 PA 475.

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 Families and Human Services.

**House Bill No. 4861, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 2005 PA 326.

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 Appropriations.

### Statements

Senators Scott, Clark-Coleman, Whitmer and Richardville 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:

The Reverend Charles G. Adams, senior pastor at Detroit's Hartford Memorial Baptist Church, said, "The unjust society, nation, corporation, or university will not succeed and cannot survive." We have been talking a lot lately about Michigan's survival, about its schools, its cities, and its economy, but we are now living in an unjust society, a society where affordable insurance is not available to all its members. Under those rules, our cities and our state will not succeed and cannot survive.

If we as a body are truly committed to the survival of Detroit and Michigan, we will create a just society where insurance is available and accessible to all residents. You can demonstrate your commitment by taking action on my insurance bills.

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

Senator Clark-Coleman's statement is as follows:

I rise to thank my colleagues for co-sponsoring Senate Resolution No. 76, honoring the great Louis Gossett, Jr., for his tremendous contributions to American arts and culture. Lou, as we've come to know him, has set a standard of strength, dignity, and grace in the film industry. He began his career in 1953 at the tender age of 17, when he appeared on Broadway in "Take a Giant Step." He won the Donaldson Award that year for best newcomer. In 1961, Lou enthralled us in the movie "Going Public" in a reprisal of the theatrical production of "A Raisin in the Sun."

He is best known for his role as Fiddler in the historical TV miniseries "Roots." Some 53 years after he first took the stage, Lou now is celebrating his role in Tyler Perry's latest film "Daddy's Little Girls." On Saturday—that means this Saturday, June 23rd—Comcast cable is honoring Lou at Detroit's Campus Martius and will host a special screening of the movie as part of a summer film series kick-off.

Again, I would like to thank my colleagues for helping to celebrate a stellar acting career and a wonderful American citizen.

Senator Whitmer's statement is as follows:

Colleagues, I rise today to call on us to all come together with a resolution to the budget crisis that the state of Michigan is facing. As we all know, our needs outpace our resources. Some in response to this crisis choose to vilify our state workers, to say there's fat and more sacrifices need to be made. I disagree. Our state workers number fewer than we had in the early 1970s when I was born, yet we have 1.3 million more people.

State workers are the people who are patrolling our streets. State workers are the people who are working in our prisons. State workers are the men and women who respond to fires, build our roads, and are educating our children. These are the people who are working to cut red tape and draw business investment to Michigan, and these are the people who are looking out for Michigan's most vulnerable children.

I don't know about you, but when I became a mom, I felt a duty toward all kids, not just my daughters Sherry and Sydney. I know not every child has two parents who love him or her; some don't even have one. I know that there are kids who don't get three square meals a day. Some are going to bed at night with their little bellies growling. I know there are kids who don't have anyone they trust, much less a parent who is asking how their day was or helping them with their homework. I know there are kids in our state who don't get a yearly physical, much less have access to basic health care. After I put my girls to bed, these are the things that keep me up some nights.

As you are all acutely aware, I hope, here in Ingham County, a child named Ricky Holland died. Anytime a child dies, it's a tragedy. The people in my community are still healing. His remains were just put to rest. I raise this because we've entrusted the safety and well-being of these most vulnerable little citizens in the hands of our state workers—the only guardians they have. Simultaneously, we have not given these guardians the financial or moral support they need to do their jobs as well as they want to—as well as we need them to.

In many counties, there is a backlog on Child Protective Services investigations. While many of us vowed to do everything we could to ensure another child doesn't slip through the cracks, hiring freezes, cuts, and lack of action on the revenue side of the equation puts these kids in jeopardy. I am worried that despite the yeoman's job our caseworkers are doing, despite the continued public attacks on our workforce, and despite their best efforts, we are understaffed. I am worried about the safety of these kids.

I implore you, please let's stop pointing fingers and acknowledge there is much work to do and it's worth it to do it right. It's a price we can't afford not to pay.

Senator Richardville's statement is as follows:

Yesterday the Michigan Supreme Court issued an opinion in the Czyzbor v. City of Saginaw case that has caused the hunting community in this state to be greatly concerned. The opinion, which further chips away at the rights of hunters and fishermen, is seen as a setback by those in the conservation community. This decision truly has the impact to further threaten our hunting rights in the state of Michigan. A recent survey by the United States Fish and Wildlife Service shows hunting and fishing participation down in the region and nationally, and we don't need further discouragement of the sport.

Mr. President and members, I rise today to make sure that sportsmen and women know that I and many members of this legislative body will stand with them and fight for their rights and our state's great outdoor recreational heritage. Hunters and fishermen in this state need to know that we have their backs covered.

Just last month, the Senate ushered in Michigan Conservation Week. We recognized Michigan's great hunting and fishing heritage and the important role the sportsmen and women have in conserving the natural resources of our state now and for future generations. We also passed a four-bill package that protects the rights of hunting and fishing for Michigan residents. With the issuing of this opinion yesterday, we may now need to revisit the issue and make sure that further legislative recommendations will ensure that our recreational heritage remains strong.

I join many members of this body in saying that we will work with groups like the Michigan United Conservation Clubs on a solution that helps to protect these important rights here in Michigan.

### Recess

Senator Cropsy moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:09 p.m.

12:22 p.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

By unanimous consent the Senate returned to the order of

### Resolutions

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

#### **Senate Resolution No. 77**

The resolution consent calendar was adopted.

Senators Hunter, Clarke, Brater, Jacobs, Scott, Clark-Coleman, Anderson, Basham, Barcia, Olshove, Cherry, Prusi, Gleason, Whitmer, Gilbert, Brown and Pappageorge offered the following resolution:

#### **Senate Resolution No. 77.**

A resolution to commemorate June 23, 2007, as the 25th Anniversary of the death of Vincent Chin.

Whereas, On June 19, 1982, Vincent Chin, an American of Chinese descent, was mistakenly identified as being of Japanese heritage and was brutally and maliciously beaten; and

Whereas, On June 23, 1982, Vincent Chin died as a result of this brutal and malicious bias-motivated hate crime; and

Whereas, The unnecessary and tragic murder of Vincent Chin and the controversy surrounding the sentencing of his assailants thereafter drew national and international attention and outrage; and

Whereas, This brought the Asian American community together with other minority groups, advocating against discrimination and bias-motivated hate crimes; and

Whereas, In 1988, the state of Michigan enacted the ethnic intimidation act to prevent similar crimes against innocent persons from occurring; and

Whereas, The state of Michigan is committed to upholding and protecting the rights of all of its citizens; and

Whereas, The state of Michigan acknowledges the family and friends of Vincent Chin; and

Whereas, The state of Michigan recognizes June 23, 2007, as the 25th Anniversary of the death of Vincent Chin; now, therefore, be it

Resolved by the Senate, That we hereby offer our words of sympathy and praise as a memorial for Vincent Chin, a young man whose life and death had a profound impact within our community.

By unanimous consent the Senate returned to the order of

### General Orders

Senator Cropsy 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 Richardville, designated Senator Basham as Chairperson.

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

#### **Senate Bill No. 313, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7II.

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 Cropsy 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:

#### **Senate Bill No. 313**

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

The following bill was read a third time:

**Senate Bill No. 313, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 89c.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 195**

**Yeas—6**

Bishop	Jacobs	Stamas	Switalski
Cropsey	Schauer		

**Nays—30**

Allen	Cherry	Jansen	Patterson
Anderson	Clark-Coleman	Jelinek	Prusi
Barcia	Garcia	Kahn	Richardville
Basham	George	Kuipers	Sanborn
Birkholz	Gilbert	McManus	Scott
Brater	Gleason	Olshove	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Hunter		

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the bill was defeated.

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

Senators Clark-Coleman, Hunter, Patterson and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

What you are looking at here with this bill is one more effort to tax poor people. Let me say to you that the people in Detroit are struggling right now as it is—one of the largest foreclosure cities in the state. People are losing their homes. This \$300 tax is very controversial in my city. It was put upon the people because they knew that if they went for a vote, they wouldn’t get it done. People are angry about this \$300 tax, and that’s why they aren’t paying it.

What happens? The administration now comes to the Legislature to get us to put it into law. Now, instead of the tax bills we’re already experiencing, you are now adding \$300 onto the tax bill, which will then make it even more difficult for them to keep their homes. What we have now is a situation where you will be losing even more homes. The poor people are struggling in my city. They can’t pay the taxes that they already have. Now you want to put \$300 more onto their tax bill, which means that they will then be able to foreclose at a faster rate. People are struggling. There are no jobs in my city. People are having problems paying what they are already being assessed. For us to sit here as legislators and tack on \$300 more onto their tax bill, and then allow legally for them to lose their homes, is unconscionable.

I live in this city. You are making decisions that affect the poor people. By the way, 75 percent of the people in my city are poor. But you are voting on legislation that's impacting poor people in my city. I resent it. I resent anyone, not only people who vote on it, but anyone who would even push this bill without at least talking to the legislators from Detroit. That you would go and put together a deal without even talking to the legislators from Detroit, it's insulting to me. It's insulting to the people in the city of Detroit.

You go ahead; you follow your conscience. You vote for this horrible bill. You put taxes on poor people who are already being taxed. Go ahead and do it because I know you have the votes to do it. You go ahead and do it, and then go home tonight and sleep with a good clear conscience.

Senator Hunter's statement is as follows:

I just want to say to my colleagues that I have a great deal of respect for the Senator from the 3rd District as well as all my Senate colleagues, but I have to say that the subject of today's debate is not the \$300 trash fee. The Mayor proposed that to the Detroit City Council, and the Detroit City Council passed it. That's history. I disagree with the \$300 trash fee, but that's irrelevant because that's history.

What we are dealing with today is the fact that before we had this flat \$300 trash fee, there was a millage of 2.9 percent on the tax bill—there was a 2.9 millage on the tax bill. This millage was replaced by this trash fee. So before when the city dealt with delinquent property taxes, they were able to give those to the county. The county through this revolving fund would pay the city for those delinquent taxes and then go ahead and try to collect those delinquent taxes. They were able to pay the debt service on the bonds that provided the proceeds for this revolving fund. Well, now that we have a flat trash fee, the county can only collect for the delinquent property taxes, but there's no mechanism to collect the delinquent trash fee.

Now as bad as this trash fee is, I still think that this is an issue that needs to be addressed. Anytime a local municipality is put into a situation where they are in a budget deficit, for whatever reason, they either have the option of raising taxes, which, you know, is an option that we are debating in this environment today. Nobody likes doing that, but either you do that or you cut. I would say that I don't want the city of Detroit to lay cops off, close recreation centers, and do anything to further cut services that my citizens—my constituents—depend on. We can't afford for that to happen anymore because it's been happening too much. So I'm concerned about that.

How do I go home and explain to a taxpaying citizen who pays the trash fee, "Well, your neighborhood is not going to be as safe because we're laying off cops. Your kids can't go down the street to play in the park because that park is closed. Well, you pay your hard-earned tax dollars. You pay your trash fee. You're doing the right thing, and you may potentially be hurt by this."

Now let's deal with the other issue here—the poor people. The city of Detroit have to find a way to make sure that people who can't pay can pay something, just not with the trash fee but also with the water rates that are expensive and other things. I think that could be done, but we still have to address this issue. We can't sweep it under the rug. We can't say, well, we're mad about what happened between the Mayor and the City Council a couple years ago and use this debate to vent that. I don't think that's what we are here to do. I think we're here to move the process along. I think there's an opportunity for this to be further vetted in the House. Before it goes to the Governor, I think we can have a proposal, we can have a program that we all can agree is the right thing to do.

With that, I would urge my colleagues to think about it and do the pragmatic thing and not just reject this thing out of hand because the issue is too important. So think it all the way through and, again, you're entitled to your opinion. As I respect yours, I hope that you respect mine as well.

Senator Patterson's statement is as follows:

My parents live in the city of Detroit. They refuse to leave the city of Detroit. They've been there for 65 years. They are proud Detroiters. They are not wealthy. I'm in an interesting predicament. I will paraphrase an earlier colleague's comments. The Senator from the 3rd District stated that for us to sit here and tax the people—and this is where I'm paraphrasing—just because government needs more money is unconscionable.

I plan on using that in the future for my "no" vote explanation on tax increases.

Senator Scott's statement is as follows:

I rise to speak on the passage of Senate Bill No. 313. As a Senator who has a portion of Detroit, I talk about this every day how we make poor people poorer. Well, there was a lot of controversy on the \$300 in the first place. Because a lot of seniors vote, they got theirs cut in half, whether they were on a fixed income of \$500 a month or if they get \$5,000 a month. There was no graduated tax at all on this. So now we're going to make a fee into a tax because we can do it here, and it's not fair. It's not fair to those of us who represent the city to just find out five minutes ago that we are going to do this.

I would not do this to your city, so don't do it to mine. We have to understand that there are homes in Detroit, especially some new ones, that are now \$400,000 and \$500,000. People who make lots of money and are very wealthy pay the same as that little poor person does. That is not fair. That's why I talk to you every day about some affordable

insurance because these are the same people who pay more for everything. Now because we can do it, we'll take a bill because it's a good vehicle to put this on just because we can do it. But because we can do it, it's not fair to the people.

I want you all to think about this. Don't just throw something to us at the last minute. It should have gone through committee where it could be debated, alright, so you could hear from the people on this fee-tax that you are now going to levy on them. It's not right. They are already losing their homes. You want them to lose them faster?

### Committee Reports

The Committee on Families and Human Services reported

**Senate Resolution No. 61.**

A resolution to memorialize the United States Congress to enact the Education Begins at Home Act.

(For text of resolution, see Senate Journal No. 47, p. 703.)

With the recommendation that the resolution be adopted.

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Families and Human Services reported

**Senate Bill No. 241, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1, 2a, 2b, 3c, 3d, 3e, 5, 5f, 5g, 9a, and 11b (MCL 722.111, 722.112a, 722.112b, 722.113c, 722.113d, 722.113e, 722.115, 722.115f, 722.115g, 722.119a, and 722.121b), section 1 as amended by 2005 PA 202, section 2a as amended by 1998 PA 440, section 2b as added by 2004 PA 531, section 3c as added by 1993 PA 219, section 3d as added by 1993 PA 218, section 3e as added by 2002 PA 717, sections 5 and 5f as amended by 2006 PA 580, section 5g as added by 2005 PA 128, section 9a as amended by 2004 PA 315, and section 11b as added by 2002 PA 645.

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.

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, June 19, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 530, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82126 (MCL 324.82126), as amended by 2003 PA 2.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 545, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3118 (MCL 324.3118), as amended by 2004 PA 91.

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.

Patricia L. Birkholz

Chairperson

## To Report Out:

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

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 Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, June 20, 2007, at 1:35 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

**Senate Bill No. 561, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 12a (MCL 141.912a), as amended by 1998 PA 532.

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.

Ron Jelinek

Chairperson

## To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry and Clark-Coleman

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 20, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

## COMMITTEE ATTENDANCE REPORT

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Monday, June 18, 2007, at 10:30 a.m., Plainfield Township Hall, 6161 Belmont Avenue, NE, Belmont

Present: Senators McManus (C), Brown, Jansen and Jacobs

Excused: Senator Schauer



**Scheduled Meetings**

**Appropriations -**

**Subcommittee -**

**Higher Education** - Thursday, June 28, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Families and Human Services** - Tuesday, June 26, 2:30 p.m., Room 210, Farnum Building (373-0797)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 12:47 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, June 26, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

