

No. 50
STATE OF MICHIGAN
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, May 21, 2008.

10:00 a.m.

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

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—present
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—present
Van Woerkom—present
Whitmer—present

Chaplain Herb Heavner of the Michigan National Guard of Milford offered the following invocation:

Almighty God, we give You praise today for Your presence in our lives. We are glad that we can always come to You to find strength and guidance, whether it be for personal, family, state, or national concerns. We thank You, Father, for these distinguished members of this body.

I pray today, Lord, that in this memorial season that we stop for a little while this weekend to honor those who have served, to honor those of our family members who have contributed so much, those in our state who have contributed so much, those who are serving now, and those who have served in the past. We honor each and every one of them. We honor the memories of those who have given their lives in the fight for freedom. We honor those fallen heroes who have been serving in Iraq and Afghanistan, who have lost their lives and have paid the ultimate sacrifice. Be with their families this memorial season, I pray, as we honor them.

We pray, Lord, for the present, for Your presence in this place, and for wisdom and guidance and direction on those who lead our state. We pray also for our national leadership, and today we would pray for Senator Kennedy as he recovers and deals with his physical condition.

Father, no matter what our politics may be, we come to You to find strength and guidance for each day. We thank You for the wisdom that You provide and for the wonderful sense of Your presence that is always with us and our families. Father, continue to bless and lead this great nation and this great state of Michigan that we call home.

Guide and direct our lives this day. Bless this body, I pray. In Your precious and holy name. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Brater, Barcia, Jelinek, Kahn, Pappageorge and Garcia entered the Senate Chamber.

Senator Cropsey moved that Senator Brown be temporarily excused from today's session.
The motion prevailed.

Senator Thomas moved that Senator Olshove be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that the Committee on Economic Development and Regulatory Reform be discharged from further consideration of the following bill:

Senate Bill No. 867, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

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

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

Senate Bill No. 867

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 20:

House Bill Nos. 5780 5781 5782 5783 5784 5785 5786 5787 5788 5789 5790 5791

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 20, for her approval the following bill:

Enrolled Senate Bill No. 731 at 1:33 p.m.

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 Pappageorge as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4965, 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 placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senators Brown and Olshove entered the Senate Chamber.

Resolutions

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

Senate Concurrent Resolution No. 22

The motion prevailed.

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

Senate Resolution No. 195

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 195.

A resolution recognizing May 2008 as Hearing Loss Awareness Month in the state of Michigan.

Whereas, Currently, 31 million Americans have hearing loss. As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030; and

Whereas, It is estimated that 1.4 million people in the state of Michigan have hearing loss; and

Whereas, Among seniors, hearing loss is the third most treatable disabling condition, preceded by arthritis and hypertension; and

Whereas, While 95 percent of people with hearing loss could be successfully treated with hearing aids and listening devices, only 22 percent currently use them; and

Whereas, Every day approximately 3 in 1,000 infants are born profoundly deaf or with a partial hearing loss, making hearing loss the No. 1 birth defect in America; and

Whereas, Hearing loss can greatly hinder everyday, ordinary communication, and people with a hearing loss often feel a sense of isolation and decreased self-confidence; and

Whereas, It is important that people with hearing loss in the state of Michigan be aware that there are many deaf, deaf/blind, and hard-of-hearing organizations, audiologists and hearing professionals, assistive listening device manufacturers, and support groups that offer a large range of solutions to help people with hearing loss; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2008 as Hearing Loss Awareness Month in the state of Michigan.

Senators Anderson, Birkholz, Brater, Cassis, Clark-Coleman, Clarke, Garcia, Gleason, Pappageorge, Prusi, Richardville, Schauer, Scott, Switalski and Van Woerkom were named co-sponsors of the resolution.

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

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

House Bill No. 5963

Senate Bill No. 975

Senate Bill No. 976

The motion prevailed.

The following bill was read a third time:

House Bill No. 5963, entitled

A bill entering into the interstate compact on educational opportunity for military children: and for related purposes.

The question being on the passage of the bill,

Senator Allen offered the following amendments:

1. Amend page 2, line 2, after “and” by striking out “1ensuring” and inserting “ensuring”.
2. Amend page 4, line 13, after “means:” by striking out “means”.
3. Amend page 32, line 1, after “Sec. 2.” by striking out “The” and inserting “(1) Subject to subsection (2), the”.
4. Amend page 32, following line 3, by inserting:

“(2) The governor shall appoint as this state’s representative under subsection (1) a person who meets all of the following or a person who meets subdivisions (a) and (b) and is the spouse or child of a person who meets subdivisions (c) and (d):

(a) Is a resident of this state.

(b) Is a person of good moral character.

(c) Has been honorably discharged from the armed forces of the United States after at least 15 years of active duty service.

(d) While engaged in active duty service in the armed forces of the United States, had at least 1 minor child enrolled in elementary or secondary school.

(3) As used in this section, “armed forces of the United States” means the armed forces of the United States and their reserve components and the United States coast guard.”.

The amendments were 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. 327

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 975, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 3 (MCL 207.773), as amended by 2005 PA 339.

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. 328**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn's statement is as follows:

I rise to speak in regard to Senate Bill No. 975, which I have had the honor to sponsor. This bill is an amendment to the neighborhood enterprise zone which will allow its use in downtowns for the purposes of construction of apartments, condos, and other residential structures. This provides our people an additional tool, our cities an additional tool, and our state an additional tool to attract people to our downtowns. Having working businesses, vibrant housing, and vibrant and working retail entities are all part of the fabric of a living city.

The Neighborhood Enterprise Zone Act provides incentives for the development of rehabilitation of residential housing in our poor communities. This bill would change the current requirement for a neighborhood enterprise zone to have at least ten platted parcels of land. The change would be to allow a neighborhood enterprise zone to include ten facilities rather than ten parcels. Those facilities could include housing, condo units or apartments, and in so doing, it would encourage further development and rebirth of our cities.

The following bill was read a third time:

Senate Bill No. 976, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2006 PA 661.

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. 329**Yeas—38**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

McManus
Olshove
Pappageorge
Patterson
Prusi

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned 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 Assistant President pro tempore, Senator Sanborn, designated Senator Pappageorge as Chairperson.

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

Senate Bill No. 867, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

Substitute (S-5).

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.

Introduction and Referral of Bills

House Bill No. 5780, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 11 (MCL 125.2011), as amended by 1987 PA 278.

The House of Representatives has passed the bill.

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

House Bill No. 5781, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2007 PA 201

The House of Representatives has passed the bill.

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

House Bill No. 5782, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241a (MCL 18.1241a), as added by 1988 PA 504.

The House of Representatives has passed the bill.

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

House Bill No. 5783, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 264 (MCL 18.1264), as added by 1988 PA 504, and by adding section 264a.

The House of Representatives has passed the bill.

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

House Bill No. 5784, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 241c.

The House of Representatives has passed the bill.

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

House Bill No. 5785, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 15 and 16 (MCL 125.2695 and 125.2696) and by adding sections 8g and 8h.

The House of Representatives has passed the bill.

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

House Bill No. 5786, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 110 and section 10 as amended by 2006 PA 283.

The House of Representatives has passed the bill.

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

House Bill No. 5787, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2007 PA 216.

The House of Representatives has passed the bill.

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

House Bill No. 5788, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788), as amended by 2006 PA 667.

The House of Representatives has passed the bill.

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

House Bill No. 5789, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," (MCL 125.1251 to 125.1267) by adding section 5a.

The House of Representatives has passed the bill.

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

House Bill No. 5790, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to

provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 4 (MCL 207.554), as amended by 2004 PA 437.

The House of Representatives has passed the bill.

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

House Bill No. 5791, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 13 (MCL 247.913) and by adding section 9a.

The House of Representatives has passed the bill.

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

Statements

Senators Whitmer, Scott, Cherry, Patterson, Gleason and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

Glioblastoma multiforme, or GBM as the surgeons, oncologist, radiologists, and families of brain tumor patients call it, they call it that for ease, not out of affection. Glioblastoma multiforme was the name that doctors gave my mom's brain tumor, the tumor that killed her when she was 59. She was an incredible person; she was my best friend. And, oddly, it was almost exactly six years ago that GBM killed her; two months after her namesake, my oldest daughter, was born.

It is not the name the doctors have given United States Senator Ted Kennedy's tumor—not yet. But everything I have read—and I have read a lot due to my personal interest—makes it sound like that may be what he has as well.

While I often invoke the memory of my mother, I rarely invoke the memory of her illness. First, because she wouldn't want me to. She'd rather be remembered for her infectious cackle, her quick wit, and her love of her kids. Second, because, frankly, it's just too hard for me to do it.

But I wanted to make this statement today because I know what the Kennedy family is about to endure. I also know that there are 9,000 other American families who will face this devastating GBM diagnosis this year. More importantly, I know that there are millions more facing different but equally devastating diagnoses in our country and around our world.

A patient diagnosed with glioblastoma multiforme is generally given a life expectancy in terms of months. In my mom's case, it was four to six months. She lived for 20 months because she had three things going for her. One, she had health coverage; two, she had a supportive family; and three, she had a positive, tenacious outlook and attitude.

There is no doubt that Senator Kennedy is lucky enough to have all three of those things going for him as well. But those who can't afford the treatment or have no one to help them or give up, those are the people who I really worry about. They are the reason that the statistics are so grim.

We get mired in petty fights here regularly. And you know what? Most of it really doesn't matter in the end. Very little of it is life or death, that's for sure. While we can't pass a bill to eradicate GBM or diabetes or Parkinson's disease, there are things we can do. We should do everything we can do to ease suffering and make any and all means toward that end available to our sick and our dying. We should not only permit, but we should embrace every mode of research that could yield a cure for disease. And we should have universal health care. Every human being deserves a basic level of health care. These are the things that really matter.

Mr. President, I respectfully ask for a moment of silence and for your prayers for Senator Kennedy in my mom's memory and for the millions of Americans faced with devastating health diagnoses every day.

A moment of silence was observed for U.S. Senator Ted Kennedy, the memory of Senator Gretchen Whitmer's mother who passed away from glioblastoma multiforme, and all those who suffer from the disease.

Senator Scott's statement is as follows:

My prayers, too, go out to Senator Kennedy and certainly his family.

I return once again to the wisdom of Dr. Martin Luther King, Jr., whose legacy continues to inspire and stir. And Dr. King said, "We must all learn to live together as brothers and sisters or perish together as fools." We have seen our days in this very chamber where it appeared we were doomed to perish together as fools. However, I am hopeful that in the spirit of Dr. King, we are learning to live together as brothers and sisters.

However, our differences on the issues of insurance continue to divide us. Like Dr. King, I, too, have a dream. My dream is that working together, we will bring justice and equality to the insurance system in Michigan. My worst nightmare is that we would perish together as fools.

Let us come together. Let us work together. Let us vote together to move my bills.

Senator Cherry's statement is as follows:

Today we are recognizing May 2008 as Hearing Loss Awareness Month in the state of Michigan. We passed a resolution recognizing that today. Currently, 31 million Americans have hearing loss, of which I am one. As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030. It is estimated that 1.4 million people in the state of Michigan have hearing loss. Among senior citizens, hearing loss is the third most-treatable disabling condition preceded by arthritis and hypertension.

While 95 percent of people with hearing loss could be successfully treated with hearing aids and listening devices, only 22 percent currently use them. Every day approximately 3 in 1,000 infants are born profoundly deaf or with a partial hearing loss, making hearing loss the No. 1 birth defect in America.

Hearing loss can greatly hinder everyday, ordinary communication. People with hearing loss often feel a sense of isolation and decreased self-confidence. It is important that people with hearing loss in the state of Michigan be aware that there are many deaf, deaf/blind, and hard-of-hearing organizations, audiologists and hearing professionals, assisted listening device manufacturers, and support groups that offer a large range of solutions to help people with hearing loss. It's also important that those who do not suffer with hearing loss understand the problems and the services which are needed by those who do have that loss.

Today, it gives me good pleasure to say that this Senate and members of this body recognized May 2008 as Hearing Loss Awareness Month for the state of Michigan.

Senator Patterson's statement is as follows:

Today I rise in the hope that we can join together in humanity and beseech one another to pray for the well-being of a lion in American political history, Senator Edward M. "Ted" Kennedy. This is serious business, as was pointed out by one of our colleagues before my remarks. So as we go forth today and through the months ahead, I hope that we remember him in our prayers.

I would also like to give an update that the Senator from the 5th District and the Senator from the 7th District walked into the Capitol today almost arm in arm. The Senate is a wonderful place.

Senator Gleason's statement is as follows:

I think we were all jolted yesterday with the news of Senator Kennedy. I am the grandson of Irish Catholic grandparents. I can distinctly remember the day that the election of 1960 was finalized. I remember like yesterday sitting on the porch of our house with my grandmother, my grandfather, my mother and dad, and aunts and uncles. It was not only a historic day, but a moving day for the Irish Catholic community.

I do think this is quite a moving moment, and I know that family has eulogized each other for decades now. I distinctly remember that day in November of 1960 and all the hope that he gave to all of us. I would say that Democrats, Republicans, and Independents across this land were enticed to go into public service and to offer their personal services to make this world a better place.

The Irish live in irony. It is quite unique that on May 19 the world was given the news about Senator Ted Kennedy. May 29 was the birth of John F. Kennedy. So even though May is the spring of the year, we notice that the Kennedys, with great faith and devotion to their country, have been driven by their faith, and I know that the day will be utilized to the full extent today as well. But I would suggest that no other family in the history of our country has charged each and every one of us to pick up the banner for the disabled, and the most needy, the uncared for, and those without health care. I think one of the most important aspects of this news is that in many regards, as I have watched this the past few days, those in the other party have spoken more eloquently, if possible, of the great working relationship they had with Senator Kennedy. Warren Hatch, John McCain, and those who differ in philosophies and ideas for the direction this country should go in, shared a personal bond with the great Senator. I know as an Irish Catholic, not to differentiate myself with ethnicity or religion, but as a true American, we are all better off because of what the Kennedys have provided us.

I will not be here tomorrow, but I know that Senator Garcia has once again elevated those who have served our country. We will be in a prominent role here as a state to recognize those who have served our country and lost their lives on duty. I feel terrible that I won't be here tomorrow, but I will be in Annapolis. I have a nephew, a great-grandson to immigrants of this country, who will be graduating from the Naval Academy on Friday. I think that is a reflection of what the Kennedy family has asked all of us to do—to serve our country in any fashion and to make it as personal and profitable for our country as well. So, Mr. President, I was at a recent event when you were driven to politics and public service by an individual who excited you and made you more determined to offer your voice to the multitudes of this state.

So I pray with the Kennedy family, and I am certain that we all do.

Senator Clarke's statement is as follows:

Yesterday the Detroit City Council sent a package of information to Lansing, Michigan, requesting that the Governor of Michigan remove Kwame M. Kilpatrick from the office of mayor of the city of Detroit. I am making this statement today to respond to the City Council's request. There are many people in Detroit who want the incumbent mayor out of office. I understand how they feel; I challenged him for re-election. But I believe that the Detroit political system, as a whole, for decades hasn't adequately served the citizens. You see, the projects that many Detroit politicians over the years take credit for and pride themselves about, such as office towers, sports arenas, sporting events, and entertainment venues, all do a brilliant job of showcasing the city, but they don't help people who are living and working in the neighborhoods.

I have lived in Detroit all of my life for more than 50 years, and I have served as an elected official since the 1990s. I have never met one native Detroiter who asks to have the Super Bowl brought to Detroit or to have million-dollar condos be built downtown. What Detroiters have asked for and pleaded for are the same things that you want—such as safe streets, clean neighborhoods, taxes and insurance that they can afford, and schools that train, educate, and graduate their children. That is what they want, but that is what they have not gotten. And over time, I think people in the city have resigned themselves to the fact that this is how politics works. We put people in office to serve themselves and not to serve us. I believe that the people no longer feel that they can do anything about it.

I believe, though, that state government—the former Governor and former Legislatures—have contributed to this spirit of malaise among Detroit voters: the dismantling of Detroit Recorder's Court; the breaking of the commitment to share revenue back with Detroiters; the constant threat of taking over Detroit's water system; and the actual takeover of Detroit schools, which devastated those schools, and even more than that, devastated the spirit of self-determination among Detroit voters' ability to do something about their city. This government has stepped in, I believe, not to help the citizens, but has actually harmed the citizens.

That is why I believe that the mere threat that the Governor may remove the mayor undermines any real chance for reform in the city because it sends the message that Detroiters cannot govern themselves. Now, reform is needed in Detroit, but I would like to remind everyone that the city of Detroit is a political subdivision of the state; it is not a colony of Michigan. Change cannot be imposed from the outside, whether it is by this government, corporation, or some other institution from on high. The real change that needs to happen to reform the city is not a change of leadership; it is a change in the mindset of the voters of Detroit to no longer tolerate the arrogance and waste of their government for decades. Detroiters need to start holding their elected officials accountable for serving them, and if they don't do the job, Detroiters should fire them.

I believe right now that the citizens are ready for a change, but I believe this is the wrong time to circumvent the voters' power to remove the mayor. The City Council wants the Governor to remove the mayor, but the Council didn't elect the mayor; the people did. If the people want the mayor removed from office, they have the legal authority to do so. If the mayor is to be removed, he should be removed by the voters of Detroit, not the Governor of Michigan. To the same degree that I opposed the takeover of the Detroit schools by the state of Michigan, it is with the same degree of passion and urgency that I ask the Governor not to get involved with this case and to not remove the mayor of the city of Detroit. Allow the citizens to take action for the sake of the city.

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 at the head of the Third Reading of Bills calendar:

Senate Bill No. 867

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

The following bill was read a third time:

Senate Bill No. 867, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2, 9, and 15 (MCL 207.552, 207.559, and 207.565), sections 2 and 9 as amended by 2007 PA 146 and section 15 as amended by 1996 PA 513.

The question being on the passage of the bill,

Senator George offered the following amendment:

1. Amend page 21, line 9, after "LOCATED," by inserting "AND IF THE FACILITY CONTINUES TO QUALIFY UNDER THIS ACT,".

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

Senator Cropsey moved that Senator Gilbert be excused from the balance of today’s session. The motion prevailed.

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. 330

Yeas—37

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gleason	Olshove	Switalski
Brater	Hardiman	Pappageorge	Thomas
Brown	Hunter	Patterson	Van Woerkom
Cassis	Jacobs	Prusi	Whitmer
Cherry			

Nays—0

Excused—1

Gilbert

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Committee Reports

The Committee on Agriculture reported

Senate Bill No. 1119, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9 (MCL 211.9), as amended by 2006 PA 550.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 1120, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 2007 PA 103.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 1121, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, May 15, 2008, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

The Committee on Judiciary reported

Senate Resolution No. 155.

A resolution to memorialize the United States Congress to enact the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act, H.R. 3846); to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and to help build individual, family, and community strength to ensure that our youth lead productive, law-abiding, addiction- and gang-free lives.

(For text of resolution, see Senate Journal No. 22, p. 349.)

With the recommendation that the resolution be adopted.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Sanborn, Whitmer, Clarke and Prusi

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Judiciary reported

Senate Bill No. 519, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Sanborn, Whitmer, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1193, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356a (MCL 750.356a), as amended by 1998 PA 311.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Sanborn, Whitmer, Clarke and Prusi

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, May 20, 2008, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Whitmer, Clarke and Prusi

Excused: Senator Patterson

The Committee on Commerce and Tourism reported

House Bill No. 4317, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508, and by adding section 3f.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

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

The Committee on Commerce and Tourism reported

House Bill No. 4680, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3g.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

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 Commerce and Tourism submitted the following:

Meeting held on Tuesday, May 20, 2008, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

The Committee on Transportation reported

Senate Bill No. 1241, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2004 PA 420.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 1272, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, May 20, 2008, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Tuesday, May 20, 2008, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, May 20, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, May 20, 2008, at 3:00 p.m., Room 405, Capitol Building

Present: Senators Pappageorge (C), Jansen, McManus, Anderson and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Wednesday, May 21, 2008, at 9:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Cropsey (C), Kahn and Brater

Scheduled Meetings

Agriculture - Thursday, May 22, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Thursday, May 22, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Transportation Department -

Detroit River International Crossing (DRIC) Study Ad Hoc Committee - Thursday, May 22, 11:30 a.m., Room 100, Farnum Building (373-3760) (CANCELED)

Education - Thursday, May 22, 2:30 p.m., Room 110, Farnum Building (373-6920)

Finance - Thursday, May 22, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Commission on Statutory Mandates - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

State Drug Treatment Court Advisory Committee - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Garcia moved that the Senate adjourn.
The motion prevailed, the time being 11:06 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, May 22, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

