

No. 53
STATE OF MICHIGAN
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REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, May 30, 2007.

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

Sister Maureen Metty of Sisters of St. Joseph of Nazareth offered the following invocation:

Loving Creator, who brings life to the universe and hope for our world, watch over us during these next days. Guide us to that place where peace, justice, and integrity prevail. We are all here because we were called by You for this moment in time. We are grateful.

You have graced us with the gifts needed to be stewards of our resources for the people we serve in the state of Michigan. We call upon Your wisdom to move us towards that conscious awareness of the needs of all life and all creation. We are passionate about creating a future here and now that is for all, with all, and in all.

Loving Creator, what we do and how we are together these days will be evolving, developing, and a little irritating at times. We trust You are with us. Challenge us to look at the whole picture. Each issue we face is interconnected and has an effect on all those we serve. Grant us peace in our hearts that we may have reverence, compassion, and respect in our listening to the spirit speaking through each one of us.

Let justice flow in, around, and through us like the waters that enrich this great state. We pray that we are always guided by the same integrity of truth, Your truth, that all are one. We pray to be faithful and intentional to bring about Your honor and glory for the good of all. Amen.

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

Motions and Communications

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

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

Senators Gleason and Garcia entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

May 25, 2007

Enclosed is a copy of the following audit report:
Financial audit, including the provisions of the Single Audit Act, of the Michigan Economic Development Corporation, a component unit of the State of Michigan, for the period October 1, 2004 through September 30, 2006.

May 25, 2007

Enclosed is a copy of the following audit report:
Financial audit, including the provisions of the Single Audit Act, of the Department of State, for the period October 1, 2004 through September 30, 2006.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 29:
House Bill Nos. 4515 4516 4517 4518 4519 4520

The Secretary announced that the following official bills were printed on Tuesday, May 29, and are available at the legislative website:

Senate Bill Nos. 540 541 542 543 544 545 552
House Bill No. 4853

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:10 a.m.

10:41 a.m.

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

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 Assistant President pro tempore, Senator Sanborn, designated Senator Scott 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 without amendment, the following bill:

House Bill No. 4207, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17213. The bill was placed on the order of Third Reading of Bills.

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

The following bill was read a third time:

Senate Bill No. 512, 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 3e.

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. 155

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: Richardville

The Senate agreed to the title of the bill.

Resolutions

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

Senate Resolution No. 67

Senate Resolution No. 68

The resolution consent calendar was adopted.

Senators Cassis, Hardiman, Anderson, Pappageorge, Bishop, Clarke, Birkholz and Van Woerkom offered the following resolution:

Senate Resolution No. 67.

A resolution commemorating the history of the Ford Wixom Assembly Plant in Wixom, Michigan.

Whereas, Since its founding on April 15, 1957, the Ford Wixom Assembly Plant has positively impacted Michigan's history and economy. The Ford Motor Company and its many accomplishments are deserving of due recognition; and

Whereas, From its origin, the Ford Wixom Assembly Plant, formerly known as the Lincoln Assembly Plant, became the sole producer of all domestic and export vehicles for the Lincoln Division; and

Whereas, The Ford Wixom Assembly Plant has produced numerous vehicles, including the Lincoln, Capri, Premier, Mark III-V, Mark III-VIII, LS, Lincoln Continental, Thunderbird, and GT, along with its current product the Town Car; and

Whereas, The Ford Wixom Assembly Plant's vehicles have earned many industry awards, including Motor Trend Car of the Year awards for the 1958 Thunderbird, 1990 Town Car, 2000 LS, and the 2002 Thunderbird. The plant also received the Driver Best 10 Award for the 1989 Lincoln Continental, the 2004 Bronze Award in J.D. Power and Associates' Initial Quality Study, North and South America Plant Awards, and the Industry Week's 12 "American Best Plants"; and

Whereas, The Ford Wixom Assembly Plant produced 67,516 vehicles its first year in 1957, and at its peak in 1988, produced 280,659 vehicles. The plant produced a total of 6,648,806 automobiles from 1957 to 2007; and

Whereas, The Ford Motor Company has a reputation for its family-style treatment of all employees. In 1957, the plant employed approximately 2,400 people. Employment at the Ford Wixom Assembly Plant peaked at 5,468 people in 1973, and currently, 1,259 people are employed at the facility; and

Whereas, The manufacturing giant's growth was phenomenal. The facilities include a 1,300,000 square-foot assembly plant along with a 200,000 square-foot, three story office building, a test track, and a power plant. Today its facilities include 4.7 million square feet on a 320-acre site with over 15 miles of assembly line; and

Whereas, The Ford Wixom Assembly Plant has been a remarkable example of the many achievements of the company. Ford employees, retirees, suppliers, dealers, and its many customers have been a true asset to the state of Michigan; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize the Ford Wixom Assembly Plant as they cease operation in 2007; and be it further

Resolved, That a copy of this resolution be transmitted to the Ford Wixom Assembly Plant with our highest esteem.

Senators Barcia, Gleason, Jacobs, Kuipers, Olshove, Schauer and Switalski were named co-sponsors of the resolution.

Senator Van Woerkom offered the following resolution:

Senate Resolution No. 68.

A resolution to commemorate June 2007 as Horse Racing Month in the state of Michigan.

Whereas, Michigan's horse racing industry is an important part of the state's agricultural diversity; and

Whereas, Michigan horse race tracks presented a combined 1,909 days of live and simulcast pari-mutuel racing during 2006 that attracted over 1.1 million fans who wagered \$281.2 million and generated over \$9 million in state tax revenue; and

Whereas, Michigan's horse racing industry began at the Michigan State Fairgrounds in Detroit in 1933, with 31 days of thoroughbred racing and where Seabiscuit, the famous race horse, made his comeback; and

Whereas, Today, there are six pari-mutuel race tracks, including four harness tracks (Hazel Park, Northville, Swartz Creek, and Jackson), one thoroughbred track (Muskegon), and one mixed-breed racetrack (Mt. Pleasant); and

Whereas, Live racing is offered in Michigan year-round with a rotating schedule at the tracks, and simulcast is offered at all six tracks all year; now, therefore, be it

Resolved by the Senate, That we observe the month of June 2007 as Horse Racing Month in Michigan. It is our hope that Michiganders will continue to support and enjoy the sport of horse racing; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of Racing Commissioner.

Senators Anderson, Barcia, Cassis, Gleason, Jacobs, Kahn, Kuipers, Olshove, Pappageorge, Schauer and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Prusi introduced

Senate Bill No. 556, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 6a (MCL 205.6a), as added by 2006 PA 12.

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

Senators Whitmer, Birkholz, Van Woerkom and Gleason introduced

Senate Bill No. 557, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as amended by 2005 PA 77.

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

House Bill No. 4515, entitled

A bill to amend 1836 PA 25, entitled "An act concerning the records of deeds and other conveyances of land," by amending section 1 (MCL 565.581).

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 Local, Urban and State Affairs.

House Bill No. 4516, entitled

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 1 (MCL 565.201), as amended by 2002 PA 19.

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 Local, Urban and State Affairs.

House Bill No. 4517, entitled

A bill to amend 1867 PA 20, entitled "An act relative to recording deeds, mortgages and instruments of record, and to declare the effect thereof," by amending section 1 (MCL 565.491), as amended by 1992 PA 211.

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 Local, Urban and State Affairs.

House Bill No. 4518, entitled

A bill to amend 1873 PA 5, entitled "An act to provide for the recording of judgments in actions affecting or relating to the title of real estate," by amending section 1 (MCL 565.401).

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 Local, Urban and State Affairs.

House Bill No. 4519, entitled

A bill to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," by amending section 2 (MCL 565.452).

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 Local, Urban and State Affairs.

House Bill No. 4520, entitled

A bill to amend 1875 PA 54, entitled "An act to facilitate the inspection and reproduction of the records and files in the offices of the registers of deeds," by amending section 1 (MCL 565.551), as amended by 1994 PA 51.

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 Local, Urban and State Affairs.

Statements

Senators Scott, Jansen, Cassis and Patterson 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:

"When you take on a system, you are subject to getting burned." That's my old friend Coleman A. Young again with a warning about taking on an entire industry. Well, I hear him, but I'm continuing forward anyway because Detroiters themselves have been burned for too many years by that very system that we are taking on. It is simply time to end this unfair and indefensible treatment. Remember the movie "Network" when folks finally got fed up and said, "We're mad as you-know-what and we're not going to take it anymore."

The most frustrating part of this issue is that those folks don't have to be burned. There are ways to take on the system and correct this crisis. You can start now by taking up my bills.

Senator Jansen's statement is as follows:

On Friday, May 25, the Senate voted on Senate Bill No. 436, Roll Call No. 151. Had I been here, I would have voted "yes." Previously, I had voted for Senate Bill No. 436 when it passed the Senate the first time. I also supported Senate Bill No. 220, which much of the current Senate Bill No. 436 is based. I was not in session because my daughter was getting married.

I also want to take this opportunity to applaud the efforts of the administration and the Legislature to resolve the state's fiscal year 2007 revenue shortfall. As a member of the Senate, both Appropriations and Finance committees, I am committed to constant work and difficult votes that will take Michigan forward towards a balanced budget, towards fiscal reforms, and towards economic diversity, strength, and stability. I believe our work has just begun.

Senator Cassis' statement is as follows:

A very special opportunity I have today is to announce someone who is retiring from the bench after 32 distinguished years. His name is Judge Gene Schnell. He's one of the finest persons I've ever known. I think that sentiment is shared by many legislators who have known him and hundreds of both public and private citizens, excepting, of course, those who the good judge rightfully sentenced for their own and our good. But perhaps the most memorable quality of Judge Schnell is his sense of humor, generously shared with family, friends, and foes alike, people of all ages and all backgrounds.

A frequent host at gatherings, you could always see Judge Schnell with a twinkle in his eye and a joke on his tongue. You know, what he did most eloquently and we should all have a little bit of this in our lives, he captured our ability to laugh at ourselves. But that's not all, he had the wisdom of the ages and he shared that as well.

So on his retirement, I would like to extend our best wishes on behalf of the Michigan Senate to the Honorable Gene Schnell.

Secondly, if I could take just another moment of privilege, indeed, it is my honor to also recognize today that tomorrow after 50 wonderful years, the Ford Wixom plant in Novi, Michigan, will be closing. It has had a long and incredible history that has impressed our region, our state, and our nation. It is part of the heritage of my district that will long, long live on. We will remember the contributions of the men and women to America's manufacturing genius. A page in the history closes, but I know that we will long cherish what this plant has meant to the United States of America.

Senator Patterson's statement is as follows:

I, too, have received a letter from back home. One of my constituent writes in pertinent part, "Dear Senator, I do get extremely discouraged and almost find it impossible to drive on the newly-paved M-14 between I-275 and Sheldon Road.

The delays that are now being caused by multiple lane closures doesn't even come close to bothering me as much as the reason for these lane closures. We are barely six months from the new road construction that was undertaken, and already there are road patches, potholes, and bumps that certainly aren't from cars traveling at 40 to 70 miles per hour.

It is with great frustration that I write this letter in hopes that someone can explain how the state can enter into contracts, have new roads paved, and have them destroyed within six months."

Committee Reports

The Committee on Families and Human Services reported

Senate Bill No. 476, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5080 (MCL 600.5080), as added by 2000 PA 420.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

Senate Bill No. 477, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, May 29, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

The Committee on Transportation reported

Senate Bill No. 117, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2006 PA 85.

With the recommendation that the substitute (S-4) 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 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. 351, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 4 (MCL 252.304), as amended by 2006 PA 448.

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. 492, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

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 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 29, 2007, 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 Prison Reform and Public Safety submitted the following:

Meeting held on Tuesday, May 29, 2007, at 12:15 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey and Prusi

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 29, 2007, at 12:30 p.m., Room 210, Farnum Building

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

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, May 29, 2007, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter and Olshove

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Tuesday, May 29, 2007, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C), Cropsey and Brater

Scheduled Meetings

Agriculture - Thursday, May 31, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Environmental Quality Department - Thursday, May 31, 1:00 p.m., and Tuesday, June 5, 3:00 p.m., Room 405, Capitol Building (373-2768)

Higher Education - Thursday, May 31, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

Judiciary and Corrections - Wednesday, June 6, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources Department - Tuesday, June 5, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Campaign and Election Oversight - Tuesday, June 5, 6:00 p.m., Plainfield Township Hall, 6161 Belmont Avenue N.E., Belmont (373-1725)

Finance - Thursday, May 31, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Homeland Security and Emerging Technologies - Tuesday, June 5, 1:00 p.m., Room 100, Farnum Building (373-5932)

Legislative Retirement Board of Trustees - Wednesday, June 6, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 10:58 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, May 31, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

