

No. 71
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, July 18, 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—excused
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Senator Michael Switalski of the 10th District offered the following invocation:

Good morning, Lord. It was nice getting away from here for two weeks and getting back in touch with our families, our constituents, and the wide world outside the confines of the State Capitol. I imagine You may know how that feels, Lord. As fascinating as the human race can be, You probably need a break from us once in a while Yourself. You must get frustrated with our petty prayers and squabbles and our never-ending pleas for help and our angry and profane oaths. No one would blame You for turning Your head from us on occasion, but that won't stop me from pestering You again today.

Give us Your patience, so that we can listen to each other's crazy schemes and ridiculous proposals, and help us pick out the parts that actually make sense. Inspire us with ideas to fix our many problems and the goodwill to work together in a spirit of cooperation.

Lord, we ask You for some rain for the farmers and for another Tiger victory tonight over the Twinkies. Amen.

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

Motions and Communications

Senator Cropsey moved that Senators Birkholz, Garcia and Sanborn be excused from today's session. The motion prevailed.

The following communications were received:

Department of Treasury

July 17, 2007

Please find attached one copy of the Personal Property Audit Quarterly Report for the period April 1, 2007 - June 30, 2007. The report is required by Public Act 345 of 2006, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

- (1) Of the \$5,856,800.00 included in part 1 for the revenue enhancement program, \$5,356,000.00 shall be used for revenue collection enhancement activities including auditing functions.
- (2) The department of treasury shall submit quarterly progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits funded under subsection (1). The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

July 17, 2007

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period April 1, 2007 through June 30, 2007. The report is required by Public Act 345 of 2006, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

- (1) Of the \$5,856,800.00 included in part 1 for the revenue enhancement program, \$5,356,000.00 shall be used for revenue collection enhancement activities including auditing functions.
- (3) The \$500,000.00 balance of the \$5,856,800.00 shall be used for the principal residence exemption compliance program. Along with other program costs, expenditures shall include the development of a statewide web-based database created for the purpose of enforcing the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2007. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation. Additional funds from the revenue enhancement program and carry-forward appropriations may be used to support costs in excess of \$500,000.00.

Sincerely,
Frederick Headen, Director
Bureau of Local Government Services

The communications were referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Tuesday, July 17, and are available at the legislative website:

Senate Bill Nos. 633 634 635 636 637 638

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

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: July 17, 2007

Time: 8:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 134 (Public Act No. 43), being

An act 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.

(Filed with the Secretary of State on July 17, 2007, at 9:52 a.m.)

Date: July 17, 2007

Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 588 (Public Act No. 44), being

An act to amend 2005 PA 280, entitled "An act to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act," by amending sections 3, 5, 11, 17, and 18 (MCL 125.2873, 125.2875, 125.2881, 125.2887, and 125.2888) and by adding section 29.

(Filed with the Secretary of State on July 17, 2007, at 9:54 a.m.)

Date: July 17, 2007

Time: 8:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 188 (Public Act No. 45), 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 sections 3, 7, 623a, 681, 684, and 686 (MCL 380.3, 380.7, 380.623a, 380.681, 380.684, and 380.686), section 3 as amended by 2004 PA 303, section 623a as amended by 2004 PA 588, section 681 as amended by 2004 PA 415, and section 684 as amended by 1996 PA 277.

(Filed with the Secretary of State on July 17, 2007, at 9:56 a.m.)

Date: July 17, 2007

Time: 9:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 290 (Public Act No. 46), being

An act to amend 1981 PA 125, entitled “An act to regulate secondary mortgage loans; to prescribe powers and duties of certain state agencies and officials; to require certain fees; to provide for the establishment of a revolving fund; to provide for the promulgation of rules; and to prescribe civil fines and penalties,” by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

(Filed with the Secretary of State on July 17, 2007, at 9:58 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

By unanimous consent the Senate proceeded 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. 4471

House Bill No. 4614

The motion prevailed.

The following bill was read a third time:

House Bill No. 4471, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40102 (MCL 324.40102), as amended by 2000 PA 347.

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. 230

Yeas—34

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

Nays—0

Excused—4

Birkholz

Garcia

Jacobs

Sanborn

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4614, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40107d.

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. 231**Yeas—34**

Allen
Anderson
Barcia
Basham
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
George
Gilbert
Gleason
Hardiman
Hunter
Jansen

Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0**Excused—4**

Birkholz

Garcia

Jacobs

Sanborn

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

House Concurrent Resolution No. 27.

A concurrent resolution to revise the total project cost of the Technical and Industrial Building Renovations project at Washtenaw Community College.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

House Concurrent Resolution No. 28.

A concurrent resolution to urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada.

Whereas, The state of Michigan denounces and condemns all acts of terrorism by any entity, wherever the acts occur; and

Whereas, Under the Intelligence Reform and Terrorism Prevention Act of 2004, by January 1, 2008, millions of Americans may be required to show passports when they reenter this country from Canada. This provision, known as the Western Hemisphere Travel Initiative (WHTI), is intended to make it more difficult for terrorists to enter the United States. Currently, Americans only need to show a driver's license or a birth certificate when they reenter from Canada; and

Whereas, The Canada-United States border is the most important international economic development relationship in the country and an integral part of Michigan's economic growth. More than 300,000 business people, truck drivers, tourists, and regular commuters, and \$1.1 billion in goods on average travel daily between the two nations; and

Whereas, The requirements of WHTI unduly burden Michigan citizens and businesses, as they will be forced to absorb the cost of acquiring two legal documents to cross the Canada-United States border; and

Whereas, The Michigan Secretary of State has proposed the exploration, on a pilot basis, of the feasibility of developing, in cooperation with the Department of Homeland Security, a state-issued driver's license that is an acceptable document for WHTI; and

Whereas, This dual-purpose driver's license identification card proposal has the following stated objectives: recognize the need for secure borders by making it tougher for terrorists to enter the country; provide a convenient service and additional benefits to American citizens; honor the intent of the laws of the state of Michigan protecting the security and privacy of our citizens and meeting the objectives of WHTI without subjecting citizens to multiple layers of governmental bureaucracy; and enact technological and legal barriers to prevent third parties from accessing and sharing information on the physical document and the machine-readable component; and

Whereas, Prior to the enactment of a pilot program, the privacy and security concerns of linking an enhanced driver's license with a passport to meet the requirements of WHTI should be set forth in a study conducted by the Michigan Secretary of State; and

Whereas, It is essential that any machine-readable component of the dual-purpose driver's license identification card be limited to a number for verification purposes; that citizenship information be accessible only by border agents, not by local law enforcement or highway patrol; and that citizenship may not be printed on the identification card or contained in the machine-readable component; and

Whereas, Any new security measures of federal, state, and local governments must be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Michigan and the United States; and

Whereas, The dual-purpose driver's license identification card must not be used to establish a national driver's license and identification card. The Department of Homeland Security should not needlessly share border crossing information with any other local, state, or federal government agency and should limit information sharing to specific persons under investigation for specific actions, as opposed to being based on some racial or ethnic profile; and

Whereas, It is also important that Michigan residents have the option of applying or not applying for the dual-purpose driver's license identification card. The pilot program should recognize and maintain that participation is voluntary; and

Whereas, Any pilot program developed as a result of the feasibility study should include a provision after which the program can be assessed for its impact and effectiveness; and

Whereas, The state of Washington has put in place a system that utilizes what is called an "enhanced license." Clearly, there is a strong need to develop an effective and realistic mechanism that recognizes the daily travel between certain states and Canada; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States; the United States Secretary of State; the United States Secretary of the Department of Homeland Security; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Homeland Security and Emerging Technologies.

The motion prevailed.

Senators Barcia, Clark-Coleman, Clarke, Gilbert, Hunter, Switalski and Thomas were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 12.

A concurrent resolution to urge Michigan's congressional delegation to secure supplemental funding to control the spread of viral hemorrhagic septicemia in fish populations.

(For text of resolution, see Senate Journal No. 55, p. 825.)

The House of Representatives has adopted the concurrent resolution and named Reps. Ball, Bauer, Bieda, Brown, Byrnes, Caul, Clack, Constan, Cushingberry, Dean, Donigan, Espinoza, Farrah, Garfield, Gillard, Gonzales, Hammel, Hammon, Hildenbrand, Hopgood, Huizenga, Rick Jones, Robert Jones, Lahti, LeBlanc, Lemmons, Marleau, Mayes, McDowell, Meekhof, Palsrok, Pastor, Pavlov, Proos, Rocca, Sak, Schuitmaker, Scott, Spade, Stakoe, Tobocman, Walker, Warren, Wojno and Young as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Cherry, Jacobs, Gleason, Olshove and Scott introduced

Senate Bill No. 639, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52.

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

Senators Brown, Kuipers, Allen, Stamas, Hardiman, McManus, Jansen, Pappageorge, Cropsey, Bishop, Richardville, George, Gilbert, Jelinek, Barcia and Olshove introduced

Senate Bill No. 640, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

There is an old Ethiopian proverb that says, "When spider webs unite, they can tie up a lion." Well, I stand before you today to tell you that the spider webs of dissatisfied insurance customers are joining the spider webs of folks who can't even afford insurance and they are getting ready and eager to tie up the lion.

This flawed situation must end. You cannot continue to sit idly by while these disparities in insurance rates continue to exist. You cannot ignore the burden these rates are placing on the backs of those who can least afford them. You cannot disregard the economic hardship that these excessive premiums are causing for hardworking Michigan families.

For the sake of every Michigan resident, please take action on my legislation now.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 435, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8152 (MCL 600.8152), as amended by 2002 PA 92.

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, Cropsey, Patterson, Whitmer and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 540, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552 (MCL 750.552).

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Patterson, Whitmer and Clarke

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 Judiciary submitted the following:

Meeting held on Tuesday, July 17, 2007, at 12:30 p.m., Room 210, Farnum Building

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

Excused: Senators Sanborn and Prusi

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, July 17, 2007, at 2:30 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Thursday, July 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Energy Policy and Public Utilities - Thursday, July 19, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, July 19, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Natural Resources and Environmental Affairs - Wednesday, July 25, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, July 24, 9:30 a.m., Legislative Council Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 10:19 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, July 19, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

