

No. 52
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, May 29, 2007.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—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—excused
Van Woerkom—present
Whitmer—present

Senator Valde Garcia of the 22nd District offered the following invocation:

Our heavenly Father, we thank You for this day that You have given to us. We thank You for the beautiful sunshine. We thank You for the opportunity to serve. I thank You for my colleagues.

I just ask that You be with us today, guide us, give us wisdom, and remind us of who we serve.

We ask all of this in Jesus' name. Amen.

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

Motions and Communications

Senator Cropsey moved that Senators Brown and Stamas be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

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

The motion prevailed.

The following communication was received:

Department of Community Health

May 23, 2007

In accordance with MCL 333.7524a., I am pleased to present to the Michigan Legislature the 15th comprehensive report on asset forfeiture. Michigan's asset forfeiture program saves taxpayer money and deprives drug criminals of cash and property obtained through illegal activity. Michigan's law enforcement community has done an outstanding job of stripping drug dealers of illicit gain and utilizing these proceeds to expand and enhance drug enforcement efforts to protect our citizens.

During 2006, over \$26.8 million in cash and assets amassed by drug traffickers was forfeited and put back into the fight against drugs through the use of state and federal forfeiture laws. Extensive multi-agency teamwork is evident in this report. Considerable assets were obtained as the result of joint enforcement involving several agencies at the federal, state and local levels.

Forfeiture funds were used to further enforce drug laws by providing resources for drug enforcement personnel, needed equipment, undercover informant and investigative costs, and matching funds to obtain federal grants. Some of the forfeited assets were also used for drug and gang prevention education programs.

I commend our law enforcement community for the tremendous job they have done and submit this report for your information and review.

Sincerely,

Donald L. Allen, Jr., Director

Office of Drug Control Policy

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Friday, May 25:

House Bill Nos. 4246 4266 4799

The Secretary announced that the following official bills were printed on Friday, May 25, and are available at the legislative website:

Senate Bill Nos.	530	531	532	533	534	535	536	537	538	539	546	547	548	549
	550	551	553											
House Bill Nos.	4821	4822	4823	4824	4825	4826	4827	4828	4829	4830	4831	4832	4833	4834
	4835	4836	4837	4838	4839	4840	4841	4842	4843	4844	4845	4846	4847	4848
	4849	4850	4851	4852										

Senator Stamas entered the Senate Chamber.

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, Lieutenant Governor Cherry, designated Senator Basham as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

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 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

Senators Brown and Barcia entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 354, entitled

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

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. 152

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 415, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 9205b. 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. 153

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 416, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1177a (MCL 380.1177a), as added by 2005 PA 240.

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. 154

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Introduction and Referral of Bills

Senator Van Woerkom introduced

Senate Bill No. 554, 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 bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Clarke, Clark-Coleman, Gleason, Hunter, Thomas, Pappageorge, Jansen, Anderson, Scott, Barcia, Basham and Jacobs introduced

Senate Bill No. 555, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140m) by adding section 13c.

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

House Bill No. 4246, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

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. 4266, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

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. 4799, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2006 PA 158.

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 Education.

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:

"The hour is late; the clock of destiny is ticking out." That's what Dr. Martin Luther King, Jr., warned us about during his lifelong quest for justice and equality.

The hour is indeed late as well for the citizens of Detroit as they struggle not only to keep up with higher utility costs, increasing medical costs, and spiraling gasoline costs, but try to pay their huge insurance premiums. And while competition is supposed to drive the free market system, Detroiters are trapped by nature of where they live in having no option for lower prices. That is, unless they move to a pricier suburb.

The clock of destiny is ticking, too, on the legislation that can provide some relief to the thousands of people who are priced out of the market by current costs. The legislation was submitted on January 24, 2007. Today is May 29th. My colleagues, the clock is ticking.

Scheduled Meetings

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

Appropriations - Wednesday, May 30, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Environmental Quality Department - Thursday, May 31, 1:00 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)

Judiciary and Corrections - Wednesdays, May 30 (CANCELED) and 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)

Banking and Financial Institutions - Wednesday, May 30, 9:00 a.m., Room 210, Farnum Building (373-3543)

Education - Wednesday, May 30, 1:00 p.m., Room 210, Farnum Building (373-6920)

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

Health Policy - Wednesday, May 30, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

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

Natural Resources and Environmental Affairs - Wednesday, May 30, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 10:20 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 30, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate