

No. 40
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, May 2, 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—present
Van Woerkom—present
Whitmer—present

Reverend Steven T. Baker of Covenant Community Church of Redford offered the following invocation:

Almighty God, Maker of heaven and earth, lover of our souls, we thank You for this beautiful day which You have given to us. We pray, Father, for this Senate Chamber. We pray for every Senator here, for their staff members, and for their family members. We pray, Father, Your protection on them.

We thank You, Father, for the wisdom that You have offered to us, and we pray that that might indeed be here in overwhelming abundance this day. May justice, mercy, compassion, righteousness, goodness, and all those things that we hold dear be on their lips as they debate and as they decide weighty issues.

We thank You, Father, for bringing us here today. For the business that lies ahead, may You guide and superintend it. These things we pray in faith. Amen.

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

Motions and Communications

Senators Kuipers and Thomas entered the Senate Chamber.

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Scott admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:24 a.m.

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

During the recess, Senator Scott introduced the Grosse Pointe South High School Hockey Team, Division II State Champions, and team captains Ryan Abraham, Trevor John, and Scott Maxwell; and presented them with a Special Tribute.

Team captain Abraham responded briefly.

During the recess, Senator Scott also introduced the Hamtramck High School FIRST Robotics Team, Regional Champions, Team Mentor John Stofflett, and students Catherine Gasior and Shakil Qureshi; and presented them with a Special Tribute.

Ms. Gasior responded briefly.

During the recess, Senator Scott also introduced the Highland Park High School Wrestling Team, Division 3 State Champions, Head Coach Glenn Washington, and wrestlers Jarod Trice, Anthony Jones, and Marcel Dubose; and presented them with a Special Tribute.

Coach Washington responded briefly.

During the recess, Senator Garcia entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, May 1:
House Bill No. 4598

Messages from the Governor

The following message from the Governor was received on May 1, 2007, and read:

EXECUTIVE ORDER No. 2007-4

Administrative Oversight of Career Technical Education Programs

Department of Education Department of Labor and Economic Growth

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, to ensure that our students have the skills and knowledge needed for the jobs of the 21st Century global economy, Michigan recently enacted the Michigan Merit Curriculum, a rigorous new set of statewide graduation requirements for high school students;

WHEREAS, the Department of Education is creating content guidelines for the courses required by the Michigan Merit Curriculum to provide all educators and students with a common understanding of what high school students should know and be able to do at the completion of each required course;

WHEREAS, under Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, students can meet the Michigan Merit Curriculum requirements by completing "career or technical education courses, industrial technology courses, or vocational education";

WHEREAS, Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, requires the Department of Education to "[d]evelop and make available material to assist school districts and public school academies: to implement the requirements of the Michigan Merit Curriculum, including developing guidelines for career or technical education courses, industrial technology courses, or vocational education;

WHEREAS, career and technical education programs in secondary schools in Michigan are currently under the administrative oversight of the Office of Career and Technical Preparation within the Department of Labor and Economic Growth and the State Administrative Board;

WHEREAS, transferring the responsibilities of administrative oversight of secondary career and technical education programs to the Department of Education will lead to greater efficiency and accountability, foster greater coordination of educational functions, and result in more consistent programs and policies regarding career and technical training programs in secondary schools;

WHEREAS, federal law requires the State of Michigan to designate a single state board to be responsible for the administration and supervision of career and technical education in Michigan;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. As used in this Order:

1. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

2. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order No. 1996-2, MCL 445.2001, and named the Department of Labor and Economic Growth under Executive Order No. 2003-18, MCL 445.2011.

3. "Perkins Act" means the Carl D. Perkins Vocational and Technical Education Act of 1998, as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270, 20 USC 2301 to 2414.

4. "State Board of Education" means the board created under Section 3 of Article VIII of the Michigan Constitution of 1963.

5. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Section 3 of Article VIII of the Michigan Constitution of 1963.

6. "Type II transfer" means that type of transfer as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. ESTABLISHMENT OF THE STATE BOARD OF EDUCATION AS THE ELIGIBLE AGENCY UNDER THE PERKINS ACT

A. All of the administrative authority, powers, duties, functions, responsibilities, and rule-making authority of the State Administrative Board to administer the Perkins Act previously transferred from the Department of Career Development to the State Administrative Board by Executive Order No. 2000-12, MCL 17.61, are transferred to the State Board of Education.

B. The State Board of Education is designated the "eligible agency" for the supervision and administration of the responsibilities of career and technical education pursuant to the Perkins Act. The State Board of Education is the sole state agency responsible for the administration of career and technical education in Michigan.

C. The responsibilities of the State Board of Education shall include all of the following:

1. Coordination of the development, submission, and implementation of the state plan required by the Perkins Act, and the evaluation of the program, services, and activities assisted under the Perkins Act, including preparation for non-traditional fields.

2. Consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, state and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under the Perkins Act.

3. Convening and meeting at such time as the State Board of Education determines necessary to carry out its responsibilities under the Perkins Act, but not less than four times annually.

4. The adoption of such procedures as the State Board of Education considers necessary to do any of the following:

a. Implement state level coordination with the activities undertaken by the State of Michigan under Section 121 of the federal Workforce Investment Act of 1998, Public Law 105-228, as amended, 29 USC 2841.

b. Make available to the service delivery system under 29 USC 2841 within Michigan a listing of all school dropout, postsecondary education, and adult programs assisted under this subchapter.

D. The responsibilities of the Department of Labor and Economic Growth under Section 511 of 2006 PA 341 that are required to be vested in the state's "eligible agency" by Section 121 of the Perkins Act, 20 USC 2341, are transferred to the State Board of Education.

III. ADMINISTRATIVE OVERSIGHT OF POSTSECONDARY CAREER AND TECHNICAL EDUCATION

A. The State Board of Education shall delegate to the Department of Labor and Economic Growth all responsibilities regarding postsecondary career and technical education that may be delegated under Section 121(b) of the Perkins Act, 20 USC 2341.

B. Except as provided in Section II, the Department of Labor and Economic Growth shall retain all other administrative authority, powers, duties, functions, responsibilities, and rule-making authority relating to postsecondary career and technical education under state law and federal law.

IV. ADMINISTRATIVE OVERSIGHT OF SECONDARY CAREER AND TECHNICAL EDUCATION

A. All of the authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Labor and Economic Growth regarding the administration of the state's Career and Technical Education Program for secondary students are transferred by Type II transfer to the Department of Education, including but not limited to the following:

1. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the administration of the Perkins Act for secondary students that were delegated to the Department of Labor and Economic Growth by the State Administrative Board or otherwise remained in the Department of Career Development or the Department of Labor and Economic Growth subsequent to Executive Order 2000-12, MCL 17.61, and Executive Order 2003-18, MCL 445.2011.

2. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1919 PA 149, MCL 395.1 to 395.10.

3. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under Section 5 of 1942 (1st Ex Sess) PA 16, MCL 388.805.

4. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 28, MCL 395.21.

5. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 44, MCL 395.31 to 395.34.

6. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of service area boundaries for area vocational-technical programs under Section 3 of 1976 PA 451, MCL 380.3.

7. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

8. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under Section 61a of the School Aid Act of 1979, 1979 PA 94, MCL 388.1661a.

9. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of territory outside of a community college district to become part of an area vocational-technical education program under Section 105(a) of the Community Colleges Act of 1996, 1996 PA 331, MCL 389.105(a).

10. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of vocational schools eligible to receive student loans under Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d).

V. IMPLEMENTATION

A. Nothing in this Order shall be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, or to advise the Legislature as to the financial requirements in connection therewith.

B. The Superintendent of Public Instruction, in consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of all transfers under this Order.

C. All records, personnel, property, and funds used, held, employed, available or to be made available to the Department of Labor and Economic Growth or the State Administrative Board for the activities transferred to the Department of Education or the State Board of Education under this Order are transferred to the Department of Education.

D. The Superintendent of Public Instruction shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

E. The Superintendent of Public Instruction may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Superintendent.

VI. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

E. In fulfillment of the requirements under Article V, Section 2, of the Michigan Constitution of 1963, the provisions of this Executive Order are effective July 1, 2007 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of May, 2007.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land

Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

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 Birkholz as Chairperson.

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

Senate Bill No. 70, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2006 PA 118.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 403, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278b (MCL 380.1278b), as amended by 2006 PA 623.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 5, line 11, by striking out all of subdivision (d) and relettering the remaining subdivision.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 404, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 6, following line 22, by inserting:

"(3) CENTRAL SUPPORT ACCOUNTS

Rent	\$	(171,000)
GROSS APPROPRIATION	\$	(171,000)

Appropriated from:

Federal revenues:

Total federal revenues	\$	(108,000)
State general fund/general purpose	\$	(63,000)

(4) PUBLIC ASSISTANCE

Family independence program	\$	63,000
GROSS APPROPRIATION	\$	63,000

Appropriated from:

State general fund/general purpose	\$	63,000"
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and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 9, following line 10, by inserting:

"DEPARTMENT OF HUMAN SERVICES

Sec. 401. The negative appropriation in part 1 for rent is \$171,000.00. The department shall cancel lease number 2703 located at 999 W. Fort Street, Lincoln Park, Michigan, and lease number 2713 located at 800 Fullerton, Detroit, Michigan, upon 60 days prior written notice to the lessors. The department is prohibited from expending appropriations for rental payments or operational expenses for the Lincoln Park and Fullerton/Jeffries district offices effective 60 days after the effective date of this act."

The House of Representatives has passed the bill as amended and ordered that it be given immediate effect.

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

House Bill No. 4143, entitled

A bill to amend 1994 PA 451, entitled "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," by amending sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80169, 80180, 80198b, and 80205 (MCL 324.80114, 324.80122, 324.80124, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80169, 324.80180, 324.80198b, and 324.80205), sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80169, and 80198b as added by 1995 PA 58, section 80180 as amended by 1996 PA 174, and section 80205 as amended by 2004 PA 27; and to repeal acts and parts of acts.

(For text of amendments, see Senate Journal No. 39, p. 526.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 77**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

Third Reading of Bills

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

Senate Bill No. 342**Senate Bill No. 343****Senate Bill No. 356****Senate Bill No. 432****Senate Bill No. 265**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 342, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2635 (MCL 339.2635), as amended by 2006 PA 414.

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. 78**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.

The following bill was read a third time:

Senate Bill No. 343, entitled

A bill to amend 1981 PA 125, entitled “The secondary mortgage loan act,” by amending section 27 (MCL 493.77), as amended by 1997 PA 91.

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. 79

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.

The following bill was read a third time:

Senate Bill No. 356, entitled

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

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. 80

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.

The following bill was read a third time:

Senate Bill No. 432, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 14h and 14p of chapter XVII (MCL 777.14h and 777.14p), section 14h as amended by 2006 PA 594 and section 14p as amended by 2006 PA 251.

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. 81

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.

The following bill was read a third time:

Senate Bill No. 265, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 698 (MCL 257.698), as amended by 1998 PA 247.

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. 82**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.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 25**Senate Concurrent Resolution No. 5**

The motion prevailed.

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

Senate Resolution No. 52

The resolution consent calendar was adopted.

Senators Basham, Patterson, Gleason, Jacobs, Thomas and Schauer offered the following resolution:

Senate Resolution No. 52.

A resolution to commemorate May 12-19, 2007, as Hutchinson-Gilford Progeria Syndrome Awareness Week in the state of Michigan and name Lindsay Ratcliffe as Michigan Progeria Ambassador.

Whereas, A mutation of the LMNA gene, or lamin A, causes a rare, fatal, genetic condition of childhood; and

Whereas, Children with progeria usually have a normal appearance in early infancy; and

Whereas, At approximately 9 to 24 months of age, affected children begin to experience profound growth delays, resulting in short stature and low weight; and

Whereas, They also develop a distinctive facial appearance characterized by a small face, underdeveloped jaw, and other changes after the second year of life, affecting the scalp, eyebrows, and hair loss; and

Whereas, Additional characteristic features include generalized atherosclerosis, cardiovascular disease, stroke, other abnormalities, and a greatly shortened lifespan; and

Whereas, The cost of treatment of progeria is disproportionately higher than that of other childhood diseases because it requires intense therapy to maintain life; and

Whereas, A progeria patient and Michigan resident, Lindsay Ratcliffe, and her parents, Joe and Kristy, have worked tirelessly to promote understanding and research of the illness; and

Whereas, Lindsay Ratcliffe has shared with her audience an intimate knowledge of progeria and the impact it has had on her life; and

Whereas, The mission of the Progeria Research Foundation-Michigan Chapter is to assist the national Progeria Research Foundation in fundraising efforts that will be used to find an effective treatment and a cure for progeria and its aging-related disorders; and

Whereas, With the help of dedicated volunteers and supporters across the state, the Miles for Miracles Run/Walk Event on May 19, 2007, will help fund research of progeria; now, therefore, be it

Resolved by the Senate, That we observe May 12-19, 2007, as Hutchinson-Gilford Progeria Syndrome Awareness Week in the state of Michigan and name Lindsay Ratcliff as the Michigan Progeria Ambassador. It is our hope that all possible support will continue to be extended to progeria patients in Michigan and throughout the country and world; and be it further

Resolved, That a copy of this resolution be transmitted to Lindsay Ratcliffe, Michigan Progeria Ambassador, and to the Progeria Research Foundation-Michigan Chapter as a token of our highest esteem.

Senators Anderson, Birkholz, Brater, Clarke, Kahn, Olshove and Pappageorge were named co-sponsors of the resolution.

Senators Barcia, Garcia, Gleason, Stamas, Cherry, Kahn, Anderson and Birkholz offered the following concurrent resolution:

Senate Concurrent Resolution No. 10.

A concurrent resolution to memorialize the Congress of the United States to provide funding for the Saginaw Bay Coastal Initiative.

Whereas, Communities surrounding Saginaw Bay face significant environmental and economic challenges. Saginaw Bay is one of the most polluted areas in the Great Lakes. Historic and ongoing inputs of excessive nutrients, toxic contaminants, and overabundant sediments exacerbated by low water levels have led to the proliferation of undesirable nuisance plants and algae, degradation of shoreline areas, loss of fishery habitat, and impairment of fish and wildlife populations; and

Whereas, Saginaw Bay remains a vital resource for about 500,000 residents who use its waters and shoreline for recreation, drinking water, and other activities. The public health and safety of these residents and the economic vitality of local communities are threatened by the ongoing environmental problems facing Saginaw Bay. Increased coordination and partnerships with local leaders and citizens directly affected by Saginaw Bay's health are needed to restore the bay and realize its full potential as a vibrant coastal area; and

Whereas, The Saginaw Bay Coastal Initiative (SBCI) will support innovative regional approaches for enhancing resource protection, improving environmental quality, and expanding local tourism and economic development within the Saginaw Bay coastal area. With appropriate funding, the initiative will create new partnerships among federal, state, and local groups and enhance local participation and responsibility in resolving environmental and economic challenges and determining the future of Saginaw Bay; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to provide funding for the Saginaw Bay Coastal Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Brater, Clarke, Jacobs, Olshove and Schauer were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Barcia introduced

Senate Bill No. 469, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525), as amended by 2006 PA 539.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Scott, Hunter, Thomas, Anderson and Clarke introduced

Senate Bill No. 470, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 15a (MCL 45.515a), as amended by 1996 PA 37.

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. 4598, entitled

A bill to authorize the state administrative board to convey certain state owned property in Tuscola county; to prescribe conditions for the conveyance; to provide for disposition of revenue derived from the conveyance; and to provide for certain powers and duties of the department of management and budget.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

Senators Scott, Garcia, Jansen and Cherry 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:

Usually, every day I bring a statement from a well-known figure. Well, I'm that well-known figure today—Senator Martha G. Scott. I want my colleagues to really, really understand that it is certainly time for us to deal with these insurance rates.

As you know, the state is in a financial bind. You know what kind of bind we are in. Well, these people in this state—our constituents—are feeling the pain and have been feeling it for a number of years. So it's time for us, chair of the committee, please take up my bill so we can debate this insurance once and for all so that our constituents can have a better quality of life.

Then I'd like to thank all of my colleagues who participated in Cherish the Children last night. Those who didn't, we're still waiting on your checks. We really raised a lot of money, and we want to raise a little more for our abused and neglected children. I want to thank all my colleagues who showed up last night and my co-chair Patty Birkholz. Mr. President, we thank you for all the hard work that you've done on Cherish the Children.

God bless us all, and let's get busy with taking care of all of the business we need to take care of for the citizens of this state.

Senator Garcia's statement is as follows:

I rise to offer my perspective on the budget situation, especially given some of the comments that were made yesterday. I guess I'm a little dismayed at some of the things that are going on. I feel the frustration that many of us feel in here at the lack of progress. I know that people are working to try and find a solution, but what dismays me most is the fact that there is a lot of finger-pointing going on, a lot of name-calling, and, frankly, I don't believe that adds to the process in finding a solution. We can spend all day pointing fingers or calling someone names, whether they be here or those written in the newspaper. The bottom line is it's not moving us any closer to finding a budget solution. I think, frankly, there is plenty of blame on both sides to go around.

I think if I find fault with the administration is that we knew back in December that this was going to be a problem and there wasn't a solution proposed until February. The Senate acted. There are reasonable people who can disagree with our actions, but we ought to be sitting down and talking about how we can resolve those differences. I know work is ongoing. I would urge my colleagues and the administration to keep in mind that poison words only make it more difficult to come to an agreement.

At the end of the day, we are going to have to make some very tough choices, whether that is making very tough budget cuts or revenue enhancements. There are going to be some things in here that we're going to have to swallow hard and take a vote and do something about it. We're going to take some heat for it, but the problem in tough times require tough actions and tough decisions. We're going to have to come up to the plate and do that. Time is running out.

I know our leaders are meeting, but again I urge my colleagues and the administration to stop the name-calling, stop the finger-pointing, get in a room, close the door, find a solution, and let's get this done. I realize that's easier said than done, but people are looking at us and they are frustrated and angry, and I, for one, am tired of just sitting back and waiting for someone else to come to a decision. If I have to put in my two cents worth, I'm going to do that and I think that's what I'm doing now.

Senator Jansen's statement is as follows:

I would like to pass a message on to my colleagues today. There is a large collaboration in Lansing called Living in Michigan, and they have a campaign going on; there is lunch on the lawn. I want to talk a little bit about that. My past four years has been working for affordable housing, Habitat—a bunch of nonprofits. Today, a lot of folks have come together, a broad spectrum of folks, people who don't typically work together, and today and in the days ahead they are. We're looking at economic development, we're looking at affordable housing, and we're putting those two together. The coalition for Michigan's housing and community development will have lunch on the lawn. I know most of you enjoy a free lunch every now and then.

They pledge support for critical state funding to boost Michigan's economy through job creation, affordable housing, and economic and community development. We're urging bipartisan support for this fund. This fund is a tool to spur economic growth, to transform our cities, our towns, and our villages. We need to see our communities come together. We believe that this group has decided to do that. We're asking the entire Legislature to find out more about what we're doing, what's going on. We're trying to attract folks to Michigan today. We all are trying to do that, and this group is also doing that in their own way.

Just a fact: We are No. 48 of the 50 states when it comes to our commitment to affordable housing. I believe we all have the same desire to see folks living in a decent house. I ask and urge my colleagues to join us, again, to find out more information.

Of the 38 states that have created a dedicated fund, which Michigan did a few years ago, we are the only ones that have not put any dollars into that fund. This coalition is groundbreaking, and the fund has potential to change Michigan. If we keep doing what we've done in the past and expect different results, I think you all know what that means. We need to look at change; we need to look at new ideas. I believe this group has decided to do that. So today I ask—I urge you all to join some of your constituents out on the lawn. Find out more about the coalition.

I got to tell one quick story. A friend from Detroit who recently retired from his job literally had a party and all the money went towards the fund. He has now donated approximately \$2,000 to this fund, which is \$2,000 more than what the state has done. He is now our greatest contributor and he's from Detroit. So I think those are two key and exciting pieces of information.

I ask my colleagues to join us on the lawn today and find out some more information.

Senator Cherry's statement is as follows:

I just wanted to speak for a second because, yesterday, I think I was the only person from the other side who spoke about the budget, and I don't remember calling anyone a name. So I just wanted to clarify that issue, that the issue is not—really what I said was that we should not be blaming each other. We should be working to solve the problem, which was exactly what my colleague from the other side said. So I am hopeful that we understand that we are not calling each other names.

I think there is a commitment—at least I know from those of us I talked to—to get this problem solved, and all that I have basically said is that we need to spend every hour working on it, and if need be, I kind of think we also need to be locked up to solve that problem too and stay in session until it gets solved.

So, Mr. President, I just ask that my remarks be printed in the Journal to clarify my comments of yesterday.

Committee Reports

The Committee on Agriculture reported

House Bill No. 4327, entitled

A bill to repeal 1939 PA 113, entitled “An act relative to domestic or foreign grown tomatoes; and to prescribe penalties for the violation of the provisions of this act,” (MCL 752.751 to 752.752).

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, April 26, 2007, 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 Bill No. 386, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), section 520b as amended by 2006 PA 169, section 520c as amended by 2006 PA 171, and sections 520d and 520e as amended by 2002 PA 714.

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, Sanborn, Patterson, Whitmer, Clarke and Prusi

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4228, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 11b to chapter VI.

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, Sanborn, Patterson, 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 1, 2007, at 12:30 p.m., Room 210, Farnum Building

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

The Committee on Transportation reported

Senate Bill No. 98, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2006 PA 178.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

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 1, 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 Department of Natural Resources submitted the following:

Meeting held on Tuesday, May 1, 2007, at 12:00 noon, Room 405, Capitol Building

Present: Senators McManus (C), Jelinek and Brater

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, May 1, 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 K-12, School Aid, Education submitted the following:
 Meeting held on Tuesday, May 1, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Jelinek (C), Brown, Garcia, Switalski and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
 Meeting held on Tuesday, May 1, 2007, at 2:30 p.m., Room 100, Farnum Building
 Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Thursday, May 3, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Colleges - Friday, May 11, 9:00 a.m., Bay de Noc Community College, Joseph Heirman University Center, 2001 N. Lincoln Road, Escanaba; and Wednesday, May 16, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursdays, May 3 and May 17, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Thursdays, May 3 and May 10, 1:00 p.m., and Tuesday, May 15, 4:00 p.m., Room 405, Capitol Building (373-2768)

Higher Education - Friday, May 11, 2:00 p.m., Michigan Technological University, Advanced Technology Development Center, 1402 East Sharon Avenue, Houghton (373-2768)

Judiciary and Corrections - Wednesdays, May 9 and May 16, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

K-12, School Aid, Education - Tuesdays, May 8 and May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesdays, May 8 and May 15, 12:00 noon, Room 405, Capitol Building (373-2768)

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

Energy Policy and Public Utilities - Thursday, May 3, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, May 3, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Homeland Security and Emerging Technologies - Tuesday, May 8, 1:00 p.m., Room 100, Farnum Building (373-5932)

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

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, May 3, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate