

No. 56
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, June 6, 2007.

10:00 a.m.

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

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 Bill Sytsma of Cutlerville East Christian Reformed Church of Grand Rapids offered the following invocation:

Heavenly Father, we praise You that You are present in this place. We praise You for Your guidance in this state. We ask today, Lord, that You would bless this state. We pray for those who are represented in this chamber, that You would provide for them and that You would open doors.

We think of those who are involved in the process of education—teachers, faculty, and staff at schools. We thank You for the service that they offer to our state and to the children of our state and to You. We pray, Father, that You would bless them as they are now in the time of wrapping up their school year.

Father, we also lift up these Senators before You today, and we ask that You would give them wisdom as they face times where there are difficult decisions to be made. Father, we ask that You would help them to see what can be done regarding matters of budget. Father, we recognize that we face human limits no matter what positions we hold. Father, we look to You because You have unlimited resources. And we ask, Father, that you would give us wisdom and creativity to be able to see how things can be managed. Father, we pray that You would bless these Senators with boldness to speak clearly about their convictions. Yet, Father, we pray that You would temper that boldness with kindness, with a cordial nature, that the proceedings that occur within this chamber may be honorable and may bring glory to You and may be for the benefit of this state.

Father, we thank You for these Senators and for the service that they offer to our state. Bless them, Lord, and keep them in Your care.

In Jesus' name we pray. Amen.

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

Motions and Communications

Senators Brown and Gleason entered the Senate Chamber.

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

The following communication was received and read:
Office of the Senate Majority Leader

June 5, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Economic Development and Regulatory Reform Committee hold a hearing on the appointment of Donald Weatherspoon to the Michigan Liquor Control Commission and make a written recommendation to the Government Operations and Reform Committee on the appointment.

Sincerely,

Senator Michael D. Bishop, Chairman

Government Operations and Reform Committee

The communication was referred to the Secretary for record.

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

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointment:

Commission of Natural Resources

Mr. James R. Richardson, a Republican, of 36658 McGuire Road, Ontonagon, Michigan 49953, county of Ontonagon, succeeding Robert J. Garner, whose term has expired, appointed for a term commencing April 6, 2007 and expiring December 31, 2010.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

The Secretary announced that the following official bills were printed on Tuesday, June 5, and are available at the legislative website:

Senate Bill Nos. 565 566 567

Messages from the Governor

The following message from the Governor was received and read:

June 5, 2007

Because the appointee has not assumed the duties of the office and indicates that he does not wish to serve, I am writing to inform you of my withdrawal of the following appointment filed on April 12, 2007 pursuant to Section Act 232 of 1965, MCL 290.657:

Michigan Corn Marketing Program Committee

Mr. Daniel L. Schaible of 13785 Pleasant Lake, Manchester, Michigan 48158, county of Washtenaw, succeeding William L. Uphaus, whose term has expired, representing District 4 growers, for a term commencing March 29, 2007 and expiring on April 30, 2009.

Sincerely,
Jennifer M. Granholm
Governor

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

Senators Garcia and Barcia entered the Senate Chamber.

Commission of Natural Resources

Mr. James R. Richardson, a Republican, of 36658 McGuire Road, Ontonagon, Michigan 49953, county of Ontonagon, succeeding Robert J. Garner, whose term has expired, appointed for a term commencing April 6, 2007 and expiring December 31, 2010.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 158

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

Senators Prusi, Birkholz and McManus asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Prusi's statement is as follows:

It's a great pleasure for me to stand here and ask you to join me in supporting the appointment of J.R. Richardson to the Natural Resources Commission. J.R. is a constituent of mine, born in Brampton in the Upper Peninsula. He has a tremendous passion for our outdoor resources. He is a hunter and a fisherman and also works in the forest product industry. So he has a well-rounded knowledge and interest in the glorious resources here in the state of Michigan.

I can't think of another person the Governor could have found in the Upper Peninsula to represent our part of the state on the Natural Resources Commission. I would encourage members to vote in the affirmative and give J.R. Richardson the opportunity and the honor of serving the people of the state of Michigan on the Natural Resources Commission.

Senator Birkholz's statement is as follows:

As chairman of the Senate Natural Resources and Environmental Affairs Committee, I am pleased to stand up and support J.R. Richardson to the Natural Resources Commission. We had a joint hearing yesterday including the standing committee on Natural Resources and Environmental Affairs and the Appropriations subcommittee. During that hearing, Mr. Richardson presented himself very well. He certainly seems to have an understanding of the natural resources of our state. He is open to learning and to listening. In fact, he invites learning and listening as part of his membership on the board because he represents the forest product industry. In his job right now, he will bring, I think, a broader and a new perspective to the board.

He also led the charge in his position in the industry of getting the Clean Corporate Citizen designation for his company, the fourth in the state to get a Clean Corporate Citizen designation. This is a very important designation, is not achieved easily, and does not go to just any corporate entity in our state.

So I think he will be a great addition to the Natural Resources Commission, and I urge his appointment today.

Senator McManus' statement is as follows:

Yesterday we had the distinct opportunity to meet and interview James R. Richardson, affectionately known now as J.R. The Subcommittee on the Department of Natural Resources and the standing committee had the opportunity to take some time and ask him some very important questions. We believe that he will make a significant contribution to this state and to the natural resources, and thus, look forward to working with him in the future on many hunting, fishing, and wildlife issues.

I certainly also support the advice and consent of J.R. for the Natural Resources Commission.

Messages from the House

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

Senate Bill No. 94

The motion prevailed.

Senate Bill No. 25, entitled

A bill to amend 1982 PA 204, entitled "Deaf persons' interpreters act," by amending the title and sections 4, 5, 6, 7, and 8 (MCL 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 8a, 8b, 8c, 8d, and 8e.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 360, 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 sections 11e and 11f (MCL 247.661e and 247.661f), section 11e as amended by 2006 PA 141 and section 11f as added by 2006 PA 140.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

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 11e (MCL 247.661e), as amended by 2006 PA 141.

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

Third Reading of Bills

The following bill was read a third time:

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.

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. 159

Yeas—38

Allen
Anderson

Clark-Coleman
Clarke

Jansen
Jelinek

Richardville
Sanborn

Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Hunter	Prusi	Whitmer
Cherry	Jacobs		

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 160

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 161

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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 Switalski as Chairperson.

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

Senate Bill No. 479, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 653b. Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 4, after "**OSCILLATING**" by inserting "**RED OR**".
2. Amend page 2, line 20, after "**(3)**" by striking out "**AND (4)**" and inserting a comma and "**(4), AND (5)**".
3. Amend page 2, line 24, after "**(3)**" by inserting "**EXCEPT AS PROVIDED IN SUBSECTION (5),**".
4. Amend page 2, line 27, after "**VEHICLE**" by inserting a comma and "**THE UTILITY VEHICLE, THE ROAD SERVICE VEHICLE, OR THE ROAD MAINTENANCE VEHICLE**".
5. Amend page 3, line 3, after "**(4)**" by inserting "**EXCEPT AS PROVIDED IN SUBSECTION (5),**".
6. Amend page 3, line 6, after "**VEHICLE**" by inserting a comma and "**THE UTILITY VEHICLE, THE ROAD SERVICE VEHICLE, OR THE ROAD MAINTENANCE VEHICLE**".

7. Amend page 3, following line 8, by inserting:

“(5) SUBSECTIONS (2) TO (4) DO NOT APPLY IF THE EMPLOYEE OF THE SOLID WASTE HAULER, OF THE UTILITY PROVIDER, OF THE ROAD SERVICE PROVIDER, OR OF THE ROAD MAINTENANCE AUTHORITY WAS ACTING IN CARELESS DISREGARD FOR HIS OR HER OWN SAFETY AT THE TIME OF THE VIOLATION.” and renumbering the remaining subsection.

8. Amend page 4, line 16, after **“AUTHORITY”** by inserting **“THAT HAS JURISDICTION OF ROADWAYS”**.

9. Amend page 4, following line 19, by inserting:

“Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.”.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 480, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12g of chapter XVII (MCL 777.12g), as added by 2002 PA 34.

Substitute (S-1).

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

1. Amend page 2, following line 4, by inserting:

“Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.” and renumbering the remaining enacting section.

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 proceeded to the order of

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 568, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

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

Senators Cassis, Garcia, Sanborn and Cropsey introduced

Senate Bill No. 569, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 620 (MCL 380.620), as added by 2004 PA 413, and by adding section 1250a.

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

Senators Brown, Patterson, Richardville, Prusi and Birkholz introduced

Senate Bill No. 570, entitled

A bill to amend 2006 PA 479, entitled “Michigan promise grant act,” by amending section 2 (MCL 390.1622).

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

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 71

The resolution consent calendar was adopted.

Senators Scott, Schauer, Whitmer, Clark-Coleman, Hunter, Thomas and Clarke offered the following resolution:

Senate Resolution No. 71.

A resolution commemorating the 3rd Annual Juneteenth State Capitol Kick-off Celebration.

Whereas, June 19, 1865, became the historic day that recognized the true emancipation of slaves in the United States, becoming the oldest-known celebration of the end of slavery; and

Whereas, Slavery was officially abolished by the Emancipation Proclamation in 1863. However, many Western states were either unaware of the executive order or lacked the Union troops to enforce it. It wasn't until two and a half years after the Emancipation Proclamation was issued by President Abraham Lincoln that the slaves in the state of Texas were finally made aware that the atrocity of slavery was over. They filled the streets and a spontaneous celebration erupted. This symbolic day of jubilation continued in the years that followed; and

Whereas, The first Juneteenth celebrations were more political gatherings and rallies held to teach African Americans about their new rights as American citizens. But, as former slaves and their descendents continued to return to the South to commemorate Juneteenth, the gatherings turned into huge celebrations of freedom; and

Whereas, Juneteenth celebrations established many traditions, including formal thanksgiving prayers and religious ceremonies. Participants sang "Lift Every Voice and Sing" and listened to readings of the Emancipation Proclamation; and

Whereas, Juneteenth participation began to decrease in the early 1920s. During the Civil Rights movement, Juneteenth celebrations slowly re-emerged with the celebrations also focusing on education and appreciation of African American history and culture; and

Whereas, In 1980, a bill sponsored by State Representative Al Edwards passed in Texas making Juneteenth "Emancipation Day in Texas" and a legal state holiday. The bill renewed interest in Juneteenth that spread further across the country; and

Whereas, While Texas was the first state to legalize the holiday, on May 31, 2005, the Michigan Senate passed Senate Bill No. 384—now PA 48—calling for the third Saturday in June to be named Juneteenth National Freedom Day. The legislation recognizes the inhumanity and cruelty associated with the act of slavery and celebrates the freedom of all people living in the United States; and

Whereas, Michigan is one of 25 states across the country that now recognizes Juneteenth as an official holiday; and

Whereas, Juneteenth celebrations will be taking place this year in cities across Michigan, including Lansing, Grand Rapids, Flint, Saginaw, Detroit, Battle Creek, Jackson, and Albion, among others; and

Whereas, The Lansing Juneteenth Committee and honorary co-hosts, including House Speaker Andy Dillon, Senate Minority Leader Mark Schauer, Senator Martha G. Scott, Senator Gretchen Whitmer, Representative Joan Bauer, Representative Barb Byrum, Representative Rick Jones, Representative Mark Meadows, Representative Brenda Clack, and the Michigan Legislative Black Caucus, invite all citizens of Michigan to join them at the 3rd Annual State Holiday Juneteenth Celebration. The State Capitol Kick-off and Opening Ceremony will take place on June 14, 2007, at 5:30 p.m. on the steps of the State Capitol; and

Whereas, Juneteenth is only one day out of the year. Let us look at this day as a chance to reflect upon our past and to inspire us for the challenges that still lie ahead; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the 3rd Annual State Holiday Juneteenth Celebration, with a State Capitol Kick-off and Opening Ceremony to be held on June 14, 2007; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event, the Lansing Juneteenth Committee, as evidence of our esteem for their dedication and commitment to the Juneteenth celebration.

Senators Anderson, Birkholz, Brater, Cherry, Gleason, Hardiman, Jacobs, Kahn, Pappageorge, Switalski and Van Woerkom were named co-sponsors of the resolution.

House Concurrent Resolution No. 23.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group B General Office Building Renovations.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 162

Yeas—36

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

Bishop
Brater
Brown
Cherry

Gilbert
Gleason
Hardiman
Hunter

McManus
Olshove
Pappageorge
Prusi

Switalski
Thomas
Van Woerkom
Whitmer

Nays—2

Cassis

Patterson

Excused—0

Not Voting—0

In The Chair: Sanborn

House Concurrent Resolution No. 24.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group C Grand Rapids State Office Building Renovations.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 163

Yeas—36

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—2

Cassis

Patterson

Excused—0

Not Voting—0

In The Chair: Sanborn

Statements

Senators Brown, Thomas, Pappageorge, Scott, Gleason and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

Today is one more day in the June calendar, but for a generation of young men and their families, it was a day unlike any other day. It was June 6th, D-Day.

I would like to share a story, if I can get it in, about one soldier who served bravely upon landing on Utah Beach. He was an American officer assigned to England to help lead the Normandy invasion. He was assigned as assistant division commander of the U.S. 4th Infantry Division. After several verbal requests to the division's commanding officer were denied, this officer sent this written petition.

He wrote, "The force and skill with which the first elements hit the beach and proceed may determine the ultimate success of the operation. With troops engaged for the first time, the behavior pattern of all is apt to be set by those first engaged. It is considered that accurate information of the existing situation should be available for each succeeding element as it lands. You should have when you get to shore an overall picture in which you can place confidence. I believe I can contribute materially on all of the above by going in with the assault companies. Furthermore, I personally know both officers and men of these advance units and believe that it will steady them to know that I am with them."

The presiding officer approved this letter with much misgiving, stating that he did not expect this other officer to return alive. In fact, the officer who wrote the letter would be the only general on D-Day to land with the first wave of troops. He was the first soldier off his landing craft as he led the U.S. 4th Infantry Division landing at Utah Beach. He was soon informed upon landing that the craft drifted more than a mile south of their objective, and the first wave was a mile off course. Walking with the aid of a cane because he had served in World War I and carrying a pistol, he personally made a reconnaissance of the area immediately to the rear of the beach to locate the causeways that were to be used for the advance inland. He then returned to the point of landing and contacted the commanders of the two battalions and coordinated the attack on the enemy positions confronting them.

These impromptu plans worked with complete success and little confusion. With artillery landing close by, each follow-on regiment was personally welcomed on the beach by a cool, calm, and collected officer, this general, who inspired all with humor and confidence. He pointed almost every regiment to its changed objective. Sometimes he worked under fire as a self-appointed traffic cop, untangling traffic jams of trucks and tanks all struggling to get inland and off the beach.

When one of the generals of the 4th Division came ashore, he met this gallant, heroic officer not far from the beach. He later wrote, "While I was mentally framing order, this general came up. He had landed with the first wave, had put my troops across the beach, and had a perfect picture of the entire situation, just as he had written earlier. I loved this general. When I finally agreed to his landing with the first wave, I felt sure he would be killed. When I had bade him goodbye, I never expected to see him alive. You can imagine then the emotion with which I greeted him when he came out to meet me. He was bursting with information."

This brave young general who had served gallantly in World War II was Theodore Roosevelt, Jr., and he died a short while later from a heart attack from the stress and strain of the D-Day landing.

Senator Thomas' statement is as follows:

Mr. President, through you to my Senate colleague, I wanted to thank him for a very nice treat today. We appreciate him honoring the traditions of the Senate.

I want to go on record, Mr. President, as saying thank you for running a highly efficient session today. I appreciate the alacrity by which you moved us along.

Senator Pappageorge's statement is as follows:

Actually, it's an opportunity to say thank you to the folks who provided our feast today. I have a lot of people to thank. I first want to thank Nate Forbes, who runs the Somerset Collection, for not hanging up when I called him up and said, "How about letting all your restaurants send some food up to Lansing?"

Second, I want to thank Linda McIntosh, also from the Somerset Collection, who put this whole thing together, and the restaurants again that are involved are some of the best in the state. They are Brio Tuscan Grille, California Pizza, The Capital Grille, Rocky Mountain Chocolate Factory, and Starbucks Coffee.

Last, but not least, I want to thank the Forte-Belanger Catering Company of Troy for making sure that all the treats arrived from the Somerset Collection in perfect serving condition. And with us today from Forte-Belanger—we'll be taking pictures later—are Christina Simon, Karen Delpy, Tim Kowalee, and Dan Gradinscak.

So please join me in recognizing and thanking these folks for the feast they provided for us today.

Senator Scott's statement is as follows:

First, let me acknowledge my colleagues from the 1st and 3rd Senatorial Districts for standing in the gap for me a couple of times.

Desmond Tutu, Anglican bishop and Nobel Peace Prize recipient, says, "Many have been brainwashed into thinking that 'legally' right and 'morally' right are the same thing." I have often stated that my singular mission in the Legislature is to advocate for the least among us—the disenfranchised, the marginalized, and the disadvantaged. Unfortunately, those people are increasing in numbers in Michigan today, especially when it comes to protecting their cars and homes from damage or loss. Let us remember the words of the distinguished bishop. Legally right and morally right are not always the same thing, but our job in this Legislature is to pass laws that encompass both.

I would hope that my colleague from the 7th District, in fact, all of my colleagues, will consider this when my legislation comes up for a vote. And let us hope this will be sooner rather than later.

By the way, according to a statewide survey conducted by Denno Noor research, the Rossman Group, and *MIRS*, the citizens in the state understand that Detroit's economic problems affect the rest of the state, and the economic condition of the state's biggest city matters to voters. According to Kelly Rossman-McKinney of the Rossman Group, and I quote, "There will always be geographic parochialism when it comes to economic interdependence, but Michigan needs to understand that as Detroit's economy goes, so goes the rest of the state's economy. Part of this dynamic, quite frankly, can be attributed to political rhetoric out-state that promotes the notion that Detroit gets the most attention and state funds, and therefore breeds an artificial barrier between the city and the state. To move the state forward, those barriers need to be mowed down." One way to do that is to provide fair and affordable insurance to all Michigan residents.

I just heard this morning that there was one black dealership left on 8 Mile Road that moved out of office on Friday. I don't think that we realize how if the cars are not affordable and the insurance is not affordable, how do people continue to keep their businesses growing in the state of Michigan?

Senator Gleason's statement is as follows:

My fellow Senators, I've stood before you in recent times talking to you about organ donation. As most of you know in this room, I received a kidney donation from my sister Rita five years ago. I'm standing here before you today as a recipient of an organ donation, speaking on behalf of the families of those doctors, support staff, and pilots who lost their lives a few days ago trying to transport lifesaving organs. To show you how wide and far-reaching this issue is, we were actually trying to coordinate a transaction between states—Michigan and Wisconsin—for lifesaving organ transplants.

Many, many times we forget about the coordination and the logistics that are involved in this lifesaving venture, but I think we owe a great deal of debt. As we all know, we've received national and international acclaim for the University of Michigan hospital and the great work that they do to extend the quality of life, in fact, life itself through this marvelous and generous program of organ donation.

I would say that most Senators who sit in this chamber today have been involved in the most progressive effort of any state in the country involving organ donation. In the last four or five years, we've seen an increase in Michigan's responsibility to increase organ donation. You all have been part of the most aggressive state. When many of us first came down here, we were the worst state in the country for organ donation—the worst. Eight percent of our citizens were on the registry. Because of legislation that you all have been involved in not only as Senators, but as individuals and, most importantly, as family members, we have exceeded a million names now on our state registry.

Most of this important work is done down at the University of Michigan hospital. We've seen the bravery even under the not-most-pristine elements that this team was flying across Lake Michigan to save a life. I would just like, Mr. President, if we could take a moment of silence for that courageous team who tried to extend a life. Really it's a marvelous event if you think about it, taking a set of lungs—a pair of lungs—out of one individual and putting them in another. Weather cannot impede the transition of these lifesaving organs because time is vital. We've seen a brave team in action right here from Michigan, the University of Michigan hospital, only two days ago that not only tried to save a life, but, I think, put Michigan once again in the spotlight of how important organ donation is and that we are willing to do that as a state. They were willing to do that as individuals.

A moment of silence was observed in memory of the organ transplant procurement team and pilots from the University of Michigan hospital who perished in a recent plane crash.

Senator Kahn's statement is as follows:

I rise in support of the comments made by my friend from Genesee County and understand the sadness that we all have for that team. There's another sadness here too. That is, in the loss of the team, there's the loss of the organs and the loss of the ability to help someone else. In my prior professional life, I had the responsibility for—and it's a sad responsibility and a wonderful responsibility—being involved in organ procurement. The families of donors are wonderful people, sad, grieving, and helping all of us—tremendous, complex emotions at that time.

So often they're donating organs from somebody who is healthy just a day before; like somebody injured because they weren't wearing a motorcycle helmet or other brain injury. So while I understand Senator Gleason's concerns and share it for that team, I think we should also have some concern as well for the loss of the organs and for the families of organ donors.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 387, 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.

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.

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Commerce and Tourism reported

Senate Bill No. 388, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 2 and 15 (MCL 567.222 and 567.235).

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.

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Commerce and Tourism reported

House Bill No. 4261, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, June 5, 2007, at 2:30 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Joint meeting held on Tuesday, June 5, 2007, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C) and Brater

Excused: Senator Jelinek

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Joint meeting held on Tuesday, June 5, 2007, at 12:03 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Birkholz (C), Van Woerkom, Basham and Prusi

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, June 5, 2007, at 1:00 p.m., Room 100, Farnum Building

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

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Tuesday, June 5, 2007, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George, Hardiman, McManus, Barcia, Anderson and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, June 5, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations and Reform submitted the following:

Meeting held on Tuesday, June 5, 2007, at 2:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Bishop (C), Patterson, Cassis, Kuipers, Schauer, Clarke and Olshove

Scheduled Meetings**Appropriations -****Subcommittee -**

Capital Outlay - Thursday, June 7, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Education - Thursday, June 7, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, June 7, 1:00 p.m., Room 210, Farnum Building (373-7350)

Natural Resources and Environmental Affairs - Wednesday, June 13, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:55 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, June 7, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

