

No. 1
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, January 9, 2008.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 94th Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2008), at twelve o'clock noon, and were 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.

District	Name	District	Name
1st	Hansen Clarke—excused	20th	Thomas M. George
2nd	Martha G. Scott—excused	21st	Ron Jelinek—excused
3rd	Irma Clark-Coleman	22nd	Valde Garcia
4th	Samuel Buzz Thomas III	23rd	Gretchen Whitmer
5th	Tupac A. Hunter	24th	Patricia L. Birkholz
6th	Glenn S. Anderson	25th	Judson S. Gilbert II
7th	Bruce Patterson	26th	Deborah Cherry
8th	Raymond E. Basham	27th	John J. Gleason
9th	Dennis Olshove	28th	Mark C. Jansen
10th	Michael Switalski	29th	Bill Hardiman
11th	Alan Sanborn	30th	Wayne Kuipers
12th	Michael D. Bishop	31st	Jim Barcia
13th	John Pappageorge	32nd	Roger Kahn, M.D.
14th	Gilda Z. Jacobs	33rd	Alan L. Cropsey
15th	Nancy Cassis	34th	Gerald Van Woerkom
16th	Cameron Brown	35th	Michelle McManus
17th	Randy Richardville	36th	Tony Stamas
18th	Liz Brater—excused	37th	Jason E. Allen
19th	Mark Schauer	38th	Michael A. Prusi

Senator Roger Kahn, M.D., of the 32nd District offered the following invocation:

Blessed are You, Lord our God. Thank You for the gift of life that we may all be here this day. Thank You for Michigan, for creating such a glorious beauty in this world, and thank You for giving us the ability to appreciate it.

As we begin another year anew, we ask for Your many blessings in our lives. We pray that You give us the strength and the wisdom to endure the challenges that we are sure to face. Give us ears to hear what You say; grant us the heart to obey. Let us run with perseverance the race that You mark out for us.

Last year was a year of challenge and so, too, will be the road ahead. But the coming year can also afford us the opportunity to serve; serve the people of Michigan and to serve You. We will strive to create sound public policy crafted with the warmth of our hearts, and we will strive to do so together as brothers and sisters in Your eyes. May it be Your will, our God, that You renew for us a good and sweet year.

Amen.

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

Motions and Communications

Senator Cropsey moved that Senator Jelinek be excused from today's session.

The motion prevailed.

Senator Thomas moved that Senators Brater, Scott and Clarke be excused from today's session.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Jacobs offered the following resolution:

Senate Resolution No. 136.

A resolution offered as a memorial for Michael J. Farley.

Whereas, The members and staff of the Michigan Senate, as well as people throughout the Legislature, were saddened to learn of the passing of Michael J. Farley, a genial and talented man who devoted three decades to the Michigan Legislature. His exemplary commitment to the people of this state reflected the highest standards of integrity and public service and mirrored the manner in which he lived each day of his unselfish and all-too-short life; and

Whereas, Mike Farley, a graduate of Michigan State University who earned his master's degree at Syracuse University, began his career with the Legislative Service Bureau's Research Division in January of 1976. For the next 28 years, through the dint of personal commitment, he helped a couple of generations of lawmakers gain information they needed to make sound decisions and to serve their constituents. As a supervisor for most of that time, he also infused in dozens of Bureau employees and student interns a better appreciation of the unique challenges, demands, and opportunities of working in the legislative arena. Trustworthy, thorough, and blessed with an ability to see beyond the obvious, Mike Farley exerted a positive impact on everyone he met; and

Whereas, Over the course of the last two years working with Senator Gilda Jacobs, Mike's knowledge and perspective found new directions in policymaking. His enthusiasm for the legislative process was invaluable not only to the people of the 14th District, but to the entire Michigan Senate. In the face of the inevitable stresses that surround the give and take of lawmaking, Mike's quick Irish smile, ready joke, and ability to connect with people were deeply appreciated on both sides of the aisle. Clearly, his warmth will be missed every bit as much as his intellect and cooperative spirit; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor the memory of Michael J. Farley, who served the Michigan Legislature for three decades; and be it further

Resolved, That copies of this resolution be transmitted to Mike's wife Mary and their sons, Michael, David, and Ryan, as a reflection of our heartfelt condolences.

Pending the order that, under rule 3.204, the 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 resolution was adopted by unanimous standing vote of the Senate.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Jacobs' statement is as follows:

It is with a heavy heart that I rise today to present the Senate resolution honoring the life of Mike Farley, my legislative director, who died suddenly on December 16. We're joined today by Mike's family: his wife Mary, his sons Michael, Ryan, and David, including his favorite mother-in-law in the west Gallery, and I would ask that they rise and be welcomed by this body. It's ironic that Mike, who literally wrote the book on tributes and resolutions while working for LSB all those many years, is the focus of this resolution which I read today.

"A resolution offered as a memorial for Michael J. Farley.

Whereas, The members and staff of the Michigan Senate, as well as people throughout the Legislature, were saddened to learn of the passing of Michael J. Farley, a genial and talented man who devoted three decades to the Michigan Legislature. His exemplary commitment to the people of this state reflected the highest standards of integrity and public service and mirrored the manner in which he lived each day of his unselfish and all-too-short life; and

Whereas, Mike Farley, a graduate of Michigan State University who earned his master's degree at Syracuse University, began his career with the Legislative Service Bureau's Research Division in January of 1976. For the next 28 years, through the dint of personal commitment, he helped a couple of generations of lawmakers gain information they needed to make sound decisions and to serve their constituents. As a supervisor for most of that time, he also infused in dozens of Bureau employees and student interns a better appreciation of the unique challenges, demands, and opportunities of working in the legislative arena. Trustworthy, thorough, and blessed with an ability to see beyond the obvious, Mike Farley exerted a positive impact on everyone he met; and

Whereas, Over the course of the last two years working with Senator Gilda Jacobs, Mike's knowledge and perspective found new directions in policymaking. His enthusiasm for the legislative process was invaluable not only to the people of the 14th District, but to the entire Michigan Senate. In the face of the inevitable stresses that surround the give and take of lawmaking, Mike's quick Irish smile, ready joke, and ability to connect with people were deeply appreciated on both sides of the aisle. Clearly, his warmth will be missed every bit as much as his intellect and cooperative spirit; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor the memory of Michael J. Farley, who served in the Michigan Legislature for three decades; and be it further

Resolved, That copies of this resolution be transmitted to Mike's wife Mary and their sons, Michael, David, and Ryan, as a reflection of our heartfelt condolences."

Just please know that Mike has really touched and enriched the lives of all who knew him, and he will always be in our hearts and minds.

A moment of silence was observed in memory of Michael J. Farley.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:16 p.m.

1:20 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following message from the Governor was received on December 27, 2007, and read:

EXECUTIVE ORDER
No. 2007-50

Idlewild Centennial Commission

Department of History, Arts, and Libraries

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, 2,700 acres of land in Lake County, Michigan filled with white pine trees, wild flowers, and four lakes became the Idlewild resort community in 1912;

WHEREAS, Idlewild holds a special place in the history of the United States, as a summer attraction for African-Americans who were barred from other resorts due to official and unofficial segregation;

WHEREAS, the Idlewild resort community has been described as a “Black Eden”;

WHEREAS, the community of Idlewild, Michigan possesses a unique cultural legacy, natural assets, and regional economic development potential as recognized by its designation as a historic district by the National Park Service;

WHEREAS, given the cultural legacy of Idlewild, it is appropriate that the State of Michigan formally recognize the 100th anniversary of the founding of the resort community;

WHEREAS, recognizing the Idlewild Centennial will increase awareness of Michigan’s cultural heritage and aid cultural economic development opportunities in this state;

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

I. DEFINITIONS

As used in this Order:

A. “Commission” means the Idlewild Centennial Commission created within the Department of History, Arts, and Libraries under Section II of this Order.

B. “Commission of Natural Resources” means the commission created as the head of the Department of Natural Resources under Chapter 11 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350 to 16.358, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

C. “Department of History, Arts, and Libraries” or “Department” means the principal department of state government created by Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703.

D. “Department of Natural Resources” means the principal department of state government created under Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

E. “Idlewild Centennial” means the 100th anniversary of the founding of the Idlewild community in Lake County, Michigan in 1912.

F. “Travel Michigan” means the program created as the Michigan Travel Bureau under Section 2a of the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102a, renamed Travel Michigan by Executive Order 1997-1, MCL 2.111, transferred to the Michigan Strategic Fund by Executive Order 1999-1, MCL 408.40, and transferred to the Michigan Economic Development Corporation under the interlocal agreement effective April 5, 1999, and subsequently amended, between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.

II. CREATION OF THE IDLEWILD CENTENNIAL COMMISSION

A. The Idlewild Centennial Commission is created as an advisory body within the Department of History, Arts, and Libraries.

B. The Commission shall consist of 21 members, including all of the following:

1. The Director of the Department of History, Arts, and Libraries, or his or her designee from within the Department of History, Arts, and Libraries.

2. The Director of the Department of Natural Resources, or his or her designee from within the Department of Natural Resources or the Commission for Natural Resources.

3. The head of Travel Michigan, as designated by the President of the Michigan Strategic Fund.

4. Eighteen residents of this state appointed by the Governor, including not less than 7 individuals representing the Idlewild community, such as residents of Idlewild, residents of Yates Township, or members of the Idlewild Owners’ Association.

C. Of the members of the Commission appointed under Section II.B.4, 5 members shall be appointed for terms expiring on December 31, 2008, 5 members shall be appointed for terms expiring on December 31, 2009, 4 members shall be

appointed for terms expiring on December 31, 2010, and 4 members shall be appointed for terms expiring on December 31, 2011. After the initial appointments, members shall be appointed for a term of 4 years.

D. A vacancy on the Commission shall be filled in the same manner as the original appointment.

E. The Director of the Department shall serve as the Chairperson of the Commission. The Commission shall elect a member of the Commission to serve as Vice-Chairperson of the Commission.

III. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity and shall do all of the following:

1. Advise the Department and the Governor on matters relating to fostering the revitalization and preservation of Idlewild and recognition of the Idlewild Centennial.

2. Assist and support the creation of a "centennial vision" for Idlewild through the development of a comprehensive cultural economic development strategic plan.

3. Monitor and measure implementation and performance of the strategic plan.

4. Encourage, plan, and develop activities, events, programs, and services appropriate to commemorate the Idlewild Centennial.

5. Enlist the support of private citizens, businesses, nonprofit organizations, and governmental entities in the planning and promotion of the Idlewild Centennial.

6. Encourage private citizens, businesses, nonprofit organizations, and governmental entities to organize and participate in Idlewild Centennial activities.

7. Encourage schools and cultural institutions in Michigan to participate in activities recognizing the Idlewild Centennial.

8. Serve as a clearinghouse for the collection and dissemination of information about Idlewild Centennial plans, events, programs, and services.

9. Identify and leverage resources to ensure the future viability of public amenities at Idlewild.

10. Research and promote the development of cultural, historical, and economic development opportunities at Idlewild, including in connection with the Idlewild Centennial.

B. The Commission shall complete its work by December 31, 2012.

IV. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Commission serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

E. The Commission may establish advisory workgroups composed of members of the public who are not members of the Commission. The Commission may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Director of the Department deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Commission or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Commission.

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

C. 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.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of December, in the year of our Lord, two thousand seven.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on December 27, 2007, and read:

EXECUTIVE ORDER
No. 2007-51

**Michigan Commission on the Commemoration of the
Bicentennial of the War of 1812**

Department of History, Arts, and Libraries

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, the War of 1812 served as a crucial test for the United States Constitution and our newly established democratic republic;

WHEREAS, many parts of Michigan were affected by the War of 1812, including the City of Detroit and Fort Mackinac, which were both captured and occupied by British forces;

WHEREAS, Michigan played a critical role in the War of 1812, including the Battle of Frenchtown in Monroe County on January 22, 1813, where more than 900 soldiers from Michigan, Ohio, and Kentucky fought;

WHEREAS, it is in the best interests of the State of Michigan to provide for appropriate commemorative activities recognizing the 200th anniversary of the War of 1812;

WHEREAS, recognizing the bicentennial of the War of 1812 will increase awareness of Michigan's cultural heritage and assist cultural economic development in this state;

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

I. DEFINITIONS

As used in this Order:

A. "Commission" means the Michigan Commission on the Bicentennial of the War of 1812 created within the Department of History, Arts, and Libraries under Section II of this Order.

B. "Department of History, Arts, and Libraries" or "Department" means the principal department of state government created by Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703.

C. Department of Military and Veterans Affairs means the principal department of state government created as the Department of Military Affairs by Section 125 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.225, and renamed the Department of Military and Veterans Affairs by Executive Order 1997-7, MCL 32.91.

D. "Mackinac Island State Park Commission" means the commission created under Section 2 of 1927 PA 355, transferred to the Department of Natural Resources by Section 256 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.356, transferred to the new Department of Natural Resources by Executive Order 1991-31, MCL 299.13, and transferred to the Department of History, Arts, and Libraries by 2001 PA 78, MCL 324.76503.

E. "Travel Michigan" means the program created as the Michigan Travel Bureau under Section 2a of the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102a, renamed Travel Michigan by Executive Order 1997-1, MCL 2.111, transferred to the Michigan Strategic Fund by Executive Order 1999-1, MCL 408.40, and transferred to the Michigan Economic Development Corporation under the interlocal agreement effective April 5, 1999, and subsequently amended,

between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.

II. CREATION OF THE MICHIGAN COMMISSION ON THE COMMEMORATION OF THE BICENTENNIAL OF THE WAR OF 1812

A. The Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 is created as an advisory body within the Department of History, Arts, and Libraries.

B. The Commission shall consist of 15 members, including all of the following:

1. The Director of the Department of History, Arts, and Libraries, or his or her designee from within the Department of History, Arts, and Libraries.

2. The Adjutant General, or his or her designee from within the Department of Military and Veterans Affairs.

3. 13 residents of this state appointed by the Governor, including 1 individual representing Travel Michigan, 1 individual representing the Mackinac Island State Park Commission, and at least 1 individual representing Native American tribes in Michigan.

C. Of the members of the Commission appointed under Section II.B.3, 4 members shall be appointed for terms expiring on December 31, 2008, 3 members shall be appointed for terms expiring on December 31, 2009, 3 members shall be appointed for terms expiring on December 31, 2010, and 3 members shall be appointed for terms expiring on December 31, 2011. After the initial appointments, members shall be appointed for a term of 4 years.

D. A vacancy on the Commission shall be filled in the same manner as the original appointment.

E. The Director of the Department shall serve as the Chairperson of the Commission. The Commission shall elect a member of the Commission to serve as Vice-Chairperson of the Commission.

III. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity and shall do all of the following:

1. Advise the Department and the Governor on matters relating to fostering authenticity and inclusion in Michigan's observance of the 200th anniversary of the War of 1812.

2. Encourage, plan, and develop activities, events, programs, observances, and services appropriate to commemorate the Bicentennial of the War of 1812.

3. Enlist the support of private citizens, businesses, nonprofit organizations, and governmental entities in the planning and promotion of the Bicentennial of the War of 1812.

4. Encourage private citizens, businesses, nonprofit organizations, and governmental entities to organize and participate in War of 1812 Bicentennial activities.

5. Encourage schools and cultural institutions in Michigan to participate in activities recognizing the Bicentennial of the War of 1812.

6. Encourage Michigan's participation in national and international activities commemorating the Bicentennial of the War of 1812 and facilitate communications with other states, provinces, and countries commemorating the Bicentennial.

7. Recognize the role of Native Americans in the War of 1812.

8. Serve as a clearinghouse for the collection and dissemination of information about War of 1812 Bicentennial plans, events, programs, observances, and services.

9. Research and promote the development of cultural, historical, and economic development opportunities relating to the War of 1812 in connection with the War of 1812 Bicentennial.

10. Review, plan, and recommend strategies to promote and preserve the history of the War of 1812 in Michigan.

B. The Commission shall complete its work by July 31, 2015.

IV. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Commission serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

E. The Commission may establish advisory workgroups composed of members of the public who are not members of the Commission. The Commission may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Commission or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Commission.

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

C. 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.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of December, in the year of our Lord, two thousand seven.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on December 27, 2007, and read:

EXECUTIVE ORDER
No. 2007-52

Observing the Sesquicentennial of the Civil War

Department of History, Arts, and Libraries

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, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided, and the Governor shall transact all necessary business with the officers of government;

WHEREAS, at the beginning of the American Civil War in 1861, Michigan residents responded enthusiastically to President Abraham Lincoln’s call for troops to put down the Confederate rebellion, eventually sending 90,000 men, and a few women, to the Union Army;

WHEREAS, Michigan sent 50 percent of its military age male population to fight in the Civil War, including specialized regiments of sharpshooters and engineers, and more cavalry per capita than any other northern state;

WHEREAS, at least 68 Michigan men were awarded the Medal of Honor for gallantry on the battlefield during the Civil War;

WHEREAS, Michigan mines produced tons of iron ore used to make cannon, iron clad ships, and rails, all of which contributed to the military success of the Union in the Civil War;

WHEREAS, the year 2011 marks the sesquicentennial of the beginning of the Civil War;

WHEREAS, it is in the best interests of the State of Michigan to provide for appropriate commemorative activities recognizing the 150th anniversary of the Civil War;

WHEREAS, recognizing the sesquicentennial of the Civil War will increase awareness of Michigan’s cultural heritage and assist cultural economic development in this state;

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

I. DEFINITIONS

As used in this Order:

A. "Department of History, Arts, and Libraries" or "Department" means the principal department of state government created by Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703.

B. "Michigan Historical Commission" or "Commission" means the commission created under Section 1 of 1913 PA 271, MCL 399.1.

II. STATE ACTION TO RECOGNIZE THE SESQUICENTENNIAL OF THE CIVIL WAR

A. The members of the Michigan Historical Commission shall constitute an advisory body within the Department of History, Arts and Libraries, for the purpose of all of the following:

1. Advising the Department and the Governor on matters relating to fostering authenticity and inclusion in Michigan's observance of the 150th anniversary of the Civil War.

2. Encouraging, planning, and developing activities, events, programs, observances, and services appropriate to commemorate the Sesquicentennial of the Civil War.

3. Enlisting the support of private citizens, businesses, nonprofit organizations, and governmental entities in the planning and promotion of the Sesquicentennial of the Civil War.

4. Encouraging private citizens, businesses, nonprofit organizations, and governmental entities to organize and participate in Civil War Sesquicentennial activities.

5. Encouraging schools and cultural institutions in Michigan to participate in activities recognizing the Sesquicentennial of the Civil War.

6. Encouraging Michigan's participation in national and international activities commemorating the Sesquicentennial of the Civil War and facilitating communications with other states commemorating the Sesquicentennial.

7. Serving as a clearinghouse for the collection and dissemination of information about Civil War Sesquicentennial plans, events, programs, observances, and services.

8. Researching and promoting the development of cultural, historical, and economic development opportunities relating to the Civil War in connection with the Civil War Sesquicentennial.

9. Reviewing, planning, and recommending strategies to promote and preserve the history of Michigan's role in the Civil War.

10. Performing other functions related to the observance of the 150th Anniversary of the Civil War, as requested by the Director of the Department or the Governor.

III. OPERATIONS

A. The activities of the members of the Commission under this Order shall be staffed and assisted by personnel from the Department under the direction and supervision of the Director of the Department, subject to available funding.

B. The Commission may establish advisory workgroups composed of members of the public who are not members of the Commission to assist the members of the Commission in performing duties under this Order. The Commission may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

C. In performing duties under this Order, the Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

D. In performing duties under this Order, the Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Director of the Department deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

E. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person related to activities under this Order.

F. Members of the Commission shall refer all legal, legislative, and media contacts related to this Order to the Department.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Commission or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties under this Order. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Commission under this Order.

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

C. 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.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of December, in the year of our Lord, two thousand seven.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on December 27, 2007, and read:

EXECUTIVE ORDER
No. 2007-53

Department of History, Arts, and Libraries

**State Historic Preservation Office
State Historic Preservation Review Board**

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, under section 8 of Article V of the Michigan Constitution of 1963, it is the responsibility of the Governor to take care that the laws be faithfully executed;

WHEREAS, the Department of History, Arts, and Libraries was created as a principal department of state government under Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703;

WHEREAS, under Section 5 of the History, Arts and Libraries Act, 2001 PA 63, MCL 399.705, the Department of History, Arts, and Libraries is charged with carrying out powers, duties, functions, and responsibilities as provided in the History, Arts, and Libraries Act, and as otherwise provided in law;

WHEREAS, the federal National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470 to 470x-6, establishes a program for the preservation of historic properties throughout the United States;

WHEREAS, Section 101(b)(1) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(b)(1), provides for the designation and appointment by each governor of a state historic preservation officer and for the employment or appointment by the officer of professionally qualified staff as necessary to administer the state's historic preservation program;

WHEREAS, under Section 101(b)(1) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(b)(1), provides for an adequate and qualified historic preservation review board in each state;

WHEREAS, formal establishment of a state historic preservation office is necessary to appropriately reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, it is in the best interests of the State of Michigan to have a formally organized state historic preservation office, state historic preservation officer, and state historic preservation review board;

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

I. DEFINITIONS

A. "Certified local government" means a local government in this state whose local historic preservation program has been certified as provided under Section 101(c) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(c).

B. "Department of History, Arts and Libraries" or "Department" means the principal department of state government created under Section 3 of 2001 PA 63, MCL 399.703, and includes the Michigan Historical Center.

C. "Historic property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

D. "Michigan Historical Center" means that phrase as used in Section 266 of the Income Tax Act, 1967 PA 281, MCL 206.266.

E. “National Register” means the National Register of Historic Places established under Section 101(a) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(a).

F. “Secretary” means the Secretary of the United States Department of Interior, including when the Secretary is acting through the Director of the United States National Park Service.

G. “State Historic Preservation Office” or “Office” means the State Historic Preservation Office created under this Order as the state’s principal historic preservation agency.

H. “State Historic Preservation Officer” means the State Historic Preservation Officer designated and appointed under this Order.

I. “State historic preservation program” means the state historic preservation program meeting the requirements specified in Section 101(b) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(b).

J. “State Historic Preservation Review Board” or “Review Board” means the State Historic Preservation Review Board created under this Order.

II. STATE HISTORIC PRESERVATION OFFICE

A. The State Historic Preservation Office is created within the Department of History, Arts, and Libraries. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department.

B. The State Historic Preservation Officer, who shall be appointed by the Governor, shall serve as the head of the Office, administer this state’s historic preservation program, and perform the duties and responsibilities provided under this Order.

C. The staff of the Office shall be professionally qualified. Unless otherwise authorized by the Secretary, the staff of the Office shall include at least one individual meeting the Secretary’s historic preservation professional qualifications standards for history, one individual meeting the Secretary’s historic preservation professional qualifications standards for historic or prehistoric archeology, and one individual meeting the Secretary’s historic preservation professional qualifications standards for architectural history. The State Historic Preservation Officer may determine that additional professional staff members representing the required or other disciplines are necessary to administer this state’s historic preservation program in accordance with the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470 to 470x-6. If a position required under this paragraph to meet the Secretary’s historic preservation professional qualifications standards becomes vacant, the vacancy shall be filled in a timely manner and shall not remain vacant for more than six months. When a position is vacant, the State Historic Preservation Officer shall ensure that appropriately qualified individuals address technical matters. The Office may meet the requirements of this paragraph with assistance from other qualified staff within the Department.

D. The Office shall do all of the following:

1. Direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of the properties in cooperation with federal agencies, state departments and agencies, local governments, and private organizations and individuals.

2. Identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register. As part of the process of recommending a property to the National Register, the Office shall comply with the consultation and notification procedures under 36 CFR part 60. The Office may authorize other persons or entities to fulfill the notice requirements in 36 CFR part 60 pursuant to the written guidance from the United States Secretary of the Interior. The Office may authorize the historic preservation review commission of a certified local government to act in place of the Review Board for the purpose of considering National Register nominations within its jurisdiction, provided that the historic preservation review commission meets the professional qualifications required for the Review Board when considering the nominations and otherwise follows written guidance of the Secretary. In accordance with the written guidance of the Secretary, and with the consent of both the property owners in a nomination and the chief elected local official, the Review Board, or a historic preservation review commission meeting in place of the Review Board, may consider the nomination without a face-to-face meeting.

3. Prepare and implement a comprehensive statewide historic preservation plan.

4. Administer the state program of federal assistance for historic preservation within this state.

5. Advise and assist, as appropriate, federal agencies, state departments and agencies, and local governments in carrying out their historic preservation responsibilities.

6. Cooperate with the Secretary, the federal Advisory Council on Historic Preservation created under Section 201 of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470i, and other federal agencies, state departments and agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development.

7. Provide public information, education, and training and technical assistance in historic preservation.

8. Cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to Section 101(c) of the National Historic Preservation Act, Public Law 89-665, 16 USC 470a(c).

9. Consult with appropriate federal agencies in accordance with Sections 1 to 407 of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470 to 470x-6, on both of the following:

a. Federal undertakings that may affect historic properties.

b. The content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to such properties.

10. Advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for federal assistance

11. Carry out the duties and activities described under Section 101(b)(3) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(b)(3).

12. Carry out a historic preservation planning process that includes the development and implementation of a comprehensive statewide historic preservation plan that provides guidance for effective decision making about historic property preservation throughout this state.

13. Survey and maintain inventories of historic properties.

14. Obtain one or more of the following:

a. Comparative data valuable in determining the National Register eligibility of properties.

b. Information on properties that may become eligible for the National Register of Historic Places with the passage of time.

c. Information on the absence of historic properties for use in planning for public and private development projects.

15. Provide for adequate public participation in this state's historic preservation program as a whole.

16. Provide a mechanism for certification of local governments by the State Officer and the Secretary authorizing local governments to carry out the purposes of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470 to 470x-6, and perform other tasks related to certified local government programs as provided under Section 101(c) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(c), and under 31 CFR 61.6.

17. Issue subgrants to certified local government programs and perform other duties required by Section 103 of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470c, and 31 CFR 61.7.

18. Perform functions related to the historic properties of Indian tribes as required under Section 101(d) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(d).

19. Advise and assist the Director with the assignment, acceptance or administration of historic preservation easements, including, but not limited to, easements executed under Sections 2140 to 2144 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140 to 324.2144.

20. Advise and assist the State Historic Preservation Review Board in the performance of its duties under this Order.

21. Assist the Secretary in performing the functions prescribed in the National Historic Lighthouse Preservation Act of 2000, Public Law 106-355, as amended, 16 USC 470w-7 to 470w-8.

22. Perform other related duties as requested by the Director or the Governor.

E. The Office may carry out all or any part of its responsibilities under this Order by contract or cooperative agreement with a qualified person or entity, consistent with Michigan law and applicable rules and regulations of the Department of Management and Budget and the Civil Service Commission, but may not delegate the responsibility for compliance with the Act or with grant assistance terms and conditions.

F. To the extent provided under Section 101(b)(6) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(b)(6), the Office may enter into a contract or cooperative agreement with the Secretary authorizing the Office to assist the Secretary in carrying out within this state one or more of the following responsibilities:

1. Identification and preservation of historic properties.

2. Determination of the eligibility of properties for listing on the National Register.

3. Preparation of nominations for inclusion on the National Register.

4. Maintenance of historical and archaeological databases.

5. Evaluation of eligibility for federal preservation incentives.

G. In addition to performing duties and responsibilities under the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470 to 470x-6, the Office also shall advise and assist the Director in performing functions vested in the Department under any of the following:

1. Section 266 of the Income Tax Act, 1967 PA 281, MCL 206.266.

2. Section 39c of the Single Business Tax Act, 1975 PA 288, MCL 208.39c, or Section 435 of the Michigan Business Tax Act, 2007 PA 36, MCL 208.1435.

3. Section 811k of the Michigan Vehicle Code, 1949 PA 300, MCL 257.811k.

4. The Michigan Historical Markers Act, 1955 PA 10, MCL 399.151 to 399.160.

5. The Local Historic Districts Act, 1970 PA 169, MCL 399.203.

III. STATE HISTORIC PRESERVATION REVIEW BOARD

A. The State Historic Preservation Review Board is created within the Department of History, Arts, and Libraries. The authority, powers, duties, and functions of the Review Board, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department.

B. The Review Board shall consist of 9 members appointed by the Governor. The members of the Review Board shall possess demonstrated competency, interest, or knowledge in historic preservation. The State Historic Preservation Officer shall advise the Governor on qualified professionals and other individuals interested in service as a member of the Review Board as requested by the Governor.

C. Each member of the Review Board shall possess demonstrated competency, interest or knowledge in historic preservation.

D. At least 5 of the members of the Review Board shall meet the historic preservation qualifications standards issued by the Secretary, including at least one individual meeting the Secretary's historic preservation qualifications standards for history, one individual meeting the Secretary's historic preservation qualifications standards for prehistoric archeology or historic archeology, and one individual meeting the Secretary's historic preservation qualifications standards for architectural history. Other members of the Review Board required under this paragraph may represent other disciplines described by the Secretary's historic preservation qualifications standards. A member of the Review Board may satisfy the Secretary's historic preservation qualifications standards for more than one required discipline.

E. Of the members of the Review Board initially appointed by the Governor, 3 members shall be appointed for a term expiring on December 31, 2008, 2 members shall be appointed for a term expiring on December 31, 2009, 2 members shall be appointed for a term expiring on December 31, 2010, and 2 members shall be appointed for a term expiring on December 31, 2011. After the initial appointments under this paragraph, members shall be appointed for a term of 4 years.

F. A member of the Review Board shall continue to serve until a successor is appointed and qualified. A vacancy on the Review Board occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term. When a position on the Review Board position becomes vacant, the vacancy shall be filled in a timely manner and shall not remain vacant for more than 1 year. While a vacancy is pending, the Office shall ensure that the Review Board has access to advice from appropriately qualified individuals.

G. The Review Board shall do all of the following:

1. Provide advice to the Office and the Department on the full range of Historic Preservation Fund-supported activities described under Section 101 (b)(3) of the National Historic Preservation Act, Public Law 89-665, as amended, 16 USC 470a(b)(3).

2. Review and make recommendations on National Register nomination proposals.

3. Participate in the review of appeals of National Register nominations.

4. Perform other duties as may be appropriate, including, but not limited to, the performance of other related duties required under state law or as requested by the Director or the Governor.

H. The Review Board shall adopt written procedures governing its organization and operations consistent with Michigan law, this Order, 36 CFR 61.4, and related guidance issued by the National Park Service.

I. The Governor shall designate a member of the Review Board to serve as its Chairperson. The Review Board may select from among its members a Vice-Chairperson and any other officers as the Review Board deems appropriate. The Officer shall serve as the Executive Secretary of the Review Board.

J. A majority of the members of the Review Board serving constitutes a quorum for the transaction of the Review Board's business. The Review Board shall act by a majority vote of its serving members.

K. The Review Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Review Board. The Review Board shall meet at least once per year and as often as is necessary to complete its work in a timely fashion.

L. The business of the Review Board shall be conducted at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of all meetings of the Board shall be given in the manner required by the Open Meetings Act.

M. A writing prepared, owned, used, in the possession of, or retained by the Review Board in the performance of official business shall be made available to the public under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

N. The Review Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Review Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

O. Members of the Review Board shall serve without compensation. Members of the Review Board may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

P. The Review Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Review Board and the performance of its duties, as the Director of the Department deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

Q. The Review Board may accept donations of labor, services, or other things of value from any public or private agency or person.

R. Members of the Review Board shall refer all legal, legislative, and media contacts to the Department.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Review Board or to any member or representative of the Review Board, any necessary assistance required by the Review Board or any member or representative of the Review Board, in the performance of the duties of the

Review Board so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Review Board.

B. Any rules, orders, bylaws, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until amended, rescinded, or terminated.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under 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. This Order is effective Monday, January 28, 2008 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of December, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on December 27, 2007, and read:

EXECUTIVE ORDER

No. 2007-54

Department of History, Arts, and Libraries

State Historical Records Advisory Board

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, under section 8 of Article V of the Michigan Constitution of 1963, it is the responsibility of the Governor to take care that the laws be faithfully executed;

WHEREAS, the Department of History, Arts, and Libraries was created as a principal department of state government under Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703;

WHEREAS, under Section 5 of the History, Arts and Libraries Act, 2001 PA 63, MCL 399.705, the Department of History, Arts, and Libraries is charged with carrying out powers, duties, functions, and responsibilities as provided in the History, Arts, and Libraries Act, and as otherwise provided in law;

WHEREAS, the National Historical Publications and Records Commission ("National Commission") was created by Public Law 90-620, as amended, 44 USC 2501 to 2507, to cooperate with, and encourage federal, state, and local government agencies and non-governmental institutions, societies, and individuals in collecting, preserving, editing, and publishing documents, including the papers of outstanding citizens of the United States, that may be important for an in-depth understanding and appreciation of the history of the United States;

WHEREAS, under Section 1 of Public Law 90-620, as amended, 44 USC 2504, the National Commission has established a grant program for the collection, description, preservation, compilation, publication, and dissemination of records, photographs, and other materials significant to the history of the United States;

WHEREAS, to participate in the National Commission's grant program, Part 1206 of Chapter 36 of the Code of Federal Regulations requires a state to establish a historical records advisory board;

WHEREAS, historical records play a vital role in our state's democracy by ensuring that people can discover, use, and learn from our heritage;

WHEREAS, formal establishment of the State Historical Records Advisory Board within the Department of History, Arts, and Libraries is necessary to appropriately reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, it is in the best interests of the State of Michigan to have a formally organized historical records advisory board;

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

I. DEFINITIONS

- A. "Advisory Board" means the State Historical Records Advisory Board established by this Order.
- B. "Department of History, Arts and Libraries" or "Department" means the principal department of state government created under the Section 3 of 2001 PA 63, MCL 399.703, and includes the Michigan Historical Center.
- C. "National Commission" means the National Historical Publications and Records Commission created by Public Law 90-620, as amended, 44 USC 2501 to 2507.
- D. "State Archivist" means the full-time professional employee within the Department who is responsible for this state's archival program and the operation of the state archives.

II. CREATION OF MICHIGAN HISTORICAL RECORDS ADVISORY BOARD

- A. The State Historical Records Advisory Board is created as an advisory body within the Department of History, Arts, and Libraries. The authority, powers, duties, and functions of the Advisory Board, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department.
- B. Subject to Section II.C, the Advisory Board shall consist of all of the following:
 1. The State Archivist.
 2. The Director of the Department of History, Arts, and Libraries, or his or her designee from within the Department of History, Arts, and Libraries.
 3. Five residents of this state appointed by the Governor.
- C. A majority of the members of the Advisory Board shall have recognizable experience in the administration of records, manuscripts, or archives. The Advisory Board shall be as broadly representative as practicable of the public and private archives, records offices, and research institutions and organizations in this state.
- D. Of the members of the Advisory Board initially appointed by the Governor under Section II.B.3, 2 members shall be appointed for a term expiring on December 31, 2008, 1 member shall be appointed for a term expiring on December 31, 2009, 1 member shall be appointed for a term expiring on December 31, 2010, and 1 member shall be appointed for a term expiring on December 31, 2011. After the initial appointments under this paragraph, members shall be appointed for a term of 4 years.
- E. A member of the Advisory Board shall continue to serve until a successor is appointed and qualified. A vacancy on the Advisory Board occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

III. CHARGE TO THE ADVISORY BOARD

- A. The Advisory Board shall do all of the following:
 1. Serve as the central advisory body for historical records coordination within this state.
 2. Serve as the central advisory body for National Commission state and local projects within this state.
 3. Engage in planning relating to historical publications and records in this state.
 4. Develop, revise, and submit to the National Commission a state plan that includes priorities for state historical records projects following the Manual of Suggested Practices for State Historical Records Advisory Boards issued by the National Commission.
 5. Review all state and local records projects within this state and make recommendations for state projects to the National Commission.
 6. Coordinate historical records planning and Commission-funded projects developed and carried out within this state.
 7. Facilitate cooperation among historical records repositories and other information agencies within this state.
 8. Perform other tasks related to historical publications and records as requested by the Director or the Governor.
- B. The Advisory Board may do one or more of the following:
 1. Promote an understanding of the role and value of historical records.
 2. Foster and support cooperative networks and programs dealing with historical records.
 3. Review reports and otherwise monitor the operation and progress of projects in this state financed by National Commission grants.
 4. Sponsor and publish reports on the conditions and needs of historical records in this state.
 5. Solicit or develop proposals for historical records projects to be undertaken by institutions in this state or by the Advisory Board with grants from the National Commission.
 6. Provide advice to the State Archives, and other archival, records, or information agencies in this state.
- C. The Advisory Board shall comply with the Manual of Suggested Practices for State Historical Records Advisory Boards and other guidelines issued by the National Commission.
- D. The Advisory Board also shall perform the powers, duties, and functions vested in the State Historical Records Advisory Board under the Records Reproduction Act, 1992 PA 116, MCL 24.401 to 24.406.

IV. OPERATIONS OF THE ADVISORY BOARD

- A. The Department and the State Archivist shall provide staff support for the Advisory Board. The State Archivist shall perform administrative functions in support of the Advisory Board as provided in the Manual of Suggested Practices for

State Historical Records Advisory Boards issued by the National Commission. If the position of State Archivist is vacant or unable to serve, the Deputy State Archivist shall perform the functions of the State Archivist under this Order. In the absence of a Deputy State Archivist, the Advisory Board, after consultation with the Director of the Department, shall designate another employee of the Department to perform the functions of the State Archivist under this Order until a new State Archivist is appointed.

B. The State Archivist shall serve as the Chairperson of the Advisory Board. The Advisory Board may select from among the members of the Advisory Board other officers as the Advisory Board deems necessary.

C. The Advisory Board shall adopt procedures consistent with federal law, Michigan law, and this Order governing its organization and operations.

D. A majority of the voting members of the Advisory Board serving constitutes a quorum for the transaction of the Advisory Board's business. The Advisory Board shall act by a majority vote of the voting members of the Advisory Board serving.

E. The Advisory Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Advisory Board.

F. The business of the Advisory Board shall be conducted at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of all meetings of the Advisory Board shall be given in the manner required by the Open Meetings Act.

G. A writing prepared, owned, used, in the possession of, or retained by the Advisory Board in the performance of official business shall be made available to the public under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

H. The Advisory Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Advisory Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

I. Members of the Advisory Board shall serve without compensation. Members of the Advisory Board may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

J. The Advisory Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Advisory Board and the performance of its duties, as the Advisory Board deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

K. The Advisory Board may enter into agreements with state departments and agencies to assist the Advisory Board in the performance of its duties and responsibilities under this Order.

L. The Advisory Board may accept donations of labor, services, or other things of value from any public or private agency or person.

M. Members of the Advisory Board shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Advisory Board or to any member or representative of the Advisory Board, any necessary assistance required by the Advisory Board or any member or representative of the Advisory Board, in the performance of the duties of the Advisory Board so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Advisory Board.

B. Any rules, orders, bylaws, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until amended, rescinded, or terminated.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under 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. This Order is effective upon Monday, January 28, 2008 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of December, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

Messages from the House

The following message was received and read:

January 9, 2008

I hereby notify you that the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
Richard J. Brown, Clerk
House of Representatives

Senate Bill No. 545, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3118 (MCL 324.3118), as amended by 2004 PA 91.

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. 730, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 6, 504, 605, 701, 859, 861, 1296, 1311, 1311g, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1752, 1756, 1757, and 1761 (MCL 380.4, 380.6, 380.504, 380.605, 380.701, 380.859, 380.861, 380.1296, 380.1311, 380.1311g, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1752, 380.1756, 380.1757, and 380.1761), section 4 as amended by 2005 PA 61, sections 6, 701, 859, 861, and 1724 as amended by 2003 PA 299, sections 504 and 1701a as amended by 1994 PA 416, section 605 as amended by 1985 PA 86, section 1311 as amended by 2007 PA 138, section 1311g as amended by 2007 PA 21, section 1321 as amended by 1990 PA 163, section 1723 as amended by 2004 PA 415, and section 1752 as added by 2006 PA 186, and to repeal acts and parts of acts.

(The House substitute was concurred in on December 13, 2007, and the motion to reconsider the vote postponed. See Senate Journal No. 131 of 2007, p. 2440.)

The question being on the motion to reconsider the vote by which the House substitute was concurred in,

Senator Cropsey withdrew the motion.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Olshove, Clark-Coleman, Prusi, Whitmer, Basham, Anderson, Barcia, Gleason and Brater introduced

Senate Bill No. 1006, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 504 (MCL 380.504), as amended by 1994 PA 416.

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

Senators Birkholz, Van Woerkom, Cropsey, Kuipers, Barcia, Gleason, Jelinek, Brown and Stamas introduced

Senate Bill No. 1007, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending sections 2, 3, 4, 5, 6, 7, 20, 30, 31, 33a, 41, 44, 50, 53, 60, 61, 62, 63, 68, and 69 (MCL 288.472, 288.473, 288.474, 288.475, 288.476, 288.477, 288.490, 288.500, 288.501, 288.503a, 288.511, 288.514, 288.520, 288.523, 288.530, 288.531, 288.532, 288.533, 288.538, and 288.539), section 33a as added by 2004 PA 277.

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

Senators Van Woerkom, Birkholz, Cropsey, Kuipers, Barcia, Gleason, Jelinek, Brown and Stamas introduced
Senate Bill No. 1008, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending sections 10, 11, 12, 13, 15, 16, 17, 70, 90, 110, 110a, 111, 113, 114, 115, 116, 119, 125, 130, 131, 136, 137, 139, 140, 141, 142, 143, 152, and 159 (MCL 288.570, 288.571, 288.572, 288.573, 288.575, 288.576, 288.577, 288.630, 288.650, 288.670, 288.670a, 288.671, 288.673, 288.674, 288.675, 288.676, 288.679, 288.685, 288.690, 288.691, 288.696, 288.697, 288.699, 288.700, 288.701, 288.702, 288.703, 288.712, and 288.719), section 110a as added by 2004 PA 282.

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

Senators Cassis, Jansen and McManus introduced

Senate Bill No. 1009, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 207 (MCL 208.1207).

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

Senators Jacobs, Schauer and Gleason introduced

Senate Bill No. 1010, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 605, 622, 622a, 629, and 703 (MCL 380.605, 380.622, 380.622a, 380.629, and 380.703), section 605 as amended by 1985 PA 86, section 622 as amended by 2001 PA 127, section 622a as added by 2004 PA 412, and sections 629 and 703 as amended by 2003 PA 299, and by adding sections 641, 642, 643, 644, 645, 648, and 649.

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

Senator Gilbert introduced

Senate Bill No. 1011, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113).

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

Senator Gilbert introduced

Senate Bill No. 1012, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111).

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

House Bill No. 4401, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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 Commerce and Tourism.

House Bill No. 4847, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 819 (MCL 257.819), as amended by 1990 PA 168.

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.

House Bill No. 5085, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82105, and 82114 (MCL 324.82101, 324.82105, and 324.82114), section 82101 as amended by 2005 PA 175, section 82105 as amended by 2005 PA 271, and section 82114 as added by 1995 PA 58, and by adding sections 82105a, 82105b, and 82116a.

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 Transportation.

House Bill No. 5261, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 3 (MCL 408.473).

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 Commerce and Tourism.

House Bill No. 5375, entitled

A bill to authorize the creation of promise zones and implementation of promise zone development plans; to provide for the creation of promise zone authorities; to prescribe the powers and duties of promise zone authorities; to provide for the capture and disbursement of certain tax revenue; and to prescribe powers and duties of certain state and local officials.

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 Education.

House Bill No. 5539, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," (MCL 125.2651 to 125.2672) by adding section 15a.

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 Commerce and Tourism.

House Bill No. 5540, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," (MCL 125.2151 to 125.2174) by adding section 11b.

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 Commerce and Tourism.

House Bill No. 5541, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," (MCL 125.1801 to 125.1830) by adding section 12b.

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 Commerce and Tourism.

House Bill No. 5542, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," (MCL 125.1651 to 125.1681) by adding section 13c.

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 Commerce and Tourism.

Senator George stated that had he been present on December 13, 2007, when the vote was taken on concurring in the House substitute to the following bill, he would have voted "yea":

Senate Bill No. 59

Senator George stated that had he been present on December 13, 2007, when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 4979**House Bill No. 5460**

By unanimous consent the Senate returned to the order of
Resolutions

Senator Birkholz offered the following resolution:

Senate Resolution No. 135.

A resolution to request that the Michigan Public Service Commission create a Pole Attachment Remediation Fund and establish procedures to resolve pole attachment disputes.

Whereas, Many broadband networks depend on utility poles to extend their networks. Many utility poles in the state have myriad attachments and some contain attachments that are in violation of the National Electric Safety Code (NESC). Thus, those seeking to build new broadband networks throughout the state are confronted with utility poles which may require upgrades to make the pole suitable for new and existing attachments; and

Whereas, Disputes between attaching parties and utility pole owners are causing delays in the construction of broadband networks throughout the state. The Michigan Public Service Commission (MPSC) has recognized that the lack of available space on utility poles and existing violations of the NESC by attaching parties have a particularly detrimental impact on the ability of those seeking to construct broadband networks, particularly those seeking to construct educational broadband networks. Thus, broadband deployment in the state is hindered; and

Whereas, On October 7, 2003, the MPSC approved a settlement agreement that provided for the creation of a fund that could be used to reimburse parties that undertook remediation of pole violations that they did not cause. The settlement agreement had a term of three years, and expired on October 7, 2006; and

Whereas, Broadband deployment is critical to the economic well-being of state residents. Clearly, it is imperative that disputes between attaching parties and utility pole owners be resolved in the most efficacious way possible so as not to hinder the economic progress of the state, especially in such difficult economic times; now, therefore, be it

Resolved by the Senate, That we request the MPSC to immediately establish a procedure for rapidly resolving disputes regarding responsibility for remedying pole attachment violations that places the burden of remediation on the party responsible for the violation; and be it further

Resolved by the Senate, That we request the MPSC to establish a Pole Remediation Fund that can be used to reimburse parties that undertook remediation of pole attachment violations that they did not cause; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of the state of Michigan and the Chairman of the Michigan Public Service Commission.

Pending the order that, under rule 3.204, the 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 resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Energy Policy and Public Utilities.

The motion prevailed.

Senators Pappageorge and Van Woerkom were named co-sponsors of the resolution.

House Concurrent Resolution No. 63.

A concurrent resolution to express support for the findings of the National Labor Relations Board regarding the unionization of workers at the Soaring Eagle Casino and Resort and to encourage a quick resolution of this issue.

Whereas, Workers at the Soaring Eagle Casino and Resort at Mount Pleasant have taken the appropriate steps to bring about a vote on whether they wish to be represented by the Teamsters in labor matters. The workers expressed their interest in seeking a vote through the signing of organizing cards and at meetings. In October 2007, petitions were filed to seek an election on the question of unionizing; and

Whereas, The Saginaw Chippewa Indian Tribe took steps to prevent the workers from joining the union. The tribe challenged the petitions, claiming sovereignty. The National Labor Relations Board, following earlier rulings regarding the ability of employees at Native American-owned casinos elsewhere to join a union, decided, in November 2007, that the employees at the Soaring Eagle do have the right to vote on the question of joining the union; and

Whereas, The November action of the National Labor Relations Board is consistent with past practices, as well as a prior decision in the 9th United States Circuit Court of Appeals that affirmed that the National Labor Relations Board had the right to assert jurisdiction over Native American enterprises in certain circumstances; and

Whereas, Laws governing the process of workers seeking to organize themselves through a union reflect many years of struggle. The process that must be followed brings order to the workplace and safeguards the rights of people to work together on certain matters concerning the workplace. This vital component of labor relations provides important protections for workers, who have the right to express themselves through established procedures; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express support for the findings of the National Labor Relations Board regarding the unionization of workers at the Soaring Eagle Casino and Resort and encourage a quick resolution of this issue; and be it further

Resolved, That copies of this resolution be transmitted to the National Labor Relations Board, the Saginaw Chippewa Indian Tribe, and Teamsters Local 486.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsy 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 Cropsy moved that the concurrent resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Senators Anderson, Gleason and Switalski were named co-sponsors of the concurrent resolution.

Senators Brown, George and Thomas offered the following resolution:

Senate Resolution No. 138.

A resolution proclaiming February 12, 2008, through February 12, 2010, as Michigan's official observance of the bicentennial of Abraham Lincoln's birth.

Whereas, Abraham Lincoln, the 16th President of the United States and one of the nation's greatest leaders, demonstrated courage, compassion, and integrity during one of the most turbulent and violent periods in American history; and

Whereas, Abraham Lincoln was born of humble beginnings in a log cabin in Kentucky and rose to the presidency through a legacy of honesty, intelligence, and determination, as well as a strong dedication to the nation he served; and

Whereas, With the belief that all men are created equal, President Abraham Lincoln led the national effort that would ultimately free all slaves in the United States. The first step in freeing the slaves was President Lincoln's signing of the Emancipation Proclamation; and

Whereas, Abraham Lincoln delivered his immortal speech in Gettysburg, Pennsylvania, on November 19, 1863, invoking the basic principles of human equality as outlined in the Declaration of Independence, thereby broadening the objective of the American Civil War from saving the Union to fostering "a new birth of freedom" and re-emphasizing the underlying purpose of government to be an institution "of the people, by the people, and for the people"; and

Whereas, Despite the tragedy and turmoil of the Civil War, Abraham Lincoln demonstrated through words and actions a generosity of heart and greatness of character that generated a spirit of reconciliation with "malice toward none and charity for all"; and

Whereas, Through his work and service to our nation, Lincoln made a lasting impact on our state as acknowledged by the following historic events and memorabilia located here in Michigan; and

Whereas, In 1848, Abraham Lincoln traveled the Great Lakes and Detroit River aboard the steamboat *Globe*; and

Whereas, On July 27, 1848, Abraham Lincoln coined the word "Michigander" when, as part of a speech in the U.S. House of Representatives, he referred to one of Michigan's Senators as a great Michigander; and

Whereas, Abraham Lincoln visited Kalamazoo, Michigan, during the presidential campaign of 1856 to give a speech for presidential nominee, John C. Fremont, at a Republican Party rally in what is now Bronson Park, Kalamazoo; and

Whereas, Congress passed and President Lincoln signed into law the Morrill Act that gave birth to land grant colleges, with Michigan State University, founded in 1855, being the first land grant college established in the nation; and

Whereas, A Lincoln statue for Alaska was created at the University of Michigan; and

Whereas, The Logan County, Illinois, courthouse, where Abraham Lincoln practiced law, is now part of the historic buildings collection at Greenfield Village in Dearborn, Michigan; and

Whereas, The Grace Bedell letter suggesting that Lincoln would improve his appearance if he grew a beard is in the Burton Historical Collections, Detroit Public Library; and

Whereas, The Ford's Theatre chair President Lincoln was seated in when he was assassinated, along with his shawl and theatre playbill, are located at The Henry Ford Museum in Dearborn, Michigan; and

Whereas, "The Lincoln Funeral March" was published in Detroit, Michigan; and

Whereas, The Abraham Lincoln Civil War Roundtable of Michigan, founded in 1952, was the fourth roundtable founded in the United States; and

Whereas, There are more than 67 towns and places named for our 16th President and more than 35 statues dedicated to Abraham Lincoln in Michigan; and

Whereas, The Congress of the United States has created the Abraham Lincoln Bicentennial Commission to study and recommend worthy national activities to honor Abraham Lincoln in 2008; and

Whereas, The people of Michigan are beginning preparations for events and programs for a statewide commemoration of the bicentennial of Abraham Lincoln's birth; and

Whereas, The residents of Michigan and indeed all Americans may derive inspiration and benefit from the study of the life, words, and deeds of our nation's 16th President; now, therefore, be it

Resolved by the Senate, That we hereby proclaim February 12, 2008, through February 12, 2010, to be the official observance in Michigan of the bicentennial of Abraham Lincoln's birth. We invite all Michigan residents to commemorate the 200th anniversary of Abraham Lincoln's birth on Thursday, February 12, 2009; and be it further

Resolved, That copies of this resolution be transmitted to Governor Jennifer M. Granholm and Dr. William Anderson, director of the Michigan Department of History, Arts, and Libraries and chair of the Michigan Lincoln Bicentennial Committee.

Pending the order that, under rule 3.204, the 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 resolution was adopted.

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

The motion prevailed.

Senator Brown's statement is as follows:

This resolution is part of a national effort to honor the 16th President of the United States, Abraham Lincoln. In 2000, the U.S. Congress passed the Abraham Lincoln Bicentennial Commission Act creating the Abraham Lincoln Bicentennial Commission. All states were invited to participate in the commission and coordinate their own state efforts. Michigan's Lincoln Bicentennial Committee is chaired by Dr. William Anderson, director of the Michigan Department of History, Arts, and Libraries. Thirteen additional committee members serve, including three members of this body representing both sides of the aisle. As part of their work, the committee has asked the Legislature to adopt a resolution proclaiming February 12, 2008, through February 12, 2010, to be the official observance of the bicentennial of Abraham Lincoln's birth.

Other states are doing the same. The mission of the Michigan Abraham Lincoln Bicentennial Committee is to provide leadership and direction for Michigan's celebration of the 200th anniversary of Abraham Lincoln's birth by helping people appreciate how Lincoln's life relates to the life of countless Michiganders today. Also it will serve as a clearinghouse of information about celebration activities, certainly promotion partnerships that provide programming and demonstrating that Michigan is forever linked to the life of Abraham Lincoln.

The Abraham Lincoln bicentennial commemoration will launch in February 2008, a month from now, and will continue through February 2010. The main event will take place on February 12, 2009, the 200th anniversary of Lincoln's birth. Across the United States, people have already begun planning parades, performances, art exhibitions, and lecture series dedicated, of course, to the legacy of our 16th President.

I would ask members to join me in supporting this resolution.

Senator Schauer offered the following resolution:

Senate Resolution No. 137.

A resolution of tribute to honor Pamela Harden Nyquist, Assistant Secretary of the Senate.

Whereas, It is with deep appreciation for her diligence and dedication over the course of her exemplary career with the Michigan Legislature that we commend Pamela Harden Nyquist. Her retirement from her responsibilities as the Assistant Secretary of the Senate brings to a close a distinguished tenure of effectiveness and leadership, which has earned her the admiration and gratitude of the members and staff of the entire Senate; and

Whereas, A graduate of Northern Michigan University, Pam Nyquist began her professional career as a social worker, working with children and families in the Marquette area. She also worked as the Upper Peninsula director for the March of Dimes before bringing her talents and energies to the Capitol as an analyst with the House Fiscal Agency in 1982. For many years a special assistant to Senator Art Miller, the Senate Democratic Leader, Pam demonstrated a strong sense of professionalism and understanding of the legislative process. After serving as a deputy chief of staff under Senate Democratic Leader John Cherry, she became the Assistant Secretary of the Senate in March 2000; and

Whereas, As Assistant Secretary of the Senate, Pam Nyquist has contributed notably to the efficiency and effectiveness of this key component of the legislative branch of government. Her personal integrity and respect for the Senate have been deeply appreciated by members and staff of both parties. Beyond her grasp of rules and procedures, however, Pam's charm and warmth have been invaluable on countless occasions. Indeed, the example of her positive attitude will long serve to benefit us all; now, therefore, be it

Resolved by the Senate, That we join together to honor and thank Pamela Harden Nyquist, Assistant Secretary of the Senate, upon the occasion of her retirement; and be it further

Resolved, That copies of this resolution be transmitted to Pam and her daughters, Nancy and Minda, as evidence of our gratitude and best wishes.

Pending the order that, under rule 3.204, the 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 resolution was adopted.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Schauer, Bishop, Richardville and Garcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schauer's statement is as follows:

It is a true honor to recognize and thank one of our Senate staffers who is retiring. Pamela Harden Nyquist is, until tomorrow, the Assistant Secretary of the Michigan Senate, and my recollection is she has, in conferring with former leader Bob Emerson, retired two or three times before, but this time she really means it. Colleagues, I did try to talk her out of it, but she really means it this time.

Pam is a great friend to so many of us. She has been a distinguished public servant to this state and to her community in so many ways. Before I forget, I do want to recognize several family members who are here; two of her daughters: Nancy Nyquist, who happens to work for the Department of Agriculture, and Minda Nyquist, who happens to work for Senator Deb Cherry; and her niece, who is the wife of her nephew, Pam Harden.

"A resolution of tribute to honor Pamela Harden Nyquist, Assistant Secretary of the Senate.

Whereas, It is with deep appreciation for her diligence and dedication over the course of her exemplary career with the Michigan Legislature that we commend Pamela Harden Nyquist. Her retirement from her responsibilities as the Assistant Secretary of the Senate brings to a close a distinguished tenure of effectiveness and leadership, which has earned her the admiration and gratitude of the members and staff of the entire Senate; and

Whereas, A graduate of Northern Michigan University, Pam Nyquist began her professional career as a social worker, working with children and families in the Marquette area. She also worked as the Upper Peninsula director for the March of Dimes before bringing her talents and energies to the Capitol as an analyst with the House Fiscal Agency in 1982. For many years a special assistant to Senator Art Miller, the Senate Democratic Leader, Pam demonstrated a strong sense of professionalism and understanding of the legislative process. After serving as a deputy chief of staff under Senate Democratic Leader John Cherry, she became the Assistant Secretary of the Senate in March 2000; and

Whereas, As Assistant Secretary of the Senate, Pam Nyquist has contributed notably to the efficiency and effectiveness of this key component of the legislative branch of government. Her personal integrity and respect for the Senate have been deeply appreciated by members and staff of both parties. Beyond her grasp of rules and procedures, however, Pam's charm and warmth have been invaluable on countless occasions. Indeed, the example of her positive attitude will long serve to benefit us all; now, therefore, be it

Resolved by the Senate, That we join together to honor and thank Pamela Harden Nyquist, Assistant Secretary of the Senate, upon the occasion of her retirement; and be it further

Resolved, That copies of this resolution be transmitted to Pam and her daughters, Nancy and Minda, as evidence of our gratitude and best wishes."

On behalf of all of the members of this body, I present this special Senate resolution as a sign of our thanks and esteem and best wishes for you.

Senator Bishop's statement is as follows:

This is just an opportunity for us on both sides of the aisle to express our deepest admiration for Pam and for all that she has done here in the Michigan Senate. We've come to know her as a friend. She and Carol have been through so much. We as a chamber have really gone through a lot, and they have been partners up on that rostrum for the entire year and have supported each other and have supported this caucus and this chamber.

I just want you to know, Pam, that we are very grateful for your steady hand and for your consistency and for the way that you've handled your position in a professional manner. We've never doubted your ability to do that, and we thank you for that. You saw us through some difficult times, and we will never forget you. We will always admire you, and we wish you the best of luck.

Senator Richardville's statement is as follows:

Senator Schauer, we don't always agree, but we do certainly agree with the dedication, loyalty, professionalism, etc., that you talked about with Pam Nyquist. Senator Bishop, you did a good job summarizing some of the things on this side,

but there is one thing that wasn't mentioned in the last few remarks and that is Pam's incredible sense of humor. In the last year, that was a great asset for those of us who work up here because of the kind of year we had.

Pam, we wish you the best as you move on with the rest of your life. It's great to have your family here, and if I could have your attention—I know this stuff is being printed in the Journal and everything, but I would like you to hear some of it. Pam, we wish you all the best. Thank you again for your service.

Senator Garcia's statement is as follows:

On December 12 and 13, I was absent due to requirements to conduct some military responsibilities. As a result, I missed 24 votes on December 12 and 35 votes on December 13.

For record roll call vote Nos. 552-575, on December 12, I would have voted "yes." On December 13, for record roll call vote Nos. 576-603, I would have voted "yes." For record roll call vote Nos. 604 and 605, I would have voted "no." For record roll call vote No. 606, I would have voted "yes." For record roll call vote No. 607, I would have vote "no." For record roll call vote Nos. 608-610, I would have voted "yes."

It is unfortunate that I was unable to be here at that time and missed so many votes, but again, I was on military duty.

Senate Concurrent Resolution No. 24.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 131 of 2007, p. 2403.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Birkholz's statement is as follows:

We wanted—as co-chairs of the Children's Caucus—to share with all the members of the Senate that you have placed on your desks today, underneath probably a lot of paperwork, your copy of the *KIDS COUNT Data Book* for 2007. This is the county profile book of child and family well-being throughout the entire state of Michigan. You will note in here that all of your counties are represented alphabetically, so you can go through the book and look at your counties to find out the statistics of what is happening in your home district.

I would like to point out that this project is supported by the Annie E. Casey Foundation, the Skillman Foundation, Blue Cross and Blue Shield of Michigan, and our local United Ways, to whom we owe a great deal of gratitude for pulling all this data together. There are a couple of highlights in the report this year that Senator Cherry is going to talk about for a minute.

Senator Cherry's first statement is as follows:

Of the 18 targets for children and youth, Michigan by 2005 had met the goals of three targets: the rate of immunized toddlers, which is important because we have an immunization registry and that has helped with this process; teen pregnancy; and physical fighting among high school students. Progress has eroded, however, on poor indicators including raising rights of abused and neglected children and low birth-weight babies.

So we have an awful lot of work to do, and we remind you that the physical and health and education of our young children should be of highest priority for all of us.

Senator George's statement is as follows:

I rise to comment on a proposed constitutional amendment which would require the state to provide comprehensive health insurance to all its residents. The proponents of this initiative have held press conferences throughout the state, including one in my district yesterday, where they were joined by my neighboring Senator, the Senator from the 19th District.

The group proposes an amendment to our State Constitution requiring us to enact laws to ensure that affordable and comprehensive health care coverage is available to everyone in Michigan. The proposal apparently would make the state provide health insurance to those who are currently uninsured. This proposal, colleagues, is flawed because it fails to include a funding mechanism. It fails to say how the state would pay to expand health insurance to this group.

The cost could be determined by simple math. If there exist one million Michigan residents without insurance, as the proponents say, and the cost of insurance, as called for in the measure, is, say, \$3,000-\$4,000 per year, then the cost to the state could be as much as \$3-\$4 billion per year.

The *Battle Creek Enquirer* reported that Victoria Kovari, a campaign spokeswoman for the group, said that she was confident Michigan residents would support the initiative despite the need for new taxes to implement it. I read that the

Governor and the Lieutenant Governor are endorsing this measure. I also have read elsewhere that the Governor has said she is not supportive of raising any new taxes on the citizens of Michigan. If so, how can these two positions be reconciled? How can we provide comprehensive health care insurance to a million Michigan residents without a huge tax increase? I don't believe that it can be done.

If it is important that the Legislature make comprehensive health insurance available to all, then why don't the legislative proponents of this cause introduce such legislation so the rest of us can see how it would work? Rather than hide behind a ballot proposal, which requires no fiscal analysis, I challenge the legislative supporters of this measure to avail themselves of the resources of their elected offices and introduce such legislation so that we can all see it and ask the Senate Fiscal Agency for an analysis of the cost.

The proponents have argued, and I heard the voice of one of my colleagues on a local radio station stating, that there is enough money in the system to cover the uninsured. Well, let us see then what your proposal is and where the money will come from and how you would do it.

I would note that the Governor's own Michigan First Health Plan would fail to meet the ballot proposal's requirement of a comprehensive plan. You will recall that her Michigan First plan includes a limited annual benefit. It is not comprehensive, and it is not intended to cover all of the uninsured. So the Governor's own plan, which the administration has been working on now for over two years and which remains unfunded, would not meet the standard called for in the proposal.

So I would ask the Governor as well how would she modify her Michigan First plan so that it provides the comprehensive coverage for all the uninsured as the ballot proposal calls for and how it would be paid for.

The ballot proposal then is flawed. It lacks any concrete plan or funding mechanism. It is merely a feel-good statement. Its legislative proponents are using it as a campaign tool when they already have the ability to introduce their own plans for universal health coverage in Michigan at any time but have chosen not to do so. I challenge them and the Governor to show us their plan for universal coverage. Let us all in on your secret plan.

Senator Cherry's second statement is as follows:

I just wanted to add my voice to those, including yours, who have talked about our Assistant Secretary of the Senate, Pam Nyquist, who is one of my close friends and who has been what I consider a compatriot with me through my career in the Legislature. It is a very emotional day for me and everyone else who is going to miss her, and I just wanted to add my voice to those of you who thanked her for all of the work that she has done.

I want to say that I'm going to miss you, Pam, but I know that we will be seeing each other—that's the good part. Thank you very much for all of your help.

Senator Thomas' statement is as follows:

I rise on behalf of our colleague—Senator Martha G. Scott—who is not here. I want colleagues to remember that we are all grateful and I know that Senator Scott is grateful that, as we start a new session, she will be able to continue to fulfill her promise of speaking every day during Senate session to speak on behalf of people across the state, particularly in Detroit, who are still burdened with unfair, unjust, and unaffordable insurance rates.

I know, on behalf of Senator Scott, that if God continues to bless her with good health—as I know He will—she will continue upon that mission until justice is achieved. Like her, I remain disappointed that far too many residents are still forced to do without other life necessities in order to purchase a product required by law; disappointed that some are simply choosing to do without insurance because of the cost; and, most of all, disappointed that this Legislature has failed to act.

Mr. President and colleagues, another year has dawned upon us. We have another great opportunity to step forward and do the work of the people. I would urge colleagues in this Senate to take a leadership role in passing meaningful insurance reform.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Wednesday, January 16, at 10:00 a.m.

The motion prevailed.

Scheduled Meetings

Appropriations -

Subcommittees -

Environmental Quality Department - Tuesday, February 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education and Community Colleges, and House Higher Education and Community Colleges Appropriations Subcommittees - Wednesdays, January 23 and January 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, January 22, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:59 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, January 16, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate