

No. 33
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, April 17, 2007.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Reverend Winston Bourne of Seventh-Day Adventist Church of Highland Park offered the following invocation:

Almighty God, once again the Senators of this great state of Michigan, representatives of their various districts, gather together to convene another session of the Senate and to invoke Your guidance and divine wisdom during their many deliberations.

At this moment, Almighty God, we remember our brave and courageous sons and daughters over in Iraq and ask Your continued protection of their lives. We remember those who have lost their lives. We remember those who have lost their lives in combat and pray that You will grant them comfort and peace to their family members. We pause even now in a moment of silence to remember these brave and distinguished servicemen and women who died serving this great nation.

Let us pause for a moment of silence and also remember the family members of the students of Virginia Tech who were shot.

Then, too, dear God, we remember the great Governor of this state, Jennifer Granholm, that You will grant her insight and discernment and knowledge and wisdom to lead this great state unto the road to economic recovery and prosperity.

We thank You for this great nation, a nation founded on justice and equality. We pray that its leaders will continue to trust in You, the God of the universe. We pray for the President and his Cabinet, that You will endow them with wisdom so that they may demonstrate the courage and tenacity to lead this nation aright.

Almighty God, even now with the turbulent waves of economic problems, the choppy waters of social issues, and the ferocious winds of ethical issues that beat against the ship of state, I pray that You will grant these noble Senators the insight and courage, the fortitude and wisdom, the endurance and bravery, the strength and resoluteness that will assist them in navigating competently the ship of state during these difficult times into a safe and secure harbor for the millions of Michiganders.

I also pray, dear God, that these learned Senators like the state bird of Michigan would ban together to drive away the many predators in our society that prey upon the social and economic fabric of this great state; that they would ban together to drive away the predators of crime, the predators of violence, and the predators of illegal drugs; thus ensuring a better quality of life for all of us.

Moreover, I pray that the members of this Senate would ever be mindful to uphold a high and noble principle of the Constitution of the United States of America which states that all men are created equal and that they are endowed by their Creator with certain unalienable rights; that among these are liberty, life, and the pursuit of happiness.

And finally, Almighty God, in the words of the serenity prayer, I pray that You will grant these distinguished, dedicated, and devoted public servants the serenity to accept the things they cannot change; the courage to change the things they can; and wisdom to know the difference.

I pray today in the name of Almighty God. Amen.

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

Motions and Communications

Senators Bishop, Stamas, Kahn, Hardiman, Gleason, Gilbert and McManus entered the Senate Chamber.

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

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

April 12, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointments of Sueann Walz and Patrick LaPine to the Ferris State University Board of Trustees, Michael Thomas and Shelley Padnos to the Grand Valley State University Board of Trustees and Gary Toffolo to the Lake Superior State University Board of Trustees, and make written recommendations to the Government Operations and Reform Committee on these appointments.

Sincerely,
Senator Michael D. Bishop, Chairman
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The following communications were received and read:
Office of the Auditor General

March 30, 2007

Enclosed is a copy of the following audit report:
Financial audit of the Michigan Education Trust (MET) Plans B and C for the period October 1, 2004 through September 30, 2006.

March 30, 2007

Enclosed is a copy of the following audit report:
Financial audit of the Michigan Education Trust (MET) Plan D for the period October 1, 2004 through September 30, 2006.

April 4, 2007

Enclosed is a copy of the following audit report:
Performance audit of the Michigan State Disbursement Unit, Department of Human Services.

April 10, 2007

Enclosed is a copy of the following audit report:
Performance audit of the Enterprise Information Security Program, Department of Information Technology.

April 10, 2007

Enclosed is a copy of the following audit report:
Performance audit of the Mt. Pleasant Center, Bureau of Hospitals, Centers, and Forensic Mental Health Services, Department of Community Health.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit reports were referred to the Committee on Government Operations and Reform.

The following communication was received:
Michigan Economic Development Corporation

March 30, 2007

Attached you will find the 21st Century Jobs Fund report for Fiscal Year 2006, as required in MCL 125.2088n of the Michigan Strategic Fund Act and the 21st Century Jobs Trust Fund legislation.

If you have any questions regarding the information in this report, please feel free to contact Howard Edelson, our Senior Vice President for International Business Development and Governmental Affairs, at 517.373.3550, or James McBryde, our Legislative Liaison, at 517.335.1847.

Sincerely,
James C. Epolito
President & CEO

The communication was referred to the Secretary for record.

The following communication was received:
Department of State Police

April 1, 2007

Enclosed is a copy of the FY06 Annual Report and Evaluation for the Secondary Road Patrol and Traffic Accident Prevention Program.

This report satisfies the reporting requirements contained in Public Act 416 of 1978, as amended. Copies of this report are transmitted to the Governor's Office, Clerk of the House, Secretary of the Senate, Chair of the House Appropriations Committee, Chair of the Senate Appropriations Committee, each county sheriff, the Michigan Sheriffs' Association, and the Deputy Sheriff's Association of Michigan.

Should you have any questions about this report, please contact Kim Kelly at (517) 333-5303.

Sincerely,
Michael L. Prince
Division Director
Office of Highway Safety Planning

The communication was referred to the Secretary for record.

The following communication was received:
Office of the State Budget

April 3, 2007

I am transmitting to you the enclosed audited *State of Michigan Comprehensive Annual Financial Report* (SOMCAFR) for the fiscal year ended September 30, 2006, as required by Section 18.1494 of the Michigan Compiled Laws.

These audited financial statements report unreserved fund balances of \$2.5 million for the General Fund, \$2.0 million for the Budget Stabilization Fund, and zero for the School Aid Fund as of September 30, 2006.

If you or your staff have questions regarding the SOMCAFR, please contact Mike Moody, Director, Office of Financial Management at moodym1@michigan.gov or 335-1942.

Sincerely,
Robert L. Emerson
State Budget Director

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 2006 through December 31, 2006, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture, Forestry and Tourism
Appropriations
Banking and Financial Institutions
Commerce and Labor
Economic Development, Small Business and Regulatory Reform
Education
Families and Human Services
Finance
Gaming and Casino Oversight
Government Operations
Health Policy
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs
Senior Citizens and Veterans Affairs
Technology and Energy
Transportation

Chairperson

Senator Gerald Van Woerkom
Senator Shirley Johnson
Senator Michael Bishop
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bill Hardiman
Senator Nancy Cassis
Senator Jason Allen
Senator Ken Sikkema
Senator Beverly Hammerstrom
Senator Alan Cropsey
Senator Laura Toy
Senator Patricia Birkholz
Senator Laura Toy
Senator Bruce Patterson
Senator Jud Gilbert

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

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

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

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:12 a.m.

10:21 a.m.

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

During the recess, Senator Kahn introduced the Saginaw High School Boys Basketball Team, Class A State Champions, and Head Coach Lou Dawkins, and presented them with a Special Tribute.

Coach Dawkins responded briefly.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 29:
House Bill Nos. 4001 4068 4091 4162 4207 4292 4322 4328 4338

The Secretary announced that the following official bills were printed on Friday, March 30, and are available at the legislative website:

Senate Bill Nos. 385 386 387 388 389
House Bill Nos. 4541 4542 4543 4544 4545 4546 4547 4548 4549 4550 4551 4552 4553 4554
4555 4556 4557 4558 4559 4560 4561 4562 4563

The Secretary announced that the following official bills and joint resolution were printed on Friday, April 6, and are available at the legislative website:

House Bill Nos. 4564 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577
4578 4579 4580 4581 4582 4583 4584 4585 4586 4587 4588 4589 4590 4591
4592 4593
House Joint Resolution J

The Secretary announced that the following official bills and joint resolution were printed on Friday, April 13, and are available at the legislative website:

House Bill Nos. 4594 4595 4596 4597 4598 4599
House Joint Resolution K

Messages from the Governor

The following messages from the Governor were received and read:

March 29, 2007

I respectfully submit to the Michigan Senate the appointment of Mr. Richard S. Kalm of 6910 West Gates, Romeo, Michigan 48065, county of Macomb, as **Executive Director of the Michigan Gaming Control Board**, succeeding Daniel J. Gustafson, who has resigned.

April 5, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17903 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.17903:

Michigan Athletic Trainers Board

Dr. Robert J. Baker of 6460 Ormada Drive, Kalamazoo, Michigan 49048, county of Kalamazoo, representing physicians licensed under Part 170 or 175 of the Public Health Code, for a term commencing April 5, 2007 and expiring December 31, 2008.

Ms. Ann L. Berry of 410 South Sheldon, Canton, Michigan 48188, county of Wayne, representing athletic trainers, for a term commencing April 5, 2007 and expiring December 31, 2009.

Mr. William F. Bupp of 3991 White Pine Drive, DeWitt, Michigan 48820, county of Clinton, representing the general public, for a term commencing April 5, 2007 and expiring December 31, 2010.

Mr. Dennis R. Corbin of 2249 Chevy Chase Boulevard, Kalamazoo, Michigan 49008, county of Kalamazoo, representing athletic trainers, for a term commencing April 5, 2007 and expiring December 31, 2009.

Dr. Lawrence G. Nassar of 2255 Tiffany Lane, Holt, Michigan 48842, county of Ingham, representing physicians licensed under Part 170 or 175 of the Public Health Code, for a term commencing April 5, 2007 and expiring December 31, 2009.

Ms. Laurie L. Ryan of 251 South Lavista Boulevard, Battle Creek, Michigan 49015, county of Calhoun, representing athletic trainers, for a term commencing April 5, 2007 and expiring December 31, 2007.

Mr. Rodney A. Sorge of 1040 Greenhills, Ann Arbor, Michigan 48105, county of Washtenaw, representing athletic trainers, for a term commencing April 5, 2007 and expiring December 31, 2008.

April 6, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501:

Commission of Natural Resources

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

Mr. John M. Madigan, a Republican, of 831 West Munising Avenue, Munising, Michigan 49862, county of Alger, reappointed for a term expiring December 31, 2010.

April 11, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279:

Commission of Agriculture

Mr. Todd J. Regis, a Democrat, of 2034 Jeffrey Court, Jackson, Michigan 49203, county of Jackson, succeeding James E. Byrum, whose term has expired, appointed for a term commencing April 11, 2007 and expiring December 31, 2010.

April 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Apple Marketing Program Committee

Ms. Julia B. Hersey of 495 Kenowa Avenue, Casnovia, Michigan 49318, county of Muskegon, reappointed to represent growers from District 4, for a term expiring April 1, 2010.

Mr. Scott W. Lewis of 4138 West M-20, New Era, Michigan 49446, county of Oceana, reappointed to represent growers from District 5, for a term expiring April 1, 2010.

April 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 16421 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.16421:

Michigan Board of Chiropractic

Mr. Jeffrey L. Eisman, D.C., of 5958 St. James, West Bloomfield, Michigan 48322, county of Oakland, succeeding Timothy J. Spencer, whose term has expired, representing licensed chiropractors, for a term commencing April 12, 2007 and expiring December 31, 2010.

Ms. Gwendolyn J. Hoople of 8130 Judevine Street, P.O. Box 342, Palo, Michigan 48870, county of Ionia, succeeding Mark Handler, whose term has expired, representing the general public, for a term commencing April 12, 2007 and expiring December 31, 2009.

Mr. Michael J. Morse of 26232 Pembroke, Huntington Woods, Michigan 48070, county of Oakland, succeeding Jack L. Pettet, whose term has expired, representing the general public, for a term commencing April 12, 2007 and expiring December 31, 2009.

Ms. Patricia A. Odette, D.C., of 20190 Vreeland Road, Woodhaven, Michigan 48183, county of Wayne, succeeding Philip L. Knight, whose term has expired, representing licensed chiropractors, for a term commencing April 12, 2007 and expiring December 31, 2010.

April 12, 2007

Pursuant to Act 232 of 1965, MCL 290.657, I respectfully submit for consideration and confirmation by the Senate, the following appointment and reappointments to state office:

Michigan Corn Marketing Program Committee

Mr. Daniel L. Schaible of 13785 Pleasant Lake Road, Manchester, Michigan 48158, county of Washtenaw, succeeding William L. Uphaus, whose term has expired, representing District 4 growers, for a term commencing April 12, 2007 and expiring on April 30, 2009.

Mr. Jay Drozd of 281 33rd Street, Allegan, Michigan 49010, county of Allegan, reappointed to represent District 1 growers, for a term expiring on April 30, 2009.

Mr. Clark F. Gerstacker of 2319 N. Waldo, Midland, Michigan 48642, county of Midland, reappointed to represent District 8 growers, for a term expiring on April 30, 2009.

April 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 302 and 1202 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1202:

Michigan Board of Cosmetology

Ms. Kristina M. Atkins of 1210 West Maple Street, Kalamazoo, Michigan 49008, county of Kalamazoo, succeeding Pamela L. Dressel, who has resigned, representing the general public, for a term commencing April 12, 2007 and expiring December 31, 2008.

April 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2 of 1976 PA 223, MCL 18.352:

Crime Victim Services Commission

Mr. Frank K. Rhodes, a Democrat, of 268 North Williamsbury, Bloomfield, Michigan 48301, county of Oakland, succeeding Kevin A. Rynbrandt, whose term has expired, representing a member who was admitted to practice law in this state not less than 5 years immediately preceding his or her appointment, for a term commencing April 12, 2007 and expiring September 27, 2008.

April 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 16121 and 17305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17305:

Michigan Board of Nursing Home Administrators

Ms. Karen J. Messick of 4599 Lantern Court, N.W., Comstock Park, Michigan 49321, county of Kent, reappointed to represent nursing home administrators, for a term expiring December 31, 2010.

April 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322:

Public School Employees' Retirement Board

Mr. John M. Olekszyk of 15048 Chippewa, Warren, Michigan 48088, county of Macomb, succeeding Gail M. Nugent, whose term has expired, representing retired teachers, for a term commencing April 12, 2007 and expiring March 30, 2010.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations and Reform.

Third Reading of Bills

Senator Cropsy moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 79

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 79, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 223 (MCL 257.223).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 51**Yeas—36**

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

Nays—0**Excused—1**

Garcia

Not Voting—1

Kahn

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 16, entitled

A bill to establish the prostate cancer research fund in the department of community health; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

Substitute (S-1).

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

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

Senate Bill No. 347, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 437 and 440 (MCL 206.437 and 206.440), section 437 as added by 2005 PA 249 and section 440 as amended by 2005 PA 160, and by adding sections 430 and 431.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 348, entitled

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 350, entitled

A bill to establish the animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 59, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 9c.

Substitute (S-3).

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

Resolutions

Senate Resolution No. 15.

A resolution to memorialize the United States Congress to enact the Great Lakes Asian Carp Barrier Act.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senate Resolution No. 18.

A resolution to urge the United States Environmental Protection Agency to authorize the Office of Pesticide Programs to initiate rulemaking to ensure the sustainability of programs for recycling one-way plastic pesticide containers.

The question being on the adoption of the resolution,
The resolution was adopted.

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

Senate Resolution No. 25

The motion prevailed.

Senators Barcia, Gleason, Basham, Kahn, Birkholz, Jacobs, Pappageorge, Allen, Schauer, Kuipers and Jansen offered the following resolution:

Senate Resolution No. 38.

A resolution to memorialize the Congress of the United States to provide assured funding for veteran health care.

Whereas, The American people hold the members of our Armed Forces in the highest esteem. These service members take an oath to protect us and place their very lives at risk to fulfill that oath. The American people, through our government, have an obligation to help those who are wounded or ill because of their military service recover their health to the greatest extent possible; and

Whereas, The United States Department of Veterans Affairs provides medical care for our veterans. The funding for this health care provided at Veterans Affairs facilities is appropriated each year by Congress as part of the discretionary budget. Each year, the budget to fund Veterans Affairs health programs and facilities has been underfunded; and

Whereas, This serious and now chronic shortfall affects the access to and the quality of medical care services that the department provides for our veterans. The priority of serving veterans must be absolute and irrevocable, and must be the foundation for the medical services that our nation provides through the Department of Veterans Affairs; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide assured funding for veteran health care; and be it further

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

Pending the order that, under rule 3.204, the 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson, Cassis, Clark-Coleman, Clarke, Olshove, Patterson, Prusi, Richardville and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Gilbert and Gleason introduced

Senate Bill No. 390, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 264 (MCL 168.264).

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

Senators Gilbert and Gleason introduced

Senate Bill No. 391, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending sections 6 and 7 of chapter IV (MCL 224.6 and 224.7), section 6 as amended by 2006 PA 598.

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

Senators Kuipers, Whitmer, Patterson, Cropsey, Prusi, Clarke and Sanborn introduced

Senate Bill No. 392, entitled

A bill to establish duties and obligations of nonprofit, charitable institutions in the management and use of funds held for charitable purposes; and to repeal acts and parts of acts.

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

Senators Whitmer, Kuipers, Patterson, Cropsey, Prusi, Clarke and Sanborn introduced

Senate Bill No. 393, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending sections 124, 261, 501, and 541 (MCL 450.2124, 450.2261, 450.2501, and 450.2541), section 124 as amended by 2002 PA 33 and section 541 as amended by 1987 PA 170.

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

Senators McManus, Cropsey, Jacobs, Pappageorge, Richardville, Kuipers and Kahn introduced

Senate Bill No. 394, entitled

A bill to amend 2004 PA 46, entitled "Public safety officers benefit act," by amending the title and section 2 (MCL 28.632) and by adding section 4a.

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

Senators Gilbert, Richardville, Kahn, Patterson, Kuipers, Pappageorge, Jelinek and Brown introduced

Senate Bill No. 395, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 783.

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

Senators Kahn, Richardville, Patterson, Kuipers, Birkholz, Gilbert, Pappageorge, Jelinek and Brown introduced

Senate Bill No. 396, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding chapter 7A; and to repeal acts and parts of acts.

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

Senators Richardville, Patterson, Kuipers, Kahn, Pappageorge, Gilbert, Birkholz, Jelinek and Brown introduced

Senate Bill No. 397, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 753.

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

Senators Patterson, Richardville, Kahn, Pappageorge, Gilbert, Birkholz, Kuipers, Jelinek and Brown introduced

Senate Bill No. 398, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding chapter 7B; and to repeal acts and parts of acts.

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

Senators George, Birkholz, Clarke, Brown, Jansen, Thomas and McManus introduced

Senate Bill No. 399, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 420.

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

Senator Allen introduced

Senate Bill No. 400, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2005 PA 267.

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

House Bill No. 4001, entitled

A bill to regulate and to require certain reports to be filed by persons who receive contributions for purposes of defending elected officials from criminal, civil, and administrative actions; to regulate contributions made for purposes of defending elected officials from criminal, civil, and administrative actions; to prescribe certain powers and duties of the bureau of elections as to legal defense funds; and to prescribe penalties and civil sanctions.

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 Campaign and Election Oversight.

House Bill No. 4068, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending section 9 (MCL 45.559), as amended by 2003 PA 281.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4091, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310c.

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. 4162, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

The House of Representatives has passed the bill.

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

House Bill No. 4207, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17213.

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 Health Policy.

House Bill No. 4292, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," by amending section 3 (MCL 32.273), as amended by 2002 PA 121.

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. 4322, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2004 PA 141.

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 Economic Development and Regulatory Reform.

House Bill No. 4328, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2038 (MCL 500.2038).

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 Economic Development and Regulatory Reform.

House Bill No. 4338, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 351 (MCL 206.351), as amended by 2003 PA 22.

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 Finance.

Statements

Senators Scott and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

The incredible activist, singer, and actor Paul Robeson said, “Mass action in political life and elsewhere is power in motion, and it is the way to win.”

Standing before you every session day for more than three years is my way of seeking mass action on the issue of insurance rates in Michigan. And my goal—yes, my dream—is to put that power in motion so that every resident will have access to affordable and accessible insurance.

If we could join together to bring that about, every driver in this state could be a winner, and so could we for bringing it about. I urge my colleagues across the aisle to put their power in motion and take up my insurance bill.

Senator Clarke’s statement is as follows:

Last week, CBS decided to fire Don Imus for making comments that were considered inappropriate, racist, and sexist, and I agree. However, many have said that Mr. Imus’ statements were racist because he was white. I don’t believe that the color of the speaker dictates whether the remarks are appropriate or not. If it wasn’t appropriate for Mr. Imus to say, then it’s not proper for anyone to be able to make those similar statements regardless of the format of the media involved.

These kinds of statements are not only insulting to African-American women, I believe that the popular media now has glamorized violence against innocent women. As a matter of fact, the media itself has changed over the past few decades. It has become so pervasive. Media technology and messages invade every aspect of our lives and our consciousness. The interactive nature of the media now is so engaging. It is so captivating that the degrading and violent messages of the media influence our young people, and that brings me to what happened yesterday at Virginia Tech.

To me, it doesn’t matter. You know, I was just going to comment on what happened yesterday at Virginia Tech. Many of you realize my feelings about violent video games and that this Legislature had attempted to regulate their sale to minors because some aspects of those games actually encourage our young people to win these games by simulating the killing of innocent people with pinpoint accuracy.

Regardless if the shooter yesterday at Virginia Tech was a gamer or regardless of his motive, what is very clear right now is that our popular culture in this country has become too degrading and too violent. It has had an impact on our society’s values, and it has influenced the behavior of our young people. That is why I am requesting that CBS, the entertainment industry, video game developers, film producers, and other major media producers refrain from promoting degrading and violent messages.

I will also request that the trade associations that represent the media as a whole to establish higher standards of decency to stop the degrading, sexist, racist, and violent messages that now permeate every aspect of our society.

Scheduled Meetings

Appropriations - Wednesday, April 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay - Thursday, April 19, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Colleges - Monday, April 23, 1:30 p.m., Washtenaw Community College, Morris Lawrence Building, 4800 E. Huron River Drive, Ann Arbor; Friday, May 11, 9:00 a.m., Bay de Noc Community College, Joseph Heirman University Center, 2001 N. Lincoln Road, Escanaba; and Wednesday, May 16, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursdays, April 19, April 26, May 3 and May 17, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Economic Development - Wednesday, April 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

Environmental Quality Department - Thursdays, April 19, April 26, May 3 and May 10, 1:00 p.m., and Tuesday, May 15, 4:00 p.m., Room 405, Capitol Building (373-2768)

Higher Education - Friday, April 20, 10:00 a.m., Saginaw Valley State University, Curtiss Hall, Emeriti Room, 7400 Bay Road, University Center; Monday, April 23, 10:00 a.m., Eastern Michigan University, Student Center, Room 310, 900 Oakland Street, Ypsilanti; Friday, April 27, 10:00 a.m., Calvin College, Bunker Interpretive Center, 1750 East Beltline, Grand Rapids; and Friday, May 11, 2:00 p.m., Michigan Technological University, Advanced Technology Development Center, 1402 East Sharon Avenue, Houghton (373-2768)

Natural Resources Department - Tuesdays, April 24, May 1, May 8 and May 15, 12:00 noon, Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Wednesday, April 18, 10:45 a.m., Room 405, Capitol Building (373-2768)

Education - Thursday, April 19, 2:30 p.m., Room 210, Farnum Building (373-6920)

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

Health Policy - Wednesday, April 18, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Michigan Capitol Committee - Wednesday, April 18, 12:00 noon, Room 55, Capitol Building (373-5527)

Natural Resources and Environmental Affairs - Wednesday, April 18, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, April 18, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:02 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, April 18, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate