

**No. 54**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Thursday, May 31, 2007.

10:00 a.m.

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

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

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

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

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

Senator Bill Hardiman of the 29th District offered the following invocation:

Heavenly Father, we thank You for Your love, Lord God, and we thank You for Your blessings not only on the great state of Michigan, but on this country. Father, this is a time of remembering. Father, as we remember today the great leader President Roosevelt and remember the challenges that he faced, may he inspire us to face the challenges of our day.

Father, we are challenged today in the state of Michigan—very difficult challenges. Sometimes it's difficult to know what to do, but right now we look to You as our source of wisdom and insight. Father, would You bless our leaders, bless Governor Jennifer M. Granholm, bless her to walk in Your wisdom, and as she does so, bless her abundantly. Bless our leaders in the House and, Father, right here in the Senate.

Thank You for our Majority Leader, his wisdom, his strength, and humility. Thank You for all who are here, Lord God. Help us to be like the men of Issachar of old and understand the times and the seasons.

Father, our citizens face new difficulties—some prosper and some are troubled. Father, we pray for them right now. Reach deeply into their lives individually and bless them, O God.

Father, bless us to make wise decisions so that we might live in the kind of future that You have for us. Father, I see a Michigan that's prospering. I see a Michigan that's moving down the right pathway.

Thank You, Father, for Your word that blesses us and counsels us and encourages us, and help us to make decisions that will help us to move in that direction. Now, Father, we are gathered here today from different areas, different backgrounds, different walks of life, even different faiths, Lord God. You created us each and everyone and You love us all. Father, I ask these rich blessings upon this body, upon this state. In the precious name of Jesus Christ. Amen.

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

### **Motions and Communications**

Senator Thomas moved that Senators Scott, Hunter, Clark-Coleman and Barcia be excused from today's session. The motion prevailed.

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

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Brown 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 10:07 a.m.

10:56 a.m.

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

During the recess, Senator Brown presented a re-enactment commemorating the 100th Anniversary of President Theodore Roosevelt's speech to a joint session of the Michigan Legislature.

Senator George introduced Keith McGough, professional impersonator, who presented the President's speech to the Legislature; members of the 7th Michigan Infantry Regiment, Company B, a Civil War re-enactment organization; and Eagle Scout Honor Guard from Wacousta, Michigan, Boy Scout Troop 70.

Senator Brater introduced Tweed Roosevelt, great-grandson of Theodore Roosevelt and vice chair of the Theodore Roosevelt Association, who addressed the Senate.

During the recess, Senator Garcia entered the Senate Chamber.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:  
**Finance** - Senator Brown replacing Senator McManus.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 30:  
**House Bill Nos. 4556 4766 4850 4851**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 30, for her approval the following bill:

**Enrolled Senate Bill No. 436 at 12:04 p.m.**

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

<b>Senate Bill Nos.</b>	<b>554</b>	<b>555</b>	<b>556</b>	<b>557</b>															
<b>House Bill Nos.</b>	<b>4854</b>	<b>4855</b>	<b>4856</b>	<b>4857</b>	<b>4858</b>	<b>4859</b>	<b>4860</b>	<b>4861</b>	<b>4862</b>	<b>4863</b>	<b>4864</b>	<b>4865</b>	<b>4866</b>	<b>4867</b>					
	<b>4868</b>	<b>4869</b>	<b>4870</b>	<b>4871</b>															

### Messages from the House

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

**Senate Bill No. 94**

The motion prevailed.

#### **Senate Bill No. 344, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16 and 16z of chapter XVII (MCL 777.16 and 777.16z), section 16 as added by 1998 PA 317 and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

The House of Representatives has amended the bill as follows:

- Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:  
"CHAPTER I

Sec. 1. As used in this act:

- "Person", "accused", or a similar word means an individual or, unless a contrary intention appears, a public or private corporation, partnership, or unincorporated or voluntary association.
- "Act" or "doing of an act" includes "omission to act".
- "Property" includes any matter or thing upon or in respect to which an offense may be committed.
- "Indictment" means 1 or more of the following:
  - An indictment.
  - An information.
  - A presentment.
  - A complaint.
  - A warrant.
  - A formal written accusation.
  - Unless a contrary intention appears, a count contained in any document described in subparagraphs (i) through (vi).
- "Writing", "written", or a similar term refers to words printed, painted, engraved, lithographed, photographed, copied, traced, or otherwise made visible to the eye.

(f) “Magistrate” means a judge of the district court or a judge of a municipal court. Magistrate does not include a district court magistrate, except that a district court magistrate may exercise the powers, jurisdiction, and duties of a magistrate if specifically provided in this act, the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to ~~600.9948~~-600.9947, or any other statute. This definition does not limit the power of a justice of the supreme court, a circuit judge, or a judge of a court of record having jurisdiction of criminal cases under this act, or deprive him or her of the power to exercise the authority of a magistrate.

(g) “Felony” means a violation of a penal law of this state for which the offender, upon conviction, may be punished by death or by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(h) “Misdemeanor” means a violation of a penal law of this state that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine.

(j) “Ordinance violation” means either of the following:

(i) A violation of an ordinance or charter of a city, village, township, or county that is punishable by imprisonment or a fine that is not a civil fine.

(ii) A violation of an ordinance, rule, or regulation of any other governmental entity authorized by law to enact ordinances, rules, or regulations that is punishable by imprisonment or a fine that is not a civil fine.

(k) “Minor offense” means a misdemeanor or ordinance violation for which the maximum permissible imprisonment does not exceed 92 days and the maximum permissible fine does not exceed \$1,000.00.

(l) “Prosecuting attorney” means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision or governmental entity that enacted the ordinance, charter, rule, or regulation upon which the ordinance violation is based.

(m) “Judicial district” means the following:

(i) With regard to the circuit court, the county.

(ii) With regard to municipal courts, the city in which the municipal court functions or the village served by a municipal court under section 9928 of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928.

(iii) With regard to the district court, the county, district, or political subdivision in which venue is proper for criminal actions.

(n) “Complaint” means a written accusation, under oath or upon affirmation, that a felony, misdemeanor, or ordinance violation has been committed and that the person named or described in the accusation is guilty of the offense.

(o) “Clerk” means the clerk or a deputy clerk of the court.

(p) “Federal law enforcement officer” means an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is enforcing laws of the United States.

(q) “Jail”, “prison”, or a similar word includes a juvenile facility in which a juvenile has been placed pending trial under section 27a of chapter IV.

(r) “Juvenile” means a person within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(s) “Juvenile facility” means a county facility, institution operated as an agency of the county or family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed under section 27a of chapter IV.

(t) “County juvenile agency” means that term as defined in section 2 of the county juvenile agency act, **1998 PA 518, MCL 45.622.**

(u) “Taken”, “brought”, or “before” a magistrate or judge for purposes of criminal arraignment or the setting of bail means either of the following:

(i) Physical presence before a judge or district court magistrate.

(ii) Presence before a judge or district court magistrate by use of 2-way ~~closed-circuit television~~ **INTERACTIVE VIDEO TECHNOLOGY.”.**

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

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe

the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 1 of chapter I and sections 16 and 16z of chapter XVII (MCL 761.1, 777.16, and 777.16z), section 1 as amended by 1999 PA 76, section 16 as added by 1998 PA 317, and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

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

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

Senators Hunter, Cherry, Gleason, Pappageorge, Whitmer, Clark-Coleman, Scott, Jacobs, Thomas, Schauer, Brater and Anderson offered the following resolution:

#### **Senate Resolution No. 69.**

A resolution to memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act.

Whereas, A bill to create the Hearing Aid Assistance Tax Credit Act was introduced in the 110th Congress as H.R. 2329. This important measure would create an income tax credit for the purchase of a qualified hearing aid. The proposed credit would go a long way toward making hearing aids more affordable for senior citizens and many of the most vulnerable individuals in our society. This legislation is similar in principle to the sales tax exemption for hearing aids adopted in Michigan in 1978. It is clearly most deserving of passage; and

Whereas, Indeed, it has been reported that any number of our nation's poor and elderly go without hearing aids for financial reasons. In a just society, no one should be deprived of the God-given right to hear because of their finances. The Hearing Aid Assistance Tax Credit Act would be an important first step in helping guarantee that those with hearing impairments will have access to the assistive devices they so desperately need. Its enactment would also be sterling testimony to the role government can play in making the lives of its citizens more healthful; and

Whereas, The Hearing Aid Assistance Tax Credit Act proposal would specifically provide an income tax credit of \$500 for the unreimbursed costs associated with the purchase of a qualified hearing aid. The credit availability would be limited to individuals over the age of 55 and to certain dependents. The credit could be claimed every five years. This modest credit would have a miniscule impact on the government's finances, but it would pay huge dividends in people's lives; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; 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 Finance.

The motion prevailed.

Senators Clarke and Switalski were named co-sponsors of the resolution.

Senators Hunter, Whitmer, Clark-Coleman, Gleason, Scott, Jacobs, Thomas, Schauer, Brater and Anderson offered the following resolution:

#### **Senate Resolution No. 70.**

A resolution to memorialize Congress to enact the Protecting Children's Health in Schools Act.

Whereas, Since 1986, federal Medicaid policy has explicitly recognized the essential nature of the link between Medicaid and health care for low-income children whose special health-care needs make management of and access to health treatment in school settings an imperative. The Protecting Children's Health in Schools Act of 2007 establishes requirements for states to receive payment for expenses incurred for medically necessary items and services, and related administrative expenses, under the state's Medicaid plan; and

Whereas, The Protecting Children's Health in Schools Act (H.R. 1017) would amend Title XIX of the Social Security Act to improve requirements under the Medicaid program for the items and services furnished in or through an educational

program or setting to children, including children with developmental or physical disabilities. It also establishes clear statutory guidelines for providing and receiving reimbursement for health care provided for children with special needs; and

Whereas, This bill directs the Secretary of Health and Human Services and the Secretary of Education to jointly develop and implement a uniform methodology for these claims under the Social Security Act; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Protecting Children's Health in Schools Act of 2007 (H.R. 1017); 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 Health Policy.

The motion prevailed.

Senators Cherry, Clarke and Switalski were named co-sponsors of the resolution.

Senators Hunter, Cherry, Gleason, Pappageorge, Whitmer, Van Woerkom, Clark-Coleman, Scott, Jacobs, Thomas, Schauer, Brater and Anderson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 13.**

A concurrent resolution to memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act.

Whereas, A bill to create the Hearing Aid Assistance Tax Credit Act was introduced in the 110th Congress as H.R. 2329. This important measure would create an income tax credit for the purchase of a qualified hearing aid. The proposed credit would go a long way toward making hearing aids more affordable for senior citizens and many of the most vulnerable individuals in our society. This legislation is similar in principle to the sales tax exemption for hearing aids adopted in Michigan in 1978. It is clearly most deserving of passage; and

Whereas, Indeed, it has been reported that any number of our nation's poor and elderly go without hearing aids for financial reasons. In a just society, no one should be deprived of the God-given right to hear because of their finances. The Hearing Aid Assistance Tax Credit Act would be an important first step in helping to guarantee that those with hearing impairments will have access to the assistive devices they so desperately need. Its enactment would also be sterling testimony to the role government can play in making the lives of its citizens more healthful and fulfilling; and

Whereas, The Hearing Aid Assistance Tax Credit Act proposal would specifically provide an income tax credit of \$500 for the unreimbursed costs associated with the purchase of a qualified hearing aid. The credit availability would be limited to individuals over the age of 55 and to certain dependents. The credit could only be claimed every five years. This modest credit would have a miniscule impact on the government's finances, but it would pay huge dividends in people's lives; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Finance.

The motion prevailed.

Senators Clarke and Switalski were named co-sponsors of the concurrent resolution.

Senators Hunter, Whitmer, Clark-Coleman, Gleason, Scott, Jacobs, Thomas, Schauer, Brater and Anderson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 14.**

A concurrent resolution to memorialize Congress to enact the Protecting Children's Health in Schools Act.

Whereas, Since 1986, federal Medicaid policy has explicitly recognized the essential nature of the link between Medicaid and health care for low-income children whose special health-care needs make management of and access to

health treatment in school settings an imperative. The Protecting Children's Health in Schools Act of 2007 establishes requirements for states to receive payment for expenses incurred for medically necessary items and services, and related administrative expenses, under the state's Medicaid plan; and

Whereas, The Protecting Children's Health in Schools Act (H.R. 1017) would amend Title XIX of the Social Security Act to improve requirements under the Medicaid program for the items and services furnished in or through an educational program or setting to children, including children with developmental or physical disabilities. It also establishes clear statutory guidelines for providing and receiving reimbursement for health care provided for children with special needs; and

Whereas, This bill directs the Secretary of Health and Human Services and the Secretary of Education to jointly develop and implement a uniform methodology for these claims under the Social Security Act; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact the Protecting Children's Health in Schools Act of 2007 (H.R. 1017); and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Cherry, Clarke and Switalski were named co-sponsors of the concurrent resolution.

### Introduction and Referral of Bills

Senator Allen introduced

#### **Senate Bill No. 558, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Chippewa county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Senators Kuipers and Pappageorge introduced

#### **Senate Bill No. 559, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 39 (MCL 24.239), as amended by 2004 PA 23.

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

Senators McManus, Bishop, Kuipers, Kahn, Stamas, Van Woerkom, Brown, Gilbert, George, Hardiman, Pappageorge, Cropsey and Jelinek introduced

#### **Senate Bill No. 560, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3119, 3121, 3124, 5521, 5701, 5702, 5703, 5704, 5705, 5706, 5707, and 5708 (MCL 324.3119, 324.3121, 324.3124, 324.5521, 324.5701, 324.5702, 324.5703, 324.5704, 324.5705, 324.5706, 324.5707, and 324.5708), section 3119 as amended and section 3121 as added by 2004 PA 91, section 3124 as added by 2004 PA 90, and section 5521 as amended by 1998 PA 245.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Pappageorge, Jelinek and Switalski introduced

#### **Senate Bill No. 561, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 12a (MCL 141.912a), as amended by 1998 PA 532.

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

Senators Brown, Kuipers, Kahn, Pappageorge, Van Woerkom, Birkholz, Jacobs, Hunter and Hardiman introduced **Senate Bill No. 562, entitled**

A bill to establish an educational scholarship program for eligible resident students enrolled in certain nursing faculty programs; to prescribe conditions for repayment of the scholarships; to provide for the administration of the nursing faculty scholarship program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Senators Brown, Kuipers, Kahn, Pappageorge, Van Woerkom, Birkholz, Jacobs and Hunter introduced **Senate Bill No. 563, entitled**

A bill to establish a grant program to support sustained expansion of nursing school enrollment in this state; to provide for the administration of the grant program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Senators Brown, Kuipers, Kahn, Pappageorge, Van Woerkom, Birkholz, Jacobs, Hunter and Hardiman introduced **Senate Bill No. 564, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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

**House Bill No. 4556, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11f (MCL 247.661f), as added by 2006 PA 140.

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. 4766, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20m (MCL 38.1140m), as added by 2002 PA 728.

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. 4850, entitled**

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

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. 4851, entitled**

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127, and by adding section 4b.

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

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

**Statements**

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

The motion prevailed.

Senator Clarke's statement is as follows:

I'm speaking on behalf of the Senator from Highland Park who is not here today, making a request to this body to please take up the Senator's bills which deal with reforming the way that we rate automobile insurance rates. Those rates are really high for people in the city of Detroit and surrounding areas. But I also say that we should look at how we allow insurance companies to rate people generally. Specifically, insurance companies should be prohibited from charging people different rates based on their education or on their occupation.

Senator Cassis' statement is as follows:

On Friday, May 25, the Senate voted on Senate Bill No. 436, Roll Call No. 151. Had I been here, I would have voted "yes." I voted "yes" on Senate Bill No. 436 when it previously passed the Senate and supported Senate Bill No. 220, which much of the current Senate Bill No. 436 is based upon.

I was not in session on May 25 due to a previous family commitment, but I'm here to say that I'm encouraged by the progress that has been made in resolving the state's fiscal 2007 revenue shortfall. I am committed to continuing to work to ensure that Michigan achieves a balanced budget, fiscal reforms, and economic diversity.

**Committee Reports**

The Committee on Transportation reported

**Senate Bill No. 479, entitled**

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom and Gleason

Nays: None

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

The Committee on Transportation reported

**Senate Bill No. 480, entitled**

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II  
Chairperson

## To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom and Gleason

Nays: None

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 4177, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), section 2118 as amended by 2002 PA 492 and section 2120 as amended by 1984 PA 350, and by adding section 2116a.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 1, line 8, after "**STATES**" by inserting "**FOR AT LEAST 30 CONSECUTIVE DAYS**".

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

Randy Richardville  
Chairperson

## To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, May 30, 2007, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

The Committee on Natural Resources and Environmental Affairs reported

**Senate Resolution No. 66.**

A resolution to urge Michigan's congressional delegation to secure supplemental funding to control the spread of viral hemorrhagic septicemia in fish populations.

(For text of resolution, see Senate Journal No. 51, p. 780.)

With the recommendation that the resolution be adopted.

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

**Senate Concurrent Resolution No. 10.**

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

(For text of resolution, see Senate Journal No. 40, p. 545.)

With the recommendation that the concurrent resolution be adopted.

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported  
**Senate Concurrent Resolution No. 12.**

A concurrent resolution to urge Michigan's congressional delegation to secure supplemental funding to control the spread of viral hemorrhagic septicemia in fish populations.

(For text of resolution, see Senate Journal No. 51, p. 781.)

With the recommendation that the concurrent resolution be adopted.

Patricia L. Birkholz  
 Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi

Nays: None

The concurrent resolution was placed on the order of Resolutions.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 30, 2007, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Education reported

**Senate Bill No. 546, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 2006 PA 617.

With the recommendation that the bill pass.

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

Wayne Kuipers  
 Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**Senate Bill No. 547, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43a, 43b, 69, 69c, 69f, 75, 91, and 108 (MCL 38.1343a, 38.1343b, 38.1369, 38.1369c, 38.1369f, 38.1375, 38.1391, and 38.1408), sections 43a and 108 as amended by 2002 PA 94, sections 43b, 69, 69c, and 75 as amended and section 69f as added by 1989 PA 194, and section 91 as amended by 2004 PA 117.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Wayne Kuipers  
 Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, May 30, 2007, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

The Committee on Appropriations reported  
**House Concurrent Resolution No. 23.**

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

(For text of resolution, see Senate Journal No. 51, p. 781.)

With the recommendation that the concurrent resolution be adopted.

Ron Jelinek  
 Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater and Cherry

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported  
**House Concurrent Resolution No. 24.**

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

(For text of resolution, see Senate Journal No. 51, p. 782.)

With the recommendation that the concurrent resolution be adopted.

Ron Jelinek  
 Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater and Cherry

Nays: None

The concurrent resolution was placed on the order of Resolutions.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 30, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater and Cherry

Excused: Senators Clark-Coleman and Scott

#### Scheduled Meetings

##### Appropriations -

###### Subcommittees -

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

**Environmental Quality Department** - Tuesday, June 5, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Higher Education** - Tuesday, June 5, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Judiciary and Corrections** - Wednesday, June 6, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Natural Resources Department and Natural Resources and Environmental Affairs** - Tuesday, June 5, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Campaign and Election Oversight** - Tuesday, June 5, 6:00 p.m., Plainfield Township Hall, 6161 Belmont Avenue N.E., Belmont (373-1725)

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

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

**Legislative Retirement Board of Trustees** - Wednesday, June 6, 3:00 p.m., Room H-252, Capitol Building (373-0575)

**Natural Resources and Environmental Affairs and Natural Resources Department Appropriations Subcommittee** - Tuesday, June 5, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:05 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, June 5, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

