

No. 70
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, July 17, 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—present
Basham—present
Birkholz—excused
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—excused
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

Senator Tony Stamas of the 36th District offered the following invocation:

Lord, we just thank You for this day. We thank You for the blessings that You have given us, Lord. We just pray that You guide us in this honor that You have given us to be a Senator, Lord, and to represent and to work for the people of this great state. We just pray that You would help us to hear Your voice. We pray that You would guide our nation and our President and that You would guide our Governor and our colleagues in the House of Representatives. Help us all to have a servant's heart. Help us to embrace those gifts that You have given us of faith, hope, and, most importantly, love, Lord, that we might be servants and hear Your will and hear Your call.

We pray this in Your holy name. Amen.

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

Motions and Communications

The following communication was received and read:

Office of the Senate Majority Leader

July 3, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointments of Brian Fannon and Jacqueline Garrett to the Central Michigan University Board of Control, and make written recommendations to the Government Operations and Reform Committee on these appointments.

Sincerely,

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

June 28, 2007

Enclosed is a copy of the following audit report:

Performance audit of the Michigan Gaming Control Board, Department of Treasury.

June 29, 2007

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of History, Arts and Libraries, for the period October 1, 2004 through September 30, 2006.

June 29, 2007

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Michigan Department of Transportation, for the period October 1, 2004 through September 30, 2006.

July 3, 2007

Enclosed is a copy of the following audit report:

Performance audit of the Michigan Department of Transportation Architecture Project, User Application and Registration System, Bid Express System, and Construction Related Systems, Michigan Department of Transportation and Department of Information Technology.

July 11, 2007

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Broadband Development Authority (MBDA), a component unit of the State of Michigan, for the period October 1, 2005 through September 30, 2006.

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:
Municipal Employees' Retirement System of Michigan

June 21, 2007

Enclosed is a copy of the *Comprehensive Annual Financial Report for the Year Ending December 31, 2006*. I am providing this to you pursuant to the requirements of the *MERS Plan Document* and MCL 38.1536(2)(f). Please read the report into the Daily Journal, since the journal is the recognized official document for communication for the members of the Legislature.

The report can also be found on our website at: www.mersofmich.com. We hope that you find the report informative.

Sincerely,
Anne M. Wagner
Chief Executive Officer

The communication was referred to the Secretary for record.

The following communication was received:
Office of the State Budget

June 28, 2007

This letter transmits the "Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government - Legal Basis" for fiscal year 2006, which has been prepared in accordance with Sections 18.1115(5), 18.1303-18.1305, 18.1349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

The computed percentage of total state spending from state sources paid to local governments for fiscal year 2006 is 58.54%, which is \$2.6 billion more than the minimum required.

The statement has been reviewed by the Office of the Auditor General and a copy of their independent accountant's review letter is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Robert L. Emerson
State Budget Director

The communication was referred to the Secretary for record.

The following communication was received:
Department of State Police

June 29, 2007

The 2006 Michigan Annual Drunk Driving Audit provides detailed information concerning the ongoing efforts to reduce drunk driving in our state. Alcohol and/or drug related crashes and fatalities remain a significant traffic safety issue, with approximately 40 percent of the state's fatal crashes involving alcohol and/or drugs.

The Michigan Annual Drunk Driving Audit was compiled with information and data provided by the Michigan Department of State, the Michigan Department of Transportation and the Michigan Department of State Police. We appreciate the teamwork, assistance and dedication of each of these departments in helping to make Michigan's roads safe. We look forward to our continued partnership.

Questions regarding Section I (Traffic Crash and Arrest Data) should be directed to the Michigan Department of State Police, Criminal Justice Information Center, Traffic Crash Reporting Unit, at (517) 322-1150. Questions regarding Section II (Conviction Disposition Data) should be directed to the Michigan Department of State at (517) 322-1598.

As you review this report, please feel free to contact the Traffic Crash Reporting Unit at (517) 322-1150 with your suggestions and ideas.

Col. Peter C. Munoz
Director

The communication was referred to the Secretary for record.

The following communication was received:
Utility Consumer Participation Board

June 30, 2007

In accordance with Public Act 304 of 1982, the attached 2006 Annual Report for the Michigan Utility Consumer Representation Fund (UCRF) is transmitted to the Legislature.

The state's six largest investor-owned utilities who use cost recovery proceedings to recover purchased gas and power supply costs from ratepayers were required, under this Act, to remit a total ratepayer funded assessment of \$1,052,150

in 2006 to provide for fair and adequate representation of Michigan residential energy ratepayers in gas and power supply cost recovery proceedings, reconciliation cases and other related proceedings before the Michigan Public Service Commission. 47.5% of the revenue is allocated to fund intervenor grants, 47.5% of the revenue is allocated to the Department of Attorney General, and the remaining 5% is allocated for administrative costs.

Grants awarded in calendar year 2006 totaled \$606,000. Total funding available in the calendar year 2006 was \$522,500 (FY06 authorization) and \$902,500 (FY07 authorization pending approval of the budget). The Utility Consumer Participation Board requested an increased authorization in FY 2007, using accrued funds from previous years, to support intervention efforts of non-profit, utility consumer groups. The increase allowed the Board to fully fund the proposals submitted in 2006. The cases selected for UCRF funding represent approximately 95% of the residential customers of utilities participating in cost-recovery proceedings or nearly 3 million natural gas customers and 3.5 million electric customers in the state of Michigan. Each year Act 304 cases involve decisions worth hundreds of millions of dollars. Active intervention on behalf of residential customers assures reasonable and fair planning and cost treatment for individuals who otherwise would not have a voice in this complex utility ratemaking process. Many of the reductions and disallowances achieved by UCRF funded intervenors continue to benefit ratepayers over the long-term. In addition, policy reforms brought about by the active participation of UCRF funded consumer groups assure greater equity and efficiency in future energy utility planning and ratemaking.

Administrative improvements achieved by the board in 2006 include the hiring of a special assistant, establishment of regular bi-monthly meetings, revision of the grant application, implementation of bi-monthly case status reports from grantees, improved tracking of grant amendments, and restructuring of the annual report.

The Attorney General's Office expended \$513,000 of UCRF funds in calendar year 2006 for intervention on behalf of the utility ratepayers of Michigan in Act 304 proceedings. The Attorney General's Office will submit its' P.A. 304 Annual Report under separate cover.

Sincerely,
Dr. Harry M. Trebing
Chair

The communication was referred to the Secretary for record.

The following communication was received:
Department of Environmental Quality

July 1, 2007

I am pleased to present the Department of Environmental Quality's (DEQ's) status report on the implementation of the Great Lakes Water Quality Bond. This report is being submitted to the Legislature in accordance with Section 501 of Public Act 343 of 2006, the Fiscal Year 2007 Appropriation Bill for the DEQ.

The report summarizes recent activities in two programs, the State Revolving Fund (SRF) and the Surface Water Quality Initiatives Fund (SWQIF), which provide low interest rate loans to municipalities for water quality improvement projects.

I trust the members of the Senate will find this report informative. If you have comments or questions about this report, please contact Ms. Amy A. Butler, Chief, Environmental Science and Services Division, at 517-241-0490, or you may contact me.

Sincerely,
Steven E. Chester
Director
517-373-7917

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

July 2, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:39 a.m. this date, administrative rule (07-07-01) for the Department of Labor and Economic Growth, Bureau of Commercial Services, entitled "*Private Security Guards and Security Alarm Agencies.*" These rules become effective 30 days after filing with the Secretary of State.

July 2, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:41 a.m. this date, administrative rule (07-07-02) for the Department of Labor and Economic Growth, Director's Office, entitled "*Michigan Boiler Rules.*" These rules become effective 60 days after filing with the Secretary of State.

July 2, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:43 a.m. this date, administrative rule (07-07-03) for the Department of Education, entitled "*Dual Enrollment Criteria for Fifth Year High School Pupils.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terry Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were 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 January 1, 2007 through March 31, 2007, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture
Appropriations
Banking and Financial Institutions
Campaign and Election Oversight
Commerce and Tourism
Economic Development and Regulatory Reform
Education
Energy Policy and Public Utilities
Families and Human Services
Finance
Government Operations and Reform
Health Policy
Homeland Security and Emerging Technologies
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs
Senior Citizens and Veterans Affairs
Transportation

Chairperson

Senator Gerald Van Woerkom
Senator Ron Jelinek
Senator Randy Richardville
Senator Michelle McManus
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bruce Patterson
Senator Mark Jansen
Senator Nancy Cassis
Senator Michael Bishop
Senator Tom George
Senator Cameron Brown
Senator Wayne Kuipers
Senator Gerald Van Woerkom
Senator Patricia Birkholz
Senator Jason Allen
Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 28:
House Bill Nos. 4234 4725 4924

The Secretary announced that the following House bills were received in the Senate and filed on Friday, June 29:
House Bill Nos. 4344 4348

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, June 28, for her approval the following bill:

Enrolled Senate Bill No. 561 at 4:22 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, June 29, for her approval the following bill:

Enrolled Senate Bill No. 70 at 11:18 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, July 5, for her approval the following bills:

Enrolled Senate Bill No. 94 at 12:08 p.m.

Enrolled Senate Bill No. 188 at 12:10 p.m.

Enrolled Senate Bill No. 588 at 12:12 p.m.

Enrolled Senate Bill No. 134 at 12:14 p.m.

Enrolled Senate Bill No. 290 at 12:16 p.m.

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, June 28, and are available at the legislative website:

Senate Bill Nos.	609	610	611	612	613	614	615	616	617	618	619	620	621	622
	623	624	625	626										
Senate Joint Resolutions		E	F											
House Bill Nos.	4978	4979	4980	4981	4982	4983	4984	4985	4986	4987	4988	4989	4990	4991
	4992													

The Secretary announced that the following official bills were printed on Friday, June 29, and are available at the legislative website:

Senate Bill Nos.	627	628	629	630	631	632								
House Bill Nos.	4993	4994	4995	4996	4997	4998	4999	5000	5001	5002	5003			

The Secretary announced that the following official bills were printed on Tuesday, July 10, and are available at the legislative website:

House Bill Nos.	5004	5005	5006	5007	5008	5009	5010	5011	5012	5013	5014	5015	5016	5017
	5018	5019	5020	5021	5022	5023	5024	5025	5026	5027				

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

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

Messages from the Governor

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

Senate Bill No. 436

The motion prevailed.

The following messages from the Governor were received:

Date: June 28, 2007

Time: 9:05 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 25 (Public Act No. 23), being

An act to amend 1982 PA 204, entitled "An act to provide for and regulate the use of interpreters in administrative and judicial proceedings and in certain other instances; to establish standards for interpreters; and to provide compensation for interpreters, and to provide for the promulgation of rules," by amending the title and sections 4, 5, 6, 7, and 8 (MCL 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 8a, 8b, 8c, 8d, and 8e.

(Filed with the Secretary of State on June 28, 2007, at 3:04 p.m.)

Date: June 28, 2007

Time: 9:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 360 (Public Act No. 26), being

An act to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 11e (MCL 247.661e), as amended by 2006 PA 141.

(Filed with the Secretary of State on June 28, 2007, at 3:10 p.m.)

Date: June 28, 2007

Time: 9:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 487 (Public Act No. 28), being

An act to amend 1980 PA 497, entitled “An act to establish, protect, and enforce by lien the rights of persons performing labor or providing material or equipment for the improvement of real property; to provide for certain defenses with respect thereto; to establish the homeowner construction lien recovery fund; to provide for the powers and duties of certain state officers and agencies; to provide for the assessment of certain occupations; to provide remedies and prescribe penalties; and to repeal acts and parts of acts,” by amending sections 110 and 115 (MCL 570.1110 and 570.1115), as amended by 2006 PA 572.

(Filed with the Secretary of State on June 28, 2007, at 3:14 p.m.)

Date: June 28, 2007

Time: 4:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 561 (Public Act No. 30), being

An act to amend 1971 PA 140, entitled “An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,” by amending section 12a (MCL 141.912a), as amended by 1998 PA 532.

(Filed with the Secretary of State on June 29, 2007, at 8:54 a.m.)

Date: July 1, 2007
Time: 9:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 70 (Public Act No. 32), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1531 (MCL 380.1531), as amended by 2006 PA 118.

(Filed with the Secretary of State on July 2, 2007, at 8:54 a.m.)

Date: July 10, 2007
Time: 7:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 266 (Public Act No. 33), being

An act to amend 1933 PA 254, entitled “An act to promote safety upon and conserve the use of public highways of the state; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles operated by carriers of property for hire upon or over such highways; to preserve, foster, and regulate transportation and permit the coordination of motor vehicle transportation facilities; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles for hire for such purposes; to classify and regulate carriers of property by motor vehicles for hire upon such public highways for such purposes; to give the Michigan Public Service Commission jurisdiction and authority to prevent evasion of this act through any device or arrangement; to insure adequate transportation service; to give the commission jurisdiction and authority to fix, alter, regulate, and determine rates, fares, charges, classifications, and practices of common motor carriers for such purposes; to require filing with the commission of rates, fares, and charges of contract carriers and to authorize the commission to prescribe minimum rates, fares, and charges, and to require the observance thereof; to prevent unjust discrimination; to prescribe the powers and duties of said commission with reference thereto; to provide for appeals from the orders of such commission; to confer jurisdiction upon the circuit court for the county of Ingham for such appeals; to provide for the levy and collection of certain privilege fees and taxes for such carriers for such purposes and the disposition of such fees and taxes; and to provide for the enforcement of this act; and to prescribe penalties for its violations,” by amending section 1 of article I, sections 5, 6, 7, and 10 of article II, section 6 of article III, and section 2 of article V (MCL 475.1, 476.5, 476.6, 476.7, 476.10, 477.6, and 479.2), section 1 of article I, sections 5 and 7 of article II, and section 6 of article III as amended by 1993 PA 352, sections 6 and 10 of article II as amended by 1982 PA 399, and section 2 of article V as amended by 1996 PA 76, and by adding section 7 to article V.

(Filed with the Secretary of State on July 10, 2007, at 9:22 a.m.)

Date: July 12, 2007
Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 94 (Public Act No. 36), being

An act to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.

(Filed with the Secretary of State on July 12, 2007, at 3:22 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

June 29, 2007

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

Michigan Carrot Committee

Mr. Richard P. Oomen of 2211 East Minke Road, Hart, Michigan 49420, county of Oceana, succeeding Gary L. Brandt, whose term expires October 31, 2007, representing fresh growers, for a term commencing November 1, 2007 and expiring October 31, 2010.

Mr. Steven D. Bouwkamp of 13412 South Spruce Avenue, Grant, Michigan 49327, county of Newaygo, reappointed to represent fresh growers, for a term expiring October 31, 2008.

Mr. Ryan P. Malburg of 936 Jackson Road, Hart, Michigan 49420, county of Oceana, reappointed to represent process growers, for a term commencing November 1, 2007 and expiring October 31, 2010.

Mr. Glenn R. Vogel of 6726 West Lake Drive, Fremont, Michigan 49412, county of Newaygo, reappointed to represent process growers, for a term expiring October 31, 2008.

Mr. Todd R. Young of 13377 Deaner Road, Howard City, Michigan 49329, county of Montcalm, reappointed to represent fresh growers, for a term expiring October 31, 2009.

July 10, 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 Executive Order 2002-6, MCL 256.571:

Governor's Traffic Safety Advisory Commission

Mr. Allen L. Byam of 17930 D Drive South, Marshall, Michigan 49068, county of Calhoun, reappointed to represent local units of government, for a term expiring May 27, 2010.

July 10, 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 209 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1209:

Michigan Liquor Control Commission

Mr. Patrick M. Gagliardi, a Democrat, of 135 Bessemaur, East Lansing, Michigan 48823, county of Ingham, reappointed for a term expiring June 12, 2011.

Ms. Nida R. Samona, a Democrat, of 4035 Blackthorn Court, Bloomfield Township, Michigan 48301, county of Oakland, reappointed for a term expiring June 12, 2011.

July 10, 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 Section 6 of the Michigan Tobacco Settlement Finance Authority Act, 2005 PA 226, MCL 129.266:

Michigan Tobacco Settlement Finance Authority Board of Directors

Mr. Stephen N. Cassin of 43952 Rivergate Drive, Clinton Township, Michigan 48038, county of Macomb, reappointed to represent individuals with knowledge, skill, or experience in the business or financial fields, for a term expiring December 15, 2010.

July 13, 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 76503 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76503:

Mackinac Island State Park Commission

Mr. Barry J. Goodman, a Democrat, of 28854 Herndonwood Drive, Farmington Hills, Michigan 48334, county of Oakland, succeeding Joan L. Porteous, whose term has expired, appointed for a term commencing July 13, 2007 and expiring April 12, 2013.

Mr. Dennis O. Cawthorne, a Republican, of 3439 Lakeshore Boulevard, Mackinac Island, Michigan 49757, county of Mackinac, reappointed to represent Mackinac Island residents, for a term expiring April 12, 2013.

July 13, 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 1 of 1939 PA 3, MCL 460.1:

Michigan Public Service Commission

Mr. Steven A. Transeth, an Independent, of 2404 Cheltingham Boulevard, Lansing, Michigan 48917, county of Eaton, succeeding J. Peter Lark, who has resigned, appointed for a term commencing July 13, 2007 and expiring July 2, 2009.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

House Concurrent Resolution No. 27

The motion prevailed.

Senators Hunter, Cherry, Anderson, Richardville, Clarke, Jacobs, Gleason, Basham, Barcia, Thomas and Schauer offered the following concurrent resolution:

Senate Concurrent Resolution No. 17.

A concurrent resolution to memorialize the Congress of the United States to enact the Homeownership Protection and Enhancement Act.

Whereas, Homeownership is a key to a prosperous society. Homeowners have a strong stake in their local community, make important contributions to the growth and well-being of the economy, and play a vital role in making each and every neighborhood a better place to live and raise a family. Indeed, a host of studies have found that the level of homeownership is the single most important factor in determining the well-being of any given locality. We should do everything possible to foster public policy encouraging more homeownership; and

Whereas, Despite the importance homeownership plays in our modern world, the recent challenges to our economy, increases in interest rates, and the availability of a number of new alternative financing mechanisms have combined to increase the mortgage foreclosure rate to all-time highs. This situation has a spiraling impact on our economy and the stability of our family and social networks; and

Whereas, The Homeownership Protection and Enhancement Act of 2007 has been introduced in the United States Congress to provide mortgage counseling and financial assistance to those with low and moderate incomes. This important and timely measure is designed to provide a wide range of assistance to homeowners. The bill proposes grants for the establishment of state homeownership protection centers that would be a resource for counseling, direct financial assistance, and monitoring of the mortgage industry. Clearly, this bill would be instrumental in protecting homeowners and supporting our communities. It is most deserving of our wholehearted support; 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 S. 1386, the Homeownership Protection and Enhancement Act of 2007; 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 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 Banking and Financial Institutions.

The motion prevailed.

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

Senate Concurrent Resolution No. 10.

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

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

The House of Representatives has adopted the concurrent resolution and named Reps. Bauer, Bieda, Brown, Byrnes, Caul, Clack, Cushingberry, Dean, Donigan, Espinoza, Farrah, Garfield, Gillard, Gonzales, Hammel, Hammon, Hopgood, Rick Jones, Robert Jones, LeBlanc, Lemmons, Marleau, Mayes, McDowell, Palmer, Pastor, Rocca, Sak, Spade, Tobocman, Vagnozzi, Valentine, Wojno and Young as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned 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 pro tempore, Senator Richardville, designated Senator Brown as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4471, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40102 (MCL 324.40102), as amended by 2000 PA 347.

The bill 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:

House Bill No. 4614, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40107d.

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.

Introduction and Referral of Bills

Senators Van Woerkom, Richardville, Gleason, Prusi, Allen, Stamas, Jelinek, Kahn, Jansen, Gilbert, Brown, Garcia and Olshove introduced

Senate Bill No. 633, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43537 (MCL 324.43537), as amended by 1996 PA 585.

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

Senator Cassis introduced

Senate Bill No. 634, entitled

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending sections 2 and 6 (MCL 408.552 and 408.556).

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

Senators Garcia, Barcia, Prusi, Gleason and Jansen introduced

Senate Bill No. 635, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 1 and 126 (MCL 125.401 and 125.526), section 126 as amended by 2000 PA 479.

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

Senators Thomas, Hunter, Basham, Cherry, Brater, Schauer, Gleason and Scott introduced

Senate Bill No. 636, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 6 (MCL 484.3306).

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Thomas, Hunter, Basham, Cherry, Brater, Schauer, Gleason, Olshove and Scott introduced

Senate Bill No. 637, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 10 (MCL 484.3310).

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senator Gleason introduced

Senate Bill No. 638, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52; 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 Transportation.

House Bill No. 4234, entitled

A bill to amend 1982 PA 325, entitled "An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency," (MCL 801.51 to 801.64) by adding sections 9a and 9b.

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 Judiciary.

House Bill No. 4344, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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. 4348, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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. 4725, entitled

A bill to amend 1982 PA 325, entitled "An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency," by amending sections 1, 2, 3, 4, 5, 8, 9, and 10 (MCL 801.51, 801.52, 801.53, 801.54, 801.55, 801.58, 801.59, and 801.60), sections 8 and 9 as amended by 1988 PA 399, and by adding section 1a.

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 Judiciary.

House Bill No. 4924, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1259.

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.

Statements

Senators Scott, Kahn, Schauer, Patterson 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 Scott's statement is as follows:

Adam Clayton Powell, the first African American to become a powerful figure in the United States Congress, said that his philosophy was to never let anyone keep you contained and never let anyone keep your voice silent. Those of you who have known me throughout my political career know it's a philosophy of politics that I embrace and follow. That's why I am well into my fourth year on this floor imploring you to eliminate the injustice and the inequality of our current insurance rating system and to bring fairness to insurance rates.

I will not let anyone contain me on this issue, nor will I let anyone silence my voice. Please resolve this contentious and divisive issue and act on my insurance bills now.

Senator Kahn's statement is as follows:

I have the great pleasure today in telling members that sitting here with us today are some people from the 32nd District. We have with us Bob Heft, about who I will say something in just a moment; Rodney Wakeman and his daughter Kayla. We have Mrs. Eddie Schroeder and with her a foreign exchange student who, I believe, is named Matius; Joe Senyko, Wayne and Mary Sue Jackson, and Jim Buckley and his leader dog Amber. These folks are here today in a large part because of Bob Heft.

Now, Bob is the designer of our United States flag. These folks came with Bob Heft to honor him and to help us honor him as the designer of the United States flag. This flag, our current flag, was designed by him when he was still in high school. He did it as part of a high school project when he was a junior. He saw it become our country's flag at 12:01 Eastern Standard Time on July 4 in 1960.

July 4, 2007, was a very special date because on that date our flag became the longest-serving United States flag in our history. New Mexico became a state on January 6, 1912, and Arizona became a state on February 14, 1912. Thus, two stars were added to our flag in 1912 on July 4th signifying that two new states were added to the 46-star flag then. That flag lasted exactly 47 years from July 4, 1912, through July 4, 1959. The 49-star flag that signified Alaska's admission on July 4, 1959, was one of the shortest-reigning flags in history. It served our nation for only one year, July 4, 1959, through July 4, 1960. Following the tradition since Alaska officially became a state on January 3, 1959, a star was added on July 4 of that year. Officially, Hawaii became our 50th state on July 21, 1959. Although both Alaska and Hawaii became states in 1959, only Alaska's star was added that year. Hawaii's was added on July 4, 1960.

With that background, Mr. Heft's flag became official at 12:01 Eastern Standard Time, July 4, 1960, with Hawaii. While it's served as our nation's flag for over 47 years, thus, it is America's longest-reigning national banner. It is my great pleasure to have the designer of our national flag of the United States of America here today and to honor him for our flag.

Senator Schauer's statement is as follows:

Colleagues, welcome back from vacation. I know that many of you considered this a working two-week vacation, but for any of you who missed the news of the day, I would like to briefly recap with a while-you-were-out edition of Michigan happenings.

While we were out, Michigan State University—right down the street here—was forced to increase tuition by 9.6 percent or by about \$978 for each incoming freshman. You might as well consider it what it is; it's a tax increase, colleagues, on those students and their families. Eastern Michigan University Board of Trustees increased tuition for their students by 9.5 percent. Lake Superior State University increased tuition by 9.3 percent. Grand Valley State University increased tuition by 9.9 percent. Oakland University increased tuition by 13.9 percent. Central Michigan University continued its guarantee for its students by a 21 percent increase over four years.

Colleagues, these university boards were forced to do this in large part because we, as a Senate, had not given them any idea what amount of state resources we would be providing them. As Michael Boulus, executive director of the President's Council State Universities of Michigan said, "The state of Michigan is balancing their books on the backs of the students and parents. It's very clear what they have done. Now the question is whether they will continue to do it in 2008."

Colleagues, will we? Nine hundred seventy-eight dollars a year is not chump change for Michigan's students and families, many of whom are already struggling to find jobs or keep jobs. It's even worse at some other universities. As I mentioned earlier, Oakland University is where the tax—I mean tuition—hike on students was nearly 14 percent or \$1,000 a year.

While you were out, headlines were screaming "Big tuition hikes," and "Universities struggle with uncertain budgets." Why are they struggling? Despite being warned, we headed out of town before doing our jobs and completing a long-term budget fix.

Back on June 7, I urged this body to get a budget in place before July 1 for that very reason, since that's when universities and municipalities, as well as school districts, needed to start finalizing their budgets for their fiscal years which began July 1. Back then, a spokesman for the majority said, "The legislative process from time to time takes time." Well, that's interesting phraseology, but this process is taking too much time. Students and families can't afford to wait any longer.

While you were out, colleagues, parents started questioning whether they had saved enough to put their kids through school. Students started looking for that second or third job they might have to pick up to afford school. Some may have made the decision to go to school in some other state or, worse yet, not at all.

It doesn't have to be this way, colleagues. There is still an opportunity for us to fix this. A few schools haven't yet made the final decision to increase tuition, and some others have pledged to reduce their hike if we come through with adequate funding. Unfortunately, many aren't holding their breath waiting to see what we will do. I know I am not.

Senator Pappageorge stated that had he been present on June 27 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 530
Senate Bill No. 545
Senate Bill No. 365
House Bill No. 4493
Senate Bill No. 549
House Bill No. 4884

Senator Pappageorge stated that had he been present on June 27 when the vote was taken on the adoption of the following resolution, he would have voted "yea":

Senate Resolution No. 81

Senator Pappageorge stated that had he been present on June 27 when the votes were taken on the adoption of the amendments to the following bills, he would have voted "nay":

Senate Bill No. 549
House Bill No. 4884

Senator Pappageorge stated that had he been present on June 28 when the votes were taken on advising and consenting to the appointments of Donald B. Weatherspoon to the Michigan Liquor Control Commission and Monica E. Emerson and Ganesh V. Reddy to the Oakland University Board of Control, he would have voted "yea."

Senator Pappageorge stated that had he been present on June 28 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 570
Senate Bill No. 600
Senate Bill No. 513
Senate Bill No. 523
House Bill No. 4595
House Bill No. 4369
House Bill No. 4370
House Bill No. 4371
House Bill No. 4372

Senator Pappageorge stated that had he been present on June 28 when the vote was taken on the adoption of the conference report to the following bill, he would have voted "yea":

Senate Bill No. 94

Senator Pappageorge stated that had he been present on June 28 when the votes were taken on concurring in the House substitutes and amendment to the following bills, he would have voted "yea":

Senate Bill No. 70
Senate Bill No. 188
House Bill No. 4493
Senate Bill No. 134

Senator Pappageorge stated that had he been present on June 28 when the vote was taken on the adoption of the amendment to the following bill, he would have voted “yea”:

House Bill No. 4376

Senator Pappageorge stated that had he been present on June 28 when the vote was taken on the passage of the following bill, he would have voted “nay”:

House Bill No. 4376

Senator Patterson’s statement is as follows:

Through you to colleagues, particularly to the previous speaker, the Senator from the 19th has admonished the Legislature. I find that interesting since we are all governed by the Constitution of the state of Michigan. Pertinent part, Article VIII clearly spells out that higher educational institutions in this state are governed by autonomously-elected and appointed boards of trustees and regents. It’s up to them to manage their budgets.

When talking about more and more money, one might ask why they can’t make do with the amount of money that they are getting right now. If these boards, regents, and trustees are incapable, then they should all resign. It’s not about giving them more and more money; it’s about them discharging their duties and responsibilities. I would ask them to take that to heart.

Senator Cassis’ statement is as follows:

Senate colleagues, in response to the good Senator from Battle Creek’s earlier comments, the universities, in my opinion, are holding the parents and students of this state hostage with these excessive tuition threats and hikes. How and where is the documentation to support these increases? We need to ask the same questions of our Michigan universities. What savings, what efficiencies have you done similar to both the private and the public sectors? Where is your financial accountability in these tough economic times? Until then, let’s stop the threats.

Scheduled Meetings

Administrative Rules - Wednesday, July 18, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-6476)

Appropriations -

Subcommittee -

Higher Education - Thursday, July 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, July 18, 11:30 a.m., Room 405, Capitol Building (373-1725)

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

Finance - Thursday, July 19, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

State Drug Treatment Court Advisory Committee - Tuesday, July 24, 9:30 a.m., Legislative Council Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 10:31 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, July 18, 2007, at 10:00 a.m.

