

No. 30
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, March 29, 2007.

10:00 a.m.

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

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

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

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

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

Pastor James Hines of Lily Missionary Baptist Church of Jackson offered the following invocation:

Our Father and our God, we come this day to say thank You. We ask You to give us the strength and the knowledge to run this state and to help this country. O God, we thank You because so much is at stake, our young and our old. We ask for the power of Your presence to be real in our hearts and our minds this day and forevermore.

In Your Son's name we pray, and the people said, Amen.

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

Motions and Communications

Senator Thomas moved that Senator Brater be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

The following communications were received and read:

Office of the Auditor General

March 27, 2007

Enclosed is a copy of the following audit report:

Performance audit of the Court Originated Liability Section, Medical Services Administration, Department of Community Health.

March 27, 2007

Enclosed is a copy of the following audit report:

Performance audit of Training and Staff Development, Department of Human Services.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

The following communication was received:

Michigan Strategic Fund

March 28, 2007

Consistent with the requirements of Section 88(c)(5) of the Michigan Strategic Fund Act, MCL 125.2088(c)(5), I am writing to provide notice that the Michigan Strategic Fund Board of Directors (the "MSF Board") intends to adopt a resolution (the "Proposed Resolution") on April 25, 2007 establishing the parameters of a 21st Century loan enhancement program. As you will note, the Proposed Resolution involves the approval of the Choose Michigan Fund within the loan enhancement program to: (i) increase the willingness of banks and other financial institutions to provide debt financing to companies, (ii) improve companies' debt service coverage and (iii) enhance the ability of companies to repay debt financing provided by banks and other financial institutions.

Prior to the adoption of the loan enhancement program, the Michigan Strategic Fund ("MSF") will conduct a public hearing to provide interested persons an opportunity to express any data, views or arguments regarding the Proposed Resolution. This hearing is scheduled for April 11, 2007, beginning at 2:00 p.m., and will be held in the Lake Superior Conference Room of the Michigan Economic Development Corporation, located at 300 North Washington Square, Lansing, Michigan 48913.

Copies of the Notice of Public Hearing, the Proposed Resolution and a draft description of the loan enhancement program are attached for your review.

Sincerely,

John Czarnecki

MSF Manager

The communication was referred to the Secretary for record.

Senators Pappageorge, Brater and McManus entered the Senate Chamber.

The Secretary announced that the following official bills were printed on Wednesday, March 28, and are available at the legislative website:

Senate Bill Nos.	372	373	374	375	376	377	378	379	380	381
House Bill Nos.	4531	4532	4533	4534	4535					

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

Senate Bill Nos. 382 383 384
House Bill Nos. 4536 4537 4538 4539 4540

Senator Cropsey moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee of the Whole and placed at the head of the General Orders calendar:

Senate Bill No. 94, entitled

A bill 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; and to provide for the interrelation of this act with other acts.

The motion prevailed.

Senator Cropsey moved that the rules be suspended and that the following resolutions, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 27

Senate Resolution No. 30

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Hunter 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 until subject to the call of the Chair

The motion prevailed, the time being 10:06 a.m.

10:17 a.m.

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

During the recess, Senator Hunter introduced Henry Ford Community College President Dr. Gail Mee, Vice President Marge Swan, Chef Dennis Konarski, and Culinary Arts Program staff and students, and presented them with a Special Tribute.

Senator Clark-Coleman, Dr. Mee and Chef Konarski responded briefly.

Messages from the Governor

The following messages from the Governor were received and read:

March 28, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3 of the Older Michiganians Act, 1981 PA 180, MCL 400.583:

Commission on Services to the Aging

Ms. Mary P. Gardner, Ph.D., a Democrat, of 1035 Seymour Avenue, Lansing, Michigan 48906, county of Ingham, succeeding Annette C. Guilfoyle, who has resigned, appointed for a term commencing March 28, 2007 and expiring July 28, 2008.

March 28, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17521:

Michigan Board of Osteopathic Medicine and Surgery

Mr. William C. Cunningham, D.O., of 1100 Cambridge S.E., Grand Rapids, Michigan 49506, county of Kent, representing professionals, for a term commencing March 28, 2007 and expiring December 31, 2010.

Mr. Dennis W. Dobritt, D.O., of 4572 Walden Drive, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Ann Kuenker, whose term has expired, representing professionals, for a term commencing March 28, 2007 and expiring December 31, 2010.

Mr. Vincent J. Granowicz, D.O., of 3184 Pine Tree Court, Waterford, Michigan 48329, county of Oakland, succeeding Ann Marie Auburn, whose term has expired, representing professionals, for a term commencing March 28, 2007 and expiring December 31, 2010.

Mr. Charles E. Kelly, D.O., of 1315 Pine Drive, Ortonville, Michigan 48462, county of Oakland, representing professionals, for a term commencing March 28, 2007 and expiring December 31, 2010.

Ms. Sylvia G. Mustonen, D.O., of 2002 Tomahawk Road, Okemos, Michigan 48864, county of Ingham, succeeding Steven T. Plomaritis, whose term has expired, representing professionals, for a term commencing March 28, 2007 and expiring December 31, 2010.

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

General Orders

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

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

Recess

Senator Cropsey moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 10:25 a.m.

10:33 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator George.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 79, entitled

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

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:

Senate Bill No. 94, entitled

A bill 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; and to provide for the interrelation of this act with other acts.

Substitute (S-6).

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

1. Amend page 12, line 8, after "act" by inserting "and except for a taxpayer that pays the tax imposed under chapter 5".

2. Amend page 69, following line 6, following section 31, by inserting:

“Sec. 32. (1) A taxpayer that maintains not fewer than 450 full-time qualified research and development employees or 450 qualified management staff employees may claim a credit against the tax imposed by this act equal to the aggregate amount of all credits calculated under subsection (2).

(2) The credit under this section shall be calculated individually for either each qualified research and development employee or each qualified management staff employee, respectively, depending on which type of employee qualifies the taxpayer for the credit under this section, as follows:

(a) If the annual wages subject to taxation for federal medicare payments for a qualified research and development employee or a qualified management staff employee are greater than the average annual wages subject to taxation for federal medicare payments for employees who are not qualified research and development or qualified management staff employees, then subtract the amount of the average annual wages subject to taxation for federal medicare payments for employees of the taxpayer who are not qualified research and development employees or qualified management staff employees from each qualified research and development employee’s and qualified management staff employee’s annual wages subject to taxation for federal medicare payments or \$200,000.00, whichever is less.

(b) Multiply the sum of the calculation in subdivision (a) by 0.10.

(3) If the amount of the credit exceeds the tax liability of the taxpayer for the tax year, the excess shall not be refunded.

(4) As used in this section:

(a) “Administrative employee” means an employee who is not primarily involved in manual work and whose work is directly related to management policies or general management operations.

(b) “Executive employee” means an employee who is primarily engaged in the management of all or part of the total business enterprise.

(c) “Full-time” means a minimum of 35 hours of an employee’s time a week for the entire normal year of company operations.

(d) “Management staff related functions and services” means those functions involving financial, personnel, administrative, legal, planning, or similar business functions performed by qualified management staff employees in this state.

(e) “Professional employee” means an employee whose primary duties require knowledge of an advanced type in a field of science, technology, business, or other similar field requiring specialized study. Such knowledge is characterized by a prolonged course of specialized study. A professional employee’s work must be original and creative in nature and cannot be standardized over a specific period of time. The work must require consistent exercise of discretion, and the employee must spend at least 80% of his or her time performing work directly related to management policies and centralized activities.

(f) “Qualified management staff employee” means a full-time executive, administrative, or professional employee performing management staff related functions and services in this state.

(g) “Qualified research and development employee” means a full-time employee who performs laboratory, scientific, or experimental testing and development activities related to new products, new uses of existing products, or improving existing products as part of a group of employees who perform those research and development activities for the taxpayer in this state.”.

3. Amend page 80, line 1, after “provided” by inserting “in this act and”.

4. Amend page 97, following line 20, by inserting:

“Sec. 91. This act is repealed effective January 1, 2018.”.

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

Resolutions

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

Senate Resolution No. 37

The resolution consent calendar was adopted.

Senator McManus offered the following resolution:

Senate Resolution No. 37.

A resolution commemorating April 2007 as Wine Month in Michigan.

Whereas, Michigan’s excellent wines are an important part of the state’s agricultural diversity; and

Whereas, Michigan’s grape-growing industry began in the southwestern part of Michigan in the mid-nineteenth century, and today has grown to include 45 wineries and 16 tasting rooms located throughout the state; and

Whereas, Michigan's vineyards and wineries are an important component of the state's agricultural tourism industry; and

Whereas, Michigan's four federally-recognized viticultural areas—Fennville, the Lake Michigan Shore, the Leelanau Peninsula, and the Old Mission Peninsula—are the result of the moderating influences of Lake Michigan, excellent drainage, and light soil conditions which are similar to conditions in the fine wine regions in Europe; and

Whereas, Michigan vintners have cultivated a wide variety of grapes which allows them to produce a wide selection of quality wines, many of which have received national and international awards, including reds, whites, blushes, and sparkling and nonalcoholic juices; and

Whereas, Michigan vintners are supportive of the "wine in moderation" concept and promote the health aspect of wine, as well as the idea that wine is a food and should be enjoyed and complemented with other foods; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 2007 as Wine Month in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Grape and Wine Industry Council as a token of our highest esteem.

Senators Anderson, Birkholz, Gleason, Jelinek, Kahn, Schauer and Scott were named co-sponsors of the resolution.

Senate Resolution No. 30.

A resolution to urge the United States Army Corps of Engineers and the Michigan Department of Natural Resources to make the necessary repairs to the Crooked River Lock in Emmet County and to make the necessary repairs a priority for the 2007 year.

The question being on the adoption of the resolution,

Senator Allen offered the following substitute:

A resolution to urge the United States Army Corps of Engineers and the Michigan Department of Natural Resources to make the necessary repairs to the Crooked River Lock in Emmet County and to make the necessary repairs a priority for the 2007 year.

Whereas, The Inland Waterway is Michigan's longest chain of rivers and lakes. It stretches almost 40 miles through the waters of Crooked Lake, Crooked River, Pickerel Lake, Burt Lake, Indian River, Mullet Lake, and the Cheboygan River, and includes lock systems on the Crooked River and on the Cheboygan River; and

Whereas, The Inland Waterway has long been used as a mode of transportation and commerce, dating back to the time when Native Americans and fur traders would use the waterway en route to Little Traverse Bay in lieu of taking the longer open water route through the Straits of Mackinac. The completion of a lock on the Cheboygan River in 1869 opened this inland waterway to companies whose vessels carried passengers and freight to the inland villages of this part of northern Michigan. Since the Crooked River Lock was constructed by the Army Corps of Engineers from 1967 to 1968, daylong excursions over these waters have become even more popular with tourists and residents alike; and

Whereas, Every year, 10,000 to 15,000 people visit the locks on the Crooked River and the Cheboygan River. These tourist destinations exert a significant economic impact upon the towns and businesses along the Inland Waterway, especially the community of Alanson, the home to the Crooked River Lock; and

Whereas, In this time of economic uncertainty, it is crucial that our state and federal governments work together to encourage economic activity through support of our infrastructure. It is important to this region that the Inland Waterway—a vital economic asset to northern Michigan—remains operational and our waters navigable; now, therefore, be it

Resolved by the Senate, That we urge the United States Army Corps of Engineers and the Michigan Department of Natural Resources to make the necessary repairs to the Crooked River Lock in Emmet County in time for the commencement of the 2007 summer tourism season; and be it further

Resolved, That we urge the Michigan Department of Natural Resources to fulfill their commitment to keeping the Crooked River Lock maintained and operational by taking prompt action this spring to make the needed short-term repairs; and be it further

Resolved, That copies of this resolution be transmitted to the United States Army Corps of Engineers; the Michigan congressional delegation; the Michigan Department of Natural Resources; the Michigan Natural Resources Commission; the Michigan Waterways Commission; the Emmet and Cheboygan County Boards of Commissioners; the Petoskey, Harbor Springs, and Indian River Chambers of Commerce; and the village of Alanson.

The substitute was adopted.

The resolution, as substituted, was adopted.

Senate Resolution No. 27.

A resolution to memorialize the Congress of the United States to invest in Head Start and quality child care.

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

This resolution urges Congress to invest in Head Start and early childhood day care. It is very, very timely because they are beginning to talk about and discuss that budget at this point in time. It will send a very strong message to our federal policymakers that we need increased investments in quality early childhood programs here in Michigan.

Michigan has made a strong bipartisan commitment to early childhood education. During these difficult economic times, some additional help from the federal government helps us help our most vulnerable, and yet, our future before us.

Head Start has been in existence since 1965. High-quality Head Start programs do so much for us as a state and as a country. As many of you know, I worked for several years in a high-quality Head Start program in Holland. I'm here to tell you that the children who graduate from a high-quality preschool education program are much more likely to be successful in school, are much less likely to participate in special education programs, are more likely to graduate, have higher paying jobs, and many of them will go on to some form of secondary education. Importantly, far fewer of them end up in our prison system later on.

So I encourage your support of the resolution before us.

Senators Basham, Gilbert, Anderson, Schauer, Birkholz, Gleason, Hardiman, Allen, Scott, Olshove, Cropsey, Brater and Clark-Coleman offered the following resolution:

Senate Resolution No. 34.

A resolution to express the Senate's opposition to Norfolk Southern Corporation's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border.

Whereas, The Norfolk Southern Corporation is considering the sale of its Michigan lines from Grand Rapids to Kalamazoo and from Ypsilanti to Kalamazoo. The Ypsilanti to Kalamazoo line carries the state's busiest high-speed AMTRAK train, the Wolverine, which travels from Detroit to Chicago. The Wolverine travels on the Norfolk Southern Railroad's rail corridor from Ypsilanti to Kalamazoo until it connects with AMTRAK's own line. Ridership on this line increased six percent in 2006 to 142,185 passengers; and

Whereas, The Ypsilanti to Kalamazoo portion of the Norfolk Southern line is a vital link between Detroit and Chicago. Expanding the high-speed rail capacity on this line is vital to the future development of this area. New industry, including coal energy, biodiesel, and ethanol fuel plants are proposed for Michigan and specifically along the I-94 corridor located near the Ypsilanti to Kalamazoo rail line. Continued operation of this line by Norfolk Southern is essential to expansion of new industry in this area. Over 150 railroad employees' jobs are associated with the rail traffic along this line; and

Whereas, Norfolk Southern is a Class One railroad operator, earning revenue in excess of \$250 million annually. As a Class One operator, Norfolk Southern has the capacity to maintain and promote the use of these lines. The proposed sale of the Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo lines will almost certainly place the lines under the management of a Class Three operator, a rail company earning revenue of \$20 million or less annually. A Class Three operator will be far less likely to have the means to maintain the lines, thus increasing the chance of accidents. Class Three operators also rely on federal grants for line and equipment maintenance, grants that are not always guaranteed; now, therefore, be it

Resolved by the Senate, That we express opposition to Norfolk Southern's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; 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; members of the Michigan congressional delegation; the United States Department of Transportation, Surface Transportation Board; the Norfolk Southern Corporation; AMTRAK; and the Michigan Department of Transportation.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Clarke, Hunter and Prusi were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Barcia, Thomas, Olshove, Hunter, Prusi, Anderson, Jacobs, Scott, Cherry, Basham, Clarke, Whitmer, Schauer, Brater, Switalski, Clark-Coleman and Gleason introduced

Senate Bill No. 385, entitled

A bill to require certain providers of electric service to comply with a portfolio standard for renewable energy; to prescribe the powers and duties of certain state agencies and officials; to create a fund; and to provide for penalties.

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

Senators Patterson, Anderson, Birkholz, Kahn and Pappageorge introduced

Senate Bill No. 386, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), section 520b as amended by 2006 PA 169, section 520c as amended by 2006 PA 171, and sections 520d and 520e as amended by 2002 PA 714.

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

Senators Cassis, Pappageorge, Kuipers, Basham, Birkholz, George, Gleason, Allen, Hunter and Kahn introduced

Senate Bill No. 387, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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

Senators Cassis, Pappageorge, Kuipers, Basham, Birkholz, George, Gleason, Allen, Hunter and Kahn introduced

Senate Bill No. 388, entitled

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

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

Senators Gleason, Clarke, Clark-Coleman, Basham, Olshove, Brater, Prusi, Cherry, Scott, Hunter, Whitmer, Barcia and Thomas introduced

Senate Bill No. 389, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), sections 1i and 55 as amended by 2004 PA 33 and section 13 as amended by 2002 PA 743, and by adding section 61a.

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

Statements

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

The motion prevailed.

Senator Thomas' statement is as follows:

I wanted to take a couple of moments out of my five minutes today to speak about a friend of mine who has left this world and passed on. Harold Smith departed this world and went on to, I believe, a better place on February 24, 2007. He was someone who was an institution in Democratic politics in the city of Detroit. He was just a true gentleman.

Harold was born to John Smith and Ruby Neely in Atlanta, Georgia, and moved to Detroit in his younger years. He was in the Army. He was a professional boxer who fought in Philadelphia, Madison Square Garden, and throughout the United States. During this time as a member of the Army boxing group, he won the coveted Diamond Belt for his weight class and division, which in latter years his great-grandson Antoine would also win.

He was a tenacious contender and it was said that to all who really knew him he knew how to throw a punch and he knew how to take a punch. This is how he received his nickname "Punchie." Barry Gordy, a longtime friend of Harold's, and certainly we all know the founder of Motown, had the occasion to box Harold in his early teenage years and wrote about him later in his autobiography as just an amazing puncher and someone who was fantastic.

Harold worked for the city of Detroit and he retired on disability from Wayne State University. He is remembered by all who knew him as a kind, caring, gentle man, deeply loved by his community and family, a great father, a great husband, and a great role model.

He was one of the first people I met when I first went to my very first Democratic Party meeting. He was the custodian at the local party headquarters. I walked across a freshly-mopped floor and suddenly this little man who was a lot smaller than me and a lot older than me, but I could tell his arms were much bigger than mine, jumped in my face and was like don't you see this is a wet floor. He was just yelling like crazy at me and then cracked up smiling and gave me a big hug. I remembered thinking who is this strange little man doing this to me, but he became such a dear, dear friend afterwards that every Saturday I would make a point to stop by that office and spend some time with Harold because he had great stories to tell. I just can't remember someone in politics who was just as nice and as kind and considerate as this man.

I didn't get a chance to be with his family at his funeral. So I wanted to record into the record my love and admiration for Harold and for his wife Alice and the rest of their family, to wish him thank you for his years of friendship and wish his family well as they remember and cherish for years to come his great memory.

I would hope my colleagues would join me in saying thank you to Harold for just living a great life and being a special individual. We will miss you, Harold. I will miss you.

Senator Scott's statement is as follows:

In 1955, there appeared an advertisement in a Greensboro, North Carolina, paper. It said, "We do not intend to wait for those rights that are already legally and morally ours to be doled out to us one at a time." Well, I would echo that declaration more than 50 years ago later by declaring that the residents of Detroit and Michigan are not going to wait for fair and equitable insurance rates which are legally and morally ours to begin with.

That's why I stand before you, yet again today, to urge you to take action now on a fair and honest rate-setting process that we are entitled to. I do not intend to wait. I will continue to advocate, urge, besiege, and insist that affordable auto and homeowners insurance become a priority within this body.

I also want to say to my colleagues, Citizens for Better Care will be in the west wing of the first floor, of which I'm a member of that organization. So please go down and see them if you can put just a little more food in you. If you can't, just say hello to them.

The Tuskegee Airmen, the legendary group of African-American pilots who distinguished themselves in World War II combat missions will receive the prestigious Congressional Gold Medal today. About 350 Tuskegee Airmen or their widows, including 50 from Michigan, will be honored at the ceremony in the rotunda of the United States Capitol, a venue their race once would have prevented them from entering. President Bush will be attending and will be among those presenting the medals.

Lieutenant Colonel Alexander Jefferson of the Detroit Chapter of the Tuskegee Airmen will be one of the two airmen who will speak after the medals are presented. Jefferson was shot down over Germany on his 19th mission and was captured and held in a Nazi German POW camp until U.S. troops led by General George S. Patton liberated him. President Franklin D. Roosevelt created the segregated flight training program in 1941 at the Tuskegee Institute in Alabama.

As pressure grew from the National Association for the Advancement of Colored People to allow African Americans to become military pilots, about 450 African-American pilots went on to fight in serial battles over Europe, Sicily, and North Africa in World War II. They shot down 261 enemy planes and were so successful as escorts for bombers that they were called "Red Tailed Angels," a nickname from the red color of their plane tails.

On their combat missions, 66 airmen died, while 33 were shot down and held as prisoners of war. U.S. Senator Carl Levin of Detroit and U.S. Representative Charles Rangel of New York sponsored the bill passed last year to give the highest civilian honor bestowed by Congress to the Tuskegee Airmen.

"What is it that these young men saw in our nation which drove them to defend it in the face of the offenses against them and the pain inflicted upon them by laws promoting segregation and practices reflecting bigotry? They must have sensed that despite the racism and bigotry that this was a nation worth fighting for," Levin said Wednesday in preparation for the ceremony.

In addition to their combat victories, the Tuskegee Airmen are credited with helping bring about the eventual integration of the United States military.

Senator Cropsy moved that when the Senate adjourns today, it stand adjourned until Wednesday, April 4; when it adjourns on Wednesday, April 4, it stand adjourned until Wednesday, April 11; and when it adjourns on Wednesday, April 11, it stand adjourned until Tuesday, April 17.

The motion prevailed.

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 342, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2635 (MCL 339.2635), as amended by 2006 PA 414.

With the recommendation that the bill pass.

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 was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

Senate Bill No. 343, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 27 (MCL 493.77), as amended by 1997 PA 91.

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.

Randy Richardville

Chairperson

To Report Out:

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

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

Senate Bill No. 356, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

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.

Randy Richardville

Chairperson

To Report Out:

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

Nays: None

The bill and the substitute 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, March 28, 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 Bill No. 152, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3902 (MCL 324.3902).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Prusi

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 362, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3902 (MCL 324.3902).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 15.

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

(For text of resolution, see Senate Journal No. 17, p. 205.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to memorialize the United States Congress to enact legislation to increase protections for the Great Lakes from Asian carp.

Whereas, Two species of Asian carp, not native to the United States, are on the verge of invading the Great Lakes. Silver carp and bighead carp escaped from confinement at southern fish farms in past decades and have migrated up the Mississippi and the Illinois River to within less than 100 miles of the Great Lakes; and

Whereas, Asian carp could become a dominant species in the Great Lakes, threatening the \$4.5 billion Great Lakes commercial and recreational fishery and recreational boaters. Asian carp are voracious feeders that compete with native fish and wildlife for food. In addition, silver carp can weigh up to 70 pounds and jump up to 10 feet out of the water when disturbed by boats. Boaters have suffered cuts, blackened eyes, broken bones, back injuries, and concussions from leaping silver carp; and

Whereas, The only thing preventing the movement of Asian carp into the Great Lakes is a temporary electrical barrier in the Chicago Sanitary and Ship Canal operated by the United States Army Corps of Engineers. A permanent electrical barrier is also under construction to replace the temporary barrier; and

Whereas, To date, over \$12 million has been spent on construction and operation of the electrical barriers. To help match federal funding, the state of Michigan has contributed nearly \$70,000 toward the completion of the permanent electrical barrier; and

Whereas, Current funding is insufficient to complete construction of the permanent barrier and only finances operation of the temporary barrier through the first half of fiscal year 2007. In addition, there is no funding to renovate the temporary barrier as a permanent backup to the new barrier; and

Whereas, There are provisions in several measures before the Congress that would provide funds to upgrade the current barrier and complete construction of the permanent barrier. Bills with this language include the Great Lakes Asian Carp Barrier Act (H.R. 553 and S. 336), the Water Resources Development Act of 2007 (H.R. 1495), the National Aquatic Invasive Species Act of 2007 (S. 725), and the Great Lakes Collaboration Implementation Act (H.R. 1350). It is of the utmost importance that Congress protect the Great Lakes by providing the funding and authority for the ongoing operation and maintenance of the barriers, compensate states for their contributions to the project, and provide for research into controlling Asian carp and other exotic species; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to enact legislation to increase protections for the Great Lakes from Asian carp; 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.

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 18.

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

(For text of resolution, see Senate Journal No. 18, p. 221.)

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 Resolution No. 30.

A resolution to urge the United States Army Corps of Engineers to make the necessary repairs to the Crooked River Lock in Emmet County.

(For text of resolution, see Senate Journal No. 27, p. 338.)

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
 Meeting held on Wednesday, March 28, 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 Resolution No. 27.

A resolution to memorialize the Congress of the United States to invest in Head Start and quality child care.

(For text of resolution, see Senate Journal No. 25, p. 317.)

With the recommendation that the resolution be adopted.

Wayne Kuipers
 Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:
 Meeting held on Wednesday, March 28, 2007, at 1:00 p.m., Room 210, Farnum Building
 Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:
 Meeting held on Thursday, March 29, 2007, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

Scheduled Meetings

Appropriations -

Subcommittees -

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

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

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:15 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, April 4, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

