

No. 17
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, February 28, 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—present
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

Father Eoin Murphy of St. Joseph Catholic Church of St. Johns offered the following invocation:

Give us, Lord God, the courage to enter into this moment in time, into this gathering of Your servants, into this time of grace. Give us, Lord, the courage to enter into the possibilities that lie before us, waiting to be discovered. Give us, Lord, the courage to enter into the tasks and challenges before us in a spirit of exploration and generosity.

Give us, Lord, the courage to enter into the ideas and suggestions to be voiced and to hear them with an open, receptive ear, alive to the wisdom they contain. Give us, Lord, the courage to enter into Your presence, to be carried along by Your power, reaching out to strengthen us.

God of eternity, bring healing to our past mistakes made, opportunities missed, and reconciliation not sought for. Lord of time, enlighten the future for us, strengthen our resolve, revitalize our vision, ensure our perseverance, and enhance our hope.

Bless the deliberations of all of us gathered here today. Only You create, but we are called to enhance that creation. Only You, Lord, make all things grow, but we are called to nourish that growth. Only You give hope, but we are called to give one another reason for hope. Only God can bring peace, but we are called to build bridges. Only You, Lord, are light, but we are called to make that light shine in the world.

God of past, present, and future, we remember in joy all that You have done for us through the centuries. We look forward in anticipation to the completion of Your work of salvation. We give ourselves today and always in willing commitment to the work of Your Spirit in this state of Michigan. Amen.

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

Motions and Communications

Senator McManus entered the Senate Chamber.

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

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

Senators Garcia and Barcia entered the Senate Chamber.

The following communication was received:
Michigan Capitol Committee

February 21, 2007

Please be advised, that effective immediately, I am resigning as Executive Director of the Michigan Capitol Committee due to continuing health issues. I have turned over the records of the Committee to Kerry Chartkoff, Capitol Historian. I am also transmitting under separate cover a communication concerning the Historic Documents Display and my final report as Executive Director.

I thank you and members of the Capitol Committee for their support over the years and dedication in preserving the Capitol for current and future generations.

Sincerely,
Jerry Lawler

The communication was referred to the Secretary for record.

The following communication was received:
Legislative Council Facilities Agency

February 27, 2007

Enclosed is a copy of a letter from Jerry Lawler, tendering his resignation as Executive Director of the Michigan Capitol Committee. As you know, Jerry's health prevents him from continuing in his position.

Until the Capitol Committee meets to elect officers and designate a replacement for Jerry, I have volunteered to serve as a clearing house for Committee business. If you have any questions about Jerry or the Capitol Committee, please feel free to contact me at 3-5527.

Thanks for your support.

Sincerely,
Kerry K. Chartkoff
Capitol Historian

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, February 27:
House Bill No. 4120

The Secretary announced that the following official bills were printed on Tuesday, February 27, and are available at the legislative website:

Senate Bill Nos. 284 285

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointment:

Commission of Natural Resources

Reverend Hurley J. Coleman, Jr., a Democrat, of 11 Cobblestone Place, Saginaw, Michigan 48603, county of Saginaw, succeeding Gerald R. Hall, who has resigned, for a term commencing January 10, 2007 and expiring December 31, 2007.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

Messages from the Governor

Commission of Natural Resources

Reverend Hurley J. Coleman, Jr., a Democrat, of 11 Cobblestone Place, Saginaw, Michigan 48603, county of Saginaw, succeeding Gerald R. Hall, who has resigned, for a term commencing January 10, 2007 and expiring December 31, 2007.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 13

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senators Clark-Coleman, Birkholz, McManus 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 Clark-Coleman's statement is as follows:

I rise in strong support of Reverend Bishop Hurley J. Coleman, Jr., of the Greater Coleman Temple Church of God in Christ in Saginaw for this appointment. I've known Hurley Coleman since 1986, when he worked as the Wayne County parks director. He came in to a park which had a bad reputation and was in disrepair. In a short period of time, he brought it up to a family park where people could go and enjoy themselves without worrying about all of the negative persons who used to hang out in that park. He's also a very notable bishop in the Church of God in Christ, very active, very respected, but he certainly knows his area.

I strongly support this nomination and I would urge my colleagues to do likewise.

Senator Birkholz's statement is as follows:

I, too, stand in support of Hurley Coleman to the Natural Resources Commission. Hurley Coleman and I worked together on the Michigan State Parks Advisory Board for several years as members, and then when I was chair of the committee, and we did promote Proposal P. Some of you in this chamber may remember that. Proposal P came about as a joint effort between the Legislature and the Michigan State Parks Advisory Board. Proposal P was the endowment funding for Michigan state parks which passed with an overwhelming vote of 78 percent of the people in the state of Michigan to support an endowment fund in the Constitution.

Hurley Coleman was a very integral part of our work during that time. He's a problem solver. He cares passionately about Michigan's natural resources. He's a hard worker and I know he will be a wonderful addition as well as a productive addition to the Natural Resources Commission. I highly support his endorsement.

Senator McManus' statement is as follows:

I rise also in strong support of Mr. Coleman. The Subcommittee on Natural Resources met yesterday and considered the appointment of Mr. Coleman to the Natural Resources Commission.

He has extensive park background and he will be a great asset to the commission. We believe that he is abundantly qualified to partake on that commission. We feel that he will do a fine job in representing the citizens of the state of Michigan.

I look forward to working with him in his tenure on that commission. So, therefore, I would like to also add my support to his appointment.

Senator Scott's statement is as follows:

I would like to commend the Governor on selecting Mr. Hurley J. Coleman to the Natural Resources Commission.

This is a man with great integrity. He is truly a man of God and has great expertise. I met him several years ago when he was working for Mr. McNamara at Wayne County. I just wanted to add my remarks just to say what a great man and what a great opportunity we have for this gentleman to be serving on the commission.

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 Allen as Chairperson.

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

Senate Bill No. 115, entitled

A bill to amend 2003 PA 226, entitled "Joint municipal planning act," by amending sections 5 and 7 (MCL 125.135 and 125.137).

Substitute (S-1).

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

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

Senate Bill No. 206, entitled

A bill to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

Substitute (S-3).

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

Resolutions

Senators Van Woerkom, Patterson, Birkholz, Jelinek, McManus, Prusi, Basham and Kuipers offered the following resolution:

Senate Resolution No. 15.

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

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, The Great Lakes Asian Carp Barrier Act (H.R. 553 and S. 336) would provide funds to upgrade the current barrier and complete construction of the permanent barrier. The act would also provide 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 the Great Lakes Asian Carp Barrier Act (H.R. 553 and S. 336) to protect 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.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Barcia, Gleason, Pappageorge and Switalski were named co-sponsors of the resolution.

House Concurrent Resolution No. 4.

A concurrent resolution prescribing the Joint Rules of the House of Representatives and Senate.

Resolved by the House of Representatives (the Senate concurring), That the following be and are hereby adopted as the Joint Rules of the House of Representatives and Senate:

JOINT RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE

Transmission of Messages.

Rule 1. All messages necessary for conducting legislative business between the two houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments.

Rule 2. It shall be in the power of either house to amend an amendment made by the other to any bill or resolution.

Conference Committees.

Rule 3. (a) The house not concurring in the amendments of the other house shall appoint conferees and notify the amending house of its action. The amending house shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each house, to be appointed as each house may determine. The first named member of the house in which the bill or resolution originated shall be chairperson of the conference

committee. Upon appointment of conferees by both houses, the bill or resolution shall be referred to the conference committee. When one house amends or substitutes a bill that has been returned for concurrence from the other house, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred to the conference committee. The conference committee shall serve until the conference report has been adopted by both houses or rejected by a house.

(b) The conference committee shall consist of committees of the two houses with those two committees voting separately while in conference. The adoption of a conference report shall require concurring majorities of the members of each house. The conference committees of the two houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each house who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the house of origin where the question shall be on the adoption of the conference report. If the conference report is adopted in the house of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other house where the question shall be on the adoption of the conference report. If the conference report is adopted in the other house, the bill or resolution and the original signed copy of the conference report shall be returned to the house of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Conference Committee Clerk.

Rule 4. The conference committee clerk shall be from the house of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each house indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel from the same house as the Chairperson for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the house of origin, it shall appoint second conferees and notify the other house of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other house, it shall appoint second conferees, notify the house of origin of its action, and transmit the bill or resolution to the house of origin. Upon receipt of the bill or resolution, the house of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each house who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the house of origin. Both houses shall appoint second conferees, and the house of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either house, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two houses.

For all bills making appropriations, adoption of a substitute by either house shall not open identical provisions contained in the other house-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either house open provisions not contained in either house version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by "yeas" and "nays" and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a house by a majority vote in that house, provided that a copy of the conference report has been made available to each Member.

Conference Reports: Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill or resolution, either house may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other house for that purpose. If this further action is agreed to by both houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Correction of Errors.

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both houses, the house in which the bill or resolution originated may make amendments to correct the errors and shall notify the other house of its action. If the corrective amendments are agreed to by the other house, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

Bills and Joint Resolutions.

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and printed in the Journal of the house taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other house to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that house to order at the designated time and announce the absence of a quorum. That house shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage, Adoption, and Enrollment Printing.

Rule 16. Every bill passed or joint resolution adopted by both houses and returned to the house of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the house having last passed the bill or adopted the joint resolution requests its return and such request is granted or a motion is made in the house of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either house shall be transmitted to the other house unless a motion for reconsideration is pending.

Immediate Effect.

Rule 17. Whenever both houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each house for adoption. Other joint resolutions shall require a majority of the members elected and serving in each house for adoption. All joint resolutions shall require a record roll call vote.

Veto Override: Filing with Secretary of State.

Rule 19. When a bill is passed by both houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the house of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The revised judicature act of 1961,") shall be used in acts where it has been defined by legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the house other than the house of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in upper case bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars.

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either house until the tie-barred item has been designated in the appropriate blank space provided.

Elections in Joint Convention.

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective houses, printed in the Journal of each house, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. The initial appointment of the standing committee members of the two houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

Compensation.

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

Daily Adjournment.

Rule 27. Neither house shall remain in session on any legislative day beyond 12:00 midnight. If either house is in session at 12:00 midnight, the presiding officer shall declare that house adjourned until a fixed hour for meeting on the next legislative day. That house shall stand adjourned until the next fixed meeting time.

Pending Business.

Rule 28. Any business, bill, or joint resolution which has not been defeated by either house shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either house, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted, a majority of the members serving voting therefor.

Senators Birkholz, Clark-Coleman, Gleason, Jelinek and Pappageorge were named co-sponsors of the concurrent resolution.

Senator Bishop offered the following resolution:

Senate Resolution No. 16.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate is hereby amended to read as follows:

“2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture (5 members)

Appropriations (18 members)

Banking and Financial Institutions (7 members)

Campaign and Election Oversight (5 members)

Commerce and Tourism (5 members)

Economic Development and Regulatory Reform (7 members)

Education (5 members)

Energy Policy **AND PUBLIC UTILITIES** (8 members)

Families and Human Services (3 members)

Finance (7 members)

Government Operations and Reform (7 members)

Health Policy (7 members)

Homeland Security and Emerging Technologies (7 Members)

Judiciary (7 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Senior Citizens and Veterans Affairs (5 members)

Transportation (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701)”.
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, a majority of the members serving voting therefor.

Senators Birkholz, Cassis, Gleason, Jelinek and Pappageorge were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Patterson, Kuipers, Richardville, Gleason, Allen, Van Woerkom and Jansen introduced

Senate Bill No. 286, entitled

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

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

Senators Basham, Anderson, Olshove and Hunter introduced

Senate Bill No. 287, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending section 1 (MCL 722.641), as amended by 2006 PA 236.

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

Senators Basham, Pappageorge, Anderson and Olshove introduced

Senate Bill No. 288, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7mm.

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

Senators Basham, Kahn, Pappageorge, Anderson, Olshove and Hunter introduced

Senate Bill No. 289, 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, and by adding section 3e.

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

Senators Richardville, Hardiman, Hunter, Cherry, Gleason, Stamas, Allen, Thomas, Olshove, Kuipers, McManus, Cassis, Van Woerkom, Garcia and Barcia introduced

Senate Bill No. 290, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

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

Senators Kahn and Pappageorge introduced

Senate Bill No. 291, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u.

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

Senators Kahn, Barcia and Pappageorge introduced

Senate Bill No. 292, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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

Senators Kahn, Kuipers, Pappageorge, Allen, Van Woerkom and Anderson introduced

Senate Bill No. 293, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9702.

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

Senators Jansen, Van Woerkom, George, Hardiman, Thomas, Allen and Scott introduced

Senate Bill No. 294, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2006 PA 554.

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

Senator Hardiman introduced
Senate Bill No. 295, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57r (MCL 400.57r), as added by 2006 PA 468.

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

House Bill No. 4120, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

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

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

Statements

Senators Clarke, Basham, Scott, Kahn and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clarke's statement is as follows:

The man had a wonderful dream of having the State Capitol dome lit up in red, white, and blue lights. Many of you may know him as the Dome Man, Andrew Anthos. The reason he had this dream and campaigned for it year after year for nearly two decades is because he wanted our veterans to be honored. He loved this state and he loved this country. That's why his death is a loss to Michigan.

His passing also is a loss to me personally because on a couple of occasions as recently as less than a year ago I spoke to him face to face about his dream to have the Capitol dome lit up. Andrew Anthos was 72 years old. He was disabled and he was a real patriot.

The real tragedy is, though, Mr. Anthos is dead because he was gay and because his killer hated gay people. This is why I request the Legislature, at the urging of Mr. Anthos' family, to expand the scope of the hate crimes law to include crimes motivated by hatred against people who are gay, who may have a different sexual identity or expression.

Whenever a person is hurt because of the group they belong to, that entire group is attacked. Think about it. If Mr. Anthos was murdered because of the color of his skin, and while he was being beat to death, his assailant was shouting out racial slurs, we all would be outraged because this would be an attack against people of color as a whole. Same here. Mr. Anthos is dead because he was gay. I believe if we expand the scope of the hate crimes law to include sexual orientation, gender identity, and gender expression, it would help prevent our society from being further ripped apart. It would help promote tolerance and respect among everyone.

Senator Basham's statement is as follows:

As most members know that we lost a sergeant right before session began this year, there was an endowment fund set up in his name. The Charlie Thornhill Memorial Fund actually has reached \$1.2 million, which I think says something about Charlie and it says something about the people who knew Charlie to reach that goal of \$1.2 million, and the fund is still accepting more money in Charlie Thornhill's name.

I thought my colleagues would like to know that they have reached \$1.2 million in the Charlie Thornhill Memorial Fund.

Senator Scott's statement is as follows:

I would like to invite all of my colleagues this evening from 4-7 p.m. to the Black History Month Program. This is our final Black History Month program. As you know, at lunch time we've had a number of activities and I thank all of you for participating, for coming by and especially yesterday when we had all of my students here.

Tonight our theme is "Music as a Sword in Our Fight for Freedom." We will have a number of persons on the program and we will have Regina Belle for a special performance. Please come and join us.

Philip Randolph was the founder of the Brotherhood of Sleeping Car Porters who came up with the idea of leading a protest march of blacks in Washington, D.C., to protest discrimination. A week before the scheduled demonstration, President Franklin D. Roosevelt issued Executive Order No. 8802, which banned discrimination in the defense of industry and led to the creation of the Fair Employment Practice Committee.

On a visit to Detroit in 1942, A. Philip Randolph said, "Equality is the heart and essence of democracy, freedom, and justice." That was 64 years ago and we still do not have equality in insurance rates for the city of Detroit. I'm urging my colleagues on both sides of the aisle to take action and take it now on this important issue.

I spoke yesterday about 20 years ago what former Mayor Coleman A. Young said and now we go back to this great man, Philip Randolph, who talked about equality many, many years ago.

I would like my colleagues, please, let's do something about this and let's do it soon. You have the opportunity now.

Senator Kahn's statement is as follows:

I would like to thank members for the unanimous appointment of my friend Hurley Coleman to the Natural Resources Commission.

Reverend Coleman is well-known in my community not just because of his dedication to recreation programs for the people of my area, but because as well as a man of God. He has concern for our entire community in every sense of the word "community." I'm just delighted to be able to go home tonight and say to him that he has been appointed.

I would also like to let members know that his church, the Greater Coleman Temple, just had a new opening and an expansion. I will bet you anything that the folks on Sunday will be hearing about this.

Senator Clark-Coleman's statement is as follows:

I'd like to take this time to congratulate—I am sure most of you know that I represent the city of Dearborn and that we lost our mayor of Dearborn on December 5. We had a special election yesterday and it is my pleasure to announce that Council President and Interim Mayor John Jack O'Reilly won by—close race, a very close race. He won with 94 percent of the votes, so I would like to certainly congratulate Jack O'Reilly, my good friend. I know that he will be a wonderful mayor in the city of Dearborn.

He served for seventeen years as Council President and enjoyed a legacy that I would, and most of us would, love to do. He was a top vote getter in Dearborn for Council and never ran a campaign. So that just shows how popular he is and that is not just among a few people, but he was able to pull together all the people. Certainly, they have a large Mideastern group of people living there. He was able to bridge the gap and pull together people from all nationalities because Dearborn, certainly at this point, is a melting pot and get the confidence of the majority of the folks.

I take great delight in congratulating Jack O'Reilly for a wonderful victory and welcome him as our next mayor of Dearborn.

Committee Reports

The Committee on Families and Human Services reported

Senate Bill No. 183, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2006 PA 621.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

Senate Bill No. 271, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5 and 5e (MCL 722.115 and 722.115e), section 5 as amended by 2006 PA 580 and section 5e as added by 2005 PA 133, and by adding sections 5h and 5i.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

Senate Bill No. 273, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2006 PA 630.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, February 27, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Monday, February 26, 2007, at 9:00 a.m., Detroit Economic Growth Corporation, 500 Griswold Street, Suite 2200, Detroit

Present: Senators Allen (C), Gilbert and Stamas

Excused: Senators Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, February 27, 2007, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, February 27, 2007, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Hunter, Olshove and Thomas

Excused: Senator Pappageorge

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 27, 2007, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Van Woerkom, Basham and Gleason

Absent: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Tuesday, February 27, 2007, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Kahn (C), Pappageorge, George, Stamas, Cherry, Barcia and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
 Meeting held on Tuesday, February 27, 2007, at 2:30 p.m., Room 100, Farnum Building
 Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:
 Meeting held on Tuesday, February 27, 2007, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
 Present: Senators George (C), Brown and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:
 Meeting held on Wednesday, February 28, 2007, at 8:30 a.m., Room 110, Farnum Building
 Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:
 Meeting held on Wednesday, February 28, 2007, at 9:00 a.m., Room 100, Farnum Building
 Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

Scheduled Meetings

Agriculture - Thursday, March 1, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Agriculture - Thursdays, March 1, March 8 and March 15, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Capital Outlay - Thursday, March 1, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Economic Development - Wednesdays, March 7 and March 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursdays, March 1, March 8 and March 15, 3:00 p.m., Room 100, Farnum Building (373-2768)

Higher Education - Thursday, March 8, 8:30 a.m. and 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

History, Arts, and Libraries - Tuesday, March 6, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and Tuesday, March 13, 3:00 p.m., Room 405, Capitol Building (373-2768)

Human Services Department - Wednesdays, March 7 and March 14, 12:30 p.m., Room 100, Farnum Building (373-2768)

Judiciary and Corrections - Thursday, March 8, 1:30 p.m., Room 100, Farnum Building; and Wednesday, March 14, 3:00 p.m., Room 402, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, March 1 and March 8, 1:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Thursday, March 1, and Wednesdays, March 7, March 14 and March 21, 8:30 a.m., Room 405, Capitol Building (373-2768)

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

Finance - Thursday, March 1, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Homeland Security and Emerging Technologies - Tuesday, March 6, 1:00 p.m., Room 100, Farnum Building (373-5932)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 10:42 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 1, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

