

**No. 121**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Tuesday, November 27, 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 not 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

Senator Deborah Cherry of the 26th District offered the following invocation:

Emily Dickinson once said, "I dwell in possibility." Today, we are choosing to dwell in possibility. As we gather, may we acknowledge the courage that it has taken each one of us to take this step toward realizing all of the potential that life has for us. Let us continue to dwell in our possibility with enthusiasm and passionate resolve.

We ask for God's help to give our individual and collective gifts to our community; to regularly refurbish our intentions; to give of ourselves in ways that make a difference—to our families, to our town, and to our nation; to keep our wits at a time replete with distraction and political uncertainty; to maintain our focus with determination and with a sense of humor borne of the knowledge that we are mortal men and women; and to fuel our work with vigor, stamina, and a hearty spirit.

For all of this, and for a few doses of good luck and grace, we give our thanks, dear Lord. Amen.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:04 a.m.

10:24 a.m.

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

During the recess, Senators Gilbert, Brown, Kuipers, Richardville, Jansen, Hardiman, Allen, Jelinek, Patterson, Garcia, Stamas, Cassis, Pappageorge, McManus, George, Kahn, Van Woerkom, Birkholz and Bishop entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

The Secretary announced that the following official bills were printed on Wednesday, November 21, and are available at the legislative website:

**Senate Bill Nos. 908 909 913 914 915 916**  
**House Bill Nos. 5457 5458 5459**

### Messages from the Governor

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

**Senate Bill No. 436**

**Senate Bill No. 222**

**Senate Bill No. 229**

**Senate Bill No. 232**

**Senate Bill No. 238**

**Senate Bill No. 240**

The motion prevailed.

The following messages from the Governor were received:

Date: November 12, 2007

Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 571 (Public Act No. 138), being**

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation

of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1311 and 1311a (MCL 380.1311 and 380.1311a), section 1311 as amended by 1999 PA 23 and section 1311a as amended by 2000 PA 230.

(Filed with the Secretary of State on November 13, 2007, at 1:42 p.m.)

Date: November 13, 2007

Time: 5:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 403 (Public Act No. 141), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1278b (MCL 380.1278b), as amended by 2006 PA 623.

(Filed with the Secretary of State on November 14, 2007, at 9:20 a.m.)

Date: November 19, 2007

Time: 2:33 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 79 (Public Act No. 143), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 223 (MCL 257.223).

(Filed with the Secretary of State on November 19, 2007, at 3:11 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received on November 14, 2007, and read:

EXECUTIVE ORDER

No. 2007-42

**Department of Environmental Quality  
Michigan Climate Action Council**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the world's scientific community has concluded with a very high level of confidence that emissions of carbon dioxide, methane, and other greenhouse gases are causing the Earth's climate to warm;

WHEREAS, the extent of warming of the Earth's climate depends upon actions taken today to reduce greenhouse gas emissions;

WHEREAS, the State of Michigan can play an important role in meeting the challenge of global climate change while simultaneously spurring economic growth;

WHEREAS, recent studies on the net positive economic and environmental impacts of renewable portfolio standards, energy efficiency standards, and other policy actions for Michigan offer a compelling case for immediate proactive steps to address climate change;

WHEREAS, actions to reduce greenhouse gas emissions such as improving energy efficiency, conserving natural resources, and developing renewable energy sources are beneficial as they reduce costs and spur economic development and job creation;

WHEREAS, establishment of a climate action council will assist this state in identifying the best opportunities to mitigate and adapt to climate change, reduce costs, and foster economic growth in Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. DEFINITIONS**

As used in this Order:

A. "Department of Environmental Quality" or "Department" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "Council" means the Michigan Climate Action Council created under Section II of this Order.

C. "Greenhouse gas" means a gas from a human-generated activity that traps heat within the atmosphere of the Earth causing climate change, including, but not limited to, carbon dioxide, methane, nitrous oxide, ozone, and fluorinated gases.

D. "Climate change" refers to any significant change in measures of climate, such as temperature, precipitation, or wind, lasting for an extended period of time of a decade or longer.

E. "Renewable energy source" means that term as defined under Section 10g of 1939 PA 3, MCL 460.10g.

#### **II. CREATION OF THE MICHIGAN CLIMATE ACTION COUNCIL**

A. The Michigan Climate Action Council is created as an advisory body within the Department of Environmental Quality.

B. The Council shall consist of the following members:

1. The Director of the Department of Environmental Quality.
2. The Director of the Department of Agriculture.
3. The Director of the Department of Labor and Economic Growth.
4. The Director of the Department of Management and Budget.
5. The Director of the Department of Natural Resources.
6. The President of the Michigan Strategic Fund.
7. The Chairperson of the Michigan Public Service Commission.
8. The State Climatologist.
9. 27 other residents of this state appointed by the Governor.

C. Members of the Council shall serve until December 31, 2008.

D. A vacancy on the Council for a member appointed under Section II.B.9 shall be filled in the same manner as the original appointment.

E. The Director of the Department shall serve as the Chairperson of the Council. The Council shall elect a member of the Council to serve as Vice- Chairperson of the Council.

#### **III. CHARGE TO THE COUNCIL**

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Produce an inventory and forecast of greenhouse gas emissions in Michigan and their sources from 1990 to 2020.
2. Consider potential state and multi-state climate change mitigation and adaptation actions in each of the following sectors, and such other sectors as deemed appropriate by the Council:
  - a. Energy supply.
  - b. Residential.
  - c. Commercial and industrial.
  - d. Transportation.
  - e. Land use.
  - f. Agriculture.
  - g. Forestry.

h. Waste management.

3. Compile a comprehensive climate action plan for this state with specific recommendations for reducing greenhouse gas emissions in Michigan, including, but not limited to, identification of mitigation and adaptive measures for state and local units of government, businesses, and Michigan residents to minimize climate change and better prepare for the effects of climate change in Michigan.

4. Advise state and local governmental entities on measures to address climate change.

B. The Council shall complete its work in the following two phases:

1. The Council shall develop a comprehensive list of policy recommendations to reduce greenhouse gas emissions, including preliminary short-term, mid-term, and long-term greenhouse gas emissions reduction goals or targets for this state, for submission as an interim report to the Governor by April 30, 2008.

2. The second phase of the Council's work shall include all of the following, which shall be presented, along with any recommended legislation, to the Governor in a final report of the Council, issued by December 31, 2008:

a. Further development of the policy recommendations included in the interim report of the Council under Section III.B.1 and analysis of the greenhouse gas reduction potential, estimated costs and savings, other environmental benefits, and feasibility of the recommendations.

b. Recommendations for appropriate short-term, mid-term, and long-term greenhouse gas emissions reduction goals or targets for this state.

c. Assessment of climate change impacts to this state, the likelihood of occurrence, and recommendations for potential adaptive measures.

d. A comprehensive climate action plan for this state.

C. The Council shall complete its work by December 31, 2008.

#### **IV. OPERATIONS OF THE COUNCIL**

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish advisory workgroups composed of representatives of entities participating in Council activities or other members of the public as deemed necessary by the Council to assist the Council in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

#### **V. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of November in the year of our Lord, two thousand seven.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on November 19, 2007, and read:

EXECUTIVE ORDER  
No. 2007-43

**Michigan Interagency Coordinating Council for  
Infants and Toddlers with Developmental Disabilities**

**Department of Education**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, the State of Michigan recognizes the importance of maximizing the potential for individuals with developmental disabilities to live independently in society;

WHEREAS, the State of Michigan recognizes the special needs of infants and toddlers with developmental disabilities and their families;

WHEREAS, effective coordination of federal, state and local resources is needed to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children, and of infants and toddlers in foster care, to provide assistance and services enabling infants and toddlers with developmental disabilities to reach their developmental potential;

WHEREAS, the State of Michigan has an obligation to enhance the development of infants and toddlers with developmental disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child's first three years of life;

WHEREAS, the need for special education and related services for children of school age can be reduced by providing assistance to infants and toddlers with developmental disabilities and their families;

WHEREAS, the State of Michigan can enhance the capacity of families to meet the special needs of their infants and toddlers with developmental disabilities;

WHEREAS, early intervention can minimize the need for special education services for children with developmental disabilities in their later years and greatly improve their quality of life;

WHEREAS, the provision of assistance early in life will enhance the ability of infants and toddlers with developmental disabilities to live independently as they mature to adulthood;

WHEREAS, Executive Order 1992-21 established the Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers;

WHEREAS, Executive Order 1994-18 rescinded Executive Order 1992-21 and established a new Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers;

WHEREAS, under the Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 to 1444, each state seeking federal financial assistance for infants and toddlers with developmental disabilities must establish a state interagency coordinating council;

WHEREAS, replacement of the Governor's Interagency Council for Handicapped Infants and Toddlers with the new Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities is necessary to reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, creation of the Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities will advise and assist in the development and implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. DEFINITIONS**

A. "Council" means the Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities established by this Order.

B. "Department of Education" or "Department" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400, and includes the State Board of Education and the Superintendent of Public Instruction.

C. "IDEA" means the federal Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 to 1444.

D. "Infant or toddler with a disability" means that phrase as defined under Section 632(5) of IDEA, 20 USC 1432(5).

#### **II. CREATION OF THE MICHIGAN INTERAGENCY COORDINATING COUNCIL FOR INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES**

A. The Department of Education is designated as the lead agency for the State of Michigan for the purposes of Section 635(a)(1) of IDEA, 20 USC 1435(a)(10).

B. The Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities is created within the Department.

C. As required by Section 641 of IDEA, 20 USC 1441, the members of the Council shall be appointed by the Governor, and in making the appointments, the Governor shall ensure that the membership of the Council reasonably represents the population of this state.

D. The Council shall consist of 21 members, including all of the following:

1. The following members appointed by the Governor:

a. Five parents of infants or toddlers with disabilities or children with disabilities less than 13 years old at the time of appointment with knowledge of, or experience with, programs for infants and toddlers with disabilities. Not less than 1 of the members appointed under this paragraph shall be a parent of an infant or toddler with a disability or a child with a disability less than 7 years old at the time of appointment.

b. Five individuals representing public or private providers of early intervention services. As used in this paragraph, "early intervention services" means that phrase as defined under Section 632(4) of IDEA, 20 USC 1432(4).

c. One individual representing the Michigan Legislature.

d. One individual representing Head Start programs.

e. One individual representing individuals involved in personnel preparation. As used in this paragraph, "personnel preparation" means that phrase as used in IDEA.

f. Three other individuals selected by the Governor. A member appointed under this paragraph may include a representative of a tribal government located within this state.

2. The Superintendent of Public Instruction, or his or her designee from within the Department of Education.

3. The Director of the Department of Community Health, or his or her designee from within the Department of Community Health.

4. The Director of the Department of Human Services, or his or her designee from within the Department of Human Services.

5. The Commissioner of the Office of Financial and Insurance Services, or his or her designee from within the Office of Financial and Insurance Services.

6. The Director of the Office of the Coordinator of Education for Homeless Children and Youth within the Department, or his or her designee from within the Office of the Coordinator of Education for Homeless Children and Youth.

E. Of the members initially appointed by the Governor under Section II.C.1, 4 members shall be appointed for a term expiring on October 31, 2008, 4 members shall be appointed for a term expiring on October 31, 2009, 4 members shall be appointed for a term expiring on October 31, 2010, and 4 members shall be appointed for a term expiring on October 31, 2011. After the initial appointments under this paragraph, members shall be appointed for a term of 4 years.

F. A member of the Council shall continue to serve until a successor is appointed and qualified. A vacancy on the Council occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

#### **III. CHARGE TO THE COUNCIL**

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Advise and assist the Department with all of the following:

a. The performance of responsibilities under Section 635(a)(10) of IDEA, 20 USC 1435(a)(10), particularly, identification of sources of fiscal and other support services for early intervention programs, the assignment of financial responsibility to appropriate agencies and the promotion of interagency agreements.

2. Advise and assist the Department in the preparation of applications for financial and other assistance and amendments to the applications.

3. Advise and assist the Department regarding the transition of toddlers with disabilities to preschool and other appropriate services;

B. The Council may advise and assist the Department regarding the provision of appropriate services for children from birth through the age of 5.

C. The Council may advise state departments and agencies and other appropriate agencies regarding the provision of the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers, and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in this state. As used in this paragraph, "at-risk infant or toddler" means an individual under 3 years of age at risk of experiencing a substantial developmental delay if early intervention services are not provided to the individual.

D. The Council shall prepare and submit an annual report to the Governor and the United States Secretary of Education on the status of early intervention programs operated within this state for infants and toddlers with disabilities and their families.

E. The Council shall provide other information or advice as directed by the Governor.

#### **IV. OPERATIONS OF THE COUNCIL**

A. The Council shall be staffed and assisted by personnel from the Department. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Superintendent of Public Instruction.

B. The Governor shall designate a member of the Council other than the Superintendent of Public Instruction to serve as its Chairperson at the pleasure of the Governor.

C. The Council may select from among its members a Vice-Chairperson.

D. The Council shall select from among its members a Secretary. Council staff shall assist the Secretary with record-keeping responsibilities.

E. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

F. The Council shall conduct its business in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

G. As required under Section 641(f) of IDEA, 20 USC 1441(f), a member of the Council shall not cast a vote on any matter that is likely to provide a direct financial benefit to the member or otherwise create the appearance of a conflict of interest under Michigan law.

H. The Council shall adopt procedures consistent with state and federal law and this Order governing its organization and operations and may establish committees and request public participation on advisory panels as the Council deems necessary. The Council also may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

I. The Council shall meet not less than once every 3 months and at the call of the Chairperson, according to procedures adopted by the Council.

J. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

K. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties, as the Superintendent of Public Instruction deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

L. The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Subject to the approval of the Governor, the Council may prepare and approve a budget using funds provided under Part C of IDEA to do 1 or more of the following:

1. Conduct hearings and forums.

2. Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties, including, but not limited to child care for parents of infants or toddlers with developmental disabilities serving as members of the Council.

3. Pay compensation to a member of the Council if the member of the Council is not employed or must forfeit wages from other employment when performing official Council business.

4. Hire staff or obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out the functions of the Council under Part C of IDEA, consistent with applicable statutes, rules, and procedures of the Civil Service Commission.

N. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

**V. RESCISSION OF EXECUTIVE ORDER 1994-18**

- A. Executive Order 1994-18 is rescinded. Executive Order 1992-21 remains rescinded.
- B. The Governor’s Interagency Coordinating Council for Handicapped Infants and Toddlers is abolished.

**VI. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any rules, orders, contracts, and agreements relating to the functions of the Council lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of November, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on November 21, 2007, and read:

**EXECUTIVE ORDER**  
No. 2007-44

**Department of Agriculture**  
**Michigan Food Policy Council**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, as the second largest industry in Michigan, the \$60.1 billion agriculture-food sector of our state’s economy employs over 1 million people with tremendous potential to diversify and strengthen Michigan’s economy;

WHEREAS, developing opportunities for small- to mid-scale family farmers to capture a greater percentage of Michigan food dollars will increase the viability of agriculture, preserve open space, and revitalize rural communities;

WHEREAS, if Michigan consumers spent an additional 10 percent of food dollars on Michigan-grown and Michigan-processed foods, economic activity in this state would grow by \$730 million, benefiting not just Michigan farmers, but our entire state;

WHEREAS, in 2005, only 65% of eligible individuals participated in the food assistance program in Michigan;

WHEREAS, increasing food assistance program participation closer to 100% would bring in between \$60 to \$125 million of additional federal funds for the purchase of food from Michigan retailers;

WHEREAS, the Michigan Food Policy Council created by Executive Order 2005-13 provides government officials and stakeholders with a forum to identify policies that harness the potential of the food system to foster economic development, provide children and those in need greater access to fresh and nutritious foods, and support stewardship of our finite land and water resources;

WHEREAS, the Michigan Food Policy Council brings together a broad array of food-related government and non-government constituencies to employ a food systems approach that facilitates policy evaluation and program development at every stage of the food system;

WHEREAS, continuation of the Michigan Food Policy Council will benefit Michigan farmers, including small- and mid-scale farmers, local food processors, manufacturers, distributors, and retailers;

WHEREAS, continuation of the Michigan Food Policy Council will maintain focus on the economic development opportunities of Michigan’s food system along with improvements to agriculture production, community well-being, and public health;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. DEFINITIONS**

As used in this Order:

A. "Council" means the Michigan Food Policy Council originally established within the Department of Agriculture by Executive Order 2005-13 and continued by this Order.

B. "Department" means the Department of Agriculture, the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

#### **II. MICHIGAN FOOD POLICY COUNCIL**

A. The Michigan Food Policy Council is reestablished and continued by this Order as an advisory body within the Department to assist the Department and the Governor in cultivating a safe, healthy, and available food supply for all of Michigan's residents while building on the state's agricultural diversity to enhance economic growth.

B. The Council shall consist of 25 members.

C. The Council shall include the following ex officio members from within state government:

1. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.

2. The Director of the Department of Community Health or his or her designee from within the Department of Community Health.

3. The Director of the Department of Environmental Quality or his or her designee from within the Department of Environmental Quality.

4. The Director of the Department of Human Services or his or her designee from within the Department of Human Services.

5. The Director of the Department of Labor and Economic Growth or his or her designee from within the Department of Labor and Economic Growth.

6. The Superintendent of Public Instruction or his or her designee from within the Department of Education.

7. The Director of the Department of Management and Budget or his or her designee from within the Department of Management and Budget.

8. The Director of the Department of Corrections or his or her designee from within the Department of Corrections.

9. The President of the Michigan Strategic Fund or his or her designee from within the Michigan Strategic Fund.

D. The following members appointed by the Governor:

1. Two individuals representing Michigan agricultural organizations.

2. Two individuals representing sustainable agriculture or sustainable agricultural development.

3. One individual representing institutions of higher education.

4. One individual representing K-12 schools.

5. One individual representing community-based urban development activities.

6. One individual representing rural development activities.

7. One individual representing anti-hunger organizations.

8. One individual representing hospitals, healthcare systems, public health organizations, or persons with expertise in public health.

9. One individual representing food processors.

10. One individual representing food system organizations.

11. One individual representing non-food manufacturers.

12. One individual representing food retailers.

13. One individual representing restaurants.

14. One individual representing organized labor.

E. Of the members of the Council initially appointed by the Governor under Section II.D, 4 members shall be appointed for terms expiring on October 31, 2008, 4 members shall be appointed for terms expiring on October 31, 2009, 4 members shall be appointed for terms expiring on October 31, 2010, and 4 members shall be appointed for terms expiring on October 31, 2011. After the initial appointments, members of the Council appointed by the Governor under Section II.D shall be appointed for terms of 4 years. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term.

F. The Director of the Department of Agriculture shall serve as the Chairperson of the Council. The members of the Council shall select members of the Council to serve as Vice-Chairperson and Secretary of the Council.

#### **III. GOALS AND RESPONSIBILITIES OF THE COUNCIL**

A. The Michigan Food Policy Council shall recommend and facilitate implementation of policies and programs that do all of the following:

1. Increase economic activity in Michigan resulting in new and expanded businesses and jobs across all food-related sectors in this state.

2. Strengthen Michigan's urban and rural areas with food-related revitalization projects.
3. Increase access to fresh and healthy Michigan-grown foods, for school children, low-income families, at-risk seniors, inner-city residents, and others.
4. Promote institutional and public purchase and consumption of Michigan-grown and Michigan-processed foods.
5. Enhance the viability of small- to mid-scale family farms in Michigan by promoting direct farm marketing, sustainable agriculture, and agri-tourism, among other initiatives.
6. Preserve farmland as open space and amplify the environmental benefits of agriculture by promoting sustainable agriculture practices in Michigan.
7. Increase collaboration and communication between state agencies in the delivery of food-related programs and evaluation of collaborative opportunities.
8. Maximize coordination of existing federal, state, and local resources and capture additional federal resources for Michigan.
9. Expand markets for Michigan agricultural products, including, but not limited to, niche markets such as organically-produced, pasture-raised, and sustainably-grown agricultural products.
10. Enhance connections between Michigan growers and Michigan food outlets.
11. Encourage the creation of new food-related jobs in Michigan.

B. The Council shall do all of the following:

1. Actively monitor the implementation of the recommendations issued in 2006 by the Michigan Food Policy Council under Executive Order 2005-13.
  2. Make recommendations to the Department on the adoption of policies to advance the goals and responsibilities of the Council under this Order.
  3. Recommend policies or activities intended to increase spending of food dollars on Michigan-grown and Michigan-processed foods.
  4. Advise the Department regarding the "Select Michigan" program.
  5. Recommend long-term strategies to institutionalize the Council and sustain its efforts to improve Michigan's food system.
- C. The efforts of the Council are intended to positively impact the entire state with a special emphasis on school children, low-income families, and individuals in both urban and rural areas.

#### **IV. OPERATIONS OF THE COUNCIL**

A. The Council shall be staffed and assisted by personnel from the Department of Agriculture, as directed by the Director of the Department of Agriculture. The budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department of Agriculture.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish committees and request public participation on workgroups as the Council deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person, including, but not limited to, support from Michigan State University, the Michigan Integrated Food and Farming System, the Food Bank Council of Michigan, and the W.K. Kellogg Foundation.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

#### **V. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is

compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. Executive Order 2005-13 is rescinded in its entirety.

E. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 21st day of November, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm  
Governor

By the Governor:

Terri L. Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

November 9, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 3 of the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.363:

**Fire Fighters Training Council**

Mr. Timothy A. James of 458 South Main Street, Vermontville, Michigan 49096, county of Eaton, succeeding Dan H. Henderson, whose term has expired, appointed from a list submitted by the Michigan Association of Fire Chiefs, for a term commencing November 9, 2007 and expiring December 31, 2010.

Mr. Randal J. Agruda of 3879 Pleasant Ridge Drive, Williamsburg, Michigan 49690, county of Grand Traverse, reappointed from a list submitted by the Michigan Municipal League, for a term expiring December 31, 2010.

Mr. Clifford A. Messing of 8826 East Huron Line Road, Ruth, Michigan 48470, county of Sanilac, reappointed from a list submitted by the Michigan State Firemen's Association, for a term expiring December 31, 2010.

Mr. Kevin V. Pirlot of 603 West Fleshem Street, Iron Mountain, Michigan 49801, county of Dickinson, reappointed from a list submitted by the Michigan Professional Fire Fighters Union, for a term expiring December 31, 2010.

November 14, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 2 of the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102:

**Michigan Travel Commission**

Mr. Jim M. Berryman of 676 Stonecrest Drive, Adrian, Michigan 49221, county of Lenawee, succeeding Gregory F. Golab, whose term has expired, for a term commencing November 14, 2007 and expiring August 20, 2010.

Ms. Rochelle A. Cotey of 201 East Varnum Street, Munising, Michigan 49862, county of Alger, succeeding Michael A. Lahti, who has resigned, for a term commencing November 14, 2007 and expiring August 20, 2008.

Mr. Roger A. Curtis of 8528 Slee Road, Onstead, Michigan 49265, county of Lenawee, succeeding W. Brett Shelton, who has resigned, representing the private sector of the travel, tourism, and recreation industry, for a term commencing November 14, 2007 and expiring August 20, 2011.

Mr. Jerry L. Preston of 613 Pierson Street, Flint, Michigan 48503, county of Genesee, succeeding Frederick Feliciano, whose term has expired, representing the travel industry, for a term commencing November 14, 2007 and expiring August 20, 2009.

Ms. Tanya M. Heidelberg of 19211 Woodston Road, Detroit, Michigan 48221, county of Wayne, reappointed to represent the private sector, for a term expiring August 20, 2011.

Mr. Frank A. Taylor of 20862 Halstead Road, Northville Township, Michigan 48167, county of Oakland, reappointed to represent small businesses in the private sector, for a term expiring August 20, 2011.

November 16, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 1 of 1963 (2nd Ex Sess) PA 48, MCL 390.551:

**Eastern Michigan University Board of Control**

Mr. Mohamed Okdie of 8300 East Jefferson Avenue, PH-4, Detroit, Michigan 48214, county of Wayne, succeeding Ismael Ahmed, who has resigned, representing the general public, for a term commencing November 16, 2007 and expiring December 31, 2008.

November 19, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Sections 16121 and 16521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.16521:

**Michigan Board of Acupuncture**

Ms. Chrystal R. Roach of 4606 Chippewa Trail, Fremont, Michigan 49412, county of Newaygo, appointed to represent the general public, for a term commencing November 19, 2007 and expiring June 30, 2010.

Ms. Rhonda S. Sousley, Ph.D., of 1870 Ludgate Lane, Rochester Hills, Michigan 48309, county of Oakland, succeeding Virginia C. Vary, who has resigned, representing the acupuncturists, for a term commencing November 19, 2007 and expiring June 30, 2008.

Mr. Arthur L. Kaminsky, M.D., of 191B CR 550, Marquette, Michigan 49855, county of Marquette, reappointed to represent acupuncturists, for a term expiring June 30, 2011.

Mr. Jason T. Pettet, M.O.M., of 993 Orchard Avenue, South Haven, Michigan 49090, county of Allegan, reappointed to represent acupuncturists, for a term expiring June 30, 2011.

November 19, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221:

**Michigan Board of Nursing**

Ms. Regina D. Allen of 2309 Belaire Drive, Lansing, Michigan 48911, county of Ingham, succeeding Sandra M. Larson, whose term has expired, representing the general public, for a term commencing November 19, 2007 and expiring June 30, 2011.

Ms. Suzanne M. Bosek of 1040 North Altadena Avenue, Royal Oak, Michigan 48067, county of Oakland, succeeding Myrah L. Kirkwood, whose term has expired, representing the general public, for a term commencing November 19, 2007 and expiring June 30, 2010.

Ms. Terese E. Cole of 5462 Sugar Bush Lane, Flint, Michigan 48532, county of Genesee, succeeding Lori A. Doyle, whose term has expired, representing the general public, for a term commencing November 19, 2007 and expiring June 30, 2010.

Ms. Melynda J. Daley of 2012 Huron Street, Marquette, Michigan 49855, county of Marquette, succeeding Liza M. Gamel-Marrell, whose term has expired, representing registered professional nurses without a baccalaureate engaged in professional nursing practice or nursing administration, for a term commencing November 19, 2007 and expiring June 30, 2011.

Mr. Bruce H. Anderson, Sr., of 1584 Reynolds Road, Interlochen, Michigan 49643, county of Benzie, reappointed to represent the general public, for a term expiring June 30, 2010.

Ms. Margherita P. Clark, R.N., M.S.N., of 3637 South Francis Road, St. Johns, Michigan 48879, county of Clinton, reappointed to represent registered professional nurses with a master's degree from an accredited college with a major in nursing engaged in nursing education in less than a baccalaureate program, for a term expiring June 30, 2011.

Ms. Anahid Kulwicki, R.N., M.S., Ph.D., of 5785 Algonquin, Troy, Michigan 48098, county of Oakland, reappointed to represent registered professional nurses with a master's degree engaged in nursing education in a baccalaureate or higher program, for a term expiring June 30, 2011.

Ms. Brenda J. Lewis, L.P.N., of 7606 South Nelson Road, Chase, Michigan 49623, county of Lake, reappointed to represent licensed practical nurses, for a term expiring June 30, 2011.

Ms. Linda S. Taft, R.N., of 23675 Aviva Drive, Clinton Township, Michigan 48035, county of Macomb, reappointed to represent professional registered nurses without a baccalaureate degree engaged in nursing practice or nursing administration, for a term expiring June 30, 2011.

Ms. Michelle L. Woods of 1108 Greenwood Avenue, Jackson, Michigan 49203, county of Jackson, reappointed to represent the general public, for a term expiring June 30, 2010.

Sincerely,  
Jennifer M. Granholm  
Governor

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

The following message from the Governor was received and read:

November 20, 2007

Due to an error on the November 19, 2007 letter sent to your office, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221, please be advised of the following corrections appearing in **bold print**:

**Michigan Board of Nursing**

Ms. Melynda J. Daley, **L.P.N.**, of 2012 Huron Street, Marquette, Michigan 49855, county of Marquette, succeeding **Laurice M. Bray, who has resigned**, representing **licensed practical nurses**, for a term commencing November 19, 2007 and expiring June 30, **2008**.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations and Reform.

### Messages from the House

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

**Senate Bill No. 53**

**House Bill No. 4120**

**Senate Bill No. 511**

The motion prevailed.

**House Bill No. 4507, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

The House of Representatives has substituted (H-2) the Senate substitute (S-6).

The House of Representatives has concurred in the Senate substitute (S-6) as substituted (H-2) and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 302, 531, 565, 615a, 615c, 644g, 646a, 713, and 714 (MCL 168.302, 168.531, 168.565, 168.615a, 168.615c, 168.644g, 168.646a, 168.713, and 168.714), section 302 as amended by 2005 PA 71, section 565 as amended by 1984 PA 113, sections 615a and 615c as amended by 2007 PA 52, section 644g as amended by 2004 PA 293, section 646a as amended by 2006 PA 647, and sections 713 and 714 as amended by 1990 PA 7, and by adding sections 615e and 642c; and to repeal acts and parts of acts.

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

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 Brown 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 without amendment, the following bill:

**Senate Bill No. 750, entitled**

A bill to amend 1897 PA 205, entitled "An act to prefer honorably discharged members of the armed forces of the United States for public employments," by amending section 1 (MCL 35.401).

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. 751, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 174, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4132, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

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:  
**House Bill No. 4399, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5485.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4936, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and to repeal acts and parts of acts.

Substitute (S-2).

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

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 174**

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

The following bill was read a third time:

**Senate Bill No. 174, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54C.

The question being on the passage of the bill,

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

**Roll Call No. 495**

**Yeas—38**

Allen  
Anderson

Clark-Coleman  
Clarke

Jansen  
Jelinek

Richardville  
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

The Senate agreed to the title of the bill.  
 Senator Basham moved that he be named co-sponsor of the bill.  
 The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator Cropsey moved that consideration of the following resolution be postponed for today:  
**Senate Resolution No. 103**  
 The motion prevailed.

Senators Schauer and Garcia offered the following resolution:  
**Senate Resolution No. 126.**

A resolution honoring veterans on Veterans Day, November 11, 2007.

Whereas, Every November 11, our thoughts turn to our veterans to honor them for their service to our nation. This day of honor arose out of the war that was supposed to end all wars, but we find that there is still a need—perhaps there will always be a need—to find men and women who are willing to place themselves in harm's way for the protection of their homeland and its ideals; and

Whereas, This is a day for our veterans, and not only for those who gave the ultimate sacrifice for their country, but for all of those who volunteered to do so, whether it was during peacetime or in a time of war; and

Whereas, It is the day that we recognize that a service member's sacrifices take many forms, and so we set aside this day to honor those who served in the battle and also those who served behind the scenes; and

Whereas, This is the day to honor not just the infantryman or Marine, but the supply clerk; not just the ship's captain, but the boatswain's mate; not just the fighter pilot, but also the mechanic; and

Whereas, It is the day for the 101st Airborne and the Michigan National Guard; for the *USS Eisenhower* and the Navy Operational Support Center and Marine Corps Reserve Center Command Lansing; for the 10th Mountain Division and the 645th Area Support Group in Southfield, Ann Arbor, and Livonia; and

Whereas, It is the day that we recognize that service members sacrifice in peace as well as in war. They are separated from their families and their homes, they work long hours for low pay, and they ask for little in exchange for their sacrifice; now, therefore, be it

Resolved by the Senate, That we hereby greatly honor all those who ever wore the uniform, whether on the seas of the South Pacific during the Second World War, or in an aircraft during the Cold War, or on a windswept field of sand and dust halfway around the world. For them, we owe a debt of gratitude that we can never repay but can only observe.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson, Basham, Brater, Cassis, Cherry, Clark-Coleman, Clarke, Gleason, Jacobs, Pappageorge, Richardville, Scott and Switalski were named co-sponsors of the resolution.

Senators Hunter, Clark-Coleman, Barcia, Richardville, Anderson, Gilbert, Clarke, Schauer, Prusi, Olshove, Scott and Brater offered the following resolution:

**Senate Resolution No. 127.**

A resolution to memorialize the Congress of the United States to enact H.R. 3725, the Mortgage Disclosure Simplification Act of 2007.

Whereas, Homeownership is the key to the American Dream. Moreover, strong communities are forged with high levels of owner-occupied housing. Clearly, efforts to support homeownership pay dividends to us all. Michigan, however, leads the nation in mortgage foreclosure. This problem is particularly acute in our state's urban areas where redlining and predatory lending practices have greatly contributed to the foreclosure epidemic; and

Whereas, A proposal currently before Congress would go a long way toward alleviating this problem. The Mortgage Disclosure Simplification Act of 2007, H.R. 3725, would require that each borrower seeking a federally-related mortgage loan would receive a one-page description of the essential terms of the loan. This description would, in part, include the interest rate, term of the loan, the timing and amount of any balloon payments, whether or not there were any prepayment fees, and the best possible estimates of the total costs of the loan. This one-page form would help bring much-needed clarity and openness to a process that is often very complex and overly shrouded in legalese; and

Whereas, Indeed, the Mortgage Disclosure Simplification Act would create a simple tool that would have a significant impact on preserving the dream of homeownership. It would provide a real measure of consumer protection to homebuyers at the time when they need it the most. The enactment of a self-explanatory and uniform disclosure requirement will bring some long-awaited transparency to the mortgage loan process and will truly provide lasting benefits for us all; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the Congress of the United States to enact H.R. 3725, the Mortgage Disclosure Simplification Act of 2007; and be it further

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

Pending the order that, under rule 3.204, the 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 Banking and Financial Institutions.

The motion prevailed.

Senators Basham, Cassis, Cherry, Gleason, Jacobs and Switalski were named co-sponsors of the resolution.

**House Concurrent Resolution No. 56.**

A concurrent resolution to memorialize the Congress of the United States to override the presidential veto of the Water Resources Development Act.

Whereas, Following several years of effort, Congress passed the Water Resources Development Act with overwhelming bipartisan support. This bill represents a comprehensive approach to addressing some of the most serious issues facing parts of our country, including several provisions critical to the economy and environment of the Great Lakes region. This legislation represents an investment that will save lives and property, improve commerce, and protect water resources across our country. In many respects, not undertaking the projects addressed in the Water Resources Development Act could prove to be very costly for our nation; and

Whereas, The Water Resources Development Act addresses critical water infrastructure problems and grave threats to the environment. Among projects particularly vital to Michigan are provisions to protect the Great Lakes from the Asian carp, expand the Soo Locks, expedite dredging projects, and improve infrastructure to stop combined sewer overflows, which are a major source of pollution in the Great Lakes and other bodies of water in Michigan. On a national scale, this legislation is thought by many to be crucial to preventing catastrophic flooding in several areas; and

Whereas, It is significant to note that the Water Resources Development Act is an authorization measure. It does not circumvent the normal appropriation process. Funding will still have to be approved to assure the wise expenditure of the public's money. Instead, this vital legislation, crafted and supported by members of both parties, seeks to set a framework for the nation to follow to protect itself from threats from storms, pollution, and many challenges to our vital water infrastructure and natural resources; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to override the presidential veto of the Water Resources Development Act; and be it further

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

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 Cropsy moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Anderson, Barcia, Basham, Brater, Cherry, Clark-Coleman, Gleason, Jacobs and Switalski were named co-sponsors of the concurrent resolution.

### **Introduction and Referral of Bills**

Senator Barcia introduced

#### **Senate Bill No. 917, 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 Jelinek introduced

#### **Senate Bill No. 918, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2007 PA 137.

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

Senators Anderson, Prusi, Gleason, Hunter, Olshove, Schauer, Scott, Barcia, Allen, Cherry, Switalski, Jacobs, Clark-Coleman, Whitmer, Garcia and Stamas introduced

#### **Senate Bill No. 919, entitled**

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

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

Senator Gleason introduced

#### **Senate Bill No. 920, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending sections 1201, 1202, and 3711 (MCL 487.11201, 487.11202, and 487.13711).

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

Senator Kahn introduced

#### **Senate Bill No. 921, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 16345 as added by 1993 PA 79, sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and section 18305 as amended by 2006 PA 394, and by adding sections 18313 and 18315.

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

### Statements

Senators Garcia, Scott, McManus and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Garcia's statement is as follows:

I just wanted to make a quick statement and welcome the newest Republican into the world. This morning at 12:27 a.m., my daughter Christy had her first child. His name is Zachary Ryan Merignac, and he weighs 6 pounds and 4 ounces and was 19.25 inches long. He has black hair; but I still have more than he does. I realize I'm probably way too young to be a grandpa, but it sure feels like fun.

I just wanted to make sure that the world knew and that it is on the record.

Senator Scott's statement is as follows:

At the last session, I read a plea from a woman who did not want to leave Detroit but feared she would be forced to because of the high cost of insuring her vehicle and her home. Today I bring you another point of view, this time from an Oakland County educator who says, "I wanted very much to buy a house in Detroit; however, the high auto insurance rates were a major factor in my not moving to Detroit."

So we have one wanting to stay in Detroit but feeling forced out; and the other not wanting to move there. Both for the same reason, the high cost of insurance, and in both situations, the loser is the city of Detroit.

As we've so often heard, as goes Detroit, so goes the state. Is this where you want Detroit to go? Is this what you want to create—an exodus by the city's residents and a major barrier to moving in? I think not.

For the future health of our city, and for the sake of our residents—in fact, all Michigan residents—consider my insurance legislation and move those bills.

Senator McManus' statement is as follows:

The Michigan Supreme Court ruled Wednesday afternoon to reinstate Michigan's early primary. I want to applaud the Supreme Court for acting swiftly on this matter so that the primary can move forward. At a time when our economy is struggling and jobs continue to leave our state, we, here in the Legislature, must do all we can to bring those issues to the national forefront. Bringing the candidates to Michigan and insisting that they present their visions to a maximum amount of voters will help do just that.

The court's decision allows Michigan to remain a player, despite the efforts of some to keep us on the sidelines. I can't wait to cast my vote January 15. I hope you will do the same in a very bipartisan manner.

Senator Gleason's statement is as follows:

I rise today to speak about a void that was brought to the nation's attention a week ago. For a few years now, down here in Lansing, I have asked that we address the drug immunity issue. We're the sole state that doesn't provide our citizens with access to legal recourse with the drug immunity issue.

Last week it was brought to the nation's attention that there was a great settlement over the Vioxx prescriptions that were given to Michigan and the other states' citizenry. I ask that we address these issues in a more timely fashion. We not only were left out of the settlement that many of our citizens would ask us to provide for them, but we haven't even had a responsible debate or dialog to this much-needed legislation. I think it's time now that we set aside some precious moments for those who have had terrible reactions to these drugs.

One of the biggest concerns I have is that the Federal Drug Administration oversees these prescriptions, all of them actually, that are put into the hands of our citizens through the doctors; no ill-intent and none projected today on behalf of the physicians. The FDA members are a political body, appointed by the President of the United States, and I think there have been some decisions that we would like to have reversed. I think if the FDA, being a political body, offers prescriptions that can kill and harm our Michigan citizens, we should have a responsible dialog toward this end.

I ask that we pick up the legislation. The House has passed it some weeks ago, and I think it's time now that the Senate at least begin a dialog to represent and protect our Michigan citizenry. I ask that we take up this timely legislation now.

### Scheduled Meetings

**Agriculture** - Thursday, November 29, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, November 28, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittees -**

**Higher Education** - Thursday, November 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Natural Resources Department** - Tuesday, December 4, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Banking and Financial Institutions** - Wednesday, November 28, 9:00 a.m., Room 210, Farnum Building (373-3543)

**Economic Development and Regulatory Reform** - Wednesday, November 28, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Education** - Thursday, November 29, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, November 29, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Health Policy** - Wednesday, November 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Michigan Capitol Committee** - Thursday, December 6, 9:00 a.m., Room 426, Capitol Building (373-5527)

**Natural Resources and Environmental Affairs** - Wednesday, November 28, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, November 28, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:54 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, November 28, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate