

No. 97
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Friday, December 15, 2006.

12:01 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
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present
Emerson—excused

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs —present
Jelinek—excused
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

Patterson—excused
Prusi—present
Sanborn—excused
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present
Whitmer—present

Senator Mike Goschka of the 32nd District offered the following invocation:

Our Father, we do thank You for the opportunity, yet one more time, to be here in this session in this year. Help us to make decisions that are best for this state. We pray for Your wisdom, Your guidance, and that in all that we do, that we would be reasonable and that we would be peaceable with each other. Give us Your peace as we do the people’s business. We pray this in Jesus’ name. Amen.

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

Motions and Communications

Senators Leland, Whitmer and Barcia entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 12:08 a.m.

12:15 a.m.

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

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

- House Bill No. 4931**
- House Bill No. 4539**
- House Bill No. 6694**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4931, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 279.

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. 983

Yeas—34

Allen	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Johnson	Sikkema
Basham	Cropsey	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Prusi	Van Woerkom
Cassis	Hammerstrom	Schauer	Whitmer
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—4

Emerson

Jelinek

Patterson

Sanborn

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

Senator Hammerstrom moved that Senators Patterson, Jelinek and Sanborn be excused from today’s session.

The motion prevailed.

Senator Schauer moved that Senator Emerson be excused from today’s session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4539, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 2, 4, and 12 (MCL 207.772, 207.774, and 207.782), sections 2 and 12 as amended by 2005 PA 339 and section 4 as amended by 2006 PA 349.

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. 984

Yeas—34

Allen

Barcia

Basham

Birkholz

Bishop

Brater

Clark-Coleman

Clarke

Cropsey

Garcia

George

Gilbert

Jacobs

Johnson

Kuipers

Leland

McManus

Olshove

Scott

Sikkema

Stamas

Switalski

Thomas

Toy

Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Prusi
Schauer

Van Woerkom
Whitmer

Nays—0

Excused—4

Emerson

Jelinek

Patterson

Sanborn

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”.

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 6694, entitled

A bill to amend 2001 PA 34, entitled “Revised municipal finance act,” by amending section 103 (MCL 141.2103) and by adding sections 518 and 519.

(This bill was defeated on Thursday, December 14 and the rules suspended to permit reconsideration of the vote. See Senate Journal No. 96, p. 2674.)

Senator Hammerstrom moved to reconsider the vote by which the bill was defeated.

The motion prevailed.

The question being on the passage of the bill,

Senators Cassis and Whitmer offered the following amendment:

1. Amend page 7, line 13, after “**TO**” by striking out “**REDUCE**” and inserting “**MITIGATE THE INCREASE IN**”.

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

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. 985

Yeas—23

Allen
Barcia
Basham
Birkholz
Bishop
Brown

Cassis
Clark-Coleman
Clarke
George
Gilbert
Goschka

Hammerstrom
Hardiman
Jacobs
Leland
McManus
Schauer

Scott
Sikkema
Thomas
Toy
Whitmer

Nays—11

Brater
Cherry
Cropsey

Garcia
Johnson
Kuipers

Olshove
Prusi
Stamas

Switalski
Van Woerkom

Excused—4

Emerson

Jelinek

Patterson

Sanborn

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relative to the borrowing of money and the issuance of certain debt and securities; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of certain debt and securities; to prescribe penalties; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

Senator Hammerstrom moved that the following bill be given immediate effect:

House Bill No. 6694

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hammerstrom moved that the following bill be given immediate effect:

House Bill No. 6694

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Hammerstrom moved that joint rule 9 be suspended to permit immediate consideration of the conference report relative to the following bill:

Senate Bill No. 1081

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

Senator Sikkema submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 1081, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; to

provide for expenditures under the supervision of the director of the department of management and budget and the state administrative board; to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal years ending September 30, 2006 and September 30, 2007; to provide conditions on those appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS FOR

FISCAL YEAR 2006-2007

Sec. 101. Subject to the conditions set forth in part 2, the amounts listed in this part are appropriated for certain capital outlay projects at the various state agencies and institutions for the fiscal year ending September 30, 2007, from the funds indicated in this part. The following is a summary of the appropriations in this part:

CAPITAL OUTLAY

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	203,438,800
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		2,000,000
ADJUSTED GROSS APPROPRIATION.....	\$	201,438,800
Federal revenues:		
Total federal revenues		148,124,300
Special revenue funds:		
Total local revenues		12,648,300
Total private revenues		0
Total other state restricted revenues		40,663,300
State general fund/general purpose	\$	2,900

Sec. 102. DEPARTMENT OF AGRICULTURE

Farmland and open space development acquisition	\$	3,750,000
GROSS APPROPRIATION	\$	3,750,000
Appropriated from:		
Federal revenues:		
DAG, multiple grants		1,250,000
Special revenue funds:		
Agriculture preservation fund		2,500,000
State general fund/general purpose	\$	0

Sec. 103. DEPARTMENT OF MANAGEMENT AND BUDGET

Lump-sum projects:		
Special maintenance, remodeling and additions:		
For state agencies special maintenance projects estimated to cost more than \$100,000 but less than \$1,000,000	\$	2,000,000
GROSS APPROPRIATION	\$	2,000,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG from building occupancy charges		2,000,000
State general fund/general purpose	\$	0

Sec. 104. STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY

PLANNING PROJECTS

Bay de Noc - student center remodeling - for program and planning to be paid for from college revenues.....	\$	100
Delta College - health and wellness programs - for program and planning to be paid for from college revenues		100
Grand Rapids Community College - lifelong learning center - for program and planning to be paid for from college revenues.....		100
Kalamazoo Valley Community College - Texas Township campus expansion - for program and planning to be paid for from college revenues.....		100
Kellogg Community College - classroom C building renovations - for program and planning to be paid for from college revenues		100

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Lake Michigan College - emerging technologies initiative - for program and planning to be paid for from college revenues.....	\$	100
Montcalm Community College - MTEC expansion - for program and planning to be paid for from college revenues		100
Mott Community College - library consolidation and renovations - for program and planning to be paid for from college revenues		100
Muskegon Community College - museum/art project - for program and planning to be paid for from college revenues.....		100
North Central Michigan College - university and science center - for program and planning to be paid for from college revenues		100
Oakland Community College - building A additions/renovations - for program and planning to be paid for from college revenues		100
St. Clair County Community College - center for health and human services - for program and planning to be paid for from college revenues.....		100
Wayne County Community College - northwest campus replacement - for program and planning to be paid for from college revenues		100
Eastern Michigan University - Pray-Harrold classroom building renovations - for program and planning to be paid for from university revenues		100
Ferris State University - Michigan College of Optometry and center for collaborative health education - for program and planning to be paid for from university revenues.....		100
Grand Valley State University - learning technology center - for program and planning to be paid for from university revenues.....		100
Lake Superior State University - south hall addition and renovations project - for program and planning to be paid for from university revenues		100
Michigan State University - nursing school expansion - for program and planning to be paid for from university revenues		100
Northern Michigan University - Cohodas administrative center renovations - for program and planning to be paid for from university revenues		100
Oakland University - engineering center - for program and planning to be paid for from university revenues		100
Saginaw Valley State University - nursing and health science facility - for program and planning to be paid for from university revenues		100
University of Michigan Dearborn - teacher preparation facility/child development center - for program and planning to be paid for from university revenues.....		100
University of Michigan Flint - Murchie and French hall renovations - for program and planning to be paid for from university revenues		100
GROSS APPROPRIATION	\$	<u>2,400</u>
Appropriated from:		
State general fund/general purpose	\$	2,400
Sec. 104a. ECONOMIC DEVELOPMENT PROJECTS		
Regional economic development initiative - for program and planning to be paid for from local resources	\$	100
GROSS APPROPRIATION	\$	<u>100</u>
Appropriated from:		
State general fund/general purpose	\$	100
Sec. 105. STATE BUILDING AUTHORITY FINANCED CONSTRUCTION PROJECTS		
Kirtland Community College - campus water well system upgrades (total authorized cost \$1,005,000; state building authority share \$502,400; Kirtland Community College share \$502,500; state general fund share \$100).....	\$	100
Department of state police - Lansing lab expansion (total authorized cost \$7,245,000; state building authority share \$7,244,900; state general fund share \$100).....	\$	100
Department of state police - Marquette forensic science lab (total authorized cost \$6,510,000; state building authority share \$6,509,900; state general fund share \$100).....	\$	100
Department of education - school for the deaf renovations (total authorized cost \$2,275,000; state building authority share \$2,274,900; state general fund share \$100).....		<u>100</u>
GROSS APPROPRIATION	\$	<u>400</u>

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Appropriated from:	
State general fund/general purpose	\$ 400
Sec. 106. DEPARTMENT OF MILITARY AFFAIRS	
Lump-sum projects:	
For department of military affairs remodeling and additions and special maintenance projects	\$ 5,000,000
Shiawassee County, armory replacement, for design and construction (total authorized cost \$6,350,000; federal share \$4,400,000; state armory construction fund share \$1,950,000)	650,000
GROSS APPROPRIATION	\$ 5,650,000
Appropriated from:	
Federal revenues:	
DOD, department of the army, national guard bureau	5,150,000
Armory construction fund	500,000
State general fund/general purpose	\$ 0
Sec. 107. DEPARTMENT OF NATURAL RESOURCES	
(1) STATE PARK AND FOREST AREA IMPROVEMENTS	
State parks repair and maintenance	\$ 2,000,000
Forest roads, bridges, and facilities	1,400,000
GROSS APPROPRIATION	\$ 3,400,000
Appropriated from:	
Special revenue funds:	
Forest development fund	1,300,000
Forest recreation fund	100,000
State park improvement fund	2,000,000
State general fund/general purpose	\$ 0
(2) WILDLIFE	
Statewide wetlands acquisitions	\$ 2,000,000
GROSS APPROPRIATION	\$ 2,000,000
Appropriated from:	
Special revenue funds:	
Game and fish protection - waterfowl fees	2,000,000
State general fund/general purpose	\$ 0
(3) WATERWAYS BOATING PROGRAM	
Infrastructure improvements - state projects	\$ 4,720,000
Infrastructure improvements - local projects	2,250,000
Land acquisition	1,170,000
Boating program, state boating access projects:	
Walloon Lake, Charlevoix County, new site construction - phase I (total authorized cost \$510,000; state share \$510,000)	510,000
Boating program, boating access sites, grants in aid:	
Tuscarora Township, Cheboygan County, boat launch and parking lot construction (total authorized cost \$467,200; state share \$332,500; local share \$134,700)	332,500
Frankfort, Benzie County, boat launch and parking lot rehabilitation (total project cost \$151,300; state share \$113,500; local share \$37,800)	113,500
Ludington, Mason County, breakwater rubble mound protective structure (total authorized cost \$227,900; state share \$171,000; local share \$56,900)	171,000
Boating program, harbors and docks, state facilities:	
De Tour, Chippewa County, floating dock repair and replacement (total project cost \$4,000,000; federal share \$3,000,000; state share \$1,000,000)	4,000,000
Mackinaw City, Cheboygan County, new marina, state dock, phase III (total cost \$10,625,000; state share \$10,625,000)	265,000
Mitchell state park, Wexford County, seawall and walkway improvements (total authorized cost \$463,000; state share \$463,000)	463,000

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Boating program, harbors and docks, local facilities:	
Leland, Leelanau County, marina rehabilitation and upgrades (total project cost \$3,500,000; state share \$2,625,000; local share \$875,000)	\$ 875,000
GROSS APPROPRIATION	\$ 14,870,000

Appropriated from:

Federal revenues:

DHS, U.S. coast guard	1,470,000
DOI, U.S. fish and wildlife service, Dingell-Johnson	3,000,000

Special revenue funds:

Michigan state waterways fund	10,400,000
State general fund/general purpose	\$ 0

Sec. 108. DEPARTMENT OF TRANSPORTATION

STATE TRUNKLINE FUND

Department buildings and facilities:

Salt storage buildings and containment control systems - contract agencies	\$ 2,000,000
Salt storage buildings and containment control systems - various state locations	1,100,000
Design and construct maintenance garage washbays - various state locations.....	413,300
Oakland County, transportation service center construction.....	2,800,000
Institutional and agency roads.....	750,000
Miscellaneous remodeling, additions, emergency maintenance	400,000
Cadillac, Wexford County, transportation service center construction, total project cost increased from \$1,000,000 to \$1,650,000.....	650,000
Taylor, Wayne County, transportation service center construction, total project cost increased from \$1,800,000 to \$2,550,000; state trunkline fund share is increased from \$1,800,000 to \$2,550,000.....	750,000
GROSS APPROPRIATION	\$ 8,863,300

Appropriated from:

Special revenue funds:

State trunkline fund	8,863,300
State general fund/general purpose	\$ 0

Sec. 109. DEPARTMENT OF TRANSPORTATION

AERONAUTICS FUND: AIRPORT PROGRAMS

Airport safety, protection, and improvement program	\$ 162,902,600
Adrian - Lenawee County airport	
Allegan - Padgham field	
Alma - Gratiot community airport	
Alpena - Alpena County regional airport	
Ann Arbor - Ann Arbor municipal airport	
Atlanta - Atlanta municipal airport	
Bad Axe - Huron County memorial airport	
Baraga - new airport	
Battle Creek - W.K. Kellogg airport	
Bay City - James Clements airport	
Bellaire - Antrim County airport	
Benton Harbor - Southwest Michigan regional airport	
Big Rapids - Roben-Hood airport	
Cadillac - Wexford County airport	
Caro - Tuscola area/Caro municipal airport	
Caseville - new airport	
Charlevoix - Charlevoix municipal airport	
Charlotte - Fitch H. Beach airport	
Cheboygan - Cheboygan County airport	
Clare - Clare municipal airport	
Coldwater - Branch County airport	
Detroit - Detroit city airport	
Detroit - Detroit metropolitan airport, Wayne County airport	

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Detroit - Willow Run airport
Dowagiac - Cass County airport
Drummond Island - Drummond Island airport
East Tawas - East Tawas Iosco County airport
Escanaba - Delta County airport
Ewart - Ewart municipal airport
Flint - Bishop international airport
Frankfort - Frankfort Dow memorial airport
Fremont - Fremont municipal airport
Gaylord - Otsego County airport
Gladwin - Gladwin Zettel memorial airport
Grand Haven - Grand Haven memorial airpark
Grand Ledge - Abrams municipal airport
Grand Rapids - Gerald R. Ford international airport
Grayling - Grayling army airfield
Greenville - Greenville municipal airport
Grosse Ile - Grosse Ile municipal airport
Hancock - Houghton County memorial airport
Harbor Springs - Harbor Springs municipal airport
Hart Shelby - Oceana County airport
Hastings - Hastings city/Barry County airport
Hillsdale - Hillsdale municipal airport
Holland - tulip city airport
Houghton Lake - Roscommon County airport
Howell - Livingston County airport
Ionia - Ionia County airport
Iron County - county airports
Iron Mountain - Ford airport
Ironwood - Gogebic-Iron County (Wisconsin) airport
Jackson - Jackson County-Reynolds field
Kalamazoo - Kalamazoo/Battle Creek international airport
Lakeview - Lakeview-Griffith field
Lansing - capital city airport
Lapeer - Dupont-Lapeer airport
Linden - Price airport
Ludington - Mason County airport
Mackinac Island - Mackinac Island airport
Manistee - Manistee County airport
Manistique - Schoolcraft County airport
Marlette - Marlette Township airport
Marquette - Sawyer airport
Marshall - Brooks field
Mason - Mason Jewett field
Menominee - Menominee-Marinette twin city airport
Midland - Jack Barstow airport
Mio - Oscoda County airport
Monroe - Custer airport
Mt. Pleasant - Mt. Pleasant municipal airport
Munising - Hanley field
Muskegon - Muskegon County airport
New Hudson - Oakland-Southwest airport
Newberry - Luce County airport
Niles - Jerry Tyler memorial airport
Ontonagon - Ontonagon County airport
Oscoda - Wurtsmith airport
Owosso - Owosso community airport

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Paradise - new airport		
Pellston - Pellston regional airport		
Plymouth - Canton-Plymouth-Mettetal airport		
Pointe Aux Pins - Bois Blanc island airport		
Pontiac - Oakland County international airport		
Port Huron - St. Clair County international airport		
Rogers City - Presque Isle County/Rogers City airport		
Romeo - Romeo state airport		
Saginaw - Harry W. Browne airport		
Saginaw - MBS international airport		
St. Ignace - Mackinac County airport		
St. James - Beaver Island airport		
Sandusky - Sandusky city airport		
Sault Ste. Marie - Chippewa County international airport		
South Haven - South Haven area regional airport		
Sparta - Sparta airport		
Statewide - various sites		
Sturgis - Kirsch municipal airport		
Three Rivers - Three Rivers municipal, Dr. Haines airport		
Traverse City - cherry capital airport		
Troy - Oakland-Troy airport		
West Branch - West Branch community airport		
White Cloud - White Cloud airport		
GROSS APPROPRIATION	\$	162,902,600
Appropriated from:		
Federal revenues:		
DOT, federal aviation administration		137,254,300
Special revenue funds:		
Local aeronautics match.....		12,648,300
Combined comprehensive transportation bond proceeds fund - aeronautics		12,000,000
State aeronautics fund		1,000,000
State general fund/general purpose	\$	0

PART 1A
LINE-ITEM APPROPRIATIONS FOR
FISCAL YEAR 2005-2006

Sec. 151. Subject to the conditions provided in part 2A, there is appropriated for the various state departments and agencies to supplement appropriations for the fiscal year ending September 30, 2006, from the following funds:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	8,700,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	8,700,000
Total federal revenues		8,700,000
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	0

Sec. 152. DEPARTMENT OF ENVIRONMENTAL QUALITY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	0
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....		0
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	0

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(2) LAND AND WATER MANAGEMENT

Field permitting and project assistance	\$	0
GROSS APPROPRIATION		0
Appropriated from:		
Special revenue funds:		
Environmental protection fund.....		300,000
Land and water permit fees.....		(300,000)
State general fund/general purpose	\$	0

Sec. 153. MICHIGAN STRATEGIC FUND

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	8,000,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	8,000,000
Total federal revenues		8,000,000
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	0

(2) MICHIGAN STRATEGIC FUND

Community development block grants	\$	8,000,000
GROSS APPROPRIATION	\$	8,000,000

Appropriated from:

Federal revenues:		
HUD-CPD, community development block grants		8,000,000
State general fund/general purpose	\$	0

Sec. 154. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	700,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	700,000
Total federal revenues		700,000
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	0

(2) GRAND RAPIDS VETERANS' HOME

Grand Rapids veterans' home	\$	700,000
GROSS APPROPRIATION	\$	700,000

Appropriated from:

Federal revenues:		
HHS, Medicare		100,000
DVA-VHA		600,000
State general fund/general purpose	\$	0

**PART 1B
LINE-ITEM APPROPRIATIONS FOR
FISCAL YEAR 2006-2007**

Sec. 181. Subject to the conditions provided in part 2B, there is appropriated for the various state departments and agencies to supplement appropriations for the fiscal year ending September 30, 2007, from the following funds:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	550,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	550,000
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		350,000
State general fund/general purpose	\$	200,000

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Sec. 182. DEPARTMENT OF EDUCATION

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	350,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	350,000
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		350,000
State general fund/general purpose	\$	0

(2) GRANTS ADMINISTRATION AND SCHOOL SUPPORT SERVICES

School building security mapping	\$	350,000
GROSS APPROPRIATION	\$	350,000

Appropriated from:

Special revenue funds:

School aid fund.....		350,000
State general fund/general purpose	\$	0

Sec. 183. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	200,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	200,000
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	200,000

(2) HEADQUARTERS AND ARMORIES

Headquarters and armories.....	\$	200,000
GROSS APPROPRIATION	\$	200,000

Appropriated from:

State general fund/general purpose	\$	200,000
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PART 2

**PROVISIONS CONCERNING APPROPRIATIONS
FOR FISCAL YEAR 2006-2007**

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending under part 1 for fiscal year 2006-2007 is \$40,666,200.00. State payments to local units of government under part 1 are \$19,992,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

CAPITAL OUTLAY

Department of agriculture - farmland and open space preservation.....	\$	1,250,000
Department of natural resources - waterways.....		3,742,000
Department of transportation - buildings and facilities		2,000,000
Department of transportation - airport safety, protection, and improvement program		13,000,000
TOTAL.....	\$	19,992,000

Sec. 202. The appropriations made and the expenditures authorized under this part and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under this act, the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director.

Sec. 204. As used in this act:

- (a) "ADA" means the Americans with disabilities act.
- (b) "Board" means the state administrative board.
- (c) "Community college" does not include a state agency or university.
- (d) "Department" means the department of management and budget.
- (e) "Director" means the director of the department of management and budget.

- (f) "DAG" means the United States department of agriculture.
- (g) "DOD" means the United States department of defense.
- (h) "DOI" means the United States department of interior.
- (i) "DOT" means the United States department of transportation.
- (j) "Fiscal agencies" means the senate fiscal agency and the house fiscal agency.
- (k) "ICF/MR" means intermediate care facilities for the mentally retarded.
- (l) "IDG" means interdepartmental grant.
- (m) "JCOS" means the joint capital outlay subcommittee of the appropriations committees.
- (n) "Self-liquidating project" means a project constructed by a community college or university with money raised through the use of a debt instrument or other fund sources including, but not limited to, gifts, grants, federal funds, or institutional sources, that is expected to generate revenues to amortize the loan. A self-liquidating project may or may not be a self-supporting project. Examples of a self-liquidating project include dormitories, parking facilities, and stadia.
- (o) "Self-supporting project" means a project of a community college or university that will house a function or activity from which revenue is generated that will cover all the direct and indirect operating costs of the project without the additional transfer of any other general fund money of the community college or university.
- (p) "State agency" means an agency of state government. State agency does not include a community college or university.
- (q) "State building authority" means the authority created under 1964 PA 183, MCL 830.411 to 830.425.
- (r) "University" means a 4-year university supported by the state. University does not include a community college or a state agency.
- (s) "Utility system" means a utility supply or distribution system, or a combination utility supply and distribution system.

Sec. 205. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods, services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 206. Unless otherwise specified, departments and agencies receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. It is the intent of the legislature that efficiencies in state government spending continue to occur. In order for the legislature to review efficiencies in state government spending thus far, the state budget director shall report on the amount of savings generated, by department, as a result of Executive Order Nos. 2003-19, 2004-7, 2004-8, 2004-9, and 2005-1. For each department, the report shall include a listing of line items from which savings were realized, the amount of savings by line item, and a description of how the savings were achieved. The report shall be submitted to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies by April 30, 2007.

DEPARTMENT OF AGRICULTURE

Sec. 301. Of the amounts appropriated in part 1 for farmland and open space development acquisition, the funds shall be used for the purchase of development rights and the awarding of grants by the agriculture preservation fund board under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

DEPARTMENT OF CORRECTIONS

Sec. 401. A maximum security prison that is constructed or completed after October 1, 1986 shall have operating staffed watchtowers equipped with the weaponry, lighting, sighting, and communications devices necessary for effective execution of its function. The watchtowers shall be constructed pursuant to the American correctional association standards for watchtowers.

Sec. 402. (1) An appropriation and authorization contained in this act or a previous appropriations act for the construction of a new correctional facility, including a correctional camp, for which a specific site was not identified with the appropriation shall not be expended until approved by JCOS.

(2) For the purposes of this section, "site" means a city, village, township, or county in which a correctional facility may be located.

CAPITAL OUTLAY PROCESSES, PROCEDURES, AND REPORTS

Sec. 501. Each capital outlay project authorized in this act or any previous capital outlay act shall comply with the procedures required by the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 502. A statement of a proposed facility's operating cost shall be included with the facility's program statement and planning documents when the plans are presented to JCOS for approval.

Sec. 503. (1) Before proceeding with final planning and construction for projects at community colleges and universities included in an appropriations bill, the community college or university shall sign an agreement with the department that includes the following provisions:

- (a) The university or community college agrees to construct the project within the total authorized cost established by the legislature pursuant to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, and an appropriations act.

(b) The design and program scope of the project shall not deviate from the design and program scope represented in the program statement and preliminary planning documents approved by the department.

(c) Any other items as identified by the department that are necessary to complete the project.

(2) The department retains the authority and responsibility normally associated with the prudent maintenance of the public's financial and policy interests relative to the state-financed construction projects managed by a community college or university.

Sec. 504. (1) The department shall provide JCOS and the fiscal agencies with reports as considered necessary relative to the status of each planning or construction project financed by the state building authority, by this act, or by previous acts.

(2) Before the end of each fiscal year, the department shall report to JCOS and the fiscal agencies for each capital outlay project other than lump sums all of the following:

(a) The account number and name of each construction project.

(b) The balance remaining in each account.

(c) The date of the last expenditure from the account.

(d) The anticipated date of occupancy if the project is under construction.

(e) The appropriations history for the project.

(f) The professional service contractor.

(g) The amount of a project financed with federal funds.

(h) The amount of a project financed through the state building authority.

(i) The total authorized cost for the project and the state authorized share if different than the total.

(3) Before the end of each fiscal year, the department shall report the following for each project by a state agency, university, or community college that is authorized for planning but is not yet authorized for construction:

(a) The name of the project and account number.

(b) Whether a program statement is approved.

(c) Whether schematics are approved by the department.

(d) Whether preliminary plans are approved by the department.

(e) The name of the professional service contractor.

(4) As used in this section, "project" includes appropriation line items made for purchase of real estate.

Sec. 505. (1) If a capital outlay appropriation is contained in a public act that was not reviewed by JCOS during the legislative process, the director shall notify JCOS of an expenditure of that capital outlay appropriation not less than 60 days before the expenditure.

(2) For the purposes of this section, "capital outlay appropriation" means an appropriation that provides for the construction, renovation, or repair of a capital facility or acquisition or development of land and that is normally reviewed by JCOS.

Sec. 506. A state agency, college, or university shall take steps necessary to make available federal and other money indicated in this act, to make available federal or other money that may become available for the purposes for which appropriations are made in this act, and to use any part or all of the appropriations to meet matching requirements that are considered to be in the best interest of this state. However, the purpose, scope, and total estimated cost of a project shall not be altered to meet the matching requirements.

Sec. 507. (1) Before money is released for the construction or lease of a capital outlay project costing over \$1,000,000.00, at the request of JCOS the department shall submit to JCOS, with preliminary planning documents, a detailed comparative cost analysis. The cost analysis shall include a comparison of the financial and other benefits of construction, financing, operation, and maintenance of the proposed facility between all of the following:

(a) The state.

(b) The private sector.

(c) A combination of the state and the private sector.

(d) A lease agreement.

(2) If the department's recommendation for financing is inconsistent with the findings of the comparative cost analysis, the department shall present written documentation to JCOS outlining the rationale for the recommendation.

(3) For purposes of this section, "capital outlay project" means a construction project or lease requiring JCOS approval including, but not limited to, a general office facility, special use facility, warehouse, institutional facility, or utility system designed for use by a state agency or university. Capital outlay project does not include a special maintenance and remodeling project, grant-in-aid project, prison facility, legislative facility, judicial facility, community college facility, or self-liquidating project constructed by a university.

Sec. 508. Pursuant to section 242(2) of the management and budget act, 1984 PA 431, MCL 18.1242, the department shall submit 5-year capital outlay plans and capital outlay priority requests developed by state agencies (and as approved by the department of management and budget), universities, and community colleges to the chairperson and ranking vice-chairperson of JCOS and the fiscal agencies upon the release of the executive budget recommendation.

USE AND FINANCE STATEMENTS

Sec. 601. (1) Except as otherwise provided in subsection (3) or (4), a university shall not enter into a contract for new construction of a self-funded project estimated to cost more than \$3,000,000.00 unless the project is authorized by JCOS through approval of a use and finance statement defined by a policy adopted by JCOS. The request for authorization shall be initially submitted for review to JCOS, the senate and house fiscal agencies, and the department. The use and finance statement for a non-state-funded project shall contain the estimated total construction cost and all associated estimated operating costs, including a statement of anticipated project revenues. As used in this subsection, "new construction" includes land or property acquisition, remodeling and additions, maintenance projects, roads, landscaping, equipment, telecommunications, utilities, and parking lots and structures. Certificate of need forms may be submitted in lieu of a use and finance form where applicable.

(2) Except as otherwise provided in subsection (4), a community college shall not enter into a contract for new construction of a self-funded project estimated to cost more than \$2,000,000.00 unless the project is authorized by JCOS through approval of a use and finance statement defined by a policy adopted by JCOS. The request for legislative authorization shall be initially submitted for review to JCOS, the senate and house fiscal agencies, and the department. The use and finance statement for a non-state-funded project shall contain the estimated total construction cost and all associated estimated operating costs, including a statement of anticipated project revenues. As used in this subsection, "new construction" includes land or property acquisition, remodeling and additions, maintenance projects, roads, landscaping, equipment, telecommunications, utilities, and parking lots and structures. Certificate of need forms may be submitted in lieu of a use and finance form where applicable.

(3) The University of Michigan Hospital and Health Center is not required to obtain JCOS authorization through approval of a use and finance statement defined by a policy adopted by JCOS.

(4) If health or safety concerns warrant, a project may be completed without prior approval of a use and finance statement defined by a policy adopted by JCOS. However, a university or community college shall submit a use and finance statement as soon as possible after the project is completed and the health or safety concerns have abated.

(5) A project that is constructed in violation of this section shall not receive state appropriations for purposes of operating the project or for support for future infrastructure enhancements that are necessitated, in whole or in part, by construction of the project. In addition, a project constructed in violation of this section shall result in the loss of any state capital outlay funding for the institution for 2 years and a prohibition of doing self-funded projects of any kind, except for emergencies where health or safety concerns warrant, for 1 year.

(6) A state agency, including the department of military affairs, shall not enter into a contract, including those for a direct federally-funded capital outlay construction or major maintenance or remodeling project if the total project is estimated to cost more than \$1,000,000.00 and is to be constructed on state-owned lands unless the project is approved by the department and JCOS through approval of a use and finance statement defined by a policy adopted by JCOS, unless the project is otherwise appropriated in a capital outlay appropriations bill. For projects not appropriated in a capital outlay appropriations bill that are over \$1,000,000.00, the state agency shall submit a use and finance statement defined by a policy adopted by JCOS. As used in this subsection, "direct federally-funded" refers to a project for which federal payments are made directly to the construction vendor and not to the state of Michigan.

(7) A public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund shall not enter into a contract for new construction estimated to cost more than \$1,000,000.00 unless the project is authorized by JCOS through the approval of a use and finance statement defined by a policy adopted by JCOS. For purposes of this subsection, the use and finance statement for a project shall contain the estimated total construction cost and all associated estimated operating costs. As used in this subsection, "new construction" means land or property acquisition, remodeling or additions, lease or lease purchase, and maintenance projects for the corporate office of the public body corporate described in this subsection.

LUMP SUMS AND SPECIAL MAINTENANCE

Sec. 701. (1) The director shall allocate lump-sum appropriations made in this act for remodeling and additions, special maintenance, major special maintenance, energy conservation, demolition, ICF/MR, air-conditioning, and fire protection projects. The director shall allocate other lump sums in order of program priority and need of the various state agencies or as otherwise based on actual building inspection reports by regulatory agencies.

(2) The state budget director may authorize that funds appropriated for lump-sum special maintenance shall be available for no more than 2 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(3) Before the end of each fiscal year, the department shall submit a report to JCOS and the fiscal agencies indicating the total cost and status of all lump-sum projects funded under this act and any previous act that have been designated as proposed, designed, bid, under construction, or completed within the current fiscal year.

Sec. 702. (1) A state agency shall provide notification to JCOS prior to commencing a demolition project not authorized by law. The demolition project may be disapproved by JCOS within 30 days after the date of notification, and if disapproved within that time, the demolition project shall not be authorized. The notification to JCOS shall identify the building or facility to be demolished and its location, the estimated cost of the demolition project, estimated project schedule, and the source of financing.

(2) The 30-day disapproval period does not apply to any notifications submitted during a period when the legislature will not be in session for 15 days or more. In these situations, the 30-day disapproval period begins on the first scheduled session day.

Sec. 703. Pursuant to department policy, state agencies may expend not more than \$600,000.00 from their operating budget for special maintenance, remodeling, additions, or other capital outlay purposes, unless specifically authorized by the legislature, for those purposes.

Sec. 705. Any unexpended and unreserved state general fund/general purpose remaining in accounts appropriated in sections 103 and 104 of 2002 PA 518 for major special maintenance and remodeling for the departments of community health, corrections, human services, management and budget, military affairs, and state police is hereby reappropriated for the fiscal year ending September 30, 2007 for maintenance and remodeling projects for the department of corrections.

COLLEGES AND UNIVERSITIES

Sec. 801. (1) This section applies only to projects for community colleges.

(2) State support is directed towards the remodeling and additions, special maintenance, or construction of certain community college buildings. The community college shall obtain or provide for site acquisition and initial main utility installation to operate the facility. Funding shall be comprised of local and state shares, and the state share shall include 50% of any federal money awarded for projects appropriated in this act. Not more than 50% of a capital outlay project, not including a lump-sum special maintenance project or remodeling and addition project, for a community college shall be appropriated from state and federal funds, unless otherwise appropriated by the legislature.

(3) An expenditure under this act is authorized when the release of the appropriation is approved by the board upon the recommendation of the director. The director may recommend to the board the release of any appropriation in part 1 only after the director is assured that the legal entity operating the community college to which the appropriation is made has complied with this act and has matched the amounts appropriated as required by this act. A release of funds in part 1 shall not exceed 50% of the total cost of planning and construction of any project, not including lump-sum remodeling and additions and special maintenance, unless otherwise appropriated by the legislature. Further planning and construction of a project authorized by this act or applicable sections of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, shall be in accordance with the purpose and scope as defined and delineated in the approved program statements and planning documents. This act is applicable to all projects for which planning appropriations were made in previous acts.

(4) The community college shall take the steps necessary to secure available federal construction and equipment money for projects funded for construction in this act if an application was not previously made. If there is a reasonable expectation that a prior year unfunded application may receive federal money in a subsequent year, the college shall take whatever action necessary to keep the application active. If federal money is received, the state share shall be adjusted accordingly as provided by this act.

Sec. 802. If matching revenues are received in an amount less than the appropriations contained in this act, the state funds of the appropriation shall be reduced in proportion to the amount of matching revenue received.

Sec. 803. (1) The director may require that community colleges and universities that have an authorized project listed in part 1 submit documentation regarding the project match and governing board approval of the authorized project not more than 60 days after the beginning of the fiscal year.

(2) If the documentation required by the director under subsection (1) is not submitted, or does not adequately authenticate the availability of the project match or board approval of the authorized project, the authorization may terminate. The authorization terminates 30 days after the director notifies JCOS of the intent to terminate the project unless JCOS convenes to extend the authorization.

DEPARTMENT OF MANAGEMENT AND BUDGET

Sec. 901. (1) The department shall provide JCOS and the fiscal agencies a report, not more than 15 days after the reporting date, of privately owned leased space by state agencies, by March 31 and September 30 of each year, consisting of the following:

- (a) Department.
- (b) Agency division and leased number.
- (c) Building location (address and city).
- (d) Type of building.
- (e) County.
- (f) Name and address of lessor.
- (g) Square footage and net square footage rate.
- (h) Monthly and annual cost.

- (i) Date lease started and expires.
- (j) Options and services.
- (k) Total monthly and annual cost for all leases.

(2) The lease report shall be summarized for office space, group homes, and other space for the Lansing area and statewide, excepting the Lansing area.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Sec. 1001. The appropriations in part 1 for department of military and veterans affairs design and construction projects are contingent upon the availability of federal and state restricted funds for financing.

DEPARTMENT OF NATURAL RESOURCES

Sec. 1101. The appropriation made in this act for the harbors and docks program is for the purpose of participating with the federal government and assisting political entities and subdivisions of this state in the construction and improvement of recreational boating facilities within this state. Subject to the approval of the board, this money shall be allocated by the department of natural resources to the federal government, or to the political entities or local units of government involved in the particular projects. An allocation shall not exceed the state portion as listed with each project description. The department of natural resources shall take the steps necessary to match federal money available for the construction and improvement of recreational boating facilities within this state, and to meet requirements of the federal government.

Sec. 1102. Before the end of each fiscal year, the department of natural resources shall report each year to JCOS the status of each project that received an appropriation in any capital outlay act, if the project is either not completed or has a balance remaining in its account. The report shall be in the same form and contain the information as required under section 504. The report shall be separated into the following areas, by fund sources:

- (a) Waterways projects.
- (b) Urban recreation projects.
- (c) State park projects.
- (d) Wildlife and fisheries projects.
- (e) Other projects.

Sec. 1104. The department of natural resources shall transfer all revenues and unreserved receipts in the harbor development fund to the state waterways fund for the purposes appropriated in part 1 of this act.

STATE TRANSPORTATION DEPARTMENT

Sec. 1201. (1) From federal-state-local project appropriations contained in part 1 for the purpose of assisting political entities and subdivisions of this state in the construction and improvement of publicly used airports and landing fields within this state, the state transportation department may permit the award of contracts on behalf of units of local government for the authorized locations not to exceed the indicated amounts, of which the state allocated portion shall not exceed the amount appropriated in part 1.

(2) Political entities and subdivisions shall provide not less than 2.5% of the cost of any project under this section, unless a total nonfederal share greater than 5% is otherwise specified in federal law. State money shall not be allocated until local money is allocated. State money for any 1 project shall not exceed 1/3 of the total appropriation in part 1 from state funds for airport improvement programs.

(3) The Michigan aeronautics commission may take those steps necessary to match federal money available for airport construction and improvement within this state, and to meet the matching requirements of the federal government. Whether acting alone or jointly with another political subdivision or public agency or with this state, a political subdivision or public agency of this state shall not submit to any agency of the federal government a project application for airport planning or development unless it is authorized in this act and the project application is approved by the governing body of each political subdivision or public agency making the application, and by the Michigan aeronautics commission.

Sec. 1202. Before the end of each fiscal year, the state transportation department shall report to JCOS the status of projects funded in part 1 with the estimated dollars allocated for each project. If there has to be a delay in reporting, the state transportation department shall notify JCOS in writing of the date the report will be received.

Sec. 1203. (1) A planning project or construction project appropriated for the airport program shall be made available for no more than 2 fiscal years following the fiscal year in which the original appropriation was made.

(2) Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1204. From the appropriations contained in part 1 for airport improvement programs, no funds shall be allocated for any runway extensions, taxiway extensions, or apron extensions at the Detroit-Willow Run airport. Further, it is the intent of the legislature that no state funds shall be expended to improve or repair the airport where the purpose of the improvement or repair is to expand the usage of the airport including, but not limited to, anything approximating a tradeport as that term is defined in the former international tradeport development authority act, former 1994 PA 325.

Sec. 1205. (1) Notwithstanding any other provision of law, the state transportation department shall not, directly or indirectly, expend any funds appropriated in 2006 PA 345, 2005 PA 158, 2004 PA 361, 2003 PA 162, or 2002 PA 561 to continue the Detroit River international crossing study project nor further participate in any manner whatsoever with the border transportation partnership.

(2) Within 10 days of the effective date of this act, the department shall submit a report to the senate and house of representatives appropriations subcommittees on transportation and to the state transportation commission that identifies the source and use of all funds attributable to or expended in furtherance of the Detroit River international crossing study or the border transportation partnership. The report shall include copies of all contracts, agreements, and expenses associated with the project from October 1, 2003 to December 31, 2006.

MISCELLANEOUS

Sec. 1301. (1) Revenue collected from licenses issued under the antenna site management project shall be deposited into the antenna site management revolving fund created for this purpose in the department of information technology. The department may receive and expend funds from the fund for costs associated with the antenna site management project, including the cost of the third-party site manager. Any excess revenue remaining in the fund at the close of the fiscal year shall be proportionately transferred to the appropriate state restricted funds as designated in statute or by constitution.

(2) An antenna shall not be sited pursuant to this section without prior compliance with the respective local zoning codes and local unit of government processes.

Sec. 1302. (1) A site preparation economic development fund is hereby created in the department of management and budget. As used in this section, "economic development sites" means those state-owned sites declared as surplus property pursuant to section 251 of the management and budget act, 1984 PA 431, MCL 18.1251, that would provide economic benefit to the area or to the state. The Michigan economic development corporation board and the state budget director shall determine whether or not a specific state-owned site qualifies for inclusion in the fund created under this subsection.

(2) Proceeds from the sale of any sites designated in subsection (1) shall be deposited into the fund created in subsection (1) and shall be available for site preparation expenditures, unless otherwise provided by law. The economic development sites authorized in subsection (1) are hereby authorized for sale consistent with state law. Expenditures from the fund are hereby authorized for site preparation activities that enhance the marketable sale value of the sites. Site preparation activities include, but are not limited to, demolition, environmental studies and abatement, utility enhancement, and site excavation.

(3) A cash advance in an amount of not more than \$25,000,000.00 is hereby authorized from the general fund to the site preparation economic development fund.

(4) An annual report shall be transmitted to the senate and house of representatives appropriations committees not later than December 31 of each year. This report shall detail both of the following:

- (a) The revenue and expenditure activity in the fund for the preceding fiscal year.
- (b) The sites identified as economic development sites under subsection (1).

Sec. 1304. (1) It is the intent of the legislature to authorize regional economic development projects that promote job creation and increased economic activity. All projects must be submitted to the department of management and budget for review and subsequent approval by the senate and house of representatives standing committees on appropriations. It is the intent of the legislature to fund these projects through the state building authority. The total state building authority share for all projects shall not exceed \$75,000,000.00.

(2) It is also the intent of the legislature that the projects to be authorized shall include, but are not limited to, the following:

- (a) Detroit institute of arts.
- (b) Grand Rapids arts museum.
- (c) Hart plaza (Detroit).
- (d) Kalamazoo Valley Community College high throughput screening project.
- (e) Midland baseball stadium project.
- (f) The Opera House/C. H. Binsfeld theater (Traverse City).
- (g) Wurtsmith airport, hangar project (Oscoda).
- (h) Arab/American museum and Chaldean community cultural center.
- (i) John Ball zoo.
- (j) Detroit zoo.
- (k) Grand Rapids - Kent County convention arena authority amphitheater.
- (l) MichBIO.
- (m) Detroit historical society/Detroit historical museums, Dawson Great Lakes museum and collections resource center renovations.
- (n) VanAndel museum center, public museum of Grand Rapids capital project.
- (o) Mount Pleasant smart zone nanotechnology lab construction and equipment.

(p) Bandshell project (Lansing).

(q) Blue Lake fine art camp, health lodge facility.

Sec. 1305. For fiscal year 2006-2007 only, \$200,000.00 is appropriated and transferred from the Mackinac Island state park operations fees fund to the Mackinac Island state park commission, historic projects division, revenue bond fund for infrastructure improvements.

Sec. 1306. (1) The department of information technology shall contract with a third party to conduct an audit of the state's telecommunications systems by department. The audit shall include, but is not limited to, findings on overcharges, unnecessary services including lines and circuits, contract compliance, and savings opportunities that will enable this state to substantially reduce its telecommunications costs. It is the intent of the legislature that the savings generated as a result of the audit will be deposited into the general fund.

(2) The third-party vendor shall not charge the department a fee for services provided under subsection (1). However, the vendor shall receive a negotiated percentage of the savings achieved from implementation of a recommendation made by the third-party vendor.

(3) The third-party vendor shall have been in business for at least 10 years. The third-party vendor's principal manager shall have at least 7 years of experience, shall have completed telecommunications cost reduction work for large organizations, and shall have references confirming his or her qualifications and performance. In addition, the vendor's headquarters shall be located in this state. The third-party vendor shall have staff with extensive voice over internet protocol experience, servicing and rolling out these types of services for a large number of users. The third-party vendor shall be independent of all telecommunications carriers and equipment suppliers and shall certify that it has not received any commissions from any carriers for work done with this state and any of its related entities for the past 5 years. It shall be a term of the contract that the third-party vendor will remain independent of all telecommunications carriers and equipment suppliers and will not accept any commissions from any carriers for work done with this state and any of its related entities for the length of the contract. The third-party vendor shall be experienced with voice, data, and auxiliary circuits and functions and shall have done work for at least 1 large governmental agency.

Sec. 1307. Funds appropriated in part 1 of 2005 PA 148 and part 1 of 2006 PA 153 for food and dairy, food safety, and quality assurance shall not lapse but shall continue to be available for completion of the inspector program in accordance with the provisions of section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2005-2006

GENERAL SECTIONS

Sec. 2201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1A for the fiscal year ending September 30, 2006 is \$0 and state appropriations paid to local units of government are \$0.

Sec. 2202. The appropriations made and expenditures authorized under this part and the departments, commissions, boards, offices, and programs for which appropriations are made under part 1A are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 2203. The director of the office of state budget, before the final accounting of state revenues and expenditures for the fiscal year ending September 30, 2006 is completed, shall calculate the amount of funds that will be necessary to ensure a zero balance in the school aid fund at bookclosing. The director of the office of state budget shall provide a report to the house and senate appropriations committees and the house and senate fiscal agencies of this calculation as soon as it is completed. Based on this calculation, there is appropriated from the general fund to the school aid fund the amount calculated by the director of the office of state budget for the fiscal year ending September 30, 2006.

PART 2B

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2006-2007

GENERAL SECTIONS

Sec. 3201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1B for the fiscal year ending September 30, 2007 is \$550,000.00 and state appropriations paid to local units of government are \$350,000.00.

Sec. 3202. The appropriations made and expenditures authorized under this part and the departments, commissions, boards, offices, and programs for which appropriations are made under part 1B are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

DEPARTMENT OF EDUCATION

Sec. 3301. (1) From the funds in part 1B for school building security mapping, the department of education shall make grants to districts and intermediate districts as provided in this section for school building security mapping for use by response agencies that are called to respond to an emergency such as the release of a hazardous material, the presence of an armed individual on or near the premises, an act of terrorism, or a related emergency. This mapping shall be conducted by either the Michigan commission on law enforcement standards or the Michigan state police

emergency management division. However, if the Michigan commission on law enforcement standards or the Michigan state police emergency management division contracts with another entity for the mapping, the Michigan commission on law enforcement standards or the Michigan state police emergency management division shall ensure that the contract is with a single vendor to provide the mapping on a statewide basis.

(2) From the funds allocated in subsection (1), the department shall award \$105,000.00 to an intermediate district that meets all of the following:

- (a) The total combined membership of all of the intermediate district's constituent districts is less than 10,000.
- (b) The intermediate district had a 2005 taxable value per pupil of less than \$200,000.00.
- (c) The intermediate district has 5 constituent districts, excluding public school academies.

(3) Subject to subsection (7), from the funds allocated in subsection (1), the department shall award \$84,000.00 in grants of \$28,000.00 each to each of 3 intermediate districts that meet all of the following:

(a) The total combined membership of all of the intermediate district's constituent districts is more than 25,000 but less than 35,000.

- (b) The intermediate district had a 2005 taxable value per pupil of less than \$200,000.00.
- (c) The intermediate district has no more than 16 constituent districts.

(4) From the funds allocated in subsection (1), the department shall award \$28,000.00 to an intermediate district that meets all of the following:

- (a) The total combined membership of all of the intermediate district's constituent districts is less than 4,000.
- (b) The intermediate district had a 2005 taxable value per pupil of less than \$150,000.00.

(5) From the funds allocated in subsection (1), the department shall award \$28,000.00 to a district that levied 1.9 mills in 1993 to finance an operating deficit.

(6) From the funds allocated in subsection (1), the department shall award \$105,000.00 to applicant districts in grants of \$7,000.00 each per school building. A district is eligible to receive a grant for a school building under this subsection if an emergency situation has occurred in or near the school building within the last 5 years or if the department, in conjunction with the department of state police, has determined that an emergency situation is likely to occur in or near the school building. Grants under this subsection shall be awarded in a form and manner determined by the department. However, a district may not receive more than 3 grants under this subsection.

(7) An intermediate district that receives a grant under subsection (3) shall contract for school building security mapping in 4 school buildings, 2 of which are located in rural areas and 2 of which are located in urban areas, as defined by the department.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Sec. 3351. The funds appropriated in part 1B for the department of military and veterans affairs, headquarters and armories, shall be used for the purchase of Oregon aero BLSS (ballistic lining and suspension system) upgrade kits. The kits shall be approved for use in kevlar by the United States marine corps system command. The kits shall be furnished to active duty guardsmen and active duty military personnel in units originated in Michigan and deployed or soon to be deployed to a combat zone.

REPEALER

Sec. 3401. Section 99f of the state school aid act, 1979 PA 94, MCL 388.1699f, is repealed.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal years ending September 30, 2006 and September 30, 2007; to provide conditions on those appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Kenneth R. Sikkema
Shirley Johnson
Michael Prusi
Conferees for the Senate

Craig DeRoche
David Farhat
Richard J. Brown
Conferees for the House

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 986

Yeas—28

Allen
Barcia

Cherry
Clark-Coleman

Goschka
Hammerstrom

Prusi
Scott

Basham	Clarke	Hardiman	Sikkema
Birkholz	Cropsey	Jacobs	Stamas
Bishop	Garcia	Johnson	Thomas
Brater	George	Kuipers	Van Woerkom
Brown	Gilbert	McManus	Whitmer

Nays—5

Cassis	Schauer	Switalski	Toy
Olshove			

Excused—4

Emerson	Jelinek	Patterson	Sanborn
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Not Voting—1

Leland

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. Senator Hammerstrom moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 631, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3 and 39 (MCL 338.2203 and 338.2239), section 3 as amended by 1993 PA 139 and section 39 as amended by 2003 PA 87.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 3, after "in" by striking out the balance of the line through "**39**" on line 4 and inserting "**THIS ACT**".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 987**Yeas—34**

Allen	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Johnson	Sikkema
Basham	Cropsey	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy

Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Prusi
Schauer

Van Woerkom
Whitmer

Nays—0

Excused—4

Emerson

Jelinek

Patterson

Sanborn

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 632, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2402, 2404, 2405, and 2411 (MCL 339.601, 339.602, 339.605, 339.2402, 339.2404, 339.2405, and 339.2411), sections 601 and 602 as amended by 2005 PA 278, section 2404 as amended by 1988 PA 463, and section 2411 as amended by 2001 PA 113, and by adding sections 2404b and 2411a.

The House of Representatives has amended the bill as follows:

1. Amend page 12, following line 15, by inserting:

"(9) A LICENSEE AS A RESIDENTIAL BUILDER OR RESIDENTIAL ALTERATION AND MAINTENANCE CONTRACTOR MAY APPLY FOR INACTIVE STATUS BY COMPLETING AN APPLICATION, MADE AVAILABLE BY THE DEPARTMENT, IN WHICH HE OR SHE DECLARES THAT HE OR SHE IS NO LONGER ACTIVELY ENGAGED IN THE PRACTICE AUTHORIZED BY HIS OR HER LICENSE AND TEMPORARILY INTENDS TO SUSPEND ACTIVITY AUTHORIZED BY HIS OR HER LICENSE. UPON SUBMISSION OF A COMPLETED APPLICATION, THE DEPARTMENT SHALL DESIGNATE THE LICENSEE AS INACTIVE AND NOTE THAT STATUS ON RECORDS AVAILABLE TO THE PUBLIC. A LICENSEE DESIGNATED AS INACTIVE IS EXEMPT FROM THE CONTINUING EDUCATION REQUIREMENTS IMPOSED UNDER THIS SECTION BUT MUST STILL PAY THE PER-YEAR LICENSE FEE. AN INACTIVE LICENSEE MAY ACTIVATE HIS OR HER LICENSE BY SUBMITTING AN APPLICATION TO THE DEPARTMENT REQUESTING ACTIVATION OF THE LICENSE. UPON ACTIVATION OF A LICENSE, THE LICENSEE MUST COMPLETE AT LEAST 1 CREDIT HOUR OF CONTINUING EDUCATION FOR THAT CALENDAR YEAR."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 988

Yeas—34

Allen
Barcia

Clark-Coleman
Clarke

Jacobs
Johnson

Scott
Sikkema

Basham	Cropsey	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Prusi	Van Woerkom
Cassis	Hammerstrom	Schauer	Whitmer
Cherry	Hardiman		

Nays—0

Excused—4

Emerson	Jelinek	Patterson	Sanborn
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 826, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 604, 605, 2405, 2411, and 2412 (MCL 339.601, 339.602, 339.604, 339.605, 339.2405, 339.2411, and 339.2412), sections 601 and 602 as amended by 2005 PA 278, section 604 as amended by 1989 PA 261, and sections 2411 and 2412 as amended by 2001 PA 113, and by adding sections 606 and 2404a.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 827, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142, and by adding section 2975.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142, and by adding section 2975a.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 989**Yeas—34**

Allen	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Johnson	Sikkema
Basham	Cropsey	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Prusi	Van Woerkom
Cassis	Hammerstrom	Schauer	Whitmer
Cherry	Hardiman		

Nays—0**Excused—4**

Emerson	Jelinek	Patterson	Sanborn
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 934, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 990**Yeas—33**

Allen	Clark-Coleman	Hardiman	Scott
Barcia	Clarke	Jacobs	Sikkema
Basham	Cropsey	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Prusi	Van Woerkom
Cassis	Hammerstrom	Schauer	Whitmer
Cherry			

Nays—0

Excused—4

Emerson

Jelinek

Patterson

Sanborn

Not Voting—1

Johnson

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1208, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2002 PA 471.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1273, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding section 2408.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

House Bill No. 5637, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2006 PA 83.

The House of Representatives has amended the Senate substitute (S-4) as follows:

1. Amend page 4, line 9, after "**COMMISSION**" by inserting a comma and "**OR ARE SUBCONTRACTED BY PUBLIC UTILITIES UNDER THE JURISDICTION OF THE MICHIGAN PUBLIC SERVICE COMMISSION TO PERFORM ELECTRICAL EMERGENCY PUBLIC UTILITY WORK,**".
2. Amend page 4, line 13, after "**(i)**" by inserting "**IF REQUIRED BY THE COUNTY ROAD COMMISSION,**".
3. Amend page 4, line 15, after "**AND**" by striking out the balance of the line through "**WORK,**" on line 16 and inserting "**PROVIDE A STATEMENT THAT THE VEHICLES THAT WERE USED TO PERFORM THE EMERGENCY UTILITY WORK MAY HAVE EXCEEDED THE SEASONAL LOAD LIMITS.**".
4. Amend page 4, line 21, by striking out all of subparagraph **(iii)**.
5. Amend page 4, line 27, after "**(i)**" by inserting "**IF THE COUNTY ROAD COMMISSION REQUIRES,**".

- 6. Amend page 4, line 27, after “UTILITY” by striking out “APPLIES” and inserting “SHALL APPLY”.
- 7. Amend page 5, line 4, after “EACH” by inserting “VEHICLE OR”.
- 8. Amend page 5, line 6, after “FEE” by inserting “FOR A PERMIT”.
- 9. Amend page 5, line 7, after “INCURRED” by inserting “FOR THE PERMIT”.
- 10. Amend page 6, line 9, after “SUBPARAGRAPH” by striking out the balance of the line through “TO,” on line 10 and inserting “MAY INCLUDE”.
- 11. Amend page 6, line 13, by striking out all of sub-subparagraph (C).
- 12. Amend page 6, line 14, by striking out “(D)” and inserting “(C)”.
- 13. Amend page 6, line 15, by striking out all of sub-subparagraph (E) and inserting:
“(D) THE RESTRICTED ROAD OR ROADS INTENDED TO BE TRAVELED UPON TO THE NONEMERGENCY WORK SITE OR SITES.”

The House of Representatives has concurred in the Senate substitute (S-4) as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 991

Yeas—27

Allen	Cropsey	Johnson	Sikkema
Barcia	Garcia	Kuipers	Stamas
Birkholz	George	Leland	Switalski
Bishop	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman	Schauer	

Nays—7

Basham	Clark-Coleman	Jacobs	Whitmer
Brater	Clarke	Scott	

Excused—4

Emerson	Jelinek	Patterson	Sanborn
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Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Statements

The President pro tempore, Senator Birkholz, assumed the Chair.

Senators Brater, Prusi, Scott, Jacobs and Switalski asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

We've had the misfortune of losing three soldiers in Iraq in my district. Since October, I've been trying to arrange for their families to come up to join us in the chamber for these tributes, but I didn't want to let the session lapse without putting a memorial to these soldiers in the Journal, so I hope you'll bear with me.

It is with deep regret that I rise to mourn the passing of three soldiers from my district: Marine Corporal Gary Koehler, Marine Reserve Lance Corporal Minhee Kim, and Marine Lance Corporal Cliff Collingsworth. We are grateful for the lives and dedicated service of these men and we join with their families, friends, fellow soldiers, and all Americans in honoring these fallen heroes.

Marine Lance Corporal Cliff Collingsworth enlisted in the Marines six days after his high school graduation. On October 21, 2006, he was killed by a roadside bomb while driving his Humvee. He was on his second tour of duty and was only 20 years old.

Lance Corporal Collingsworth grew up in Michigan and attended high school in Chelsea. He had a passion for football and was universally described among his friends as personable, outgoing, and quick to smile.

The second soldier I am remembering tonight is Marine Corporal Gary Koehler of Milan. He was killed by a roadside bomb during his second deployment on November 1, 2006. He died two weeks before he was to come back to the United States to serve the remainder of his service. He had been injured two years earlier, but at that time, he declined to return home and wanted to stay in Iraq to continue to serve.

Corporal Koehler was an outstanding athlete who distinguished himself in a number of sports. He is remembered among his coaches as a warrior, a leader, and a coach's dream. He was friendly and respected by his teachers, friends, and fellow soldiers. He married his high school sweetheart and was planning on attending college after his tour of duty.

Marine Reserve Lance Corporal Minhee Kim is the third soldier I want to remember. We have only a brief statement about him because his parents really did not want to have any kind of tribute read to them on the Senate floor. I want you to know that he enlisted in the Marines while he was in college. He died on November 1, 2006, from injuries that he received on duty. He loved hockey. He was an active member of his church and hoped to become a minister after his deployment.

On behalf of the citizens of Michigan and my colleagues in the Senate, I would like to express our deep regret for the loss of these three young men. We admire them for their bravery, their dedication, and their loyal service to our country. We offer sincere condolences to the soldiers' families, their friends, and all who were impacted by their enthusiasm, leadership, and devotion.

A moment of silence was observed in memory of Marine Corporal Gary Koehler, Marine Reserve Lance Corporal Minhee Kim, and Marine Lance Corporal Cliff Collingsworth.

Senator Prusi's statement is as follows:

"The people of this country have shown by the highest proofs which human nature can give, that whatever the path of duty and honor may lead, however steep or rugged it may be, they are ready to walk in it. President James Garfield."

It is with great sadness that I rise to inform you of the recent passing of Sergeant Jeremy E. DePottey of McMillan, Michigan.

Serving in the United States Army, Sergeant DePottey unselfishly paid the ultimate sacrifice when the vehicle in which he was traveling rolled over while on patrol in Asadabad, Afghanistan. Sergeant DePottey, age 26, was killed in a single-vehicle accident while serving in Operation Enduring Freedom.

Born on September 20, 1979, the son of Mary and the late Gerald DePottey, Jeremy was a resident of McMillan for eight years. He was formerly employed with Fosters Hardware in Newberry, Michigan. He also resided in Bessemer for a time, prior to enlisting in the United States Army. A love for the military led Jeremy to fully enlist in the United States Army as an active duty soldier on April 1, 2002.

Trained at Fort Benning, Georgia, Sergeant DePottey was assigned to the 25th Infantry Division's 2nd Battalion, 27th Infantry Regiment at Schofield Barracks, Hawaii. In August of 2005, he was reassigned to the 10th Mountain Division's 3rd Brigade Combat Team at Fort Drum, New York. He was an infantryman in Company A, 1st Battalion, 32nd Infantry Regiment.

By enlisting in the U.S. Army, Sergeant Jeremy DePottey willingly accepted the responsibilities of active duty and courageously met the challenges of an often demanding and dangerous profession. He had a deep love for his family and his country and is remembered as a patriotic young man and a team player who wanted to make a difference. Those who knew him recall Sergeant DePottey as an intelligent, generous, and kindhearted young man who put forth an extra effort in everything he did. Referred to as “Depot” by his platoon, DePottey was an all-around good man who was always there to help. During his service, Sergeant DePottey received a number of awards including the Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Combat Infantryman Badge, and the Expert Infantryman Badge.

It is with great pride that we recognize the life and service of Sergeant Jeremy E. DePottey, and it is with great sadness that we mourn his passing. On behalf of the Governor, the Michigan State Legislature, and the people of the state of Michigan, we extend our sincere appreciation for his dedicated service to his country. His sacrifice, as well as those of other servicemen and servicewomen who have given their lives in service to our nation and in defense of our freedoms, should not soon be forgotten.

Our thoughts and prayers go out to his family and friends, especially his wife Jacqueline, children Jeremy Edward II and Cierra Mae of Bessemer and stepson Dylan Watkins of Arlington, Texas; his mother and stepfather Mary Burlingame and Duane Jordan; brother Joshua Burlingame and fiancée Tiffany Hasty; stepbrother Duane Jordan, Jr. and fiancée Nola Guenther; and grandparents Geraldine Ewalt, Emma Pnacek, Claudia Derry, and Howard Collins; as well as his many extended family members. May they know of our deep sorrow for their loss and understand our undying gratitude for Sergeant DePottey’s courage and bravery in the line of duty.

A moment of silence was observed in memory of Army Sergeant Jeremy E. DePottey.

Senator Scott’s statement is as follows:

I rise today to mourn the loss of Grosse Pointe’s first known fatality in the Iraq war. Marine Major Joseph “Trane” McCloud will be laid to rest with military honors today, December 15th. McCloud and three other Marines died December 3rd in the crash-landing of a helicopter in a reservoir northwest of Baghdad. Twelve others survived as they jumped into the lake to get clear of the craft that was brought down by mechanical problems rather than by enemy fire.

McCloud, 39, was a Marine’s Marine. He exemplified what was best about the Corps in terms of integrity, courage, and commitment. He leaves behind his wife of 12 years, Margaret; their three children: Hayden, 7; Grace, 5; and Meghan, 2; his mother and stepfather Roma and Carl Anderson of Grosse Pointe Farms; his brother Richmond; his sister Dawn; his father Ron McCloud; his mother-in-law Ann Hayden; and hundreds of friends from Grosse Pointe South High School, the Corps, and the University of Tennessee where he graduated in 1989.

Friends remember Trane as one who loved football, family, friends, old cars, and old-fashioned music. He loved doing his best, which he did at everything, including his studies, being a dad, playing linebacker, and being a soldier. Trane’s family and friends received his last e-mail shortly before Thanksgiving. He wrote: “Sorry I haven’t written more. I have been busy and most things I do, besides eat and sleep, I can’t talk about. I can say the Marines are doing phenomenal things every day. Thank you for all your support to me, my family, and our troops.”

A moment of silence was observed in memory of Marine Major Joseph “Trane” McCloud.

Senator Jacobs’ statement is as follows:

As has been my custom, I’d like to tell the chamber the story of Chanukah as we celebrate tonight, now, this holiday which celebrates the events which took place over 2,300 years ago in the land of Judea, which is now Israel.

Long ago in the land of Judea, there was a Syrian king, Antiochus. This can be a good-night story for you folks. The king ordered the Jewish people to reject their God, their religion, their customs, and their beliefs and to worship the Greek gods. There were some who did as they were told, but many refused. One who refused was Judah Maccabee.

Judah and his four brothers formed an army and chose as their name the word “Maccabee,” which means hammer. After three years of fighting, the Maccabees were finally successful in driving the Syrians out of Israel and reclaimed the Temple in Jerusalem. The Maccabees wanted to clean the building and to remove the hated Greek symbols and statues. On the 25th day of the month of Kislev, the job was finished and the temple was rededicated.

When Judah and his followers finished cleaning the temple, they wanted to light the eternal light, known as the N’er Tamid, which is present in every Jewish house of worship. Once lit, the oil lamp should never be extinguished. Only a tiny jug of oil was found with only enough for a single day. The oil lamp was filled and lit. Then a miracle occurred as the tiny amount of oil stayed lit not for one day, but for eight days.

Jews celebrate Chanukah to mark the victory over the Syrians and the rededication of the Jerusalem Temple. The Festival of Lights, Chanukah, lasts for eight days to commemorate the miracle of the oil. The word “Chanukah” means “rededication.”

In America, families celebrate Chanukah at home. They give and receive gifts, decorate the house, entertain friends and family, eat special foods, and light the holiday menorah. And to my Jewish friends in Michigan and around the world, Happy Chanukah.

Senator Switalski's statement is as follows:

This is a bittersweet day, sine die approaches, and the two-year session of the 93rd Legislature is adjourning and the four-year term of every Senator in these chambers is expiring. The last of the old guard, the grizzled legislators who served for decades prior to term limits and who are the repository of the great traditions of this institution, are leaving us, perhaps never to return, and taking with them a collection of knowledge and experience that is as invaluable as it is irreplaceable.

I find that in these final poignant hours, as the last of our veteran colleagues depart, that my soul is moved to sing. Allow me to present the Caucettes who have agreed to appear with me and it was a very difficult task assembling the Caucettes. I asked a number of people. The last time I was turned down this much was at my high school prom. So I beg your indulgence for a medley I call, "Next time send me the box of Clementines."

Thanks for the memories
I knelt at Kenny's desk
To hear his new request.
And if I give my vote I hope
The Dems won't cut my throat
For some measly crumb.

Negotiations
Ken hammers out a deal.
He'd squeeze until I'd squeal.
He sold me sleeves
From off his vest
And told me it's a steal.
Protesting, he'd say:

"Let's close this deal now.
This bargain is a keeper.
My commitment's never deeper.
But wait a sec
So I can check
If Burton sells out cheaper."
And POOF! goes the deal.

So Thank Ken for give and take
Of buying what we bid
And some deals we never did.
We used some tricks
To try and fix
Mistakes that can't be hid.
So Thanks and Goodbye.

Dems call Bob's name
But he's not there.
Term Limits blame
For being unfair.
He kept the caucus room
Bagels fresh
Carmel-Pecan snack.
He taught us policy
Cuz we don't know Jack.

Don't you know we can't fake it
We're not qualified
We're not gonna ma-a-ake it.
Looks like Michigan's fri-i-i-ied.

Our Constituents won't sleep at night
Once Bob's gone home.
Let's speed dial Emerson
And Call Bob's name.

Rockin' around the Capitol
There's the Leland trailer hitch.
Burton's bundlin' up his stuff
His wife's helping him make the switch.
You had best be careful
If you visit late at night.
If the Leland trailer's rockin'
Just be sure you don't go knockin'.

Down in the basement Hammerstrom
Runs the floor with lots of pep.
Cropsey's tall but not like Bev
When she stands up on her step.
She alone ran bills
That her own leader
Didn't like.
Hammerstrom's a splendid teacher
Fearless, feisty, spark plug leader.

I Gotchka go, it's getting late
Can't skip Michael in the back.
Presided over Higher Ed
Where he put the schools on track.
Complex tiers
He explained
In Committee, and we saw
When he finished with his magic
All the money went to Saginaw.

Shirley J. appropriates
She's a tough old bird you know.
If you talk too much on bills
She will tell you where to go.

Cutting budgets, raisin' bucks
Tryin' to keep the wolf at bay.
Piggy bank up on her desk
It's the new old-fashioned way.

More? We did prepare an encore just in case. Caucettes, are you ready?

Listen, Do Wah Do.
Do you want to know a secret: Do Wah Do.
Cameron Brown is soon to wed.
Oh, oh, oh, closer.
Do Wah Do
Let me whisper in your ear. Do Wah Do.
Words that Cameron's bound to hear.
From Mrs. Helen Brown. Woo, Woo, Woo.
"Honey, you forgot to take out the trash."
Woo, Woo, Woo
"Honey, can you pick up a gallon of milk?"
Woo, Woo, Woo.
"Cameron, you left the toilet seat up again."
Woo, Woo, Woo.

Recess

Senator Sikkema moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:26 a.m.

1:34 a.m.

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

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 1081, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal years ending September 30, 2006 and September 30, 2007; to provide conditions on those appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(For Conference Report, see p. 2683.)

The House of Representatives has adopted the report of the Committee of Conference.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order of
Resolutions

Senator Hammerstrom moved that rule 3.204 be suspended to permit immediate consideration of the following concurrent resolution:

House Concurrent Resolution No. 39

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

House Concurrent Resolution No. 39.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the Legislature adjourns on Friday, December 15, 2006, it stands adjourned until Friday, December 29, 2006, at 11:00 a.m.; and be it further

Resolved, That when the Legislature adjourns on Friday, December 29, 2006, it stands adjourned without day.

The House of Representatives has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Scheduled Meetings

Michigan Law Revision Commission - Monday, December 18, 1:00 p.m., Room 426, Capitol Building (373-0212)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 1:38 a.m.

Pursuant to House Concurrent Resolution No. 39, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Friday, December 29, 2006, at 11:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate