

**No. 53**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

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Senate Chamber, Lansing, Wednesday, May 28, 2008.

10:00 a.m.

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

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

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

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

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

Reverend Allan Martling of First Congregational Church of Grand Ledge offered the following invocation:

Creating, redeeming, and sustaining God, we thank You for this opportunity to serve You in this day. We thank You for the gifts that You have given us as women and men in leadership in the state of Michigan. We thank You for the voices, the issues, the realities, the pain, and the joy of leadership that we carry into this room each day. We thank You for all the gifts that You have given us—gifts of integrity and truthfulness and vision and hope. We thank You that You watch over us in times of temptation, in times of weakness, and that You forgive us.

Bless us in the work that is before this chamber in the state of Michigan and this whole society in this time of great change and turmoil. I ask that You bring Your Spirit and touch the lives, the thoughts, the words, and the decisions that go on in this day.

All these things we pray, for You are sovereign over all principalities and powers, even death itself. Amen.

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

### Motions and Communications

Senators Sanborn and Brater entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

May 23, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Economic Development Corporation, a discretely presented component unit of the State of Michigan, for the period October 1, 2005 through September 30, 2007.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

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

By unanimous consent the Senate proceeded to the order of

### Statements

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

The motion prevailed.

Senator Cropsey's statement is as follows:

I have two very special guests in the Gallery today, one who just came back from Afghanistan two weeks ago and I have a special tribute for him. With me on the floor, I have Representative Paul Opsommer, and Sergeant Major David Marshall is in the Gallery. I would like to read this tribute for Sergeant Major David M. Marshall:

“LET IT BE KNOWN, That it is with tremendous appreciation for the example of courage, sacrifice, and commitment demonstrated that we honor Sergeant Major David M. Marshall as he returns from his military service in Afghanistan. We take this opportunity to offer our sincere thanks for the dedication he has shown in his exemplary service to his country.

Throughout his tenure in the Afghan Logar Province, Sergeant Major Marshall has shown himself worthy of our highest commendation. He has distinguished himself as senior enlisted advisor to the Afghan National Police as he served in support of Operation Enduring Freedom.

Sergeant Major Marshall filled many noteworthy roles while in Afghanistan. He assisted in advising the provincial chief of police as well as many members of his staff. He personally trained members to include the provincial police battle captain, as well as numerous members of counterterrorism and provincial intelligence officers. Sergeant Major Marshall played an invaluable role in equipping the state-of-the-art facility used in the province. He led dozens of provincial emergency planning sessions, coaching and teaching members of the national security. On several occasions, he guided the provincial leadership in operational planning and decision making. Through his efforts, his coordinating center has been recognized as the most effective operation of its kind in Afghanistan. Sergeant Major Marshall was also responsible for the distribution of a great amount of humanitarian aid, and his work substantially enhanced the reputation of the Afghan police in the eyes of local citizens. He spearheaded the province's winter police academy, a program that has been recognized as an outstanding success. He also served as facilities manager for the new Afghan police headquarters.

While assigned to the Logar Provincial Mentoring Team, Sergeant Major Marshall conducted over 150 combat patrols and has been involved in over 25 that involved direct and indirect fire. He was awarded the Combat Infantryman's Badge for direct fire engagements against the enemy. During his tenure, Sergeant Major Marshall has displayed tremendous leadership which has resulted in requests to take difficult roles as personnel officer, mentor, and coach to officers in the Logar Province.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to Sergeant Major David M. Marshall to commend his exemplary service and bravery. He has answered his country's call and has demonstrated great loyalty. We offer our heartfelt gratitude and highest praise for his acts of service and heroism, and may he know of the inspiration he is to us all."

Senator Scott's statement is as follows:

Mahatma Gandhi said, "In matters of conscience, the law of majority has no place." That provides a new perspective on the democratic process, does it not? That's why I continue to urge you to follow your conscience, not your colleagues, as we attempt to solve the insurance problem in Michigan.

This issue is not about medical costs; it is not about repair costs. This is about people. It's about people struggling with heating costs, grocery bills, prescription costs, and gas prices. It's about the fairness of asking those same people to shoulder a disproportionate burden of insurance costs for a product for which they are penalized severely if they do not have it. And yet, it's one they simply cannot afford.

Follow your conscience, not your colleagues. Think about the human cost. Put faces on those thousands of drivers and homeowners, many of whom are your constituents, your relatives, and your friends. Perhaps those faces will inspire you to move my bills.

Senator Switalski's statement is as follows:

It's kind of a bittersweet day for me because my intern of the last session here has his last day approaching tomorrow. So I want to introduce to the chamber Jakub Olszowiec—no relation to Senator Olshove but similar. Jakub has done a great job. He's a political science and pre-law major at Michigan State University, but he is from Poland. He has brought the work ethic and the values of the old country to my office. He is very well-mannered. When you come into the office, Jakub stands up and shakes your hand and stays standing until you leave the room. You know, we're a bunch of slobs in my office, and it's nice to have someone who has impeccable manners.

Jakub is a very thorough worker. I recently gave him a report—you know, we get lots of reports—on a titillating subject, the expenditure of IOLTA monies and how that's distributed throughout the state. I asked him to summarize it, and Jakub produced a beautifully-typed summary of it which was actually longer than the report. So he's very thorough.

He's going to go to work as a translator at the U.S. Embassy before returning to Poland. I feel very fortunate to have had Jakub working for me, and I hope he will be welcomed and given a hail and farewell from the Senate.

Senator Schauer's statement is as follows:

I also rise to help celebrate Western Day at the Capitol. I thank the Senator from Kalamazoo, the home of this university, for mentioning the WMU College of Aviation which is located in Battle Creek. Not only is it one of the most outstanding aviation programs in the country, but it has incredible economic development implications for our region and for our state. We have at Kellogg Airport in Battle Creek, which is shared by the WMU College of Aviation, a very exciting aviation hub where hundreds of jobs have been created. So I wanted to join in recognizing my friends from Western, particularly from the College of Aviation. I also wanted to welcome my former State Representative in the north Gallery, Trustee Bill Martin.

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**House Bill No. 5476**

**Senate Bill No. 674**

**House Bill No. 4216**

**House Bill No. 5539**

**House Bill No. 5540**

**House Bill No. 5541**

**House Bill No. 5542**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5476, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as added by 2007 PA 133.

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. 352**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Kuipers

In The Chair: Richardville

Senator Cropsey moved that Senator Kuipers be temporarily excused from the balance of today's session. The motion prevailed.

Senator Kuipers entered the Senate Chamber.

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.

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts."

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 674, entitled**

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending the title and sections 2, 2a, 8, 9, 10, 12, 12a, 13, 15, 16, 18, and 21 (MCL 456.522, 456.522a, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535,

456.536, 456.538, and 456.541), the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, 18, and 21 as amended by 2004 PA 22 and section 2a as added by 1982 PA 132, and by adding sections 9a, 9b, and 13a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Gilbert offered the following amendment:

1. Amend page 17, line 11, by striking out all of subsection (2) and inserting:

**“(2) BUNDLING OR POOLING OF TRUST FUNDS, FROM EACH CEMETERY OR AMONG CEMETERIES WITH COMMON OWNERSHIP, IS NOT PERMISSIBLE EXCEPT UPON TERMS AND CONDITIONS APPROVED IN WRITING BY THE COMMISSIONER AND ONLY AFTER THE COMMISSIONER IS REASONABLY SATISFIED THAT THE TITLE TO, CHARACTER OF, AND ACCOUNTING FOR EACH TRUST FUND IS PRESERVED.”.**

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. 353**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4216, entitled**

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending the title and sections 2, 4, 4a, 7, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.757, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, sections 4 and 7 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

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. 354**

**Yeas—38**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn

Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Hunter	Prusi	Whitmer
Cherry	Jacobs		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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.

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

“An act to regulate the use, construction, installation and repair of boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for boilers; to provide for the licensing of boiler inspectors, installers and repairers; to provide fees for licenses, permits, inspections and certificates; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5539, entitled**

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” (MCL 125.2651 to 125.2672) by adding section 15a.

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. 355**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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.

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

“An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5540, entitled**

A bill to amend 1986 PA 281, entitled “The local development financing act,” (MCL 125.2151 to 125.2174) by adding section 11b.

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. 356**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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.

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

“An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide

for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5541, entitled**

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” (MCL 125.1801 to 125.1830) by adding section 12b.

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. 357**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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.

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

“An act to prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers;”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5542, entitled**

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation



and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” (MCL 125.1651 to 125.1681) by adding section 13c.

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. 358****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Richardville

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 of the bill.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Jacobs as Chairperson.

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

**Senate Bill No. 1193, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 356a (MCL 750.356a), as amended by 1998 PA 311.

**Senate Bill No. 1304, entitled**

A bill to amend 1969 PA 38, entitled “Hospital finance authority act,” by amending section 3 (MCL 331.33), as amended by 1994 PA 428.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1241, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2004 PA 420.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1272, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

Substitute (S-1).

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

### Resolutions

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

**Senate Concurrent Resolution No. 22**

The motion prevailed.

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

**Senate Resolution No. 198**

**Senate Resolution No. 199**

The resolution consent calendar was adopted.

Senators Van Woerkom, Cropsey, McManus, Kahn, Birkholz, Gilbert, Stamas, Garcia, Cassis, Barcia, Whitmer, Gleason, Brown, Richardville, Jelinek, Cherry, Jansen and Bishop offered the following resolution:

**Senate Resolution No. 198.**

A resolution commemorating June 3, 2008, as Dairy Foods Awareness Day in the state of Michigan.

Whereas, Dairy foods are an important part of a balanced diet; and

Whereas, The dairy foods industry is an important component of the Michigan economy, creating thousands of jobs; and

Whereas, The Michigan Dairy Foods Association is a trade and membership service organization representing all aspects of the dairy processing industry in Michigan focusing on sound public policy; and

Whereas, The mission of the Michigan Dairy Foods Association is to support and promote activities designed to improve and maintain the general well-being of the dairy processing industry; and

Whereas, The association's primary purposes are to enhance the position, prestige, and competitive ability of Michigan's dairy foods industry and to provide educational programs to enhance members' abilities to process and market fine dairy products, packaged waters, and juices in Michigan and throughout the world; and

Whereas, The Michigan Dairy Foods Association established Dairy Foods Awareness Day to demonstrate the importance of the dairy processing industry in Michigan and to promote the 3-A-Day concept of three servings of calcium-rich dairy products per day which helps ensure a healthy diet; and

Whereas, We recognize the Michigan Dairy Foods Association for their efforts to expand public awareness and knowledge of the dairy processing industry; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate June 3, 2008, as Dairy Foods Awareness Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of Dairy Foods Awareness Day as evidence of our esteem.

Senators Anderson, Brater, Clarke, Jacobs, Olshove, Pappageorge, Scott and Switalski were named co-sponsors of the resolution.

Senators Allen, Cropsey, Richardville, Van Woerkom, Jansen, Birkholz, Pappageorge, Cassis, Jacobs, Garcia and Clarke offered the following resolution:

**Senate Resolution No. 199.**

A resolution commemorating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program.

Whereas, The Mackinac Island State Park Commission was created in 1895 in order to care for and manage Mackinac Island State Park. In time, Michilimackinac State Park (1909) and Mill Creek State Park (1975) were added to the family of parks and historic sites under the authority of the Commission; and

Whereas, In 1958, the Commission received legislative authority to secure funding through revenue bond financing for the restoration and interpretation of Fort Mackinac and other historical properties at the Straits of Mackinac; and

Whereas, With bond funds in hand, the Commission began restoration, installed exhibits, and opened Fort Mackinac to the public 50 years ago on June 15, 1958; and

Whereas, The archaeological excavation of Colonial Michilimackinac commenced in 1959 with reconstruction and public programming beginning in 1960; and

Whereas, Old Mackinac Point Lighthouse was opened in 1972, closed in 1990, and reopened with an ongoing restoration program in 2004; and

Whereas, Historic Mill Creek Discovery Park was opened in 1984; and

Whereas, For 50 years the Commission has professionally and successfully developed, promoted, and improved the Mackinac State Historic Parks which have been accredited three times by the American Association of Museums; and

Whereas, The Mackinac State Historic Parks have hosted nearly 20 million visitors since 1958, making it one of the most successful historic site complexes in North America and an important contributor to the tourism economy of northern Michigan; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program; and be it further

Resolved, That a copy of this resolution be transmitted to the Commission as evidence of our esteem and deepest appreciation for their success in fulfilling their mission to protect, preserve, and present the rich historical and natural wonders of Mackinac for our state and future generations.

Senators Anderson, Brater, Gleason, Olshove, Scott, Stamas and Switalski were named co-sponsors of the resolution.

**Senate Resolution No. 155.**

A resolution to memorialize the United States Congress to enact the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act, H.R. 3846); to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and to help build individual, family, and community strength to ensure that our youth lead productive, law-abiding, addiction- and gang-free lives.

The question being on the adoption of the resolution,

The resolution was adopted.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that the Committee on Education be discharged from further consideration of the following bill:

**Senate Bill No. 1275, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 22b (MCL 388.1622b), as amended by 2007 PA 137, and by adding section 42.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the bill be referred to the Committee on Appropriations.

The motion prevailed.

Senator Cropsey moved that the Committee on Transportation be discharged from further consideration of the following bill:

**House Bill No. 4817, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 675d and 742 (MCL 257.675d and 257.742), section 675d as amended by 2004 PA 49 and section 742 as amended by 2000 PA 268.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the bill be referred to the Committee on Local, Urban and State Affairs.  
The motion prevailed.

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

**House Concurrent Resolution No. 80.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Technical and Industrial Building Renovations Project.

The Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 359**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Gilbert

In The Chair: Richardville

**House Concurrent Resolution No. 81.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group F VanWagoner Building (the "Facility").

The Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 360****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Richardville

**House Concurrent Resolution No. 82.**

A concurrent resolution approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group G Special Maintenance Projects (the "Facility").

The Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 361****Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

Senators Basham, Scott, Gleason, Schauer, Van Woerkom, Birkholz, Jacobs and Clarke offered the following resolution:  
**Senate Resolution No. 200.**

A resolution to memorialize Congress and the President to support additional funding to expand Amtrak's capacity and routes in Michigan.

Whereas, Ridership has increased 47 percent on all three Michigan Amtrak routes in the last six years. The Wolverine route, from Pontiac through Detroit to Chicago, increased its passenger load 2.5 percent in 2007 alone. The state-supported Blue Water route between Port Huron and Chicago saw increased ridership of 3 percent in 2007. Ridership on the state-supported Pere Marquette route between Grand Rapids and Chicago increased 2.8 percent. All three corridors experienced sold-out trains in 2007, some on a regular basis, which may have limited their true earning potential. The trains contributed \$500,000 of unanticipated ticket income to the state of Michigan; and

Whereas, The trend of increasing passenger numbers continues in 2008. Over the first seven months of the fiscal year, Pere Marquette ridership is up 8.1 percent and Blue Water ridership has increased 5 percent. Revenues have grown as well, from 4.5 to 10 percent. These trends over the last six years suggest continued record numbers of passengers but less than potential revenue because of limited capacity, as witnessed by frequent sold-out conditions; and

Whereas, Amtrak employs 114 Michigan residents and pays over \$6.6 million annually in salaries and wages. Amtrak contracts with Michigan businesses for more than \$5.7 million in goods and services; and

Whereas, Michigan residents face a state and national transportation crisis with skyrocketing gasoline prices, traffic congestion, and insufficient cost-effective and convenient public transportation alternatives. We believe the time has come to generate additional economic growth and public transportation alternatives for Michigan and its residents by increasing passenger rail capacity and service; now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the President to support additional funding for passenger rail cars on Michigan's three train routes, to consider increasing capacity and routes in Michigan, and to consider the restoration of a second, mid-day passenger train from Chicago to Grand Rapids; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Anderson, Barcia, Brater, Clark-Coleman, Olshove, Pappageorge and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

#### **Senate Bill No. 515, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 438 (MCL 206.438), as added by 2004 PA 364.

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. 1234, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80108a.

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 not concurred in, 2/3 of the members serving not voting therefor.  
 Senator Cropsey requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 362**

**Yeas—22**

Allen	Cropsey	Jelinek	Patterson
Barcia	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jansen		

**Nays—4**

Anderson	Hunter	Prusi	Thomas
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**Excused—0**

**Not Voting—12**

Basham	Clark-Coleman	Jacobs	Scott
Brater	Clarke	Olshove	Switalski
Cherry	Gleason	Schauer	Whitmer

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.  
 The question being on the motion to give the bill immediate effect,  
 Senator Cropsey moved that further consideration of the bill be postponed temporarily.  
 The motion prevailed.

**Senate Bill No. 1308, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

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 not concurred in, 2/3 of the members serving not voting therefor.  
 Senator Cropsey requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 363****Yeas—22**

Allen	Cropsey	Jelinek	Patterson
Barcia	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jansen		

**Nays—6**

Anderson	Hunter	Thomas	Whitmer
Brater	Prusi		

**Excused—0****Not Voting—10**

Basham	Clarke	Olshove	Scott
Cherry	Gleason	Schauer	Switalski
Clark-Coleman	Jacobs		

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.  
 The question being on the motion to give the bill immediate effect,  
 Senator Cropsey moved that further consideration of the bill be postponed temporarily.  
 The motion prevailed.

By unanimous consent the Senate returned to the order of  
**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Jacobs as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 1097, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).



The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 29, line 27, after "230." by striking out "From" and inserting "Pursuant to article IV, section 52 of the Michigan constitution, which provides the legislature with the authority to provide for the protection of the air, water and other natural resources of the state from pollution, impairment, or destruction, from".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5816, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Substitute (S-1).

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

1. Amend page 31, following line 20, by inserting:

"City-university partnership grants..... 100".

2. Amend page 31, line 27, by striking out "20,804,900" and inserting "20,805,000".

3. Amend page 33, line 20, by striking out "75,000,000" and inserting "74,999,900".

4. Amend page 34, line 6, by striking out "75,000,000" and inserting "74,999,900" and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 81, line 18, by striking out all of section 803a and inserting:

"Sec. 803a. (1) In accordance with section 9 of article IX of the state constitution of 1963 and sections 814 and 815 of the Michigan vehicle code, 1949 PA 300, MCL 257.814 and 257.815, the secretary of state shall conduct a cost study that identifies the actual cost of the work performed for the administration and collection of transportation fees and taxes pursuant to sections 801 through 810 of the Michigan vehicle code and, when the actual cost cannot be identified, allocates combined costs that cannot be separately identified for the purpose of determining the necessary costs to collect all of the following:

- (a) Vehicle title and registration fees.
- (b) The costs of collecting all taxes on fuels used to propel vehicles upon state highways.
- (c) The department of state's costs for collecting sales and use taxes.
- (d) Any other specific taxes on motor vehicles driven upon state highways and on all registered motor vehicles.

(2) The study under subsection (1) shall be performed by an independent consulting firm with experience in cost allocation. Upon commencement of the study, the study components and methodology may be reviewed by the following:

- (a) The department of transportation or its representative.
- (b) The department of management and budget or its representative.
- (c) The department of treasury or its representative.
- (d) County road commissions or their representatives.
- (e) Municipalities or their representatives.

(3) The final cost study shall be submitted to the senate and house of representatives standing committees on appropriations subcommittees on general government and transportation, the senate and house fiscal agencies, and the state budget director by April 1, 2009.

(4) Effective April 1, 2009, the study shall be used in determining the annual appropriation from restricted transportation funds. The cost study will be updated annually to reflect changes in efficiency and technology."

6. Amend page 103, following line 27, by inserting:

"Sec. 923. (1) From the funds appropriated in part 1 to the department of treasury for the city-university partnership plan, \$100.00 shall be allocated to the Michigan State University, center for community and economic development to create and administer a partnership with Michigan's urban core mayors in collaboration with Wayne State University and the University of Michigan.

(2) The funds appropriated in part 1 for the city-university partnership plan shall be used for the following activities:

- (a) The analysis of existing, proposed, or potential public policy initiatives that impact the vitality of Michigan's urban core cities.
- (b) The collection and dissemination of information regarding effective local responses to common problems confronting urban core cities.

(c) Student practicum projects on specific urban policy summit meetings involving local governmental officials, state policy makers, and university-based scholars to review key policy issues affecting the social and economic development of Michigan's core communities.

(d) To facilitate communication among mayors of urban core cities, their staff, and university scholars in order to identify priority issues, mobilize scholarly activities, and disseminate empirical findings.”.

7. Amend page 112, line 24, by striking out all of section 949 and inserting:

“Sec. 949. (1) In accordance with section 9 of article IX of the state constitution of 1963 and sections 814 and 815 of the Michigan vehicle code, 1949 PA 300, MCL 257.814 and 257.815, the secretary of state shall conduct a cost study that identifies the actual cost of the work performed for the administration and collection of transportation fees and taxes pursuant to sections 801 through 810 of the Michigan vehicle code and, when the actual cost cannot be identified, allocates combined costs that cannot be separately identified for the purpose of determining the necessary costs to collect all of the following:

(a) Vehicle title and registration fees.

(b) The costs of collecting all taxes on fuels used to propel vehicles upon state highways.

(c) The department of state's costs for collecting sales and use taxes.

(d) Any other specific taxes on motor vehicles driven upon state highways and on all registered motor vehicles.

(2) The study under subsection (1) shall be performed by an independent consulting firm with experience in cost allocation. Upon commencement of the study, the study components and methodology may be reviewed by the following:

(a) The department of transportation or its representative.

(b) The department of management and budget or its representative.

(c) The department of treasury or its representative.

(d) County road commissions or their representatives.

(e) Municipalities or their representatives.

(3) The final cost study shall be submitted to the senate and house of representatives standing committees on appropriations subcommittees on general government and transportation, the senate and house fiscal agencies, and the state budget director by April 1, 2009.

(4) Effective April 1, 2009, the study shall be used in determining the annual appropriation from restricted transportation funds. The cost study will be updated annually to reflect changes in efficiency and technology.”.

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

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**Senate Bill No. 1097**

**House Bill No. 5816**

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

The following bill was read a third time:

**Senate Bill No. 1097, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 32, line 12, by striking out all of section 601.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 364**

**Yeas—17**

Anderson  
Barcia

Clark-Coleman  
Clarke

Jacobs  
Olshove

Scott  
Switalski

Basham  
Brater  
Cherry

Gleason  
Hunter

Prusi  
Schauer

Thomas  
Whitmer

**Nays—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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. 365**

**Yeas—30**

Allen  
Barcia  
Birkholz  
Bishop  
Brown  
Cassis  
Clark-Coleman  
Clarke

Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Hunter  
Jacobs

Jansen  
Jelinek  
Kahn  
McManus  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Schauer  
Stamas  
Switalski  
Van Woerkom

**Nays—8**

Anderson  
Basham

Brater  
Cherry

Kuipers  
Scott

Thomas  
Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

### Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1097 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I supported this bill in full Appropriations to keep the process moving, and I do think that it has been a pleasure working with the good chair of the subcommittee, the Senator from the 22nd District, and also my friend the Senator from the 33rd District. Even though we sometimes disagree, we do it amiably.

I do want to call my colleagues’ attention to some work that still needs to be done on this bill as it moves over to the other chamber. Maybe some of this can be tended to. As I said earlier, the state of Michigan isn’t the only state entirely within the Great Lakes Basin. So when we talk about the Department of Environmental Quality in Michigan, we are talking about a huge responsibility that has actually worldwide implications. When you think about having 20 percent of the world’s fresh water surrounding our state and the responsibility and obligation that we have not only to our generation, but future generations to protect this ecosystem, it is a huge, huge and sacred responsibility entrusted to us in this Legislature.

Unfortunately, this department has been chronically underfunded for many years. One example is the issue of fees that have not been raised, in some cases, for decades. Last year, there was a proposal to create \$17 million worth of increases in these fees. That idea was rejected, and in this budget, there is \$14 million of the General Fund to replace those fee increases. Well, that is not enough money for the department to do its job. When you hear complaints about people saying they get more complaints from this department than any other, well, maybe we should look in the mirror. When you look at a department where people are operating with bare bones at their desks, it’s long hours trying to enforce these complex regulations and statutes without sufficient resources because we are not funding them properly.

What happens is that we give them enough money to issue permits which are basically permits to allow businesses to discharge toxins into our lakes, streams, and rivers—using them as sewers usually—and we are giving the permits to discharge those toxins. What we are doing is saying that within certain guidelines, you may discharge your toxins into our lakes and streams. What we really should be doing is looking for ways to reduce those toxins, but we are issuing permits. Then what happens? We give the department enough money to issue the permits but not enough money to do any monitoring enforcement to see if those permits are being complied with.

So we are not giving this department enough money to do its job. This bill, as it currently stands, has language that eviscerated the wetland protection that we are entrusted to implement by the federal government. It has one percent of its General Fund money encumbered to deal with one issue on one lake and raising separation of power issues.

So, although I voted for this bill in full Appropriations to move the process forward, I did want to call my colleagues’ attention to some of the problems I see in this budget, and I do feel that it still needs a good deal of work.

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

The motion prevailed.

Senator Cropsey’s statement is as follows:

In reference to the previous speaker’s umbrage, at looking at one lake in my district and asking that the water level be restored to 1975, I think it is important that people understand a little bit of history on this. At one time, the lake level was up very high. That was because some beavers came in and built a dam and the lake level went way up. Now what is interesting about this lake is that now the DNR owns about two-thirds to three-quarters of the shoreline of this lake. The rest of it is undeveloped or farmland or the back of people’s 40-acre, 20-acre parcels. It has one access that the DNR is supposed to maintain. Several years ago, the DNR put a boat ramp into this. Now this is a no-wake lake. People can go out there and row their boats. I think they can go sailing. They can go fishing. They can go canoeing. You take your boat with your trailer out there and you are able to use the boat ramp to put your boat into the lake water and then go out fishing.

Unfortunately, after the beavers built their dam, the people who owned the lake—I assume it’s the DNR—said, oh, the lake level went up way too high. Therefore, they tore the dam down. Subsequent to that, the county drain commissioner cleaned out one of the drains, then the lake drained way down, probably about 18 inches to two feet below where it should have been.

Right now, if you go out there to the lake—and it’s only about a 15-minute drive from Lansing—the cement boat pad is completely out of the water. So if you want to use your boat trailer to run it down to the lake, you are going to be backing up your boat trailer right into the muck. It makes it very difficult for the people of the state of Michigan who have used their license fees for fishing, hunting, or whatever, in order to maintain the lake levels and maintain the lakes in this state, it is very difficult for them to use this lake.

Now, where is the problem with this? Frankly, the DNR should have been putting in an application to the DEQ, which I always think is interesting. If the DNR owns most of the lake, why do they need to apply to the DEQ to have the lake level go up, but apparently, they have to do so. But they have never put in the application that I know of. Finally the local people got upset enough, and the soil conservation district said, "Well, we will put the application in." They were able to get—I believe it was Ducks Unlimited that said they wanted to see the lake level rise for the habitat for the water fowl and also for the fish. It's going to be good for the animals, folks. It's going to be good for the people. But, lo and behold, things just kind of sit there.

I finally called a meeting in my office asking the local people, the drain commissioner, the soil conservation district people, the DNR, and DEQ people to come in. They came in to my office and they have plans all made out on how to put up a little dam, which costs \$20,000.00-\$30,000.00, that would be paid for, by the way, by Ducks Unlimited. I always think it is interesting when you have to spend that much money for what a beaver could do for nothing. But, hey, the beaver was taken out even though it was natural. The beaver was taken out years ago because he raised the lake to an unnatural level, but when the drain commissioner drained the lake, all of a sudden you have to get DEQ approval to raise the lake level back up.

The interesting thing was in my office I believe it was the soil conservation district that said they were putting in an application to raise the lake level back up to the DEQ. The DNR took umbrage at that, saying that it would have been nice if they had let them know, as the DNR, that they were going to do that and work with us. Well, I kind of say, duh. If you are supposed to be responsible for the lake, why did the local people have to go and do a permit anyway? The DNR should have been doing it to start with.

So that was nine or ten months ago. The permit goes to the DEQ. The DEQ was in my office basically saying what I took to mean was, "Well, get us the permit over here and we'll work on it." A permit gets over there and they find out that, oh, they didn't do everything quite exactly right that they wanted to have done, and therefore, the permit expired. So does the DEQ have a permit in front of it currently? No. But has it had a permit in front of it months ago? Yeah, up until about a month ago they did, but they couldn't do it.

Now, I would suggest that the DNR and the DEQ get its act together and before another year passes that the lake level go back up, halfway up the boat ramp, where the water ought to be so that people can use it again and have easy access to it.

I put an amendment onto the bill that basically references the Constitution. This is very important for this body to understand because some people want to say the the DEQ has charge of protecting the lakes and the waters and the air and the soil of this state. Well, if you take a look at Article IV, Section 52 of the State Constitution, which I was sworn to uphold—and every other member of this body has sworn to uphold—this is what it says: "The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people." That's the first sentence. The second sentence starts out this way: "The legislature ..." I read that correctly. It did not say the Department of Environmental Quality. It did not say the Department of Natural Resources. It says, "The legislature ..." Should I spell that out for you? L-e-g-i-s-l-a-t-u-r-e. Folks, that's us and that's the folks across the Rotunda. "The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction." I would suggest that if you allow the water level of Muskrat Lake to continue to go down until it is simply a mud hole, that is impairing the natural resources of the state of Michigan, if not destroying it. Therefore, we are fully within our rights, but our obligation as a State Legislature is to take care of the natural resources of this state. By saying, oh, let somebody else do it, then we are not doing our duty as a State Legislature under the State Constitution that we are sworn to uphold.

Senator Garcia's statement is as follows:

This comment is more for the department than for my colleagues who are about to vote on this bill. But I asked the department to do some soul searching. You know, they do a number of good things. They enforce the laws, but unfortunately, the department has some issues in enforcing the statutes this body has passed. The problem is not with the statutes that we have passed or necessarily with a lack of money. Most of the other departments are struggling with the lack of money as well. The problem is with how they carry out the enforcement of some of their duties.

Again, I go back to the point where many businesses and many of my colleagues have expressed dissatisfaction and displeasure with the way the department is carrying out some of their duties. I've attempted to be fair, balanced, and objective in working with the department, and I pledge to continue to do so. But they need to do some soul searching. They need to take a look, again, at how they operate, and work with me to help me and to help the Legislature enforce the statutes that are on the books so that we can work together on cleaning up this environment.

The following bill was read a third time:

**House Bill No. 5816, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for

the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 34, line 10, by striking out "405,101,000" and inserting "421,228,600".

2. Amend page 34, line 15, by striking out "1,075,059,500" and inserting "1,091,187,100" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 366**

**Yeas—19**

Anderson	Clark-Coleman	Kahn	Scott
Barcia	Clarke	Olshove	Switalski
Basham	Gleason	Prusi	Thomas
Brater	Hunter	Richardville	Whitmer
Cherry	Jacobs	Schauer	

**Nays—18**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jansen		

**Excused—0**

**Not Voting—1**

Cropsey

In The Chair: Richardville

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. 367**

**Yeas—21**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn



Brown  
Cassis  
Cropsey

Hardiman  
Jansen

McManus  
Pappageorge

Stamas  
Van Woerkom

### Nays—17

Anderson  
Barcia  
Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Gleason  
Hunter

Jacobs  
Olshove  
Prusi  
Schauer

Scott  
Switalski  
Thomas  
Whitmer

### Excused—0

### Not Voting—0

In The Chair: Richardville

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. The Senate agreed to the title of the bill.

### Protests

Senators Cherry and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5816 and moved that the statements they made during the discussion of the amendments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I rise to also hope that members will support this amendment. Revenue sharing, to me, is one of the most important parts, components, under this general government budget. It is our commitment to local government, our commitment to cities, public safety, local infrastructure, and to the vital services that cities provide. Over the past years, we have not just maintained revenue, but we have cut it. So this increase of 4 percent, to me, is merely a restoration of some of the dollars that we have cut from local government in not just revenue sharing, but other sources. I think it is important to provide the investment we need to give to our cities for the vital services that each one of our constituents needs.

Now, I have heard many people talk about how we don’t have the money and need to identify a revenue source, and I remember last fall when many of us in this chamber—all on this side almost and some on the other side—voted to raise revenues and make sure that we had dollars. I voted that way so that I could invest those monies in local government, in our citizens. This was one of the reasons, in addition to health care and a few others, that I made that vote.

I don’t think I need to find the revenues. I think the revenues were provided when we made that vote last year, and that is why I support this amendment. Without this amendment on, I don’t think this budget bill is worth supporting, and I hope members vote for it.

Senator Gleason’s statement is as follows:

I think it is important that we remember where this money comes from for revenue sharing. These are local folks spending money at local shops. One of the previous speakers mentioned that local communities are burdened by the increase in fuel costs. It is compulsory that we put gas in our police and fire vehicles to protect the local citizens. I spent eight years on the county commission in Genesee County, and I was honored to have that position. For eight years, I fought to get money down at the local level where the real services are provided.

Many years ago, we made an agreement that we would try to fund local projects and services with this revenue sharing money. In recent times, there has been a philosophy that we have rolled back an agreement that we voiced several years ago. When we see the increase in health care that our local communities must pay for workers who are so vital to run the

day-to-day operations of our municipalities; when we see the significant increase in fuel costs for the vehicles required to guard our streets, our homes, and our people, that is why it is important to have revenue sharing. Get back to home. These monies came from our local communities. I know we collected it, but we ought to send it back home. Their services are much-needed in today's times.

We see a tremendous increase in crime—record rates across this state. National publications have positioned our cities, many of our core cities, as some of the highest crime-ridden communities, and we say that we are going to take back the money that would provide public safety services. These same communities, we will take back in many instances hundreds of thousands of dollars from these local communities that could be used for police and fire protection.

When we think about what we are doing to these local communities—now I have heard on several occasions today that people are surprised. Why would we be surprised? We knew we were going to be facing another shortfall this year when we had last year's budget, didn't we? We were forewarned that we would not have enough revenues to undertake the obligations that we are elected to provide. There should be no surprise that there is a deficit here today. So let's fund the local services. Let's support our local police and local fire. Any of us who have had an incident in our homes, lawlessness, or fire would want a response in a timely fashion. Yet, we tell all of our local communities to do the best they can with what we are going to give them. Let's do better than that. Let's do better than saying we will cut the funding that we once gave them. Once again, we will roll back revenue sharing that they have needed and have asked for.

My fellow Senators, let's think about what we are cutting today. Let's not say that we can't afford this. Only yesterday we decided not to put Michigan workers to work by saying that we would not put people to work in high-paying jobs in the capital outlay budget. We are surprised about a deficit when we are given the information daily that we neglectfully don't put our people to work, and then we say we don't have new revenues coming in. Why would we expect any when we don't put Michigan workers to work? Let's do the right thing, and let's get the money back home.

Senators Anderson, Hardiman, Cropsey, Pappageorge and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Anderson's statement is as follows:

As I mentioned earlier, my amendment would restore the Governor's recommended increase in revenue sharing. This would be the first increase in statutory revenue sharing since fiscal year 2000-2001. Folks, our local communities are being forced to make severe cuts due to revenue sharing shortfalls and other factors, and with declining property values, it is going to get much worse.

We can't go out and proclaim our support for our local communities and their fire and police departments while not providing adequate statutory revenue sharing. I would urge passage of my amendment.

Senator Hardiman's statement is as follows:

Mr. President, I rise to oppose this amendment. Again, as a mayor of a city for ten years, I understand the importance of revenue sharing. I have just heard from one of the cities in my district. I have heard about the importance of revenue sharing and the amount of cuts that they have had to make already, and they don't want to make more cuts in areas like public safety. I, certainly, understand that.

I have spoken with the chairman about the importance of revenue sharing. I want to work with him to still try to find money if we possibly can, but at this point in time, I do not know where the money would come from to pay for an increase in revenue sharing.

This is not a cut. It's lower than the Governor's recommendation, but it is not a cut. I wish we had more, but we don't. So I can't, in good conscience, support this amendment. I can continue to work towards supporting revenue sharing throughout the remainder of this process, and I will do that.

Senator Cropsey's statement is as follows:

I was just wondering if the maker of the amendment could tell us where the revenue is coming from to pay for this, or if the maker of the amendment is going to be offering some sort of tax increase, which I noticed that last year he was adamantly opposed to. I think he was the only member of his party who consistently voted against tax increases. But I was wondering if he would let us know where this revenue is going to come from and which taxes he will be increasing if he has not identified a source of revenue.

Senator Pappageorge's statement is as follows:

We went over this earlier. The fact is there's no money for this. Until such time as we can find money for it, it's just unconscionable to promise something you can't deliver. So I would ask my colleagues to vote "no" on this amendment.

Senator Cassis' statement is as follows:

I rise to ask a question. I am wondering if the good Senator from District No. 6, who postulates a need for more local funding, is he aware—does he know—that the Livonia City Council recently supported an 8 percent increase in classified



and unclassified personnel across the board? Livonia is a fine city, and I used to live there. I did an internship in this wonderful community. But if such a city is strapped for money, perhaps they should begin to look within as to how they are spending local taxpayer dollars, when those same taxpayers are truly strapped—stretched to the hilt—some who have lost their jobs and all of us who are suffering under the high cost of food going up by inflationary measures, as well as the unbelievable increases in gasoline.

I think it is time to take a look at what's going on before we start saying the state, which already has slowed revenues, should come forward and take money from what pot? Should we take it out of transportation; perhaps education? Why don't you identify a source, and perhaps then we can talk. But first let's take a look at what's happening in our own backyards.

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

**Senate Bill No. 1234, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80108a.

(This bill was returned from the House without amendment earlier today and the motion for immediate effect postponed. See p. 1069.)

The question being on the motion to give the bill immediate effect,

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

Senator Cropsey moved that the bill be given immediate effect.

The question being on the motion to give the bill immediate effect,

Senator Cropsey moved the further consideration of the bill be postponed temporarily.

The motion prevailed.

**Conference Reports**

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

**House Bill No. 4184**

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

**House Bill No. 4184, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

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

The Conference Report was read as follows:

**FIRST CONFERENCE REPORT**

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

**House Bill No. 4184, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

Recommends:

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

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 34a. (1) A prisoner sentenced to an indeterminate term of imprisonment under the jurisdiction of the department, regardless of when he or she was sentenced, shall be considered by the department for placement in a special alternative

incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, if the prisoner meets the eligibility requirements of subsections (2) and (3). For a prisoner committed to the jurisdiction of the department on or after March 19, 1992, the department shall determine before the prisoner leaves the reception center whether the prisoner is eligible for placement in a special alternative incarceration unit, although actual placement may take place at a later date. A determination of eligibility does not guarantee placement in a unit.

(2) To be eligible for placement in a special alternative incarceration unit, the prisoner shall meet all of the following requirements:

(a) The prisoner's minimum sentence does not exceed either of the following limits, as applicable:

(i) 24 months or less for a violation of section 110 of the Michigan penal code, 1931 PA 328, MCL 750.110, if the violation involved any occupied dwelling house.

(ii) 36 months or less for any other crime.

~~(b) The prisoner has never previously been placed in a special alternative incarceration unit as either a prisoner or a probationer, unless he or she was removed from a special alternative incarceration unit for medical reasons as specified in subsection (6).~~

~~(B) (c) The prisoner is physically able to participate in the program.~~

~~(C) (d) The prisoner does not appear to have any mental disability that would prevent participation in the program.~~

~~(D) (e) The prisoner is serving his or her first **OR SECOND** prison sentence.~~

~~(E) (f) At the time of sentencing, the judge did not prohibit participation in the program in the judgment of sentence.~~

~~(F) (g) The prisoner is otherwise suitable for the program, as determined by the department.~~

~~(G) (h) The prisoner **HAS NOT SERVED, AND** is not serving, a sentence for any of the following crimes:~~

~~(i) A violation of section 11, 49, 80, 83, 89, 91, 157b, 158, 207, 260, 316, 317, 327, 328, 335a, 338, 338a, 338b, 349, 349a, 350, 422, 436, 511, 516, 517, 520b, 529, 529a, 531, or 544 of the Michigan penal code, 1931 PA 328, MCL 750.11, 750.49, 750.80, 750.83, 750.89, 750.91, 750.157b, 750.158, 750.207, 750.260, 750.316, 750.317, 750.327, 750.328, 750.335a, 750.338, 750.338a, 750.338b, 750.349, 750.349a, 750.350, 750.422, 750.436, 750.511, 750.516, 750.517, 750.520b, 750.529, 750.529a, 750.531, and 750.544.~~

~~(ii) A violation of section 145c, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, and 750.520g.~~

~~(iii) A violation of section 72, 73, or 75 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, and 750.75.~~

~~(iv) A violation of section 86, 112, 136b, 193, 195, 213, 319, 321, 329, or 397 of the Michigan penal code, 1931 PA 328, MCL 750.86, 750.112, 750.136b, 750.193, 750.195, 750.213, 750.319, 750.321, 750.329, and 750.397.~~

~~(v) A violation of section 2 of 1968 PA 302, MCL 752.542.~~

~~(vi) An attempt to commit a crime described in subparagraphs (i) to (v).~~

~~(vii) A violation occurring on or after January 1, 1992, of section 625(4) or (5) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.~~

~~(viii) A crime for which the prisoner was punished pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.~~

(3) A prisoner who is serving a sentence for a violation of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and who has previously been convicted for a violation of section 7401 or 7403(2)(a), (b), or (e) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is not eligible for placement in a special alternative incarceration unit until after he or she has served the equivalent of the mandatory minimum sentence prescribed by statute for that violation.

(4) If the sentencing judge prohibited a prisoner's participation in the special alternative incarceration program in the judgment of sentence, that prisoner shall not be placed in a special alternative incarceration unit. If the **PRISONER IS SERVING HIS OR HER FIRST PRISON SENTENCE AND THE** sentencing judge permitted the prisoner's participation in the special alternative incarceration program in the judgment of sentence, that prisoner may be placed in a special alternative incarceration unit if the department determines that the prisoner also meets the requirements of subsections (2) and (3). If the **PRISONER IS SERVING HIS OR HER FIRST PRISON SENTENCE AND THE** sentencing judge neither prohibited nor permitted a prisoner's participation in the special alternative incarceration program in the judgment of sentence, **OR IF THE PRISONER IS SERVING HIS OR HER SECOND PRISON SENTENCE REGARDLESS OF WHETHER OR NOT THE JUDGE PERMITTED THE PRISONER'S PARTICIPATION IN THE PROGRAM**, and the department determines that the prisoner meets the eligibility requirements of subsections (2) and (3), the department shall notify the judge or the judge's successor, the prosecuting attorney for the county in which the prisoner was sentenced, and any victim of the crime for which the prisoner was committed if the victim has submitted to the department a written request for any notification pursuant to section 19(1) of the **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.769, of the proposed placement of the prisoner in the special alternative incarceration unit. **IF THE PRISONER IS SERVING HIS OR HER FIRST PRISON**

**SENTENCE, THE NOTICES SHALL BE SENT** not later than 30 days before placement is intended to occur. **IF THE PRISONER IS SERVING HIS OR HER SECOND PRISON SENTENCE, THE NOTICES SHALL BE SENT NOT LATER THAN 45 DAYS BEFORE THE PLACEMENT IS INTENDED TO OCCUR.** The department shall not place the prisoner in a special alternative incarceration unit unless the sentencing judge, or the judge's successor, notifies the department, in writing, that he or she does not object to the proposed placement. In making the decision on whether or not to object, the judge, or judge's successor, shall review any impact statement submitted pursuant to section 14 of the **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.764, by the victim or victims of the crime of which the prisoner was convicted.

(5) Notwithstanding subsection (4), a prisoner shall not be placed in a special alternative incarceration unit unless the prisoner consents to that placement and agrees that the department may suspend or restrict privileges generally afforded other prisoners including, but not limited to, the areas of visitation, property, mail, publications, commissary, library, and telephone access. However, the department may not suspend or restrict the prisoner's access to the prisoner grievance system.

**(6) BEGINNING SEPTEMBER 30, 2008, AND NOTWITHSTANDING SUBSECTIONS (4) AND (5), A PRISONER SHALL NOT BE PLACED IN A SPECIAL ALTERNATIVE INCARCERATION UNIT UNLESS ALL OF THE FOLLOWING CONDITIONS ARE MET FOR THE PRISONER AT THE SPECIAL ALTERNATIVE INCARCERATION UNIT:**

**(A) UPON ENTRY INTO THE SPECIAL ALTERNATIVE INCARCERATION UNIT, A VALIDATED RISK AND NEED ASSESSMENT FROM WHICH A PRISONER-SPECIFIC TRANSITION ACCOUNTABILITY PLAN AND PRISONER-SPECIFIC PROGRAMMING DURING PROGRAM ENROLLMENT ARE UTILIZED.**

**(B) INTERACTION WITH COMMUNITY-BASED SERVICE PROVIDERS THROUGH ESTABLISHED PRISON IN-REACH SERVICES FROM THE COMMUNITY TO WHICH THE PRISONER WILL RETURN IS UTILIZED.**

**(C) PRISONER DISCHARGE PLANNING IS UTILIZED.**

**(D) COMMUNITY FOLLOW-UP SERVICES ARE UTILIZED.**

(7) ~~(6)~~ A prisoner may be placed in a special alternative incarceration program for a period of not less than 90 days or more than 120 days. If, during that period, the prisoner misses more than 5 days of program participation due to medical excuse for illness or injury occurring after he or she was placed in the program, the period of placement shall be increased by the number of days missed, beginning with the sixth day of medical excuse, up to a maximum of 20 days. However, the total number of days a prisoner may be placed in this program, including days missed due to medical excuse, shall not exceed 120 days. A medical excuse shall be verified by a physician's statement. A prisoner who is medically unable to participate in the program for more than 25 days shall be returned to a state correctional facility but may be reassigned to the program if the prisoner meets the eligibility requirements of subsections (2) and (3).

(8) ~~(7)~~ Upon certification of completion of the special alternative incarceration program, the prisoner shall be placed on parole. A prisoner paroled under this section shall have conditions of parole as determined appropriate by the parole board and shall be placed on parole for not less than 18 months, or the balance of the prisoner's minimum sentence, whichever is greater, with at least the first 120 days under intensive supervision.

(9) ~~(8)~~ The parole board may suspend or revoke parole for any prisoner paroled under this section subject to sections 39a and 40a. For a prisoner other than a prisoner subject to disciplinary time, if parole is revoked before the expiration of the prisoner's minimum sentence, less disciplinary credits, the parole board shall forfeit, pursuant to section 33(13) of 1893 PA 118, MCL 800.33, all disciplinary credits that were accumulated during special alternative incarceration, and the prisoner shall be considered for parole pursuant to section 35.

(10) ~~(9)~~ On March 19, 1993, and annually after that time, the department shall report to the legislature the impact of the operation of this section, including a report concerning recidivism.

**(11) THE DEPARTMENT SHALL CONTRACT ANNUALLY FOR THIRD PARTY EVALUATIONS THAT REPORT ON BOTH OF THE FOLLOWING:**

**(A) THE IMPLEMENTATION OF THE REQUIREMENTS OF SUBSECTION (6).**

**(B) THE SUCCESS OF THE SPECIAL ALTERNATIVE INCARCERATION PROGRAM AS REVISED UNDER SUBSECTION (6), AS EVIDENCED BY THE EXTENT TO WHICH PARTICIPANTS SUBSEQUENTLY VIOLATE THE CONDITIONS OF THEIR PAROLE, HAVE THEIR ORDERS OF PAROLE REVOKED, OR REVICTIMIZE AS EVIDENCED BY BEING ARRESTED OR CONVICTED FOR NEW OFFENSES, ABSCONDING FROM PAROLE, OR HAVING OUTSTANDING WARRANTS.**

**(12) EACH PRISONER OR PROBATIONER PLACED IN THE SPECIAL ALTERNATIVE INCARCERATION PROGRAM SHALL FULLY PARTICIPATE IN THE MICHIGAN PRISONER REENTRY INITIATIVE NOT LATER THAN THE FOLLOWING DATE, AS APPLICABLE:**

**(A) EACH PRISONER SERVING HIS OR HER SECOND PRISON SENTENCE SHALL PARTICIPATE NOT LATER THAN JUNE 1, 2008.**

**(B) EACH PRISONER SERVING HIS OR HER FIRST PRISON SENTENCE SHALL PARTICIPATE NOT LATER THAN AUGUST 1, 2008.**

**(C) EACH PROBATIONER SHALL PARTICIPATE NOT LATER THAN SEPTEMBER 1, 2008.**

**(13) THIS SECTION IS REPEALED EFFECTIVE SEPTEMBER 30, 2009.**

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

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315; and to repeal acts and parts of acts.

Paul Condino  
Alma Wheeler Smith  
Rick Jones  
Conferees for the House

Alan L. Cropsey  
Gretchen Whitmer  
Conferees for the Senate

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. 368**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was given immediate effect.

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

The question being on the motion to give the bill immediate effect,  
The motion did not prevail, 2/3 of the members serving not voting therefor.  
Senator Cropsey moved that the bill be given immediate effect.  
The motion did not prevail, 2/3 of the members serving not voting therefor.  
Senator Cropsey moved that the bill be given immediate effect,  
The question being on the motion to give the bill immediate effect,  
Senator Cropsey moved that further consideration of the bill be postponed temporarily.  
The motion prevailed.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

This is the conference report on the boot camp bill. The bill expands the eligibility for allowing repeat offenders to be placed in prisoner boot camp. The conference committee report in front of you reflects an agreement with the administration caused by, quite honestly, giving us a Michigan Department of Corrections budget with a large budget hole.

The Michigan Department of Corrections has promised, finally, after six years, to implement the Michigan Prisoner Reentry Initiative in boot camps, and that is in this bill. All of the research has shown that prisoner boot camps don't work no matter what type of programming is used. Repeat offenders are probably the last prisoners you want in boot camp, but the Michigan Department of Corrections has insisted and so has the administration that this bill be passed. The only redeeming quality in the bill is the sunset of September 30, 2009, at which time all prisoner boot camps will be sunsetted. That is part of our agreement, and I am very publicly telling the administration that I expect this part of the agreement to be upheld.

Let me get it quite clear. When we are given a Michigan Department of Corrections budget next February for 2010, I do not expect it and it should not include boot camps. We have all had to face the consequences of an out-of-control department spending, and it has to stop. No more unbalanced budgets. No more fantasy budgets based on policies that don't exist.

As of October 1, 2009, prisoner boot camps under this legislation will no longer exist in Michigan—prisoner boot camps in the Michigan Department of Corrections. So while I do not like expanding boot camps to repeat offenders, it does reflect an agreement I have with the administration.

By unanimous consent the Senate returned to the order of

#### **General Orders**

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Jacobs as Chairperson.

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

#### **House Bill No. 5936, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 720, 723, 724, 728, and 734 (MCL 339.720, 339.723, 339.724, 339.728, and 339.734), sections 720 and 724 as added by 1997 PA 10, sections 723 and 734 as amended by 2005 PA 278, and section 728 as amended by 2000 PA 334, and by adding sections 727a and 734a.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

#### **Third Reading of Bills**

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

#### **House Bill No. 5936**

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

The following bill was read a third time:

**House Bill No. 5936, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 720, 723, 724, 728, and 734 (MCL 339.720, 339.723, 339.724, 339.728, and 339.734), sections 720 and 724 as added by 1997 PA 10, sections 723 and 734 as amended by 2005 PA 278, and section 728 as amended by 2000 PA 334, and by adding sections 727a and 734a.

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. 369**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Prusi

In The Chair: Richardville

Senator Thomas moved that Senator Prusi be excused from the balance of today's session.  
The motion prevailed.

The question being on concurring in the committee recommendation to give the bill immediate effect,  
Senator Cropsey moved that further consideration of the bill be postponed temporarily.  
The motion prevailed.

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

By unanimous consent the Senate returned to consideration of the following bill:

**Senate Bill No. 1234, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80108a.

(This bill was announced earlier today and the motion for immediate effect postponed. See p. 1079.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 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.



By unanimous consent the Senate returned to consideration of the following bill:

**Senate Bill No. 1308, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

(This bill was returned from the House without amendment earlier today and the motion for immediate effect postponed. See p. 1069.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 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.

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

By unanimous consent the Senate returned to consideration of the following bill:

**House Bill No. 5936, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 720, 723, 724, 728, and 734 (MCL 339.720, 339.723, 339.724, 339.728, and 339.734), sections 720 and 724 as added by 1997 PA 10, sections 723 and 734 as amended by 2005 PA 278, and section 728 as amended by 2000 PA 334, and by adding sections 727a and 734a.

(The bill was passed earlier today and the recommendation for immediate effect postponed. See p. 1084.)

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.

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

"An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Conference Reports**

By unanimous consent the Senate returned to consideration of the following bill:

**House Bill No. 4184, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315; and to repeal acts and parts of acts.

(The conference report was adopted earlier today and the motion for immediate effect postponed, See p. 1079.)

The question being on the motion to give the bill immediate effect,

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Sanborn, Barcia, Gleason, Bishop, Allen and Cropsey introduced

**Senate Bill No. 1344, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1205 (MCL 500.1205), as amended by 2001 PA 228.

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

Senators Barcia and Gleason introduced

**Senate Bill No. 1345, entitled**

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 12 (MCL 78.12).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Barcia and Gleason introduced

**Senate Bill No. 1346, entitled**

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 17 (MCL 123.1017).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Barcia and Gleason introduced

**Senate Bill No. 1347, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 16 (MCL 117.16).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Cassis, Bishop, Basham, Clarke, Thomas, Hunter, Allen, Kuipers, Gilbert, Scott and Clark-Coleman introduced

**Senate Bill No. 1348, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2008 PA 99.

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

Senators Kuipers, Whitmer, Cherry, Van Woerkom, Cassis and Gleason introduced

**Senate Bill No. 1349, 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 bill was read a first and second time by title and referred to the Committee on Education.

Senators Whitmer, Kuipers, Cherry, Van Woerkom, Cassis and Gleason introduced

**Senate Bill No. 1350, entitled**

A bill to require certain background checks for certain public school employees, applicants for employment, and contractors; to provide for disclosure of certain records and reports; to provide for certain powers and duties of certain state and local officials; and to require certain reports and disclosures and prescribe penalties.

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

Senators Hunter, Allen, Barcia, Gilbert and Clarke introduced

**Senate Bill No. 1351, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 526.

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

Senators Allen, Hunter, Barcia, Gilbert and Clarke introduced

**Senate Bill No. 1352, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 413.

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

Senators Pappageorge, Thomas, Kahn, Jelinek, George, Jansen, Birkholz and Garcia introduced

**Senate Bill No. 1353, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as added by 2007 PA 133.

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

Senators Jacobs, Switalski, Whitmer, Clark-Coleman, Anderson, Hunter, Brater, Barcia, Olshove and Prusi introduced

**Senate Bill No. 1354, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by adding section 2516.

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



Senators Jacobs, Schauer, Switalski, Clarke, Clark-Coleman, Whitmer, Prusi, Brater, Scott, Cherry and Thomas introduced

**Senate Bill No. 1355, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20190. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Brater, Schauer, Jacobs, Switalski, Clarke, Clark-Coleman, Whitmer, Prusi, Scott, Cherry and Thomas introduced

**Senate Bill No. 1356, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 98. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Cherry, Schauer, Jacobs, Switalski, Clarke, Clark-Coleman, Whitmer, Prusi, Brater, Scott and Thomas introduced

**Senate Bill No. 1357, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17751 and 17763 (MCL 333.17751 and 333.17763), as amended by 2006 PA 672.

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

Senators Sanborn, Brown, Thomas, Gilbert, Jelinek, Van Woerkom, Cropsey, Barcia and Gleason introduced

**Senate Bill No. 1358, entitled**

A bill to regulate the purchase and sale of certain nonferrous metals; to provide for certain disclosures by certain persons regarding certain transactions; to require the creation of certain records for certain purposes and for the use of certain databases by certain persons; and to provide for penalties and remedies.

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

Senator Kahn introduced

**Senate Bill No. 1359, entitled**

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

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

Senator Kahn introduced

**Senate Bill No. 1360, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2007 PA 37.

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

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Tuesday, June 3, 2008, at 10:00 a.m.

The motion prevailed.

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Tuesday, May 27, 2008, at 1:15 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Prusi and Thomas

**Scheduled Meetings****Appropriations -****Subcommittee -**

**Higher Education** - Wednesday, June 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Campaign and Election Oversight** - Wednesday, June 4, 12:30 p.m., Room 405, Capitol Building (373-1725)

**Energy Policy and Public Utilities** - Tuesday, June 3, 2:30 p.m., Room 210, Farnum Building (373-7350)

**State Drug Treatment Court Advisory Committee** - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Health Policy** - Wednesday, June 4, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Natural Resources and Environmental Affairs** - Wednesday, June 4, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Transportation** - Tuesday, June 3, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 1:37 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, June 3, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate