

No. 85
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, September 28, 2005.

10:00 a.m.

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

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

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

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

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

Reverend Dr. Jon Jenkins of Grace Baptist Church of Gaylord offered the following invocation:

Dear God, we bow our heads and our hearts before Thee this morning in both respect and reverence. We praise You for Your love and mercy, and we honor You this day for the kindness and grace bestowed upon the citizens of the United States and especially we who enjoy citizenship in the great state of Michigan. We ask today that You help and comfort our fellow citizens who are grieving and attempting to recover from Hurricanes Katrina and Rita this morning all across the Gulf Coast region of our country.

We further ask that Your guiding hand would protect and preserve the precious lives of our men and women who serve today in harm's way in the global war on terrorism, especially in Afghanistan and Iraq. I ask, dear God, for Your personal protection today for the four young men from our church, Grace Baptist Church of Gaylord, who are serving in Iraq: Gabriel Gonzalez, Daniel Gonzalez, Jacob Long, and Tony Shaler; as well as all citizens of our great state who are in uniform today. Dear God, we pray that You will please bring them home safe.

As today's business begins here in the Michigan State Senate, I pray that each member of this distinguished body will conduct themselves not merely as servants of their respective political parties or even the people of their districts; but rather, as stated in the word of God, I pray each may see themselves as servants of the God of heaven, and as such, may their decisions this day be guided by firm, moral, righteous, and ethical principles. May statesmanship, rather than partisanship, guide the honorable members of this chamber today.

As laws are proposed, considered, enacted; as taxes are levied and funds appropriated, it is our sincere prayer that we, Your humble servants, do nothing to offend the great God of heaven. May Your divine wisdom and holy character guide the affairs of state that will be considered in this chamber today.

We ask that You protect and guide our President, George W. Bush, this day. May this same blessing be enjoyed by our Governor, Jennifer Granholm; Lieutenant Governor Cherry, President pro tempore Birkholz, and all 38 members of this historic Senate Chamber. Dear God, please bless each Senator, as well as their families today. We especially ask this morning that You might bless Angela Wojda, the sister of the Honorable Senator Tony Stamas, who will be undergoing open-heart surgery at the University of Michigan tomorrow. May Your sufficient grace be evident to the Stamas family as they face this trial.

Dear God, please bless, lead, and inspire each Senator this day to do Your will on behalf of the citizens of Michigan. Dear God, on a final note, we petition Your throne and ask for a victory this Saturday for the men's varsity football team representing Michigan State University. We thank You for hearing our prayers, which we ask this day in the name of our Lord and Savior, Jesus Christ. Amen.

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

Motions and Communications

Senator Leland entered the Senate Chamber.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Hammerstrom moved that Senator Brown be temporarily excused from today's session.

The motion prevailed.

Senator Brater entered the Senate Chamber.

The following communication was received:

Department of Labor and Economic Growth

September 23, 2005

As Director of the Department of Labor and Economic Growth, I take great pleasure in forwarding to you the 7th Biennial Report to the Legislature as required by statute on the activities and the progress of survey and remonumentation in the State of Michigan.

Public Act 345 of 1990, as amended, provided for the creation of a state and county monumentation and remonumentation program and Public Act 346 provided the funding for the activities envisioned by the Legislature.

Since the original Commission was appointed in June 1991, a statewide Model County Plan for county remonumentation has been developed and Administrative Rules for Act 345 have been promulgated by the Department and adopted by the Legislature. Including grants offered in 2005, \$69.5 million in grants has been made available to all 83 counties in the State of Michigan.

Details of these activities are included in the enclosed report. If you have any questions regarding the survey and remonumentation program, please feel free to contact me.

Sincerely,
David C. Hollister
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, September 27:
House Bill No. 4968

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 27, for her approval the following bill:

Enrolled Senate Bill No. 274 at 1:45 p.m.

By unanimous consent the Senate proceeded to the order of
Conference Reports

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

Senate Bill No. 280

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

Senator Brown submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF STATE POLICE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	3.0	
Full-time equated classified positions	2,897.0	
GROSS APPROPRIATION		\$ 550,810,100

	For Fiscal Year Ending Sept. 30, 2006
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 20,736,300
ADJUSTED GROSS APPROPRIATION	\$ 530,073,800
Federal revenues:	
Total federal revenues	182,821,000
Special revenue funds:	
Total local revenues	5,597,900
Total private revenues	11,200
Total state restricted revenues	106,282,100
State general fund/general purpose	\$ 235,361,600
Sec. 102. EXECUTIVE DIRECTION	
Full-time equated unclassified positions3.0	
Full-time equated classified positions39.0	
Unclassified positions	\$ 238,300
Executive direction—34.0 FTE positions	3,438,800
Auto theft prevention program—5.0 FTE positions	7,133,500
GROSS APPROPRIATION	\$ 10,810,600
Appropriated from:	
Special revenue funds:	
Auto theft prevention fund	7,133,500
Michigan justice training fund	126,700
State general fund/general purpose	\$ 3,550,400
Sec. 103. DEPARTMENTWIDE APPROPRIATIONS	
Special maintenance and utilities	\$ 447,600
Rent and building occupancy charges	8,057,500
Worker’s compensation	3,090,000
Fleet leasing	13,919,200
In-service training	850,000
Narcotics investigation funds	265,000
GROSS APPROPRIATION	\$ 26,629,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG, training academy charges	227,500
IDT, Michigan justice training fund	850,000
Federal revenues:	
Federal narcotics investigation revenues	95,000
DOJ	40,400
DOT	20,200
DHS	9,300
Special revenue funds:	
Forensic science reimbursement fee	80,800
Narcotics investigation revenues	170,000
State forensic laboratory fund	80,800
Criminal justice information center service fees	119,400
Secondary road patrol and training fund	2,600
Hazardous materials training center fees	65,500
Michigan justice training fund	5,200
Motor carrier fees	6,000
Highway safety fund	6,400
Traffic law enforcement and safety fund	12,700
State general fund/general purpose	\$ 24,837,500
Sec. 104. SUPPORT SERVICES	
Full-time equated classified positions129.0	
Human resources—26.0 FTE positions	\$ 1,964,200
Human resources optimization user charges	88,600
Management services—35.0 FTE positions	2,436,300

	For Fiscal Year Ending Sept. 30, 2006
Training administration—37.0 FTE positions	\$ 4,432,700
Communications—8.0 FTE positions.....	4,311,900
Budget and financial services—23.0 FTE positions	1,814,400
GROSS APPROPRIATION	\$ 15,048,100
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds.....	23,800
IDG, training academy charges	3,005,700
IDT, truck safety fund.....	4,600
IDG-MDOT, state trunkline fund	32,000
IDG-MDTR, casino gaming fees.....	31,000
Special revenues funds:	
Local - LEIN fees	36,100
Highway safety fund.....	127,200
Auto theft prevention fund.....	4,600
Nuclear plant emergency planning reimbursement.....	3,300
Precision driving track fees.....	287,900
Criminal justice information center service fees	146,500
Traffic law enforcement and safety fund.....	220,100
Reimbursed services	47,200
Motor carrier fees	141,100
State general fund/general purpose	\$ 10,937,000
Sec. 105. HIGHWAY SAFETY PLANNING	
Full-time equated classified positions.....	26.0
State program planning and administration—14.0 FTE positions.....	\$ 1,169,100
Grants to local governments and nonprofit organizations.....	4,500,000
Secondary road patrol program—2.0 FTE positions.....	14,020,100
Truck safety program—2.0 FTE positions	2,993,300
Highway traffic safety coordination—8.0 FTE positions.....	6,057,000
GROSS APPROPRIATION	\$ 28,739,500
Appropriated from:	
Federal revenues:	
DOT.....	10,646,000
DOJ	570,100
Special revenue funds:	
Truck driver safety fund.....	2,993,300
Secondary road patrol and training fund	14,020,100
State general fund/general purpose	\$ 510,000
Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER	
Full-time equated classified positions.....	95.0
Criminal justice information center division—78.0 FTE positions.....	\$ 7,667,500
Criminal records improvement—1.0 FTE position.....	4,741,700
Traffic safety—16.0 FTE positions	2,560,800
GROSS APPROPRIATION	\$ 14,970,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS.....	315,900
IDG-MDOT, state trunkline fund	359,800
Federal revenues:	
DOJ	4,741,700
DOT.....	1,413,800
Special revenue funds:	
Local - LEIN fees	205,100
Sex offender registration fund.....	256,400
Criminal justice information center service fees	6,386,200
State general fund/general purpose	\$ 1,291,100

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Sec. 107. FORENSIC SCIENCES	
Full-time equated classified positions	220.0
Laboratory operations—180.0 FTE positions	\$ 18,523,200
DNA analysis program—40.0 FTE positions	8,660,800
GROSS APPROPRIATION	\$ 27,184,000
Appropriated from:	
Federal revenues:	
DOJ	3,601,200
DOT	730,900
Special revenue funds:	
Forensic science reimbursement fees	2,152,500
State forensic laboratory fund	1,662,600
State general fund/general purpose	\$ 19,036,800
Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS	
Full-time equated classified positions	28.0
Standards and training—22.0 FTE positions	\$ 2,337,400
Justice training grants—4.0 FTE positions	9,078,300
Concealed weapons enforcement training	140,000
Training only to local units—2.0 FTE positions	839,000
Officer's survivor tuition program	48,500
Public safety officers benefit program	150,000
GROSS APPROPRIATION	\$ 12,593,200
Appropriated from:	
Federal revenues:	
DOJ	391,200
Special revenue funds:	
Secondary road patrol and training fund	839,000
Michigan justice training fund	10,970,200
Licensing fees	54,300
Concealed weapons enforcement fee	140,000
State general fund/general purpose	\$ 198,500
Sec. 110. EMERGENCY MANAGEMENT	
Full-time equated classified positions	72.0
Emergency management planning and administration—55.0 FTE positions	\$ 4,364,400
Grants to local government	2,482,100
FEMA program assistance—3.0 FTE positions	995,700
Nuclear power plant emergency planning—6.0 FTE positions	1,266,500
Hazardous materials transportation—1.0 FTE position	582,600
Hazardous materials programs—7.0 FTE positions	121,702,900
Disaster assistance	12,000,000
GROSS APPROPRIATION	\$ 143,394,200
Appropriated from:	
Federal revenues:	
DOT	582,600
DHS	138,226,900
Special revenue funds:	
Nuclear plant emergency planning reimbursement	1,266,500
Hazardous materials training center fees	1,339,000
State general fund/general purpose	\$ 1,979,200
Sec. 111. UNIFORM SERVICES	
Full-time equated classified positions	1,662.0
Uniform services—506.0 FTE positions	\$ 46,790,100
Security guards—15.0 FTE positions	992,500
Reimbursed services	2,173,200
At-post troopers—1,141.0 FTE positions	121,088,200

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Commercial mobile radio service projects	\$ 800,000
GROSS APPROPRIATION	\$ 171,844,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	610,100
IDG-MDTR, emergency telephone fund coordinator.....	400,000
IDG-MDTR, emergency telephone fund operations	400,000
Federal revenues:	
DOJ	1,694,100
Special revenue funds:	
Narcotic investigation revenues.....	45,900
Highway safety fund.....	15,451,400
Traffic law enforcement and safety fund.....	31,303,000
State police service fees.....	2,173,200
State general fund/general purpose	\$ 119,766,300
Sec. 112. SPECIAL OPERATIONS	
Full-time equated classified positions.....	49.0
Operational support—34.0 FTE positions	\$ 2,907,100
Traffic services—10.0 FTE positions	3,541,100
Aviation program—5.0 FTE positions.....	1,097,000
GROSS APPROPRIATION	\$ 7,545,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOC, contract.....	87,100
Federal revenues:	
DOT	1,666,000
Special revenue funds:	
Private donations.....	11,200
Rental of department aircraft	169,000
Drunk driving prevention and training fund	1,197,600
State general fund/general purpose	\$ 4,414,300
Sec. 113. CRIMINAL INVESTIGATIONS	
Full-time equated classified positions.....	363.0
Criminal investigations—258.0 FTE positions	\$ 30,558,600
Federal antidrug initiatives—62.0 FTE positions	10,740,200
Reimbursed services, materials, and equipment	2,583,400
Auto theft prevention—9.0 FTE positions.....	1,511,300
Casino gaming oversight—32.0 FTE positions	3,948,700
Fire investigation—2.0 FTE positions	184,000
Fire investigation training to locals.....	50,000
GROSS APPROPRIATION	\$ 49,576,200
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds.....	1,230,800
IDG-MDTR, casino gaming fees.....	3,948,700
IDG-MDCH, tobacco tax	610,000
Federal revenues:	
Federal investigations - reimbursed services	734,100
DOJ	8,039,000
Federal narcotics investigation revenues	424,000
Special revenue funds:	
Local - reimbursed services	1,849,300
Narcotics investigation revenues	581,500
Forfeiture funds	390,100
State general fund/general purpose	\$ 31,768,700

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Sec. 114. MOTOR CARRIER ENFORCEMENT

Full-time equated classified positions	214.0	
Motor carrier enforcement—106.0 FTE positions		\$ 9,801,300
Truck safety enforcement team operations—10.0 FTE positions.....		1,244,100
Safety inspections—64.0 FTE positions.....		7,641,000
School bus inspections—16.0 FTE positions		1,284,800
Safety projects—18.0 FTE positions.....		1,975,500
GROSS APPROPRIATION		\$ 21,946,700

Appropriated from:

Interdepartmental grant revenues:

IDT, truck safety fund.....		1,244,100
IDG-MDOT, state trunkline fund		7,242,300

Federal revenues:

DOT.....		8,088,300
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Special revenue funds:

Motor carrier fees		4,087,200
State general fund/general purpose	\$	1,284,800

Sec. 115. INFORMATION TECHNOLOGY

Information technology services and projects	\$	20,529,100
GROSS APPROPRIATION	\$	20,529,100

Appropriated from:

Interdepartmental grant revenues:

IDG-MDTR, casino gaming fees.....		79,700
IDG-MDOT, state trunkline fund		33,200

Federal revenues:

DOT.....		1,106,200
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Special revenue funds:

Local - LEIN fees		3,471,000
Local - AFIS fees.....		36,400
Motor carrier fees		15,600
State general fund/general purpose	\$	15,787,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$341,643,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$20,518,700.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program	\$	13,879,900
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COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units.....	\$	650,200
Justice training grants		5,538,100

CRIMINAL INVESTIGATIONS

Fire investigation training for locals		50,500
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UNIFORM SERVICES

Commercial mobile radio service projects	\$	400,000
Total.....	\$	20,518,700

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.
- (c) "DHS" means the United States department of homeland security.
- (d) "DNA" means deoxyribonucleic acid.

- (e) "DOJ" means the United States department of justice.
- (f) "DOT" means the United States department of transportation.
- (g) "FEMA" means the federal emergency management agency.
- (h) "FTE" means full-time equated.
- (i) "IDG" means interdepartmental grant.
- (j) "IDT" means intradepartmental transfer.
- (k) "LEIN" means law enforcement information network.
- (l) "MCOLES" means the Michigan commission on law enforcement standards.
- (m) "MDCH" means the Michigan department of community health.
- (n) "MDMB" means the Michigan department of management and budget.
- (o) "MDOC" means the Michigan department of corrections.
- (p) "MDOS" means the Michigan department of state.
- (q) "MDOT" means the Michigan department of transportation.
- (r) "MDTR" means the Michigan department of treasury.

Sec. 204. The department of civil service shall bill the department at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report by the last business day of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable value.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the department. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. It is the intent of the legislature that personnel of the department who request and are eligible for reimbursement of expenses related to the operation of the department be reimbursed from the appropriations provided in this act within 30 days after submitting a request, or the eligible personnel shall be paid an additional amount equal to 0.75% of the payment due. The department shall pay an additional amount equal to 0.75% of the payment due for the first month and each succeeding month or portion of a month the payment remains past due.

Sec. 213. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

(2) When the department provides contractual services to a local unit of government, the department shall be reimbursed for all costs incurred in providing the services, including, but not limited to, retirement and overtime costs.

(3) Contractual services provided to an entity other than a local unit of government may be provided by department personnel, but only on an overtime basis outside the normal work schedule of the personnel.

(4) This section does not apply to state agencies.

Sec. 214. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow all federal guidelines and state laws regarding short-term and long-term retention of records.

Sec. 215. Not later than January 1, 2006, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight during fiscal year 2004-2005:

- (a) The amount of money received and expended.
- (b) The nature and structure of the casino gaming oversight unit.
- (c) The positions and classifications of employees assigned.
- (d) The number of full-time and part-time employees and the aggregate number of FTEs.
- (e) The number of enlisted and civilian positions.
- (f) The duties and responsibilities of the assigned employees.
- (g) The immediate past position of the enlisted employees assigned.

Sec. 216. The department shall collect and computerize the vehicle identification number (VIN) of all vehicles that are entered into the state accident data collection system and make this and other vehicle information available to the public at cost. For bulk access to the accident records in which the VIN has been collected and computerized, the department shall make those records available to the public at cost, provided that the name and address have been excluded.

Sec. 217. From the funds appropriated in part 1, the department shall maintain a toll-free hotline in collaboration with the department of education. The toll-free hotline shall be operated 24 hours per day, 7 days per week, and shall provide students, school officials, and other individuals an opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to the appropriate local law enforcement entities for investigation. The department may expend funds for the promotion of the hotline.

Sec. 218. (1) Funds appropriated in part 1 for at-post troopers shall only be expended for trooper salaries, wages, benefits, retirement, equipment, supplies, and other expenses directly related to state troopers assigned to general law enforcement duties at a department post, detachment, satellite office, or a resident trooper function.

(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools of a size, length, and date to be determined by the department or the legislature shall be conducted during fiscal year 2005-2006 with the goal of maintaining at-post trooper strength of at least 1,075 on September 30, 2006.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2005, March 1, 2006, June 1, 2006, and September 1, 2006 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal including an accounting of any additional funding necessary to that end.

Sec. 219. The department of state police shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies not less than 180 days before recommending to close or consolidate any state police posts. The notification shall include a local and state impact study of the proposed post closure or consolidation.

Sec. 220. The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

Sec. 221. The department of state police may pursue entering into an agreement with Calhoun County to build a new facility in Marshall which would serve as a new state police post to replace the current state police post in Battle Creek.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of

the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 224. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 225. It is the intent of the legislature that the administration, working with the MCOLES, shall take steps during the fiscal year 2005-2006 to restore the long-held practice that all revenue made available to the department from the Michigan justice training fund be used solely for costs directly related to the delivery of Michigan justice training fund grants, so that in the future, eligible entities as provided under 1982 PA 302, MCL 18.421 to 18.429, will have a stable and accurate source of training funds.

Sec. 226. Pursuant to the executive budget recommendation, no funds appropriated under part 1 shall be spent for operations or rent and building occupancy charges for the state police posts in Groveland Township, Grand Haven, and Iron River.

INFORMATION TECHNOLOGY

Sec. 301. The money appropriated in part 1 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN system.

Sec. 302. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 303. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2006.

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

Sec. 306. (1) The department of state police, working with the criminal justice information systems policy council, shall implement procedures by which all probation information is placed on the LEIN system. The LEIN system shall include information on each probationer, including any probation conditions placed on a probationer and the name of the probation officer assigned to a probationer. The LEIN system shall also include any nonstandard probation terms.

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2005.

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2006, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety

communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

HIGHWAY SAFETY PLANNING

Sec. 401. On a quarterly basis, the department shall report to the senate and house appropriations subcommittees on state police and military affairs on the status of assessments collected and authorized under section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the purposes of supporting the secondary road patrol grant program. Each quarterly report shall contain updated information on collection levels, revised projected grant allotments to counties for the year, a comparison of projected collections and grant distribution levels with the funds appropriated in part 1 for the secondary road patrol program, and the extent collection levels have exceeded or failed to meet appropriated levels for the current fiscal year or expenditure levels from the previous fiscal year.

FORENSIC SCIENCES

Sec. 501. (1) The department shall distribute a copy of the department's protocol for retaining and purging DNA analysis samples and records to each police agency in this state.

(2) The department shall report to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies when any changes to the department's DNA protocol are made.

Sec. 502. The department shall work with the department of community health, the Michigan health and hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Sec. 601. The money appropriated to the MCOLES for maintenance and delivery of training to locals is provided in accordance with a state reimbursement policy in which 100% of the determined state reimbursement rate shall be distributed upon certification by the MCOLES.

Sec. 602. From the appropriations in part 1 for the training of new state troopers and other new police officers in the state and for the continuing education of all law enforcement officers in the state, sufficient funds shall be used to include curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to turn appropriate cases over to the federal bureau of alcohol, tobacco, and firearms or any other applicable federal criminal justice agency.

EMERGENCY MANAGEMENT

Sec. 801. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 802. The department shall not make any purchases related to a statewide emergency management computer network unless authorized to do so by the director of the department of information technology.

Sec. 803. The department's emergency management division shall make every effort to ensure both of the following:

(a) That homeland security grants offered by the federal government and channeled through the department are allocated to first responder entities in the highest percentage possible.

(b) That homeland security grants awarded to the city of Detroit shall not be used to supplant city general funds designated to support first responder operations.

UNIFORM SERVICES

Sec. 901. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

SPECIAL OPERATIONS

Sec. 1001. In addition to the appropriations in part 1 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft, cost of enhancing and maintaining existing aircraft, pilot training cost, and reimbursement for use of other state agency aircraft. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 1002. Money privately donated to the department is appropriated under part 1 to be used for the purposes designated by the donor of the money. Money privately donated to the department's canine unit shall be used to purchase equipment and other items to enhance the operation of the canine unit. It is the intent of the legislature that money from private donations not supplant general fund appropriations.

CRIMINAL INVESTIGATIONS

Sec. 1101. (1) There is sufficient money appropriated in part 1 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

(2) If the department is unable to comply with subsection (1) and there is a prison scheduled to open, the department shall provide troopers to serve as investigators on an interim basis.

Sec. 1102. It is the intent of the legislature that the administration, during fiscal year 2005-2006, shall make every effort to identify needed resources to restore the former statewide fire investigation unit and to staff the unit with a sufficient number of career arson investigation specialists so that the highest quality of arson investigation services continue to be available to every area in the state.

MOTOR CARRIER ENFORCEMENT

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2006 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2005:

- (a) The number of buses and vehicles inspected by the department.
- (b) The number of buses and vehicles passing and failing inspection.
- (c) The estimated number of buses and vehicles not inspected.

(2) If each school bus within a school system receives a 100% successful state inspection on its first inspection in a given year, the department shall award a certificate to that school system.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Cameron Brown
Tony Stamas
Conferees for the Senate

Bill Caul
Howard Walker
Conferees for the House

The question being on the adoption of the conference report,

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

Roll Call No. 441

Yeas—0

Nays—37

Allen
Barcia

Clarke
Cropsey

Jacobs
Jelinek

Sanborn
Schauer

Basham	Emerson	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

Excused—1

Brown

Not Voting—0

In The Chair: Birkholz

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
 Office of the Senate Majority Leader

September 28, 2005

Pursuant to Joint Rule 5, I have made the following conferee appointments to the second Conference Committee on State Police:

Senator Cameron Brown, Senator Tony Stamas and Senator Hansen Clarke.

Respectfully yours,
 Ken Sikkema
 Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Brown entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:12 a.m.

10:23 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Senator Hammerstrom moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:24 a.m.

12:58 p.m.

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

Messages from the House

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

Senate Bill No. 356

Senate Bill No. 419

The motion prevailed.

Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has appointed Reps. Caul, Walker and Sak as second conferees to join with Sens. Brown, Stamas and Clarke.

The bill was referred to the second Conference Committee.

Senate Bill No. 276, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(For Conference Report, see Senate Journal No. 82, p. 1476.)

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

Senate Bill No. 415, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82148 (MCL 324.82148), as added by 1995 PA 58.

The House of Representatives has amended the bill as follows:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 82101. (1) As used in this part:

(a) "Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court disposition on a violation of this part, regardless of whether the penalty is rebated or suspended.

(b) "Dealer" means any person engaged in the sale, lease, or rental of snowmobiles as a regular business.

(c) "Former section 15a" means section 15a of former 1968 PA 74, as constituted prior to May 1, 1994.

(d) "Highly restricted personal information" means an individual's photograph or image, social security number, digitized signature, and medical and disability information.

(e) "Highway or street" means the entire width between the boundary lines of every way publicly maintained if any part thereof is open to the use of the public for purposes of vehicular travel.

(f) "In-kind contributions" means services and goods as approved by the department that are provided by a grant recipient toward completion of a department-approved local snowmobile program under section 82107.

(g) "Law of another state" means a law or ordinance enacted by ~~another state or by a~~ **ANY OF THE FOLLOWING:**

(i) **ANOTHER STATE.**

(ii) A local unit of government in another state.

(iii) **CANADA OR A PROVINCE OR TERRITORY OF CANADA.**

(iv) **A LOCAL UNIT OF GOVERNMENT IN A PROVINCE OR TERRITORY OF CANADA.**

(h) "Long-term incapacitating injury" means an injury that causes a person to be in a comatose, quadriplegic, hemiplegic, or paraplegic state, which state is likely to continue for 1 year or more.

(i) "Operate" means to ride in or on and be in actual physical control of the operation of a snowmobile.

(j) "Operator" means any person who operates a snowmobile.

(k) "Owner" means any of the following:

(i) A person who holds the legal title to a snowmobile.

(ii) A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

(iii) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

(l) "Peace officer" means any of the following:

(i) A sheriff.

(ii) A sheriff's deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.

(iv) A village or township marshal.

(v) An officer of the police department of any municipality.

(vi) An officer of the Michigan state police.

(vii) The director and conservation officers employed by the department.

(viii) A law enforcement officer who is certified pursuant to the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, as long as that officer is policing within his or her jurisdiction.

(m) "Personal information" means information that identifies an individual, including an individual's driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.

(n) "Probate court or family division disposition" means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(o) "Prosecuting attorney", except as the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.

(P) "RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT SUBACCOUNT", SUBJECT TO SUBSECTION (2), MEANS THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT SUBACCOUNT OF THE SNOWMOBILE ACCOUNT CREATED IN SECTION 82110.

(Q) (⊕) "Right-of-way" means that portion of a highway or street less the roadway and any shoulder.

(R) (⊕) "Roadway" means that portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or street includes 2 or more separate roadways, the term roadway refers to any such roadway separately, but not to all such roadways collectively.

(S) (⊕) "Shoulder" means that portion of a highway or street on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.

(T) (⊕) "Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(U) "SNOWMOBILE ACCOUNT", SUBJECT TO SUBSECTION (2), MEANS THE SNOWMOBILE ACCOUNT OF THE MICHIGAN CONSERVATION AND RECREATION LEGACY FUND PROVIDED FOR IN SECTION 2025.

(V) "SNOWMOBILE REGISTRATION FEE SUBACCOUNT", SUBJECT TO SUBSECTION (2), MEANS THE SNOWMOBILE REGISTRATION FEE SUBACCOUNT OF THE SNOWMOBILE ACCOUNT CREATED IN SECTION 82111.

(W) (⊕) "Zone 1" means all of the Upper Peninsula.

(X) (⊕) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River road in Muskegon county; thence due east to the westerly terminus of River road; thence north and east along the center line of the River road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay county line; thence easterly along the center line of the "business route" of highway US-10 to the intersection of Garfield road in Bay county; thence north along the center line of Garfield road to the intersection of the Pinconning road; thence east along the center line of Pinconning road to the intersection of the Seven Mile road; thence north along the center of the Seven Mile road to the Bay-Arenac county line; thence north along the center line of the Lincoln School road (county road 25) in Arenac county to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres river; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

(Y) (⊕) "Zone 3" means all of that part of the Lower Peninsula south of the line described in subdivision **(⊕) (X)**.

(2) SUBSECTION (1)(P), (U), AND (V) DOES NOT APPLY UNLESS HOUSE JOINT RESOLUTION Z OF THE 92ND LEGISLATURE BECOMES A PART OF THE STATE CONSTITUTION OF 1963 AS PROVIDED IN SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963.”

2. Amend page 2, line 17, after “STATES” by inserting a comma and “CANADA, AND PROVINCES AND TERRITORIES OF CANADA”.

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

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 82101 and 82148 (MCL 324.82101 and 324.82148), section 82101 as amended by 2003 PA 230 and section 82148 as added by 1995 PA 58.

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

Senate Bill No. 423, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16p of chapter XVII (MCL 777.16p), as amended by 2000 PA 279.

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. 470, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

Substitute (H-1).

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

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

Roll Call No. 442

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Garcia

In The Chair: Birkholz

Senator Hammerstrom moved that Senator Garcia be temporarily 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, 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.

Senator Garcia entered the Senate Chamber.

Senate Bill No. 548, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 7 (MCL 28.297), as added by 1997 PA 99.

(For text of amendment, see Senate Journal No. 84, p.1628.)

The question being on concurring in the amendment made to the bill by the House, The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 443**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

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

Senate Bill No. 549, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

(For text of amendments, see Senate Journal No. 84, p. 1628.)

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

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

Roll Call No. 444**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

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. 550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

(For text of amendments, see Senate Journal No. 84, p. 1628.)

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

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

Roll Call No. 445**Yeas—38**

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

Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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.

By unanimous consent the Senate returned to the order of
Conference Reports

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

Senate Bill No. 280

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

Senator Brown submitted the following:

SECOND CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning
Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2006, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF STATE POLICE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions3.0
Full-time equated classified positions2,897.0

GROSS APPROPRIATION \$ 550,810,100

	For Fiscal Year Ending Sept. 30, 2006
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 20,736,300
ADJUSTED GROSS APPROPRIATION	\$ 530,073,800
Federal revenues:	
Total federal revenues	182,821,000
Special revenue funds:	
Total local revenues	5,597,900
Total private revenues	11,200
Total state restricted revenues	106,282,100
State general fund/general purpose	\$ 235,361,600
Sec. 102. EXECUTIVE DIRECTION	
Full-time equated unclassified positions3.0	
Full-time equated classified positions39.0	
Unclassified positions	\$ 238,300
Executive direction—34.0 FTE positions	3,438,800
Auto theft prevention program—5.0 FTE positions	7,133,500
GROSS APPROPRIATION	\$ 10,810,600
Appropriated from:	
Special revenue funds:	
Auto theft prevention fund	7,133,500
Michigan justice training fund	126,700
State general fund/general purpose	\$ 3,550,400
Sec. 103. DEPARTMENTWIDE APPROPRIATIONS	
Special maintenance and utilities	\$ 447,600
Rent and building occupancy charges	8,057,500
Worker’s compensation	3,090,000
Fleet leasing	13,919,200
In-service training	850,000
Narcotics investigation funds	265,000
GROSS APPROPRIATION	\$ 26,629,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG, training academy charges	227,500
IDT, Michigan justice training fund	850,000
Federal revenues:	
Federal narcotics investigation revenues	95,000
DOJ	40,400
DOT	20,200
DHS	9,300
Special revenue funds:	
Forensic science reimbursement fee	80,800
Narcotics investigation revenues	170,000
State forensic laboratory fund	80,800
Criminal justice information center service fees	119,400
Secondary road patrol and training fund	2,600
Hazardous materials training center fees	65,500
Michigan justice training fund	5,200
Motor carrier fees	6,000
Highway safety fund	6,400
Traffic law enforcement and safety fund	12,700
State general fund/general purpose	\$ 24,837,500
Sec. 104. SUPPORT SERVICES	
Full-time equated classified positions129.0	
Human resources—26.0 FTE positions	\$ 1,964,200
Human resources optimization user charges	88,600
Management services—35.0 FTE positions	2,436,300

	For Fiscal Year Ending Sept. 30, 2006
Training administration—37.0 FTE positions	\$ 4,432,700
Communications—8.0 FTE positions	4,311,900
Budget and financial services—23.0 FTE positions	1,814,400
GROSS APPROPRIATION	\$ 15,048,100
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds	23,800
IDG, training academy charges	3,005,700
IDT, truck safety fund	4,600
IDG-MDOT, state trunkline fund	32,000
IDG-MDTR, casino gaming fees	31,000
Special revenues funds:	
Local - LEIN fees	36,100
Highway safety fund	127,200
Auto theft prevention fund	4,600
Nuclear plant emergency planning reimbursement	3,300
Precision driving track fees	287,900
Criminal justice information center service fees	146,500
Traffic law enforcement and safety fund	220,100
Reimbursed services	47,200
Motor carrier fees	141,100
State general fund/general purpose	\$ 10,937,000
Sec. 105. HIGHWAY SAFETY PLANNING	
Full-time equated classified positions	26.0
State program planning and administration—14.0 FTE positions	\$ 1,169,100
Grants to local governments and nonprofit organizations	4,500,000
Secondary road patrol program—2.0 FTE positions	14,020,100
Truck safety program—2.0 FTE positions	2,993,300
Highway traffic safety coordination—8.0 FTE positions	6,057,000
GROSS APPROPRIATION	\$ 28,739,500
Appropriated from:	
Federal revenues:	
DOT	10,646,000
DOJ	570,100
Special revenue funds:	
Truck driver safety fund	2,993,300
Secondary road patrol and training fund	14,020,100
State general fund/general purpose	\$ 510,000
Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER	
Full-time equated classified positions	95.0
Criminal justice information center division—78.0 FTE positions	\$ 7,667,500
Criminal records improvement—1.0 FTE position	4,741,700
Traffic safety—16.0 FTE positions	2,560,800
GROSS APPROPRIATION	\$ 14,970,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS	315,900
IDG-MDOT, state trunkline fund	359,800
Federal revenues:	
DOJ	4,741,700
DOT	1,413,800
Special revenue funds:	
Local - LEIN fees	205,100
Sex offender registration fund	256,400
Criminal justice information center service fees	6,386,200
State general fund/general purpose	\$ 1,291,100

For Fiscal Year
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2006

Sec. 107. FORENSIC SCIENCES

Full-time equated classified positions	220.0	
Laboratory operations—180.0 FTE positions		\$ 18,523,200
DNA analysis program—40.0 FTE positions		8,660,800
GROSS APPROPRIATION		\$ 27,184,000
Appropriated from:		
Federal revenues:		
DOJ		3,601,200
DOT		730,900
Special revenue funds:		
Forensic science reimbursement fees		2,152,500
State forensic laboratory fund		1,662,600
State general fund/general purpose		\$ 19,036,800

Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Full-time equated classified positions	28.0	
Standards and training—22.0 FTE positions		\$ 2,337,400
Justice training grants—4.0 FTE positions		9,078,300
Concealed weapons enforcement training		140,000
Training only to local units—2.0 FTE positions		839,000
Officer's survivor tuition program		48,500
Public safety officers benefit program		150,000
GROSS APPROPRIATION		\$ 12,593,200
Appropriated from:		
Federal revenues:		
DOJ		391,200
Special revenue funds:		
Secondary road patrol and training fund		839,000
Michigan justice training fund		10,970,200
Licensing fees		54,300
Concealed weapons enforcement fee		140,000
State general fund/general purpose		\$ 198,500

Sec. 110. EMERGENCY MANAGEMENT

Full-time equated classified positions	72.0	
Emergency management planning and administration—55.0 FTE positions		\$ 4,364,400
Grants to local government		2,482,100
FEMA program assistance—3.0 FTE positions		995,700
Nuclear power plant emergency planning—6.0 FTE positions		1,266,500
Hazardous materials transportation—1.0 FTE position		582,600
Hazardous materials programs—7.0 FTE positions		121,702,900
Disaster assistance		12,000,000
GROSS APPROPRIATION		\$ 143,394,200
Appropriated from:		
Federal revenues:		
DOT		582,600
DHS		138,226,900
Special revenue funds:		
Nuclear plant emergency planning reimbursement		1,266,500
Hazardous materials training center fees		1,339,000
State general fund/general purpose		\$ 1,979,200

Sec. 111. UNIFORM SERVICES

Full-time equated classified positions	1,662.0	
Uniform services—506.0 FTE positions		\$ 46,790,100
Security guards—15.0 FTE positions		992,500
Reimbursed services		2,173,200
At-post troopers—1,141.0 FTE positions		121,088,200
Commercial mobile radio service projects		800,000
GROSS APPROPRIATION		\$ 171,844,000

For Fiscal Year
Ending Sept. 30,
2006

Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	\$ 610,100
IDG-MDTR, emergency telephone fund coordinator.....	400,000
IDG-MDTR, emergency telephone fund operations	400,000
Federal revenues:	
DOJ	1,694,100
Special revenue funds:	
Narcotic investigation revenues.....	45,900
Highway safety fund.....	15,451,400
Traffic law enforcement and safety fund.....	31,303,000
State police service fees.....	2,173,200
State general fund/general purpose	\$ 119,766,300
Sec. 112. SPECIAL OPERATIONS	
Full-time equated classified positions.....	49.0
Operational support—34.0 FTE positions	\$ 2,907,100
Traffic services—10.0 FTE positions	3,541,100
Aviation program—5.0 FTE positions.....	1,097,000
GROSS APPROPRIATION	\$ 7,545,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOC, contract.....	87,100
Federal revenues:	
DOT.....	1,666,000
Special revenue funds:	
Private donations.....	11,200
Rental of department aircraft	169,000
Drunk driving prevention and training fund.....	1,197,600
State general fund/general purpose	\$ 4,414,300
Sec. 113. CRIMINAL INVESTIGATIONS	
Full-time equated classified positions.....	363.0
Criminal investigations—258.0 FTE positions	\$ 30,558,600
Federal antidrug initiatives—62.0 FTE positions	10,740,200
Reimbursed services, materials, and equipment	2,583,400
Auto theft prevention—9.0 FTE positions.....	1,511,300
Casino gaming oversight—32.0 FTE positions	3,948,700
Fire investigation—2.0 FTE positions.....	184,000
Fire investigation training to locals.....	50,000
GROSS APPROPRIATION	\$ 49,576,200
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds.....	1,230,800
IDG-MDTR, casino gaming fees.....	3,948,700
IDG-MDCH, tobacco tax	610,000
Federal revenues:	
Federal investigations - reimbursed services	734,100
DOJ	8,039,000
Federal narcotics investigation revenues	424,000
Special revenue funds:	
Local - reimbursed services	1,849,300
Narcotics investigation revenues	581,500
Forfeiture funds	390,100
State general fund/general purpose	\$ 31,768,700
Sec. 114. MOTOR CARRIER ENFORCEMENT	
Full-time equated classified positions.....	214.0
Motor carrier enforcement—106.0 FTE positions	\$ 9,801,300

	For Fiscal Year Ending Sept. 30, 2006
Truck safety enforcement team operations—10.0 FTE positions.....	\$ 1,244,100
Safety inspections—64.0 FTE positions.....	7,641,000
School bus inspections—16.0 FTE positions	1,284,800
Safety projects—18.0 FTE positions.....	1,975,500
GROSS APPROPRIATION	\$ 21,946,700
Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	1,244,100
IDG-MDOT, state trunkline fund	7,242,300
Federal revenues:	
DOT.....	8,088,300
Special revenue funds:	
Motor carrier fees	4,087,200
State general fund/general purpose	\$ 1,284,800
Sec. 115. INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 20,529,100
GROSS APPROPRIATION	\$ 20,529,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDTR, casino gaming fees.....	79,700
IDG-MDOT, state trunkline fund	33,200
Federal revenues:	
DOT.....	1,106,200
Special revenue funds:	
Local - LEIN fees	3,471,000
Local - AFIS fees.....	36,400
Motor carrier fees	15,600
State general fund/general purpose	\$ 15,787,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$341,643,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2005-2006 is \$20,518,700.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program..... \$ 13,879,900

COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units..... \$ 650,200

Justice training grants

CRIMINAL INVESTIGATIONS

Fire investigation training for locals

UNIFORM SERVICES

Commercial mobile radio service projects

Total..... \$ 20,518,700

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.
- (c) "DHS" means the United States department of homeland security.
- (d) "DNA" means deoxyribonucleic acid.
- (e) "DOJ" means the United States department of justice.
- (f) "DOT" means the United States department of transportation.
- (g) "FEMA" means the federal emergency management agency.

- (h) "FTE" means full-time equated.
- (i) "IDG" means interdepartmental grant.
- (j) "IDT" means intradepartmental transfer.
- (k) "LEIN" means law enforcement information network.
- (l) "MCOLES" means the Michigan commission on law enforcement standards.
- (m) "MDCH" means the Michigan department of community health.
- (n) "MDMB" means the Michigan department of management and budget.
- (o) "MDOC" means the Michigan department of corrections.
- (p) "MDOS" means the Michigan department of state.
- (q) "MDOT" means the Michigan department of transportation.
- (r) "MDTR" means the Michigan department of treasury.

Sec. 204. The department of civil service shall bill the department at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report by the last business day of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable value.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the department. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. It is the intent of the legislature that personnel of the department who request and are eligible for reimbursement of expenses related to the operation of the department be reimbursed from the appropriations provided in this act within 30 days after submitting a request, or the eligible personnel shall be paid an additional amount equal to 0.75% of the payment due. The department shall pay an additional amount equal to 0.75% of the payment due for the first month and each succeeding month or portion of a month the payment remains past due.

Sec. 213. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

(2) When the department provides contractual services to a local unit of government, the department shall be reimbursed for all costs incurred in providing the services, including, but not limited to, retirement and overtime costs.

(3) Contractual services provided to an entity other than a local unit of government may be provided by department personnel, but only on an overtime basis outside the normal work schedule of the personnel.

(4) This section does not apply to state agencies.

Sec. 214. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow all federal guidelines and state laws regarding short-term and long-term retention of records.

Sec. 215. Not later than January 1, 2006, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight during fiscal year 2004-2005:

- (a) The amount of money received and expended.

- (b) The nature and structure of the casino gaming oversight unit.
- (c) The positions and classifications of employees assigned.
- (d) The number of full-time and part-time employees and the aggregate number of FTEs.
- (e) The number of enlisted and civilian positions.
- (f) The duties and responsibilities of the assigned employees.
- (g) The immediate past position of the enlisted employees assigned.

Sec. 216. The department shall collect and computerize the vehicle identification number (VIN) of all vehicles that are entered into the state accident data collection system and make this and other vehicle information available to the public at cost. For bulk access to the accident records in which the VIN has been collected and computerized, the department shall make those records available to the public at cost, provided that the name and address have been excluded.

Sec. 217. From the funds appropriated in part 1, the department shall maintain a toll-free hotline in collaboration with the department of education. The toll-free hotline shall be operated 24 hours per day, 7 days per week, and shall provide students, school officials, and other individuals an opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to the appropriate local law enforcement entities for investigation. The department may expend funds for the promotion of the hotline.

Sec. 218. (1) Funds appropriated in part 1 for at-post troopers shall only be expended for trooper salaries, wages, benefits, retirement, equipment, supplies, and other expenses directly related to state troopers assigned to general law enforcement duties at a department post, detachment, satellite office, or a resident trooper function.

(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools of a size, length, and date to be determined by the department or the legislature shall be conducted during fiscal year 2005-2006 with the goal of maintaining at-post trooper strength of at least 1,075 on September 30, 2006.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2005, March 1, 2006, June 1, 2006, and September 1, 2006 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal including an accounting of any additional funding necessary to that end.

Sec. 219. The department of state police shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies not less than 180 days before recommending to close or consolidate any state police posts. The notification shall include a local and state impact study of the proposed post closure or consolidation.

Sec. 220. The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

Sec. 221. The department of state police may pursue entering into an agreement with Calhoun County to build a new facility in Marshall which would serve as a new state police post to replace the current state police post in Battle Creek.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

- (a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 224. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 225. It is the intent of the legislature that the administration, working with the MCOLES, shall take steps during the fiscal year 2005-2006 to restore the long-held practice that all revenue made available to the department from the Michigan justice training fund be used solely for costs directly related to the delivery of Michigan justice training fund grants, so that in the future, eligible entities as provided under 1982 PA 302, MCL 18.421 to 18.429, will have a stable and accurate source of training funds.

Sec. 226. Pursuant to the executive budget recommendation, after December 1, 2005, no funds appropriated under part 1 shall be spent for operations or rent and building occupancy charges for the state police posts in Groveland Township, Grand Haven, and Iron River.

INFORMATION TECHNOLOGY

Sec. 301. The money appropriated in part 1 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN system.

Sec. 302. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 303. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2006.

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

Sec. 306. (1) The department of state police, working with the criminal justice information systems policy council, shall implement procedures by which all probation information is placed on the LEIN system. The LEIN system shall include information on each probationer, including any probation conditions placed on a probationer and the name of the probation officer assigned to a probationer. The LEIN system shall also include any nonstandard probation terms.

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2005.

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2006, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

HIGHWAY SAFETY PLANNING

Sec. 401. On a quarterly basis, the department shall report to the senate and house appropriations subcommittees on state police and military affairs on the status of assessments collected and authorized under section 629e of the

Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the purposes of supporting the secondary road patrol grant program. Each quarterly report shall contain updated information on collection levels, revised projected grant allotments to counties for the year, a comparison of projected collections and grant distribution levels with the funds appropriated in part 1 for the secondary road patrol program, and the extent collection levels have exceeded or failed to meet appropriated levels for the current fiscal year or expenditure levels from the previous fiscal year.

FORENSIC SCIENCES

Sec. 501. (1) The department shall distribute a copy of the department's protocol for retaining and purging DNA analysis samples and records to each police agency in this state.

(2) The department shall report to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies when any changes to the department's DNA protocol are made.

Sec. 502. The department shall work with the department of community health, the Michigan health and hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Sec. 601. The money appropriated to the MCOLES for maintenance and delivery of training to locals is provided in accordance with a state reimbursement policy in which 100% of the determined state reimbursement rate shall be distributed upon certification by the MCOLES.

Sec. 602. From the appropriations in part 1 for the training of new state troopers and other new police officers in the state and for the continuing education of all law enforcement officers in the state, sufficient funds shall be used to include curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to turn appropriate cases over to the federal bureau of alcohol, tobacco, and firearms or any other applicable federal criminal justice agency.

EMERGENCY MANAGEMENT

Sec. 801. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 802. The department shall not make any purchases related to a statewide emergency management computer network unless authorized to do so by the director of the department of information technology.

Sec. 803. The department's emergency management division shall make every effort to ensure both of the following:

(a) That homeland security grants offered by the federal government and channeled through the department are allocated to first responder entities in the highest percentage possible.

(b) That homeland security grants awarded to the city of Detroit shall not be used to supplant city general funds designated to support first responder operations.

UNIFORM SERVICES

Sec. 901. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

SPECIAL OPERATIONS

Sec. 1001. In addition to the appropriations in part 1 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft, cost of enhancing and maintaining existing aircraft, pilot training cost, and reimbursement for use of other state agency aircraft. If additional expenditure authorization in the Michigan

administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 1002. Money privately donated to the department is appropriated under part 1 to be used for the purposes designated by the donor of the money. Money privately donated to the department's canine unit shall be used to purchase equipment and other items to enhance the operation of the canine unit. It is the intent of the legislature that money from private donations not supplant general fund appropriations.

CRIMINAL INVESTIGATIONS

Sec. 1101. (1) There is sufficient money appropriated in part 1 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

(2) If the department is unable to comply with subsection (1) and there is a prison scheduled to open, the department shall provide troopers to serve as investigators on an interim basis.

Sec. 1102. It is the intent of the legislature that the administration, during fiscal year 2005-2006, shall make every effort to identify needed resources to restore the former statewide fire investigation unit and to staff the unit with a sufficient number of career arson investigation specialists so that the highest quality of arson investigation services continue to be available to every area in the state.

MOTOR CARRIER ENFORCEMENT

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2006 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2005:

- (a) The number of buses and vehicles inspected by the department.
- (b) The number of buses and vehicles passing and failing inspection.
- (c) The estimated number of buses and vehicles not inspected.

(2) If each school bus within a school system receives a 100% successful state inspection on its first inspection in a given year, the department shall award a certificate to that school system.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Cameron Brown
Tony Stamas
Conferees for the Senate

Bill Caul
Howard Walker
Conferees for the House

The question being on the adoption of the conference report,

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

Roll Call No. 446

Yeas—21

Allen	George	Jelinek	Sanborn
Birkholz	Gilbert	Johnson	Sikkema
Bishop	Goschka	Kuipers	Stamas
Brown	Hammerstrom	McManus	Toy
Cropsey	Hardiman	Patterson	Van Woerkom
Garcia			

Nays—17

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas
Cassis			

Excused—0**Not Voting—0**

In The Chair: Birkholz

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.

Protests

Senators Cherry, Prusi, Cassis, Schauer, Switalski and Emerson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the second conference report on Senate Bill No. 280 and moved that the statements they made during the discussion of the conference report be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

Madam President, I’m going to be voting “no” on the conference report—adoption of the conference report. I’m doing so, as has been said earlier, because of the State Police post closings that are in this budget. As the previous speaker said, we’ve come up with a number of options in terms of trying to find dollars to save those police posts and even at a time when those police posts don’t even cost the amount of dollars that has been stated that they cost.

For example, the one in Groveland Township has no building costs, no maintenance costs, does not cost the 300 and some thousand dollars that it’s projected to be—that the State Police has said they cost. There is no cost savings in terms of staff. It is very simply not going to cost what has been projected, and we’ve also tried to find dollars even if we assume those costs are correct.

It’s hard to understand why we would cut State Police coverage at a time when homeland security is such a problem. I also think it’s important in terms of the I-75 corridor. As I’ve said before in this body, that post is the only post along I-75—in a very dangerous area of I-75—to have any coverage, and we will be leaving that out without this post being open.

I hope as we go forward that we do try to find a solution to this, but at this time with those posts not in the budget, I’m going to be voting “no.”

Senator Prusi’s statement is as follows:

An earlier speaker made reference to the executive budget recommendation that did include the aforementioned cuts, but I think all of us are aware that in the last several weeks, as we’ve gone around and around on this budget, there’s been a reversal of that position and a willingness on the administration’s part to work within the budget target number to find adequate funding to maintain the State Police posts and to maintain the General Fund support for the MCOLES training line.

I believe during the conference committee deliberations there were several viable options put forward to find the funding within the targeted amount of money, and unfortunately, even reasonable people have the ability to disagree, but I believe those options were not seriously considered and were rejected out of hand.

I would encourage members—I would implore members—to reject this conference committee report and allow the conferees to go back and continue to consider what I would believe to be several viable options to resolve these issues within the target agreement.

Senator Cassis' statement is as follows:

I, too, rise in opposition to the closing of the Groveland post because, in all seriousness, if real significant savings were the intent here, we would be looking at a fair approach of closing State Police posts across the board and finding other ways for them to provide their own police services, perhaps with sheriff departments or consolidating with other townships or villages on police services. But we're not doing that. We're targeting three posts.

My concern is that this may also actually, unwittingly perhaps, result in increased costs because those officers who now will have to come to service these areas will come from farther distances, and there is an increased cost with that occurrence. Furthermore, in Groveland and Rose Townships—fairly rural areas—there is a huge store of state lands that do not provide any tax base.

In my opinion, this is one of the more irresponsible applications of the so-called *The Price of Government* because it reduces the health, safety, and welfare of citizens and may very well result in higher taxes for them. In addition, the removal of fire investigation opportunities is also a serious threat to our well-being. There really is, at this point in time, no other way for me to represent my district than to vote "no," despite—and I want to underscore this—many efforts that I and others have made to encourage a compromise.

Senator Schauer's statement is as follows:

I, for one, am not going to buy into the rhetoric from the Majority Leader on this crisis and this brinkmanship that is before us. I want to remind us of some history. While it is September 28, this majority party decided to enter into a new budgeting process—*The Price of Government* that was funded by the Michigan Chamber of Commerce and the Michigan Association of Realtors—to create this new budget process. That led to a near meltdown in the budget process, a summer that was squandered, and I heard one comment in the conference committee that it's sad that it's so late. Well, this bill could have been fixed at any point this summer, and it's not too late now to fix this bill.

I think the statement made by the Appropriations Committee chair about re-election certainly reveals what this is largely about. This is about politics. There have been references made about the Governor's executive budget recommendation. While that is true, the Governor has been clear that it is her priority to keep these posts open. It wasn't in the Governor's recommendation to include boilerplate language that remains in this budget that after this 60-day window, no state general funds can be used to maintain and operate those three facilities. That boilerplate language came from a conference report that was proposed by the majority party.

This is a bad bill. There are a number of reasons why. This is a bad bill before us that we should reject. I do not agree with the Majority Leader that this is it. It wasn't long ago that we, as a chamber, amended the joint rules because of this *Price of Government* budgeting process in this omnibus bill on the House side to allow House members to chair conference committees of bills not originating from that chamber. We could amend those same joint rules to allow this conference committee to go back and fix this bill.

There are several issues that remain. The MCOLES line item that affects our communities. I have heard from a lot of my police chiefs and local elected officials who are very concerned about resources to train local police officers and police agencies. We have three State Police posts that would close now on November 30, rather than September 30. So we should reject this conference report, and we should stay here until it's fixed.

Senator Switalski's statement is as follows:

I want to speak to another aspect of this budget. I argued about this in front of the Appropriations Committee at the time we did the budget, and I will argue it again because I think it's an oversight. We don't have enough money. We have to make some very tough choices. We heard that over and over in these budgets. We have to set priorities. I just want to outline two priorities where I think we are making a wrong choice.

There is about \$1.3 million in this budget for school bus inspections. Now, someone please explain to me why is it the job of the state of Michigan and the State Police to inspect local school buses? These are local school buses owned and operated by local school districts. They have bus depots. They have mechanics. They operate a bus system for their students. Why is it our job, as the state, to inspect their buses? Why can't they inspect their own buses? If you look at industry, we have changed in the last 20 years the way we do inspections. People who make a part in a plant inspect their own part. They have to make their own part right. That was a revolution that made our industry much more competitive. Why would we not do the same thing with school bus inspections? The locals own and operate them, and they should be responsible for making sure they meet safety standards. If they don't, they would be subject to lawsuits from their constituents who ride those buses.

So we are spending money on something that really isn't our job. In the meantime, we are cutting money for the state arson investigations. Arson investigation is a very specialized area. You have to be a trained expert on this to be able to determine if arson has been committed and successfully prosecute that. We are cutting that, which is really a great function that the State Police can provide to all the locals who don't have the expertise or the ability to duplicate what the State Police do.

We are cutting that. We are cutting these posts. Things that we need we are not paying for; something that isn't really our job, we are paying for.

Senator Emerson's statement is as follows:

I came to the mic mainly to respond to some of the dire predictions of the constitutional realities of the five-day rule and what occurs if this conference report gets rejected. I think maybe we forget that there are about six other conference committees on budgets that are available for us to deal with if the body chooses not to accept this conference committee report. Yes, we can't do another conference committee on this particular bill, but there are about six other bills that are available to us in conference committee that can be used for this.

I don't mean to say this to give people an easy excuse to vote "no." I think it is a serious issue. There is no question, as the chair of the Appropriations Committee has pointed out, that the Governor recommended closure of these three posts that we are talking about. But she also presented us with a budget that was silent on this, and we are the ones who chose to put language in there that says in 60 days, we, the Senate of the state of Michigan, want those posts to close. And I'm not sure if I want to buy into that language that this conference committee put before us. We could have handled this issue in any number of ways. The Governor, I believe, would have stood by her position and closed the posts if the language was silent. I suggested that to the leadership of the Senate. We chose to create this manufactured crisis, so-called constitutional crisis. We do have the ability to deal with this in a number of other ways if this conference report is rejected.

I reject that we are going to put ourselves in grave danger of being attacked by Osama bin Laden or any other craziness that has been suggested here. It is nothing more than that. We are all concerned about the safety of people in the state of Michigan. We also all have a constituency that we represent, and it is our job to try and make sure we put together a budget that best reflects the needs of our constituents. If we choose because of some of the things the conference committee has put in here and chosen to wait until the 27th or 28th of September to issue a conference report, that's our fault. I blame all of us in leadership for waiting until the 28th to take this up. There were target agreements nearly three weeks ago, and why we are dealing with this budget on the 28th is our fault and nobody else's. We can blame it on no one else.

So I don't believe we are in the constitutional crisis that has been outlined by some of the previous speakers, and I'm strongly considering a "no" vote on this conference report.

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

The motion prevailed.

Senator Sikkema's statement is as follows:

This issue facing the Senate today is a very simple one and it's very clear and that is whether beginning midnight on Friday, the Department of State Police will be funded or not. There is no more opportunity to have a third conference report. Senate rules, House rules, and joint rules are very clear. A second conference report, which this is because the first one was rejected earlier today, is the last conference report that can be adopted.

If the Senate chooses to reject this report, you have to start over. That means the constitutional five-day rule has to prevail in both Houses, and the consequence is in an age where we have concern over terrorism, homeland security, and natural disasters. The law enforcement agency for the state of Michigan will go unfunded as of midnight Friday night. People who choose to reject this conference report have to think about that. I'm going to vote "yes."

I don't think it is right to hold the entire Department of State Police hostage over a couple of items that some members wanted in this budget. Every single budget has had to be cut—every single budget. We've been working since spring with the House and the Governor to come to an agreement. This one ought to be relatively easy because it's the Governor's recommendation. I, as a leader, went to the subcommittee chair and members of the subcommittee and said, "You might not like this, but it is the Governor's recommendation. Look at other priorities in the budget and tell me what you think."

I think the basic decision came down that we want to preserve trooper strength versus facilities. That's the right decision. I heard an earlier speaker say, "Let's just reject this conference report and we can go back to work." No, we can't. This is it. I urge in the strongest possible terms, for those who care about protection of Michigan citizens, for those who want to fund homeland security, that you vote "yes" on this conference report, and I urge my colleagues in the House, both Democrats and Republicans, to do the same thing.

Senator Johnson's first statement is as follows:

Through you to the members on the other side of the aisle, I ask you a simple question: Does this administration, that, by the way, recommended the closure of these three posts as opposed to eliminating state troopers, want you to vote "no" on this budget? Does the Governor of this state want to run for re-election after having shut down the entire State Police at midnight on September 30th? Do you honestly and pettily want to do that for three buildings? We're talking about three buildings, and we're talking about protecting the first line of our defense should anything tragic happen in this state. We have 90 of our state troopers down in Louisiana right now. How foolish can you be for three buildings? That's like pork—pork, pork, pork—and I bet you the Governor would urge you real quick to vote "yes."

Senator Cropsey's statement is as follows:

First of all, I think it's unseemly to make partisan attacks in this body when we almost have this budget wrapped up. I'm not even going to go there. But I think it's important to remember that now all of a sudden when we start talking about the closing of these three State Police posts, the Governor went through *The Price of Government* process also with her staff, and their recommendation was closing down these three posts. This is not a partisan issue; this was the Governor's proposal.

Are there public safety concerns? You better believe there are public safety concerns. When I did the Corrections budget, we had major public safety concerns about closing down prisons. We found money to keep the punk prison up in Baldwin open, if the Governor chooses to keep that punk prison open, so that we have enough beds. I mean even with that prison open, we're still going to be short maybe a thousand beds next year according the Department of Corrections. It's going to be interesting to see what the Governor does with that and see how much she really does care about public safety.

If we reject the report, Saturday the State Police are not funded. Now I don't want to go into a situation where this coming Saturday that I have voted to not fund the State Police. The first line of defense, that's where the funding comes through for the war on terror for homeland security, and I don't want to leave this state naked because of three State Police posts out of 60; but three of them that the Governor has recommended be closed.

Do we need the police? I think we need the police. Why do I think we need the police? Why do we need the personnel? Because we know we have 45,000 fugitive felons out there. We have 275,000 misdemeanor felons out there. In other words, we have almost one-third of a million people out there who are criminals on the run. We need to make sure that we keep the men in blue and the women in blue going. And if we have to close down a building or two or three in order to keep the personnel there, we need to keep the personnel.

I would just like to commend the subcommittee chairman from the 16th District for the terrific work that he did on this issue to try and save as many personnel as we can to keep them out going after the bad people. And that's really what we're talking about. Is it going to be bricks and mortar, or is it going to be people who are out apprehending the criminal element in society? I hope that this body will say we will keep the police going.

I would hate to see this body turn it down because you know what, we can't suspend the Constitution. The five-day rule is in the Constitution, and we can't suspend it. If you vote against this, you're making a conscious decision to defund the State Police as of Saturday morning.

Senator Johnson's second statement is as follows:

First and foremost, it was the Governor of this state who met with her administration and the heads of her departments on a retreat to become acquainted with *The Price of Government*. And, indeed, she embraced it. Remember?

Secondly, with regard to a time frame, we have been working on this budget since it was first introduced. Subcommittees have been meeting, haggling things out. We got down to conference committee and suddenly there is an interest in re-establishing the three buildings. They're buildings—they are not state troopers. I would like you to ask the state troopers union whether they prefer the buildings or the employees.

I'd also like to recommend to those of you who are running for re-election: I hope you are listening Senator and Lieutenant Governor, go ahead and vote "no." Shut down the State Police statewide and you'll live to regret it.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Cropsey, Scott and Allen 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:

Yesterday, Judge Joyce Draganchuk ruled a certain way on the interpretation of the marriage amendment to the State Constitution—this would be Article 1, Section 25—that is in conflict of how the Attorney General had previously ruled. This is an issue that I am confident will go up to the Court of Appeals, and most likely, the State Supreme Court. I was disturbed to read, though, in one of the Capitol newsletters here that the Governor's spokesman has said that the Governor—I assumed speaking on behalf of the Governor—is going to move quickly to put in place the same-sex benefits negotiated during the 2004 bargaining session. Those benefits were held in abeyance until the court ruled on Proposal 2 impact. I would suggest to the Governor that this is not the last court that has ruled on this issue. The Governor ought to hold off on putting this into the contracts until after the final appeals have been made.

Also I think it is important to note that we need to have a fair cost estimate on what this will cost the state of Michigan. We have just talked about a million dollars for three State Police posts that had to be cut. I would like to know from the Governor's office how much additional money this is going to cost and where that money is going to come from if the Governor tries to proceed in this fashion.

Senator Scott's statement is as follows:

As most of you realize, I'm sure, I was not here yesterday. I was at the Women Legislators' Lobby organization where one of our former colleagues in the House, Pan Godchaux, is the chair of that organization. I was one of the honorees and received this wonderful little plaque as one of the pacesetters.

I missed two votes. On House Bill No. 4887, which was Roll Call No. 440, I would have voted "yes," and on Roll Call No. 439, I would have also voted "yes."

I also let them know about the horrible rates that we're paying in Michigan. They thought that it was just the worst thing they had ever heard.

I have a couple of my insurance stories from my website. This one says, "I am currently struggling to pay for my auto insurance. My insurance doubled since moving to Hamtramck from Grosse Pointe Park, and now I will have to forego what I now consider luxuries, like regular meals. Ultimately, I think a mass transportation system in Detroit is the answer, and I understand there are some ideas/initial plans or studies in the works. I would be all for ditching the costs of owning and driving an automobile if there was a reliable mass transportation solution instead. Thanks for your help."

The next one reads, "I don't really have a particular story to tell other than I have realized the biased rates of auto insurance in Detroit. It is truly ridiculous. A few years back, I lived in Chicago with a very similar layout as Detroit based on the location of its suburbs in relation to the city, and my auto insurance was still considerably less than it is here in Detroit. So I can't quite understand what these rates are truly based on."

So those are my stories for today.

Senator Allen's statement is as follows:

I rise today to encourage the Governor to take action to improve Michigan's economy by signing the post-Labor Day school start legislation. A post-Labor Day school start will provide a tremendous amount of benefit to Michigan's economy. Starting school after Labor Day will generate an estimated \$10 million worth of additional tourism-related tax revenue for this state. In addition, this tourism will add between 2,000 to 3,000 additional jobs and between \$100 million to \$200 million worth of economic activity.

Wherever I go in northern Michigan, I've been inundated with people pleading to get this post-Labor Day school start legislation signed. Business leaders see the economic benefit. Parents prefer the later start date. A number of school officials in northern Michigan, in my district, support this change. Most importantly, as one of my colleagues said recently, as this issue was before us last week, this is about our children and giving them an opportunity to recreate and create themselves. Some of the most valuable learning happens outside the classroom as families tour historic sites around our great state.

A recent poll out found that nearly two-thirds of Michigan voters said they support the post-Labor Day school start. Arguments have risen regarding the educational impact on this issue. I firmly believe that a single start date for each school throughout Michigan is a positive development. Schools in northern Michigan have already begun this Labor Day start, tradition for many decades, and these schools have excelled academically, even without the additional two weeks of August.

I ask for the support of this body to encourage the Governor to sign this legislation.

Senator Garcia stated that had he been present earlier today when the vote was taken on concurring in the House substitute to the following bill, he would have voted "yea":

Senate Bill No. 470

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Conference Committee on State Police (SB 280) submitted the following:

Meeting held on Tuesday, September 27, 2005, at 9:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Brown (C), Stamas and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, September 27, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus and Schauer

Excused: Senator Olshove

COMMITTEE ATTENDANCE REPORT

The second Conference Committee on State Police (SB 280) submitted the following:
Meeting held on Wednesday, September 28, 2005, at 11:55 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Brown (C), Stamas and Clarke

Scheduled Meetings

Appropriations - Thursday, September 29, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, September 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Michigan Capitol Committee - Thursday, October 6, 12:30 p.m., Rooms 402 and 403 (CANCELED); Tuesday, October 11, 11:30 a.m., Room 426, Capitol Building (373-0289)

Natural Resources and Environmental Affairs - Thursday, October 6, 8:00 a.m., Room 100, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 1:56 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, September 29, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate