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Senate Chamber, Lansing, Wednesday, May 27, 2015.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Margaret E. O'Brien.

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

Ananich—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hertel—present  
Hildenbrand—present  
Hood—present

Hopgood—present  
Horn—present  
Hune—present  
Johnson—excused  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—present  
O'Brien—present

Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—present  
Schuitmaker—present  
Shirkey—present  
Smith—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Pastor R.B. Ouellette of First Baptist Church of Bridgeport offered the following invocation:

Our dear Heavenly Father, we thank You for the privilege of living in this great country and this wonderful state. I ask that You give wisdom to the men and women who do the people's business; that they would honor You, that they would stand for truth, and that they would be guided by Your Spirit.

Thank You, Heavenly Father, that we can live in a free land, and may the decisions made here help our state to be a good place for us to live and to raise our children. Thank You for sending Your Son, the Lord Jesus Christ, to die on the cross and pay for our sins, so that by believing in Him, we can have everlasting life.

We ask Your blessing and guidance in this assembly in the name of Jesus. Amen.

The Assistant President pro tempore, Senator O'Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

The President, Lieutenant Governor Calley, assumed the Chair.

Senator Brandenburg entered the Senate Chamber.

Senator Kowall moved that Senator Casperson be temporarily excused from today's session.  
The motion prevailed.

Senator Hood moved that Senator Johnson be excused from today's session.  
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 26:

**House Bill Nos. 4182 4263 4433**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 26, for his approval the following bill:

**Enrolled Senate Bill No. 139 at 12:51 p.m.**

By unanimous consent the Senate proceeded to the order of

### General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Schuitmaker as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**House Bill No. 4467, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 20i (MCL 791.220i), as amended by 2012 PA 599.

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

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

**Senate Bill No. 328, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 8 (MCL 28.8).

Substitute (S-1).

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

During the Committee of the Whole, Senator Casperson entered the Senate Chamber.

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

Senator Kowall moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

**Senate Bill No. 9**

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

**Senate Bill No. 9, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 7, and 7a (MCL 722.22, 722.27, and 722.27a), section 2 as amended by 2005 PA 327, section 7 as amended by 2005 PA 328, and section 7a as amended by 2012 PA 600.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1970 PA 91, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," by amending section 7 (MCL 722.27), as amended by 2005 PA 328.

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. 243**

**Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 196, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 217c, 217f, 248c, and 252a (MCL 257.217c, 257.217f, 257.248c, and 257.252a), section 217c as amended by 2002 PA 642, sections 217f and 248c as amended by 1993 PA 300, and section 252a as amended by 2008 PA 539.

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.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

Senator Kowall moved that consideration of the following concurrent resolution be postponed for today:

**House Concurrent Resolution No. 3**

The motion prevailed.

Senators Hopgood, Kowall, Knollenberg, Pavlov, Hertel, Gregory, Hood, Ananich, Warren, Marleau, Johnson, Bieda, Hansen, Schmidt, Colbeck, Booher, Jones, Schuitmaker, Rocca, Brandenburg and Proos offered the following resolution:

**Senate Resolution No. 64.**

A resolution to memorialize the United States Congress to do all it can to oppose the construction of an underground nuclear waste repository in Ontario, Canada, and to urge Canadian officials to find alternatives to Ontario Power Generation’s proposal to bury nuclear waste in the Great Lakes Basin.

Whereas, Ontario Power Generation (OPG) is proposing to construct a permanent underground burial facility at the Bruce Nuclear Generating Station. This deep geologic repository would be used to contain all of the low- and intermediate-level waste, some of which is highly radioactive and much of which will remain toxic for over 100,000 years, originating from the company’s three Ontario-based facilities. This site, about 440 yards below lake level, is less than a mile inland from the shore of Lake Huron and is approximately 120 miles upstream from the main drinking water intakes for Southeast Michigan; and

Whereas, The Canadian Environmental Assessment Agency and Canadian Nuclear Safety Commission appointed a joint review panel that was charged with evaluating OPG’s proposal to bury nuclear waste beside Lake Huron. On May 6, 2015, the joint review panel released its environmental assessment report on the repository, recommending that the federal Minister of Environment approve the project. The Minister of Environment, Leona Aglukkaq, now has 120 days to review the report before deciding if she will accept it, which would allow the licensure process and construction to move forward; and

Whereas, In 1986, the Canadian government strongly opposed the United States Department of Energy’s plan to consider the construction of a nuclear waste site in northern Vermont. The Canadian government argued a nuclear waste site in Vermont could contaminate their lakes, rivers, and groundwater, posing a serious risk to human health and the environment. Honoring their request, the Department of Energy agreed to remove the Vermont location from consideration. Almost 30 years later, Michigan and many other states are asking the Canadian government to grant us the same courtesy that the United States granted Canada with the Vermont site; and

Whereas, Lake Huron and the other Great Lakes are critically important resources to both the United States and Canada. The Great Lakes are critical for shipping, fishing, boating, recreation, and tourism in the region. The Great Lakes contain 95 percent of North America’s surface freshwater and provide drinking water to over 40 million people in both Canada and the United States. Government entities whose boundaries encompass the Great Lakes Basin are compelled to protect this vital resource for future generations; and

Whereas, If nuclear waste spilled into the Great Lakes, it could have lasting and severe adverse environmental, health, and economic impacts on the Great Lakes and the people who depend on them for their livelihood; and

Whereas, Placing a permanent nuclear burial facility so close to the Great Lakes is ill-advised. The potential damage to the Great Lakes from any leak or breach of radioactive material far outweighs any benefits that could be derived from burying radioactive waste at the site. The ecology of the lakes, which is valuable beyond measure to the health and economic well-being of this entire region of the continent, should not be placed at risk by storing radioactive waste so close to the shoreline; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to do all it can to oppose the construction of an underground nuclear waste repository in Ontario, Canada; and be it further

Resolved, That we urge Canadian officials to find alternatives to Ontario Power Generation’s proposal to bury nuclear waste in the Great Lakes Basin; and be it further

Resolved, That copies of this resolution be transmitted to the Canadian Prime Minister, the Premier of Ontario, the Canadian Nuclear Safety Commission, the Canadian Minister of Environment, the United States Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Kowall moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Kowall moved that the resolution be referred to the Committee on Natural Resources.

The motion prevailed.

Senator Horn was named co-sponsor of the resolution.

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

Senator Robertson introduced

#### **Senate Bill No. 354, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406t. The bill was read a first and second time by title and referred to the Committee on Insurance.

Senator Hansen introduced

#### **Senate Bill No. 355, entitled**

A bill to amend 2008 PA 550, entitled "Michigan promise zone act," by amending section 5 (MCL 390.1645).

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

#### **House Bill No. 4182, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278.

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

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

#### **House Bill No. 4263, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16336, 17901, 17905, and 17906 (MCL 333.16336, 333.17901, 333.17905, and 333.17906), as added by 2006 PA 54.

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

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

#### **House Bill No. 4433, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1998 PA 465.

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

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

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

#### **House Bill No. 4467**

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

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

**Senate Bill No. 309**

**House Bill No. 4467**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 309, entitled**

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 66 (MCL 559.166), as amended by 1983 PA 113.

The question being on the passage of the bill,

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

**Roll Call No. 244**

**Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4467, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 20i (MCL 791.220i), as amended by 2012 PA 599.

The question being on the passage of the bill,

Senator Bieda offered the following amendments:

1. Amend page 1, line 5, after "from" by striking out the balance of the line through "agencies," on line 6 and inserting "**OTHER LOCAL, STATE, OR FEDERAL AGENCIES,**".
2. Amend page 2, line 3, after "section" by striking out the balance of the subsection and inserting a period.
3. Amend page 2, line 10, after "state" by striking out the balance of the line and inserting a period.
4. Amend page 5, following line 6, by inserting:  

**"(10) INMATES AND DETAINEES UNDER THE JURISDICTION OF THE DEPARTMENT SHALL NOT BE HOUSED AT THE FACILITY OPERATED BY A PRIVATE CONTRACTOR UNDER THIS SECTION."** and renumbering the remaining subsection.

The question being on the adoption of the amendments,  
 Senator Bieda requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 245****Yeas—19**

Ananich	Hertel	Knezek	Smith
Bieda	Hood	Nofs	Warren
Casperson	Hopgood	O'Brien	Young
Emmons	Horn	Rocca	Zorn
Gregory	Jones	Schmidt	

**Nays—18**

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schuitmaker
Colbeck	Knollenberg	Pavlov	Shirkey
Green	Kowall	Pros	Stamas
Hansen	MacGregor		

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Bieda offered the following amendment:

1. Amend page 4, following line 22, by inserting:

**“(8) AN INMATE OR DETAINEE SHALL NOT BE HOUSED AT THE FACILITY OPERATED BY A PRIVATE CONTRACTOR UNDER THIS SECTION UNLESS HIS OR HER SECURITY CLASSIFICATION, AS IT WOULD BE DETERMINED BY THE DEPARTMENT IF HE OR SHE WERE BEING HOUSED IN A STATE FACILITY, IS LEVEL IV OR BELOW AND HAS NEVER PREVIOUSLY BEEN ABOVE LEVEL IV.”**  
 and renumbering the remaining subsections.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

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

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

**Roll Call No. 246****Yeas—15**

Ananich	Gregory	Knezek	Smith
Bieda	Hertel	Nofs	Warren
Casperson	Hood	O'Brien	Young
Emmons	Hopgood	Rocca	

**Nays—22**

Booher	Horn	Marleau	Schmidt
Brandenburg	Hune	Meekhof	Schuitmaker
Colbeck	Jones	Pavlov	Shirkey
Green	Knollenberg	Proos	Stamas
Hansen	Kowall	Robertson	Zorn
Hildenbrand	MacGregor		

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 5, following line 6, by inserting:

**“(10) A PRIVATE VENDOR OPERATING A FACILITY UNDER THIS SECTION IS LIABLE FOR ALL DAMAGES ARISING OUT OF THE MANAGEMENT AND OPERATION OF THE FACILITY, INCLUDING ANY SECURITY BREACH, AND IS NOT ELIGIBLE FOR IMMUNITY UNDER 1964 PA 170, MCL 691.1401 TO 691.1419.”** and renumbering the remaining subsection.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

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

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

**Roll Call No. 247****Yeas—16**

Ananich	Gregory	Knezek	Schuitmaker
Bieda	Hertel	Nofs	Smith
Colbeck	Hood	O’Brien	Warren
Emmons	Hopgood	Rocca	Young

**Nays—21**

Booher	Horn	MacGregor	Robertson
Brandenburg	Hune	Marleau	Schmidt
Casperson	Jones	Meekhof	Shirkey
Green	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn
Hildenbrand			

**Excused—1**

Johnson



**Not Voting—0**

In The Chair: President

Senator Hertel offered the following amendment:

1. Amend page 3, following line 7, by inserting:

**“(4) THE FACILITY SHALL NOT HOUSE THE FOLLOWING INMATES OR DETAINEES:**

**(A) INDIVIDUALS WITH A HISTORY OF ESCAPING CUSTODY.**

**(B) INDIVIDUALS WITH SEXUAL OFFENSE CONVICTIONS.**

**(C) INDIVIDUALS WITH A HISTORY OF RIOTING WHILE IN CUSTODY.”** and renumbering the remaining subsections.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

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

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

**Roll Call No. 248****Yeas—15**

Ananich	Hood	Nofs	Smith
Bieda	Hopgood	O’Brien	Warren
Gregory	Horn	Rocca	Young
Hertel	Knezek	Schuitmaker	

**Nays—22**

Booher	Hansen	MacGregor	Robertson
Brandenburg	Hildenbrand	Marleau	Schmidt
Casperson	Hune	Meekhof	Shirkey
Colbeck	Jones	Pavlov	Stamas
Emmons	Knollenberg	Proos	Zorn
Green	Kowall		

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Ananich offered the following amendments:

1. Amend page 3, line 7, after “police.” by inserting **“THE FACILITY SHALL PROVIDE THE SHERIFF OF THE COUNTY AND THE STATE POLICE FULL AND IMMEDIATE ACCESS TO THE FACILITY FOR PURPOSES OF INVESTIGATION AND INSPECTION.”**.

2. Amend page 5, line 18, after “facility.” by inserting **“SERIOUS INCIDENT INCLUDES AN OCCURRENCE THAT PRESENTS A THREAT TO THE OPERATION OF THE FACILITY OR THE HEALTH AND SAFETY OF ITS INMATES AND DETAINEES, STAFF, AND THE SURROUNDING COMMUNITY, INCLUDING THE OUTBREAK OF AN INFECTIOUS OR CONTAGIOUS DISEASE OR AN OCCURRENCE THAT DISRUPTS THE UTILITY OR EMERGENCY SERVICES AT THE FACILITY AND THAT REQUIRES THE INTERVENTION OF THIS STATE, ANY STATE AGENCY OR DEPARTMENT, OR ANY POLITICAL SUBDIVISION OF THIS STATE.”**.

The amendments were not adopted, a majority of the members serving not voting therefor.  
 Senator Hood requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 249****Yeas—15**

Ananich	Hood	Nofs	Smith
Bieda	Hopgood	O'Brien	Warren
Gregory	Jones	Rocca	Young
Hertel	Knezek	Schuitmaker	

**Nays—22**

Booher	Hansen	MacGregor	Robertson
Brandenburg	Hildenbrand	Marleau	Schmidt
Casperson	Horn	Meekhof	Shirkey
Colbeck	Hune	Pavlov	Stamas
Emmons	Knollenberg	Proos	Zorn
Green	Kowall		

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,

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

**Roll Call No. 250****Yeas—23**

Booher	Hansen	MacGregor	Robertson
Brandenburg	Hildenbrand	Marleau	Schmidt
Casperson	Hune	Meekhof	Schuitmaker
Colbeck	Jones	Nofs	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	

**Nays—14**

Ananich	Hood	O'Brien	Warren
Bieda	Hopgood	Rocca	Young
Gregory	Horn	Smith	Zorn
Hertel	Knezek		

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

**Protests**

Senators Young, Bieda, Hood, Hopgood, Ananich, Hertel, Gregory and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4467.

Senators Young and Bieda moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Young’s statement is as follows:

We are talking about a policy that is literally privatizing prisons. Think about that for a minute. We are literally making a profit out of housing prisoners. That is fundamentally wrong on so many levels. Not only is it bad enough that we have this senseless drug war policy in this country, but now we have gone even further and said let’s make the people whom we are criminalizing for having a piece of a plan, and that’s why we have to free the weed. Let’s make money off of them going to prison.

Are you serious right now? This is your corrections policy? The sponsor of this bill must know Yogi the Bear because this bill is boo-boo. It’s garbage. There is no purpose for this legislation—none. It is an embarrassment that you would even think that you can even fathom, that you even have come out of your mind, put in your mind, let alone have formed in your mouth and come out of your lips to support public policy to make money off of incarceration. Why are we even doing this? We are supposed to be in the process of corrections helping people, of making sure that they learn not to do this crime again; not passing policies to make sure that they go to prison longer so the prisons can make money off of them.

We are keeping whole economies going through prison as it is, and now we are going to use that tool for private industry? Think about every single law that you’ve passed. Now every single thing that we’ve passed to prohibit, to criminalize, every law that we’ve passed to make a felony, instead of that being crime and punishment, now it’s literally private profit. What does that say about our state?

That’s not a pleasant peninsula that I seek, to look about; that’s predatory. That’s not saying let’s have a system, and then make sure that we will right the wrongs and that people do their time; that they pay their debt to society and come back a better, more productive person. That’s the I hope you get locked up, and that’s more money in my pocket. As a matter of fact, let me pass the laws so you can get locked up, so I can put more money in my pocket.

Mr. President, where do you think they’re going to go to enforce these laws? Who do you think is going to bear the burden of these laws. It’s going to be the minority community, like it is right now with this drug war. Because the majority of the people—19,000 in this state and the over 750,000 people nationally—who get arrested are minorities. The majority of folks right now in prison are minorities.

This is nothing more than an opportunity to profit privately off of prisons, off of corrections, off of the poor decisions of others. This is not right. It's just not. This goes against every single founding principle this state and this nation stands for. Prison is not meant for people to profit off of. For everything that we stand for as a state—for life, liberty, and the pursuit of happiness—Mr. President, I ask you and I ask that my colleagues on the opposite aisle, I beg you, do not vote for this bill. We can do better. The people of Michigan deserve better. We can talk about cutting costs out of the corrections system. But to go down a route of actually making money off of prisoners is false, and that's not a state I want to live in.

Senator Bieda's statement, in which Senators Hood, Hopgood, Ananich, Hertel, Gregory and Smith concurred, is as follows:

Colleagues, I rise to offer a "no" vote explanation to House Bill No. 4467 which will authorize a privately-owned correctional facility in Baldwin to house dangerous prisoners from other states. I have numerous objections to this proposal, and if you care about human decency, the rehabilitative intent of incarceration, the safety of our workers and citizens, and the spending of state dollars, then you should too.

It's a sad state of our economy when the Legislature is looking to treat prisoners like a commodity and import people—yes, even when incarcerated, they are still people—to create jobs and make money. This possible benefit to our economy will be to the detriment of these prisoners and to our citizens as a whole.

Recent studies have shown that prisoners do better and have lower recidivism rates if they are housed close to their families and communities. These individuals already feel isolated and alone, and moving them hundreds of miles away from their friends and family will only intensify that. If one of the goals of incarceration is rehabilitation, uprooting these prisoners and taking them away from all they know will make that even more difficult.

While we do want to consider the needs of these prisoners, we also have to acknowledge that they are a high-risk population that could pose a serious threat to our workers and residents. In addition, the combination of more potentially dangerous prisoners being housed at a previously-failed private facility could be a recipe for disaster. Despite the majority party's continued push for prison privatization over the last five years, we have seen that time and again it is causing more problems than it solves.

With these private companies and their employees, there have been questionable food practices and numerous health violations, drug smuggling and selling, improper and sexual contact with inmates, and even conspiracy to commit violence on others. If they're not even accomplishing the basic purpose of being private—being financially stable and self-sustaining—Aramark has already indicated that they will need more state money next year. These are just the problems that we know about.

Now we want to entrust a huge influx of Level 5 inmates to another private facility with little state input or oversight. It's a facility owned by the same company that used to house juvenile offenders before it was shut down by Governor Granholm for its numerous abuses and violations. The company GEO Group also has had problems in other private prison facilities they operate in other states, including a massive riot in Indiana in 2007 and reports of numerous regulatory actions and lawsuits. Now we want to reward their problematic track record and equally bad reputation by allowing them to manage some of the most dangerous prisoners in the country.

Simply put, there was a reason that this facility was closed. With nothing changed but the severity of the prisoners, there's no reason it should be reopened. Unfortunately, some of my colleagues are treating this like a foregone conclusion. They've already made their promises to their special interests, so much so that the Vermont Department of Corrections last week already announced their contract with GEO Group to start shipping their inmates to Michigan to a facility that has not been approved to even open yet. This legislation hasn't even passed this chamber, let alone come across the Governor's desk.

As you can see, this bill raises significant questions and with them bipartisan opposition. In fact, in the House, a Republican legislator called this bill one of the ten worst he has seen. I urge all of you to give this bill the same scrutiny and commonsense consideration. It is a bad bill that helps one private prison company that has already failed and entrusts them with a volatile prison population. It poses a risk to prisoners, the workers, and the citizens-at-large.

The language in this bill is open enough to allow the transfer of prisoners from state prisons to this privately-run facility. With the Legislature's neglect to address that issue, I think this bill has a lot of problems and dangers, and I think it is a bad course and road for us to follow legislatively. I urge your opposition to this bill.

Senators Proos, Hertel, Ananich, Casperson and Hansen asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Proos' statement is as follows:

I appreciate the opportunity to rise in opposition to this particular amendment. I recognize that the good Senator from the 9th District is right to ask the question about what it is that we are doing, Mr. President, as it relates to private prisons versus nonprivate prisons. The Senator from the 35th District just rose in opposition and spoke to the fact that this is

a private business with a private facility in Lake County with a bunch of folks who are looking for jobs who would be trained and prepared to provide the service which is necessary to house these prisoners from another state. Again, I will remind our colleagues in the chamber here that this is a private business engaged in a private contract to bring in prisoners from another state. This isn't a discussion by any stretch of the imagination of whether or not we have private prisons in Michigan or not. We have one here already, and it is a private business. It's a private business that is trying to keep its doors open and employ folks from that particular county.

I don't think it is right for us as the Senate to stand in the way of that discussion and allow them to somehow have to tie the hands of the future of that worthy discussion. I think the Senator from the 9th District is right to say what we do about private prisons in the future. Well, let's discuss that. Let's talk about our cost per prisoner in the state of Michigan. Let's talk about how it is we save money in our Corrections budget. Let's talk about whether or not that is a worthwhile endeavor, but this is not the appropriate place to do it.

Folks, this is not the appropriate amendment to do this in. I want that debate. I think we should have that debate. I think we should discuss whether or not this makes sense, but in the meantime, let's allow this private industry to operate in a county that desperately needs to employ its people with a private business which is in the middle of a contract or seeking a contract with another state to house prisoners.

I rise in opposition because I think this is a debate to be had later. This amendment is a worthwhile amendment to talk about at a later date, but today I ask for its defeat.

Senator Hertel's statement is as follows:

Just to point out to everyone in the room, in 2006, a prisoner escaped from GEO Group's Florence West prison, which was a state-of-the-art facility. In 2007, there was a riot at the New Castle Correctional Facility. At another private prison in Ohio last year, two more prisoners escaped. Just imagine the actual headlines if you vote this amendment down, there is an escape from this prison, and someone is injured in the future.

I ask that you support this amendment.

Senator Ananich's statement is as follows:

My amendment would require that the facility provide the sheriff and Michigan State Police—and it's my understanding that they have a good Democratic sheriff—with full and immediate access if a serious incident occurs at the facility. In the interest of ensuring safety for the inmates, prison employees, and the surrounding community, I ask my colleagues for their support of this commonsense amendment.

Senator Casperson's statement is as follows:

I rise to support this legislation and would like my colleagues to know. The good Senator from the 34th District and myself probably have experienced this more than anyone in this room, having gone through some terrible times with our correctional facilities. No one stood by me stronger than him when we had trouble in my community, and we just about closed a prison and decimated a small community that really relied on the jobs that were there. I want to make sure that it's said up front because the people who have spoken today are passionate, and they are certainly sincere in their beliefs.

I do have to say after listening to the debate that I am concerned. I have heard a lot of comments made about how bad GEO is and all the things that they have allowed to happen. I would simply say to be careful when you are pointing like that because you have three fingers pointing back at you. I have a lot of correctional facilities in my district, and I have been in every one. I have been in some multiple times, and I can tell you that no one deserves more respect than our corrections officers—I don't care if they are private or state—for what they deal with daily. I don't know how they do it. I want to be respectful of all of them.

As far as this project is concerned, the one area where I think we are making a mistake and the most disappointing to me is I think it is important, as the Senator from the 21st District has worked harder than anyone I know on the Corrections budget, this conversation being alluded to should take place later. I think that is where the mistake is: The conversation should take place now. I think they have every right to have this business activity and the jobs, and that is why I will support the bill.

I do think there is more to this. We were told this would bring in outside prisoners, and it was a great facility for that purpose. It is, but I think we should have the discussion about the long-term intentions. It still could be a positive, but I think when we talk about politics and the way this thing was closed under the last administration, it was politics. I would just say we may be doing a little bit of that ourselves now by not being honest and straightforward about the long-term intent.

In spite of all that, Baldwin deserves a chance and people deserve jobs.

Senator Hansen's statement is as follows:

I rise today in support of House Bill No. 4467. The original bill that this adjusts was my bill. It was from 2006, and it's PA 351. Now, I challenge the people who feel that this is not a good thing. I challenge you to go to Lake County. I challenge you to talk to the people who live in Lake County, the people whom you feel that you are, I guess, protecting.

They went through a time when the prison was operating. You folks who have prisons in your districts understand this. When the prison was operating, things were going very well. Then the last administration pulled the rug out from under Lake County.

They had put in sewer systems, water systems, and all of these different things to support the prison being there. Then the contract gets pulled out from under them. They don't have the money to pay for their sewer system. They didn't have the money to pay for the water system which they put in and all for what? All for political gain.

When this bill was put in place, there were safeguards in there. This is not just open the gates, and let them all come in. There are many, many safeguards in this. It talks about allowing the private vendor to operate with detainees from other states or federal agencies. It requires that a contract for housing detainees or inmates under the bill mandate that the facility be accredited, that employees meet certain training standards, and that serious incidents be reported to the county sheriff and the State Police.

It authorizes staff of the facility to perform the duties and responsibilities to the same extent as DOC personnel in a state correctional facility. It prohibits a contract with a local state or federal agency from delegating to the vendors certain authority regarding parole eligibility or earned credits.

It requires the facility to allow the agency sending the inmates to monitor the conditions of confinement. It prohibits work release, prescribes the security classification, prohibits the release in Michigan of the inmates sent from out of state, and requires the secure transfer of inmates. It specifies that DOC would not have the oversight responsibility, and the state would not be civilly liable for the facility's operation.

The safeguards are there. It has worked well in the past. You don't have to go very far back. I think it was a year ago Super Bowl Sunday when we had one of our facilities who lost an inmate—walked away. So this is an opportunity. It's a facility that is there, it's one of the best in its class, and GEO is a group which has been doing this for a long time. They are one of the largest in the nation, in the world.

So I urge folks, my colleagues here, to help an area with something to get them back on their feet. I urge you to support this.

Senator Kowall moved that when the Senate adjourns today, it stand adjourned until Wednesday, June 3, at 10:00 a.m. The motion prevailed.

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Conference Committee on Judiciary (HB 4105) submitted the following:  
Meeting held on Tuesday, May 26, 2015, at 11:00 a.m., Room 424, Capitol Building  
Present: Senators Proos, Schuitmaker and Young

#### **COMMITTEE ATTENDANCE REPORT**

The Conference Committee on Military and Veterans Affairs (SB 128) submitted the following:  
Meeting held on Tuesday, May 26, 2015, at 12:00 noon, Rooms 402 and 403, Capitol Building  
Present: Senators Nofs (C), Colbeck and Knezek

#### **COMMITTEE ATTENDANCE REPORT**

The Conference Committee on State Police (SB 131) submitted the following:  
Meeting held on Tuesday, May 26, 2015, at 12:30 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Nofs (C), Colbeck and Knezek

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Insurance submitted the following:  
Meeting held on Tuesday, May 26, 2015, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Hune (C), Brandenburg, Schmidt, O'Brien, Horn, Bieda, Johnson and Young  
Excused: Senator Jones

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Agriculture and Rural Development (SB 115) submitted the following:  
Meeting held on Wednesday, May 27, 2015, at 8:30 a.m., Room 405, Capitol Building  
Present: Senators Green (C), Stamas and Hopgood

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Community Health (SB 118) submitted the following:  
Meeting held on Wednesday, May 27, 2015, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Marleau (C), Shirkey and Hertel

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

**K-12, School Aid, Education and House School Aid Appropriations Subcommittee** - Wednesday, June 3, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Conference Committee -**

**School Aid (HB 4089)** - Tuesday, June 2, 9:00 a.m., Room 426, Capitol Building (373-8080)

**Criminal Justice Policy Commission** - Wednesday, June 3, 10:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Finance** - Wednesday, June 3, 8:30 a.m., Room 110, Farnum Building (373-5312)

**Senate Fiscal Agency Board of Governors** - Thursday, June 11, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 11:22 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, June 3, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

