

No. 44
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Wednesday, May 9, 2012.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—excused
Hopgood—present
Hune—present
Hunter—excused
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—excused
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Senator Howard C. Walker of the 37th District offered the following invocation:

Heavenly Father, we want to thank You for being here with us today. We also want to thank You for all of the blessings that You have brought our state and citizens in the way of Your Son, Your word, and Your love. We also want to thank You for the inspiration that You provided for our forefathers in creating a system in which we have the privilege and honor in serving.

We ask that You bless our leaders, and keep them mindful of Your word and guidance in an effort to guide our state to a place that is comfortable, fitting, and in keeping with Your will.

All of these things we pray in Jesus' name. Amen.

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

Motions and Communications

Senator Moolenaar entered the Senate Chamber.

Senator Pavlov moved that Senator Green be temporarily excused from today's session.
The motion prevailed.

Senator Pavlov moved that Senator Meekhof be excused from today's session.
The motion prevailed.

Senator Bieda moved that Senators Johnson and Smith be temporarily excused from today's session.
The motion prevailed.

Senator Bieda moved that Senators Hunter and Hood be excused from today's session.
The motion prevailed.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 8, for his approval the following bills:

Enrolled Senate Bill No. 393 at 2:08 p.m.

Enrolled Senate Bill No. 621 at 2:10 p.m.

Enrolled Senate Bill No. 622 at 2:12 p.m.

Enrolled Senate Bill No. 623 at 2:14 p.m.

Enrolled Senate Bill No. 709 at 2:16 p.m.

Enrolled Senate Bill No. 710 at 2:18 p.m.

The Secretary announced that the following official bill was printed on Tuesday, May 8, and is available at the legislative website:

Senate Bill No. 1119

Messages from the Governor

The following messages from the Governor were received:

Date: May 8, 2012
Time: 10:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 29 (Public Act No. 122), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

(Filed with the Secretary of State on May 8, 2012, at 12:00 p.m.)

Date: May 8, 2012
Time: 10:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 30 (Public Act No. 123), being

An act to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending the title and sections 5f, 5g, 5k, and 5o (MCL 28.425f, 28.425g, 28.425k, and 28.425o), the title as amended and sections 5g and 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

(Filed with the Secretary of State on May 8, 2012, at 12:02 p.m.)

Date: May 8, 2012
Time: 10:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 93 (Public Act No. 124), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act;” by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2011 PA 257 and section 16m as amended by 2005 PA 106.

(Filed with the Secretary of State on May 8, 2012, at 12:04 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

May 1, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Humanities Council

Walter S. Koziol of 4244 N. Duck Lake Road, Highland, Michigan 48356, county of Oakland, representing the general public, succeeding Maralyn O’Brien, is appointed for a term expiring December 31, 2014.

Tina Sutow Van Dam of 4804 Moorland Court, Midland, Michigan 48640, county of Midland, representing the general public, succeeding Christine Albertini, is appointed for a term expiring December 31, 2014.

May 1, 2012

I respectfully submit to the Senate the following appointments to office:

Advisory Committee on Pain and Symptom Management

Marie D. Atkinson of 1210 Donald Avenue, Royal Oak, Michigan 48073, county of Oakland, representing Wayne State University School of Medicine, succeeding Sunitha Santhakumar, is appointed for a term expiring July 1, 2013.

Robert Noiva of 1531 Stony Creek Drive, Rochester, Michigan 48307, county of Oakland, representing Oakland University William Beaumont School of Medicine, is appointed for a term expiring July 1, 2013.

May 2, 2012

I respectfully submit to the Senate the following appointments to office:

Correctional Officers' Training Council

Charles J. Falahee, Jr., of 841 Thorntree, Jackson, Michigan 49203, county of Jackson, representing the public at-large, succeeding himself, is reappointed for a term expiring March 29, 2015.

Francine M. Wresinski of 2586 Sanibel Hollow, Holt, Michigan 48842, county of Ingham, representing the Michigan Department of Management and Budget, succeeding herself, is reappointed for a term expiring March 29, 2015.

Cynthia S. Allen of 9900 McDonald Road, Parma, Michigan 49269, county of Jackson, representing the academic community, succeeding Avon Lorraine Burns, is appointed for a term expiring March 29, 2015.

William J. Perrone of 5289 Bear Lake Drive, East Lansing, Michigan 48823, county of Ingham, representing the general public, succeeding Kay Lennerth, is appointed for a term expiring March 29, 2015.

May 3, 2012

I respectfully submit to the Senate the following appointments to office:

Michigan Apple Committee

Mark W. Youngquist of 11711 Fruit Ridge Avenue, Kent City, Michigan 49330, county of Kent, representing District 3, succeeding Alvin F. Dietrich, is appointed for a term expiring April 1, 2015.

Robert E. Gregory of 4042 E. Whaleback Mountain Road, Leland, Michigan 49654, county of Leelanau, representing District 6, succeeding Brian D. Putney, is appointed for a term expiring April 1, 2015

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Recess

Senator Pavlov moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

11:13 a.m.

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

During the recess, Senators Green, Hopgood, Smith and Johnson entered the Senate Chamber.

Messages from the House

Senate Bill No. 947, entitled

A bill to make appropriations for the department of agriculture and rural development for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Potvin, Forlini and Ananich as conferees to join with Sens. Green, Kahn and Hopgood.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 949, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 201, 201a, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, and 230 (MCL 388.1801, 388.1801a, 388.1802, 388.1803, 388.1804, 388.1805, 388.1806, 388.1807, 388.1808, 388.1809, 388.1810, 388.1812, 388.1813, 388.1817, 388.1818, 388.1819, 388.1820, 388.1821, 388.1822, 388.1823, 388.1824, 388.1825, 388.1826, 388.1827, 388.1828, 388.1829, and 388.1830), as added by 2011 PA 62, and by adding sections 202a and 229a; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Goike, Genetski and McCann as conferees to join with Sens. Booher, Kahn and Anderson.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 950, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Lori, MacGregor and Tlaib as conferees to join with Sens. Moolenaar, Kahn and Gregory.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 951, entitled

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Haveman, MacMaster and Lindberg as conferees to join with Sens. Proos, Kahn and Anderson.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 952, entitled

A bill to make appropriations for the department of education for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Rogers, Poleski and Bauer as conferees to join with Sens. Walker, Kahn and Hopgood.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 953, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Kowall, Bumstead and McCann as conferees to join with Sens. Green, Kahn and Hopgood.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 954, entitled

A bill to make appropriations for the legislature, the executive, the department of attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

The House of Representatives has appointed Reps. Poleski, Lori and Durhal as conferees to join with Sens. Pappageorge, Kahn and Johnson.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 955, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236, 236a, 237, 238, 239, 239a, 240, 241, 242, 243, 244, 245, 251, 252, 253, 254, 255, 256, 257, 258, 261, 263, 263a, 264, 265, 267, 268, 269, 270, 273, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 289, 291, and 293 (MCL 388.1836, 388.1836a, 388.1837, 388.1838, 388.1839, 388.1839a, 388.1840, 388.1841, 388.1842, 388.1843, 388.1844, 388.1845, 388.1851, 388.1852, 388.1853, 388.1854, 388.1855, 388.1856, 388.1857, 388.1858, 388.1861, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1867, 388.1868, 388.1869, 388.1870, 388.1873, 388.1874, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, 388.1884, 388.1885, 388.1886, 388.1889, 388.1891, and 388.1893), as added by 2011 PA 62, and by adding sections 236b, 237b, 263b, 265a, and 293a; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Genetski, Cotter and Bauer as conferees to join with Sens. Schuitmaker, Kahn and Hood.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 956, entitled

A bill to make appropriations for the department of human services for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Agema, MacMaster and Jackson as conferees to join with Sens. Caswell, Kahn and Gregory.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 957, entitled

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Cotter, Forlini and Tlaib as conferees to join with Sens. Proos, Kahn and Johnson.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 958, entitled

A bill to make appropriations for the department of licensing and regulatory affairs and certain other state purposes for the fiscal year ending September 30, 2013; 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.

The House of Representatives has appointed Reps. Pscholka, Rogers and Ananich as conferees to join with Sens. Jansen, Kahn and Johnson.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 959, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has appointed Reps. MacGregor, Jenkins and LeBlanc as conferees to join with Sens. Colbeck, Kahn and Gregory.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 960, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Bumstead, Kowall and Lindberg as conferees to join with Sens. Green, Kahn and Hopgood.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 961, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32d, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, and 152a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1624a, 388.1624c, 388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, and 388.1752a), sections 3, 19, and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, and 104 as amended by 2012 PA 29, sections 11g, 11k, 15, 18, 20, 20d, 22d, 24, 31a, 32d, 39, 39a, 51d, 54, 56, 61a, 81, 93, 94a, 98, 99, 107, 147, and 152a as amended sections 12, 147a, and 147b as added by 2011 PA 62, sections 11j, 26a, 31d, 31f, 53a, and 62 as amended by 2011 PA 299, section 18c as added by 2000 PA 297, section 25 as amended by 2011 PA 322, and section 102 as amended by 2010 PA 204, and by adding sections 11s, 11t, 11u, 22g, 22i, 32p, 95, and 104c; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Rogers, Poleski and Lipton as conferees to join with Sens. Walker, Kahn and Hopgood.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 962, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2013; 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; to provide for the powers and duties of certain committees, certain state agencies, and certain employees; and to provide for the acquisition and disposition of certain real and personal property.

The House of Representatives has appointed Reps. MacGregor, Jenkins and LeBlanc as conferees to join with Sens. Colbeck, Kahn and Gregory.

The bill was referred to the Conference Committee on May 8, 2012.

Senate Bill No. 963, entitled

A bill to make appropriations for the department of transportation for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Agema, Goike and Dillon as conferees to join with Sens. Pappageorge, Kahn and Anderson.

The bill was referred to the Conference Committee on May 8, 2012.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Pavlov 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 Hildenbrand 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 bills:

Senate Bill No. 1065, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," (MCL 207.551 to 207.572) by adding section 11a.

Senate Bill No. 1066, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," (MCL 207.701 to 207.718) by adding section 12a.

Senate Bill No. 1067, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2010 PA 274.

Senate Bill No. 1068, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," (MCL 125.2101 to 125.2123) by adding section 21d.

Senate Bill No. 1069, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9m.

Senate Bill No. 1070, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9o.

Senate Bill No. 1071, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9n.

Senate Bill No. 1072, entitled

A bill to provide for the reimbursement of certain funds to local taxing units; to create certain funds; and to set forth the powers and duties of certain state departments and state officials.

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

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

Senate Bill No. 1104, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 703 (MCL 206.703), as amended by 2011 PA 188, and by adding section 704.

Substitute (S-4).

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

Resolutions

Senator Pavlov moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 115

Senate Concurrent Resolution No. 26

Senate Resolution No. 34

Senate Resolution No. 85

Senate Resolution No. 105

House Concurrent Resolution No. 29

Senate Resolution No. 112

House Concurrent Resolution No. 6

Senate Resolution No. 120

Senate Resolution No. 127

The motion prevailed.

Senators Booher and Hansen offered the following resolution:

Senate Resolution No. 149.

A resolution to memorialize the President of the United States and the United States Secretary of Agriculture to monitor closely the conditions of Northwest and North Central Michigan's fruit crop to determine if disaster assistance is needed.

Whereas, Michigan produces a variety of fruits for export around the nation. Fruit crops in Michigan generate over \$350 million revenue annually and includes apples, blueberries, tart cherries, grapes, and other fruits. Eighty percent of the United States tart cherry crop is grown in Northwest and North Central Michigan. In addition, Michigan is the nation's third-largest apple-producing state, with over 37,000 acres of land in apple production; and

Whereas, Unusually warm temperatures in early spring have wreaked havoc on Northwest and North Central Michigan's fruit crops. The early warmth caused plants to sprout prematurely, putting them at risk of damage when devastating frost occurred in April. As of May 1, farmers are estimating that the frost has killed 80 percent to 90 percent of the buds on tart cherries and possibly 80 percent of the buds on apple trees; and

Whereas, The U.S. Department of Agriculture offers several programs to help farmers recover financially from a natural disaster. In order for low-interest loans and other federal assistance to be available to the fruit growers, fruit-growing areas in Northwest and North Central Michigan must be declared disaster areas; now, therefore, be it

Resolved by the Senate, That we memorialize the President of the United States and the United States Secretary of the Agriculture to monitor closely the conditions of Northwest and North Central Michigan's fruit crop to determine if disaster assistance is needed; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the U.S. Secretary of Agriculture, 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 Pavlov 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 Pavlov moved that the resolution be referred to the Committee on Agriculture.

The motion prevailed.

Senators Anderson, Brandenburg, Green, Hildenbrand, Hopgood, Kowall, Marleau, Proos and Rocca were named co-sponsors of the resolution.

House Concurrent Resolution No. 54.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Wayne County Community College District relative to the Wayne County Community College District Northwest Campus Replacement Construction Project.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL 830.415, requires the approval of the Wayne County Community College District (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Wayne County Community College District Northwest Campus Replacement Construction Project (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Wayne County Community College District Northwest Campus Replacement Construction Project shall not exceed \$42,000,000 (the Authority share is \$20,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$21,000,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$20,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,440,000 and \$1,883,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of the Wayne County Community College District, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Anderson, Booher, Brandenburg, Green and Kowall were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 53.

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

Whereas, Section 7 of 1964 PA 183, as amended, being MCL 830.417, requires that, before a lease between the State of Michigan (the "State") and the State Building Authority (the "Authority") that is only for capital maintenance improvements

is executed, the general form of the lease shall be approved by concurrent resolution of the Legislature concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal. The description of the property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing capital maintenance improvements to be used by the State pursuant to a lease with the Authority is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost of the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and III Group P State Surplus Facility Special Maintenance Projects shall not exceed \$1,702,000 (the Authority share is \$1,702,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the acquisition and installation cash flow requirements of the Facility, if any, of which not more than \$1,702,000, plus interest charges on monies advanced by the State to meet the acquisition and installation cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonacquisition and installation costs; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$135,000 and \$171,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Booher, Brandenburg, Green and Kowall were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 49.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of State Police Bay City State Police Post.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Department of State Police Bay City State Police Post located in Bay County (the "Facility") is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Department of State Police Bay City State Police Post shall not exceed \$3,700,000 (the Authority share is \$3,699,900 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$3,699,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$254,000 and \$332,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Booher, Green and Kowall were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Hansen, Walker, Proos, Robertson, Kowall, Schuitmaker, Meekhof and Booher introduced

Senate Bill No. 1120, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 415.

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

Senators Caswell, Proos, Booher and Green introduced

Senate Bill No. 1121, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 21, 59, and 73 (MCL 257.21, 257.59, and 257.73), section 21 as amended by 1985 PA 32.

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

Senators Proos, Brandenburg, Marleau, Hansen and Jones introduced

Senate Bill No. 1122, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9155.

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 978, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 7103, 7401, 7602, 7603, and 7815 (MCL 700.7103, 700.7401, 700.7602, 700.7603, and 700.7815), sections 7103 and 7401 as amended and sections 7602, 7603, and 7815 as added by 2009 PA 46, and by adding section 7820a.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 979, entitled

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending sections 2 and 3 (MCL 554.92 and 554.93).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 980, entitled

A bill to amend 1967 PA 224, entitled "Powers of appointment act of 1967," by amending sections 2, 5, 12, 14, and 20 (MCL 556.112, 556.115, 556.122, 556.124, and 556.130), section 20 as amended by 2000 PA 68, and by adding section 5a.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1092, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2803, 2805, 2807, 2811, and 2819 (MCL 600.2803, 600.2805, 600.2807, 600.2811, and 600.2819), as added by 2004 PA 136.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1109, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter IX (MCL 769.12), as amended by 2006 PA 655.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 8, 2012, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Transportation reported

Senate Bill No. 445, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10c, 10h, 10l, and 10n (MCL 247.660c, 247.660h, 247.660l, and 247.660n), section 10c as amended by 2010 PA 257, section 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 873, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," (MCL 475.1 to 479.43) by adding section 21 to article V. With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 1078, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 31 (MCL 257.31).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, May 8, 2012, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, May 8, 2012, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

Scheduled Meetings

Banking and Financial Institutions - Thursday, May 10, 1:30 p.m., Room 100, Farnum Building (373-5324)

Energy and Technology - Tuesday, May 15, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Judiciary - Thursday, May 10, 9:30 a.m., Room 100, Farnum Building (373-5323)

Natural Resources, Environment and Great Lakes - Thursday, May 10, 9:00 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, May 10, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Wednesday, May 16, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5307)

Regulatory Reform - Thursday, May 10, 12:30 p.m., Room 110, Farnum Building (373-5307)

Transportation - Monday, May 14, 2:30 p.m., University of Michigan, Lurie Engineering Center, 1221 Beal Avenue, Ann Arbor (373-5314)

Senator Pavlov moved that the Senate adjourn.
The motion prevailed, the time being 11:35 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, May 10, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

