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House Chamber, Lansing, Wednesday, May 4, 2011.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agema—present	Gilbert—present	Lipton—present	Pscholka—present
Ananich—present	Glardon—present	Liss—present	Rendon—present
Barnett—present	Goike—present	Lori—present	Rogers—present
Bauer—present	Haines—present	Lund—present	Rutledge—present
Bledsoe—present	Hammel—present	Lyons—present	Santana—present
Bolger—present	Haugh—present	MacGregor—present	Schmidt, R.—present
Brown—present	Haveman—present	MacMaster—present	Schmidt, W.—present
Brunner—present	Heise—present	McBroom—present	Scott—present
Bumstead—present	Hobbs—present	McCann—present	Segal—present
Byrum—present	Hooker—present	McMillin—present	Shaughnessy—present
Callton—present	Horn—present	Meadows—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Melton—present	Slavens—present
Clemente—present	Howze—present	Moss—present	Smiley—present
Constan—present	Hughes—present	Muxlow—present	Somerville—present
Cotter—present	Huuki—present	Nathan—present	Stallworth—present
Crawford—present	Irwin—present	Nesbitt—present	Stamas—present
Daley—present	Jackson—present	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present	Lindberg—present		

Rev. Robert Byrne, Pastor of Blessed Trinity Catholic Church in Frankenmuth, offered the following invocation:

“—God of Mercy and Love
 —Guide the men and women of this body in their legislative work this day,
 —Renew in these leaders and in all the citizens of Michigan
 – our love of justice,
 – our commitment to the common good of all who live in this beautiful state,
 – our respect for the dignity of our brothers and sisters
 – in Michigan
 – in these United States
 – and across the face of the earth.
 —Spirit of wisdom and compassion,
 – in a particular way, bless all who gather in this chamber,
 – sustain them in their deliberations, especially when differences seem too great to overcome;
 – inspire them as they seek effective responses to the many difficult issues that we face today;
 – keep them mindful of those who are the most vulnerable in our state and have the greatest need.
 —Lord of peace,
 at the end of this day,
 – grant to these men and women who represent the people of our state,
 – and to all who assist them on their staffs,
 – the peace of knowing they have done their best today
 – in service to the people of Michigan
 – and in service to You.
 —Hear us, Lord, today and always.
 —Amen.”

Motions and Resolutions

Reps. Brown, Barnett, Lipton, Bauer, Segal, Meadows, Brunner, Constan, Darany, Dillon, Heise, Hooker, Horn, Huuki, Knollenberg, Liss, Lori, McCann and Slavens offered the following resolution:

House Resolution No. 74.

A resolution to declare May 1-8, 2011, as Holocaust Remembrance Week in the state of Michigan.

Whereas, The horror of the Holocaust should never be forgotten; and

Whereas, The Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators during the years 1933 through 1945. Six million Jews were murdered and millions more, including Gypsies, the handicapped, Poles, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, suffered grievous oppression and death under Nazi tyranny; and

Whereas, The history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and serves as an important reminder of what can happen to civilized people when bigotry, hatred, and indifference reign; and

Whereas, When the goodness of mankind was in question, there were individuals who selflessly risked their lives in order to save others from the evils of Nazi Germany; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 1-8, 2011, as Holocaust Remembrance Week in the state of Michigan; and be it further

Resolved, That in honor of the victims of the Holocaust, the survivors, and their liberators, the citizens of Michigan should reflect upon the terrible events of the Holocaust and strive to overcome intolerance and indifference through learning and remembrance.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Jenkins offered the following resolution:

House Resolution No. 75.

A resolution to express opposition to the federal government withholding road funding to the states based on passage of the Safe Teen and Novice Driver Uniform Protection Act (STAND UP Act).

Whereas, The federal government continues to overstep its bounds and involve itself in issues that should clearly be left up to the states by ignoring the tenets of the Tenth Amendment to the U.S. Constitution and by misapplying the Commerce Clause. In many cases the federal government attempts to use the denial of federal funding as budgetary coercion in areas the federal government knows it has no authority in which to otherwise interfere; and

Whereas, Michigan, on its own, already has one of the more robust three-stage graduated licensing programs in the country, and overall traffic related deaths are at record lows. Despite these facts, members of Congress have introduced the Safe Teen and Novice Driver Uniform Protection Act (STAND UP Act), that, if passed, would subject Michigan to minimum federal requirements for state graduated driver license laws or else face the withholding of a portion of federal highway program funds by the U.S. Department of Transportation; and

Whereas, Despite the success of Michigan's current driver licensure laws, Michigan would not currently be in compliance with the STAND UP Act. It would require our young drivers to delay the beginning of the licensing process and submit them to restrictions for longer periods of time. In many cases, the proposed federal law would make defacto curfew changes for our nation's youth, which should be decisions made by the states and local authorities. Unreasonable restrictions can also stress families who rely on teen drivers for errands, chores, or sibling care, and youth who participate in sports leagues, church-related events, or live in rural areas where mass transit options are not available. There do not appear to be provisions in the proposal for emergency driving exceptions, and in many cases the law will put more young drivers on the road, not fewer; and

Whereas, When mandated restrictions on driver licensure are necessary, state, rather than federal, oversight is more appropriate. The STAND UP Act is an example of the federal government overreaching its constitutionally delegated powers and intruding on sovereign state control. The Tenth Amendment to the Constitution of the United States defines the scope of federal power as being that specifically granted by the Constitution and no more. This federal mandate violates the Constitution, which reserves sovereign powers not granted to the federal government for the states; now, therefore, be it

Resolved by the House of Representatives, That we oppose the withholding of federal road funding based on passage of the STAND UP Act; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Bauer, Barnett, Brunner, Constan, Darany, Denby, Heise, Horn, Huuki, Knollenberg, Liss, Lori, McCann, Segal and Slavens offered the following resolution:

House Resolution No. 76.

A resolution to declare May 2011 as Lupus Awareness Month in the state of Michigan.

Whereas, Each year, the Lupus Agencies of Michigan designate May as Lupus Awareness Month to show support for the 1.5 million Americans and 5 million people worldwide who suffer from the often debilitating effects of lupus, a chronic autoimmune disease that can cause severe damage to the tissue and organs in the body and, in some cases, death; and

Whereas, Each year thousands of people are newly diagnosed with lupus, the great majority of whom are young people in the prime of their lives, and 90% of whom are women; and

Whereas, Lupus is most prevalent among African-Americans, Hispanics, Native Americans, and Asians. Tragically, thousands of people die from lupus each year because a cure remains elusive; and

Whereas, Many health professionals are unaware of symptoms and health effects of lupus, causing people with lupus to suffer for many years before they obtain a correct diagnosis and medical treatment, demonstrating the need for increased public and professional awareness of lupus; and

Whereas, Medical research efforts into Lupus and the discovery of safer, more effective treatments for lupus patients are under-funded in comparison with diseases of comparable magnitude and severity; and

Whereas, Increasing community awareness and focusing public attention on lupus and its devastating impact on patients' lives will provide hope for a better future for those affected; and

Whereas, The Lupus Agencies of Michigan are dedicated to "improving the quality of life for individuals with lupus and their loved ones by providing education, support and outreach services, and promoting programs of awareness, advocacy, and research"; and

Whereas, This legislative body recognizes the needs of those chronically ill people who are living with lupus and urges all citizens to support the search for a cure and assist those individuals and families who deal with this devastating disease on a daily basis; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2011 as Lupus Awareness Month in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to Governor Rick Snyder, the Michigan Department of Community Health and the Lupus Agencies of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Agema, Hooker, Lori, O'Brien, Lund, Walsh, Damrow, Goike, Huuki, McBroom, Daley, McMillin, Heise, MacMaster, Zorn, Shaughnessy, Jenkins, Somerville, Pettalia, Opsommer, Scott, Rogers, Kurtz, Forlini, LaFontaine, Genetski, Franz, Cotter, Bumstead, Tyler, Kowall, Haveman, MacGregor, Lyons, Haines, Nesbitt, Knollenberg, Liss, Durhal, LeBlanc and Horn offered the following concurrent resolution:

House Concurrent Resolution No. 11.

A concurrent resolution to memorialize Congress to adopt and present to the states for ratification an amendment to the Constitution of the United States to establish fundamental parental rights.

Whereas, The rights of parents to direct the upbringing and education of their children is a fundamental right that must be protected by the Constitution of the United States and the Michigan Constitution; and

Whereas, Our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

Whereas, The interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child's life without state interference; and

Whereas, The United States Supreme Court in *Wisconsin v. Yoder* (1972) has held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

Whereas, However, the United States Supreme Court in *Troxel v. Granville* (2000) produced 6 different opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

Whereas, This decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of several states; and

Whereas, A proposed amendment to the Constitution of the United States (House Joint Resolution 3) has been introduced in the 112th Congress that would prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

Section One: The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section Two: Neither the United States nor any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section Three: No treaty may be adopted nor shall any source of international law be employed to supercede, modify, interpret, or apply to the rights guaranteed by this article.

; and

Whereas, This amendment would add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

Whereas, Such enumeration of these rights in the text of our nation's constitution would preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to adopt and present to the states for ratification an amendment to the Constitution of the United States to establish fundamental parental rights; and be it further

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

The concurrent resolution was referred to the Committee on Families, Children, and Seniors.

Reps. Opsommer, Denby, Hooker, Horn, Huuki, Knollenberg, Liss and Lori offered the following concurrent resolution:

House Concurrent Resolution No. 12.

A concurrent resolution to express opposition to the federal government withholding road funding to the states based on passage of the Safe Teen and Novice Driver Uniform Protection Act (STAND UP Act).

Whereas, The federal government continues to overstep its bounds and involve itself in issues that should clearly be left up to the states by ignoring the tenets of the Tenth Amendment to the U.S. Constitution and by misapplying the Commerce Clause. In many cases the federal government attempts to use the denial of federal funding as budgetary coercion in areas the federal government knows it has no authority in which to otherwise interfere; and

Whereas, Michigan, on its own, already has one of the more robust three-stage graduated licensing programs in the country, and overall traffic related deaths are at record lows. Despite these facts, members of Congress have introduced the Safe Teen and Novice Driver Uniform Protection Act (STAND UP Act), that, if passed, would subject Michigan to minimum federal requirements for state graduated driver license laws or else face the withholding of a portion of federal highway program funds by the U.S. Department of Transportation; and

Whereas, Despite the success of Michigan's current driver licensure laws, Michigan would not currently be in compliance with the STAND UP Act. It would require our young drivers to delay the beginning of the licensing process and submit them to restrictions for longer periods of time. In many cases, the proposed federal law would make defacto curfew changes for our nation's youth, which should be decisions made by the states and local authorities. Unreasonable restrictions can also

stress families who rely on teen drivers for errands, chores, or sibling care, and youth who participate in sports leagues, church-related events, or live in rural areas where mass transit options are not available. There do not appear to be provisions in the proposal for emergency driving exceptions, and in many cases the law will put more young drivers on the road, not fewer; and

Whereas, When mandated restrictions on driver licensure are necessary, state, rather than federal, oversight is more appropriate. The STAND UP Act is an example of the federal government overreaching its constitutionally delegated powers and intruding on sovereign state control. The Tenth Amendment to the Constitution of the United States defines the scope of federal power as being that specifically granted by the Constitution and no more. This federal mandate violates the Constitution, which reserves sovereign powers not granted to the federal government for the states; now, therefore, be it

Resolved by the House of Representatives, That we oppose the withholding of federal road funding based on passage of the STAND UP Act; and be it further

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

The concurrent resolution was referred to the Committee on Transportation.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Rendon offered the following concurrent resolution:

House Concurrent Resolution No. 13.

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 Kirtland Community College relative to the Kirtland Community College Well Water System Upgrade.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL 830.415, requires the approval of the Board of Trustees of Kirtland Community College (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 Kirtland Community College Well Water System Upgrade (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 Kirtland Community College Well Water System Upgrade shall not exceed \$1,005,000 (the Authority share is \$502,400, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$502,500), 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 \$502,400, 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 \$40,000 and \$50,000, 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 Kirtland Community College, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 14.

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 Oakland University relative to the Oakland University Human Health Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL 830.415, requires the approval of the Board of Trustees of Oakland University (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 Oakland University Human Health Building (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 Oakland University Human Health Building shall not exceed \$64,561,200 (the Authority share is \$39,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$24,561,200), 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 \$39,999,800, 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 \$2,743,000 and \$3,587,000, 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 Oakland University, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 18.1246 AND MCL 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 15.

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

Whereas, House Concurrent Resolution 35 of 2007, adopted on November 29, 2007, ("HCR 35") by the Michigan Legislature, approved a Total Facility Cost of \$47,296,000 for the Department of Management and Budget State Facility Preservation Projects-Phase I and Phase II Group E Special Maintenance Projects, with the State Building Authority (the "Authority") share of \$47,296,000 and the State General Fund/General Purpose share of \$0; and

Whereas, House Concurrent Resolution 90 of 2008, adopted on June 27, 2008, ("HCR 90") by the Michigan Legislature approved a \$9,233,000 decrease that was assigned to the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and Phase II Group F VanWagoner Building (the "VanWagoner Building"), and a subsequent \$900,000 increase for the Facility, for a Total Facility Cost of \$38,963,000 for the Facility, of which the Authority's share was \$38,963,000 and the State General Fund/General Purpose remained at \$0; and

Whereas, Since the adoption of HCR 35 and HCR 90, (i) \$2,170,000 of the Facility allocable to the Library and Historical Center has been removed from the Facility's list of projects and assigned to the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and Phase II Group I Library and Historical Center; (ii) \$6,766,000 of the Facility allocable to the Huron Valley and Maxey Facilities have been removed from the Facility's list of projects and assigned to the Department of Technology, Management and Budget State Facility Preservation Projects to be funded under various groups for the Huron Valley and Maxey Facilities; (iii) \$595,000 of various projects assigned to the Facility were either cancelled or paid for with non-Facility funding; (iv) of \$616,000 of the Facility allocated to the Joint Lab Cooling Tower component and other energy conservation measures, \$100,000 has been cancelled and \$516,000 has been removed from the Facility list and assigned to the VanWagoner Building; and (v) total costs to complete the remaining components of the Facility have decreased by \$2,346,000; and

Whereas, Such assignments and adjustments of costs resulted in a decrease in the Facility's Total Project Cost by \$12,493,000 to \$26,470,000, which decreased the Authority's share by \$12,493,000 to a share of \$26,470,000, and the General Fund/General Purpose share remained at \$0; and

Whereas, Section 246 of 1984 PA 431, as amended, being MCL 18.1246, provides that the authorized costs of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans, acquisition, and installation; 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 a 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. 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 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 Technology, Management and Budget State Facility Preservation Projects-Phase I and Phase II Group E Special Maintenance Projects shall not exceed \$26,470,000 (the Authority share shall not exceed \$26,470,000 and the State General Fund/General Purpose share shall not exceed \$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 \$26,470, 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 \$2,094,000 and \$2,653,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 16.

A concurrent resolution approving a decrease in the Total Project Cost and approving a lease between the State of Michigan (the "State") and the State Building Authority (the "Authority") relative to the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group F VanWagoner Building (the "Facility").

Whereas, With House Concurrent Resolution 81 of 2008, adopted on May 28, 2008, the Michigan Legislature approved a Total Facility Cost of \$14,750,000 for the Facility, of which the Authority's share was \$14,750,000 and the State General Fund/General Purpose was \$0; and

Whereas, It is now estimated that the total cost to complete the project has decreased by \$1,953,000, thereby decreasing the Authority's share by \$1,953,000, from \$14,750,000 to \$12,797,000; and

Whereas, The State Building Authority desires to retain and allocate the \$1,953,000 originally appropriated and applied to the Facility for use on other State Facility Preservation Projects approved in 2005 PA 10 and 2005 PA 297; and

Whereas, Section 246 of 1984 PA 431, as amended, being MCL 18.1246, provides that the authorized costs of project shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the Michigan Legislature, or inferred by the total amount of any appropriations made to complete plans and construction; and

Whereas, Section 5 of 1964 PA 183, as amended, being section 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 may be conveyed to the Authority; and

Whereas, The site of the Facility, located in Ingham County, is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being section 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 Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group F VanWagoner Building shall not exceed \$12,797,000 (the Authority share shall not exceed \$12,797,000 and the State General Fund/General Purpose share shall not exceed \$0), 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 \$12,797,000, 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 \$1,953,000 originally appropriated and allocated to the Facility may be used by the Authority at a future time for other State Facility Preservation Projects approved in 2005 PA 10 and 2005 PA 297; 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 \$1,013,000 and \$1,283,000, as shall reflect variations which may occur in the components upon which the appraisal of True Rental was based, which amount 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 copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 17.

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

Whereas, House Concurrent Resolution 82 of 2008, adopted on May 28, 2008, by the Michigan Legislature, approved a Total Facility Cost for the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group G Special Maintenance Projects of \$9,960,000 for the Facility, of which the Authority's share was \$9,960,000 and the State General Fund/General Purpose share was \$0; and

Whereas, It is now estimated that the total cost to complete the project has decreased by \$548,000, thereby decreasing the Authority's share by \$548,000, from \$9,960,000 to \$9,412,000, and the State General Fund/General Purpose share remains at \$0; and

Whereas, The Authority desires to retain and allocate the \$548,000 originally appropriated and applied to the Facility for use on other State Facility Preservation Projects approved in 2005 PA 10 and 2005 PA 297; and

Whereas, Section 246 of 1984 PA 431, as amended, being MCL 18.1246, provides that the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the Michigan Legislature, or inferred by the total amount of any appropriations made to complete plans, acquisition, and installation; 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 a concurrent resolution concurred in by a majority of the members elected to and serving in each house of the Michigan Legislature, 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. 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 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 Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group G Special Maintenance Projects shall not exceed \$9,412,000 (the Authority share shall not exceed \$9,412,000 and the State General Fund/General Purpose share shall not exceed \$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 \$9,412,000, 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 \$548,000 originally appropriated and allocated to the Facility may be used by the Authority at a future time for other State Facility Preservation Projects approved in 2005 PA 10 and 2005 PA 297; 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 \$745,000 and \$943,000, as shall reflect variations which 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 annually appropriate 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, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.417.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 18.

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 II Group H Special Maintenance Projects (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 a concurrent resolution of the Michigan Legislature concurred in by a majority of the members elected to and serving in each house. 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 for the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group H Special Maintenance Projects shall not exceed \$25,536,000 (the Authority share is \$25,536,000 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 \$25,536,000, 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 \$2,021,000 and \$2,559,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 18.1246 AND MCL 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 19.

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 Technology, Management

and Budget State Facility Preservation Projects-Phase I and Phase II Group I Michigan Library and Historical Center (the "Facility").

Whereas, With House Concurrent Resolution 35 of 2007, adopted on November 29, 2007, the Michigan Legislature approved a Total Facility Cost of \$47,296,000 for the Department of Technology, Management and Budget State Facility Preservation Projects, Phase I and Phase II, Group E, Special Maintenance Projects (the "Group E Project"); and

Whereas, With House Concurrent Resolution 90 of 2008, adopted on June 27, 2008, the Michigan Legislature approved a new Total Facility Cost of \$38,963,000 for the Group E Project; and

Whereas, Since the adoption of House Concurrent Resolution 90 of 2008, it has been proposed that the portion of the Group E Project applicable to the Michigan Library and Historical Center should be removed from the Total Facility Cost for the Group E Project and made a part of the current Facility financing; and

Whereas, The amount of such transfer is \$2,170,000; and

Whereas, The Michigan Legislature hereby acknowledges the transfer of such \$2,170,000 excess funding from the Group E Project to the Facility; and

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 of 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 a 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 Technology, Management and Budget State Facility Preservation Projects-Phase I and Phase II Group I Michigan Library and Historical Center shall not exceed \$10,776,000 (the Authority share is \$10,776,000 and the State General Fund/General Purpose share is \$0), 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 \$10,776,000, 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 \$853,000 and \$1,080,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.417.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 20.

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 III Group O Special Maintenance Projects (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. 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 III Group O Special Maintenance Projects shall not exceed \$6,085,000 (the Authority share is \$6,085,000 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 \$6,085,000, 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 \$481,000 and \$610,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 21.

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 Technology, Management and Budget State Facility Preservation Projects-Phase III Group N Huron Valley Food Service Building.

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 of the Department of Technology, Management and Budget State Facility Preservation Projects-Phase III Group N Huron Valley Food Service Building in Washtenaw 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 Technology, Management and Budget State Facility Preservation Projects-Phase III Group N Huron Valley Food Service Building shall not exceed \$5,775,000 (the Authority share is \$5,774,800 and the State General Fund/General Purpose share is \$200), 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 \$5,774,800, 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 \$396,000 and \$518,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 22.

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 Technology, Management and Budget State Facility Preservation Projects-Phase II and III Group M Maxey Transition (Green Oaks Addition, Huron Center and Woodland Infirmary).

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 of the Department of Technology, Management and Budget State Facility Preservation Projects-Phase II and III Group M Maxey Transition (Green Oaks Addition, Huron Center and Woodland Infirmary) located in Livingston 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 Technology, Management and Budget State Facility Preservation Projects-Phase II and III Group M Maxey Transition (Green Oaks Addition, Huron Center and Woodland Infirmary) shall not exceed \$13,325,000 (the Authority share is \$13,325,000 and the State General Fund/General Purpose share is \$0), 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 \$13,325,000, 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 \$914,000 and \$1,195,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.417.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 23.

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 L Maxey Special Maintenance Projects (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 Michigan Legislature concurred in by a majority of the members elected to and serving in each house. 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 for the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and III Group L Maxey Special Maintenance Projects shall not exceed \$7,543,000 (the Authority share is \$7,543,000 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 \$7,543,000, 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 \$597,000 and \$756,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 24.

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 Technology, Management and Budget State Facility Preservation Projects-Phase III Group K Huron Valley Drop Ship Building and Sewage Pump Station.

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 of the Department of Technology, Management and Budget State Facility Preservation Projects-Phase III Group K Huron Valley Drop Ship Building and Sewage Pump Station located in Washtenaw 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 Technology, Management and Budget State Facility Preservation Projects-Phase III Group K Huron Valley Drop Ship Building and Sewage Pump Station shall not exceed \$3,155,000 (the Authority share is \$3,155,000 and the State General Fund/General Purpose share is \$0), 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 \$3,155,000, 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 \$216,000 and \$283,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.417.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 25.

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, II, and III Group J Huron Valley Special Maintenance Projects (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 Michigan Legislature concurred in by a majority of the members elected to and serving in each house. The description of the property to be leased and the rental to be aid 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 for the Department of Technology, Management and Budget State Facility Preservation Projects, Phase I, II, and III, Group J Huron Valley Special Maintenance Projects shall not exceed \$14,400,000 (the Authority share is \$14,400,000 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 \$14,400,000, 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 \$1,139,000 and \$1,443,000, 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 concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Huuki offered the following concurrent resolution:

House Concurrent Resolution No. 26.

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 Michigan Technological University relative to the Michigan Technological University Great Lakes Research Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL 830.415, requires the approval of the Board of Control of Michigan Technological University (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 Michigan Technological University Great Lakes Research Center (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 Michigan Technological University Great Lakes Research Center shall not exceed \$25,337,000 (the Authority share is \$18,749,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$6,587,000), 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 \$18,749,800, 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 \$1,286,000 and \$1,681,000, 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 Control of Michigan Technological University, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

Second Reading of Bills

House Bill No. 4526, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) and amendment previously recommended by the Committee on Appropriations,

The substitute (H-1) and amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Moss moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Lori moved to amend the bill as follows:

1. Amend page 47, line 16, by striking out "35,314,400" and inserting "33,479,400".
2. Amend page 47, line 17, by striking out "35,430,200" and inserting "33,848,500".
3. Amend page 47, by striking out all of line 18.
4. Amend page 47, by striking out all of line 19.
5. Amend page 47, by striking out all of line 20.
6. Amend page 48, line 4, by striking out "27,574,500" and inserting "19,692,500" and adjusting the subtotals, totals, and section 201 accordingly.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 92, following line 27, by inserting:

"CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION

Sec. 1004. It is the intent of the legislature that the department continue to collaborate with the county of St. Clair to investigate higher than normal cancer rates in that county."

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

Rep. Haveman moved to amend the bill as follows:

- 1. Amend page 201, following line 15, by inserting:

“Sec. 937. A contractor who provides food service for a correctional facility should be encouraged to provide those services using fresh food that is grown or produced locally.”.

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

Rep. Tyler moved to amend the bill as follows:

- 1. Amend page 436, following line 7, by inserting:

“Sec. 1024. From the funds appropriated in part 1 for business attraction and economic gardening, 85% of the funds shall be granted by the Michigan strategic fund board for brownfield redevelopment incentives and historic preservation incentives.”.

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

Rep. Bumstead moved to amend the bill as follows:

- 1. Amend page 623, following line 20, by inserting:

“Sec. 710. The department shall provide a report on the wildfire protection use of department aircraft to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies by December 1, 2011. The report shall include the following information for the preceding fiscal year: how many airplanes the department owns, how much the airplanes cost annually, which DNR divisions used the aircraft throughout the year, how many wildfires occurred in which the aircraft were used to help provide detection, surveillance, or suppression support, and how many flight hours were logged for the fleet in that year.”.

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

Rep. Wayne Schmidt moved to amend the bill as follows:

- 1. Amend page 670, line 5, by striking out “853,499,100” and inserting “843,499,100”.
- 2. Amend page 670, line 10, by striking out “581,787,500” and inserting “571,787,500”.
- 3. Amend page 670, line 12, by striking out “2,057,779,200” and inserting “2,037,779,200”.
- 4. Amend page 670, line 19, by striking out “Comprehensive transportation fund.....” and inserting “20,000,000”.
- 5. Amend page 672, line 14, by striking out “156,961,900” and inserting “166,961,900”.
- 6. Amend page 672, line 16, by striking out “179,749,800” and inserting “189,749,800”.
- 7. Amend page 672, line 21, by striking out “156,961,900” and inserting “166,961,900”.
- 8. Amend page 673, line 20, by striking out “40,048,400” and inserting “50,048,400”.
- 9. Amend page 673, line 24, by striking out “62,272,200” and inserting “72,272,200”.
- 10. Amend page 674, line 3, by striking out “17,652,200” and inserting “27,652,200”.
- 11. Amend page 681, line 25, by striking out “882,348,800” and inserting “872,348,800”.
- 12. Amend page 682, line 3, by striking out “584,847,900” and inserting “574,847,900”.
- 13. Amend page 682, line 5, by striking out “2,091,343,000” and inserting “2,071,343,000”.
- 14. Amend page 682, line 12, by striking out “Comprehensive transportation fund.....” and inserting “20,000,000”.
- 15. Amend page 684, line 7, by striking out “156,961,900” and inserting “166,961,900”.
- 16. Amend page 684, line 9, by striking out “179,749,800” and inserting “189,749,800”.
- 17. Amend page 684, line 14, by striking out “156,961,900” and inserting “166,961,900”.
- 18. Amend page 685, line 13, by striking out “40,048,400” and inserting “50,048,400”.
- 19. Amend page 685, line 17, by striking out “62,272,200” and inserting “72,272,200”.
- 20. Amend page 685, line 23, by striking out “17,652,200” and inserting “27,652,200” and adjusting the subtotals, totals, and section 201 accordingly.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Meadows moved to amend the bill as follows:

- 1. Amend page 364, following line 8, by inserting:

“Sec. 313. Upon the request of the senate majority leader or the speaker of the house of representatives, the attorney general shall represent either house of the legislature in any civil action and shall defend members of the legislature in any legal action arising out of the member’s official duties and within the scope of his or her authority.”.

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

Rep. Switalski moved to amend the bill as follows:

- 1. Amend page 299, line 4, by striking out “24,598,800” and inserting “24,054,000”.
- 2. Amend page 299, line 7, by striking out “39,087,800” and inserting “37,510,700”.
- 3. Amend page 327, line 21, by striking out “24,598,800” and inserting “24,054,000”.
- 4. Amend page 327, line 24, by striking out “39,087,800” and inserting “37,510,700” and adjusting the subtotals, totals, and section 201 accordingly.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Moss moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4526, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 99

Yeas—62

Agema	Goike	Lyons	Potvin
Bolger	Haines	MacGregor	Price
Bumstead	Haveman	MacMaster	Pscholka
Callton	Heise	McBroom	Rendon
Cotter	Hooker	McMillin	Rogers
Crawford	Horn	Moss	Schmidt, W.
Daley	Hughes	Muxlow	Scott
Damrow	Huuki	Nesbitt	Shaughnessy
Denby	Jacobsen	O'Brien	Shirkey
Farrington	Jenkins	Olson	Somerville
Forlini	Johnson	Opsommer	Stamas
Foster	Knollenberg	Ouimet	Tyler
Franz	Kowall	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lori	Poleski	Zorn
Glardon	Lund		

Nays—48

Ananich	Durhal	LeBlanc	Schmidt, R.
Barnett	Geiss	Lindberg	Segal
Bauer	Hammel	Lipton	Slavens
Bledsoe	Haugh	Liss	Smiley
Brown	Hobbs	McCann	Stallworth
Brunner	Hovey-Wright	Meadows	Stanley
Byrum	Howze	Melton	Stapleton
Cavanagh	Irwin	Nathan	Switalski
Clemente	Jackson	Oakes	Talabi
Constan	Kandrevas	Olumba	Tlaib
Darany	Kurtz	Rutledge	Townsend
Dillon	Lane	Santana	Womack

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2012; to provide for certain conditions

on appropriations; to provide for the expenditure of the appropriations; and to provide anticipated appropriations for the fiscal year ending September 30, 2013.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

Rep. Geiss, having reserved the right to explain his protest against the passage of the bill, made the following statement: “Mr. Speaker and members of the House:

I rise today in opposition to House Bill 4526 for many reasons, but will highlight the negative impact on jobs and economic development that are a subset of this overarching budget bill.

If this were handled in a normal fashion, we could debate and discuss the individual merits of the departments and their impact on Michigan and our constituents. Instead, we are left to deal with a take it or leave it discussion, which I do not believe leads to good legislation.

We could debate the \$25 million cut for business attraction and economic gardening. We could debate the \$5 million cut for quality of place and talent enhancement. We could debate the \$25 million cut for film incentive grants. We could debate the \$1.4 million from the 21st century jobs fund for business incubators.

So, to highlight one issue, I’d like to point out the cut to Focus: Hope as outlined in this budget.

In 1968, Father William Cunningham (1930–1997), who originally was a pastor at my church in Taylor, St. Alfred’s and Eleanor Josaitis, a house wife from Taylor, co-founded Focus: HOPE, an organization dedicated to intelligent and practical solutions to the problems of hunger, economic disparity, inadequate education, and racial divisiveness. Together, they adopted the following mission:

Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant. —Adopted March 8, 1968

Through Focus: HOPE’s career training programs, more than 11,000 talented men and women have established careers that pay sustainable wages. The graduates broke the race and gender barriers in the machinist trades and have helped diversify the workforce in the information technology and engineering areas.

With the proposed cuts to Focus: Hope, we are jeopardizing the dream of Focus: Hope and its mission. I find this particularly a sad moment, because Eleanor Josaitis is at this very moment fighting for her life in a battle against cancer. As a long time family friend of Eleanor Josaitis, I cannot support a budget that would destroy her life’s work, and in the process, break her heart.

For this reason and many other issues raised by my colleagues, I urge a no vote on House bill 4526.”

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Wednesday, May 4:

House Bill Nos.	4597	4598	4599	4600	4601	4602	4603	4604	4605	4606	4607
House Joint Resolutions		W	X		Y						

The Clerk announced that the following Senate bills had been received on Wednesday, May 4:

Senate Bill Nos.	212	215	216
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Reports of Standing Committees

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Damrow, Chair, reported **Senate Bill No. 214, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 803i (MCL 257.803i), as amended by 1998 PA 68.

With the recommendation that the bill be referred to the Committee on Transportation.

Favorable Roll Call

To Report Out:

Yeas: Reps. Damrow, Haines, Tyler, Callton, Zorn, Nathan, Smiley, Liss and Clemente

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Transportation.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Damrow, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Wednesday, May 4, 2011

Present: Reps. Damrow, Haines, Tyler, Callton, Zorn, Nathan, Darany, Smiley, Liss and Clemente

Absent: Rep. Franz

Excused: Rep. Franz

The Committee on Transportation, by Rep. Opsommer, Chair, reported

House Bill No. 4360, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 5 (MCL 480.15), as amended by 2006 PA 595.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Olson, Ouimet, Somerville, Geiss, Talabi, Liss, Byrum, Smiley and Roy Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Opsommer, Chair, of the Committee on Transportation, was received and read:

Meeting held on: Wednesday, May 4, 2011

Present: Reps. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Olson, Ouimet, Somerville, Geiss, Talabi, Liss, Byrum, Smiley and Roy Schmidt

Absent: Rep. Nathan

Excused: Rep. Nathan

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4293, entitled

A bill to revise, consolidate, and codify the laws relating to fireworks; to regulate the purchase, possession, sale, and use of fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum, Slavens and Womack

Nays: Rep. Stamas

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4294, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum, Slavens and Womack

Nays: Rep. Stamas

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 245, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.806).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, McMillin, Stamas, Shirkey, Franz and Haugh

Nays: Reps. Melton and Womack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, May 4, 2011

Present: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum, Slavens and Womack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Knollenberg, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, May 4, 2011

Present: Reps. Knollenberg, Lyons, Farrington, Huuki, Olson, Pettalia, Womack, Clemente and Stanley

Absent: Reps. Foster and Switalski

Excused: Reps. Foster and Switalski

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Daley, Chair, of the Committee on Agriculture, was received and read:

Meeting held on: Wednesday, May 4, 2011

Present: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Santana, Brunner, Oakes, Talabi, Hovey-Wright and Segal

Messages from the Senate**House Bill No. 4004, entitled**

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2008 PA 570.

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

The House agreed to the full title.

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

Senate Bill No. 212, entitled

A bill to provide firefighter training programs to certain individuals; and to provide for certain firefighter examinations.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 215, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending section 2 (MCL 123.732), as amended by 1987 PA 214.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 216, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Notices

May 4, 2011

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 390.1665, I am appointing Mrs. Cheryl Simonetti of Jackson to the Jackson Promise Zone Authority Board for the unexpired term from May 4, 2011 to January 21, 2014.

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

Explanation of “No” Votes

Rep. Olumba, having reserved the right to explain his protest against the passage of **House Bill Nos. 4361, 4362, 4479, 4480, 4481, 4483 and 4484**, made the following statement:

“Mr. Speaker and members of the House:

The following comments were made Thursday April 28th, regarding my no vote and denying immediate effect on - HB4361, HB4362, HB4479, HB4480, HB4481, HB4483, HB4484, and submitted to the house journal clerks and were printed in the journal and on the web for that day, yet subsequently taken off for editing, at the request of the house, as it related to the use of the word ‘incorporated’ and whether the use of the word was appropriate. I now resubmit the same statement with ‘incorporated’ taken out.

I stand today in a solemn disappointment of the passage of this so-called tax reform package. Mr. Speaker why not call it what it is, a tax giveaway to subversive corporations that are never poised to do serious business or employ the wanting citizens of this state. Mr. Speaker, I understand the need to support the business entities of this state, and the arguments given here today in support of this tax bonanza for faceless entities makes sense to a degree. That degree, I believe is that businesses create jobs and employ people. This piece of legislation goes well beyond that degree Mr. Speaker. Because this tax giveaway gives a break to a great majority of businesses that do not employ people, or will not employ any extra people, but will use the profit for deductible expenses to live the good life. The tax loophole created by this so-called tax reform bill is the size of the Milky Way galaxy. This body could have actually accepted amendments and worked on this bill to make it better; so that greedy individuals cannot escape the so-called shared sacrifice everyone keeps talking about. But, whoever supports this bill is doing so knowing that there a corporations organized under sub-chapter S, as well as a host of limited liability corporations which are tax shelters created to avoid paying taxes. These businesses will never hire citizens of this state. When this bill package is passed, Mr. Speaker, if you were a millionaire, you tax attorney would advise you to rip up your birth certificate, and reincarnate yourself under sub-chapter s, of the corporate tax code. Mr. Speaker this bill raises taxes for the working class, the poor, and the retired. It takes the money raised and gives it to millionaires, under the façade of a corporation so that they pay zero tax. Mr. Speaker. Most S corporations and LLC’s pay zero tax, because they report zero profits. Every dollar in profit they would be obliged to report, they expense it out in corporate cars, meals, planes, trips around the world, corporate retreats, skydiving, bungee jumping, and after that when they still have millions left, they expense it out to another S-Corporation that their son or daughter or close friends owns, to do the same thing. Mr. Speaker, millionaires still receive services from the state like everyone else, yet they wont have to pay for it because they will hide in the Milky Way tax loophole you look to create. Mr. Speaker, Real people are suffering, Real people can’t catch a break, real people have seen their home values plummet, real people are behind on their bills, real people cant afford the high gas prices. Mr. Speaker, These real people cannot afford a tax increase, to pay for legal fictions to take fun vacations, sip vintage wines, and smoke hand rolled Cuban cigars. Mr. Speaker, I urge my colleagues to vote against the passage of this bill package. Mr. Speaker, I also denied immediate effect of this bill along with 47 members of the democratic caucus on our feet yelling ‘no’ in unison. I believe 47 members yelling no on immediate effect denies immediate effect. Moreover, had other legislators been able to have a roll call vote instead of being gavelled down, and denied the microphone, to request a roll call vote, the record would have showed 47 members, denying immediate effect to this bill. Thank you Mr. Speaker.”

Introduction of Bills

Reps. Pettalia, Franz, Tyler, MacMaster, Kurtz, Damrow, Bumstead, Jenkins, Horn, Zorn, Walsh, Crawford, Byrum, Foster, Huuki, Somerville, Shirkey, Kowall, Denby, Callton, Olson, Muxlow, Lund, Liss, Dillon, Cotter, Lane, Stapleton, Brunner, Melton, Ananich and Nathan introduced

House Bill No. 4608, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

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

Rep. Wayne Schmidt introduced

House Bill No. 4609, entitled

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” by amending section 315 (MCL 462.315), as amended by 2001 PA 5.

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

Rep. Wayne Schmidt introduced

House Bill No. 4610, entitled

A bill to authorize the state administrative board to convey certain property in Grand Traverse county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Reps. Bauer, Hovey-Wright, Slavens, Brown, McCann, Cavanagh, Lipton, Barnett, Nathan, Liss, Stanley, Olumba, Kandreas, Lindberg, Hammel, Byrum, Irwin, Durhal, Santana, Brunner, Geiss, Meadows, Melton, Smiley and Dillon introduced

House Bill No. 4611, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 2009 PA 190.

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

Reps. Hovey-Wright, Slavens, Bauer, Lipton, Townsend, Irwin, Durhal, Liss, Cavanagh, Oakes, Talabi, Stapleton, Stanley, Tlaib, Rutledge, Santana, Byrum, Hobbs, Dillon, Olumba, Geiss, Darany, Lindberg, Ananich, Brunner, Nathan, Meadows, McCann, Melton, Smiley, Bledsoe, Roy Schmidt, Haugh, Constan, Switalski, LeBlanc, Barnett and Brown introduced

House Bill No. 4612, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 556 (MCL 750.556).

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

Reps. Slavens, Hovey-Wright, Bauer, Rutledge, Liss, Oakes, Irwin, Switalski, Nathan, Lipton, Townsend, Talabi, Stallworth, Howze, Melton, Cavanagh, Ananich, Barnett, Stanley, Olumba, Kandreas, Lindberg, Hammel, Byrum, Santana, Durhal, Brunner, Smiley, Geiss, Dillon, McCann and Brown introduced

House Bill No. 4613, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," (MCL 37.2101 to 37.2804) by adding section 202b.

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

Reps. Brown, Bauer, Slavens, Constan, Barnett, Nathan, Hovey-Wright, Tlaib, Liss, Stanley, Kandreas, Lindberg, Hammel, Byrum, Irwin, Durhal, Santana, Melton, Smiley, Brunner, Geiss, Dillon and McCann introduced

House Bill No. 4614, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 13a (MCL 408.483a), as added by 1982 PA 524.

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

Reps. Wayne Schmidt, Barnett, Lipton, Liss, Gilbert and Meadows introduced

House Bill No. 4615, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 202, 211, and 911 (MCL 450.1105, 450.1106, 450.1202, 450.1211, and 450.1911), section 105 as amended by 2001 PA 57, section 106 as amended by 2006 PA 68, section 202 as amended by 1989 PA 121, section 211 as amended by 2008 PA 402, and section 911 as amended by 2007 PA 182.

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

Reps. Barnett, Wayne Schmidt, Lipton, Liss, Gilbert and Meadows introduced

House Bill No. 4616, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," (MCL 450.1101 to 450.2098) by adding chapter 9A.

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

Reps. Lindberg, Barnett, Liss and McBroom introduced

House Bill No. 4617, entitled

A bill to amend 1967 PA 168, entitled "An act to authorize the state administrative board to convey certain lands and to cede a certain water area in Alger county to the United States of America for use by the national park service; and to declare the effect thereof," by amending sections 1 and 4 (MCL 3.451 and 3.454) and by adding sections 4a, 4b, and 4c.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Oakes moved that the House adjourn.
The motion prevailed, the time being 5:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 5, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives