

No. 57
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, June 16, 2010.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

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

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

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

Reverend Stanley Simms of Quinn Chapel of Flint offered the following invocation:

O Lord our God, the Almighty and Everlasting God of the universe, who has safely brought us to the beginning of this day, we bow in humble thanksgiving, giving thanks for these women and men who have been called to be in positions of leadership within the state of Michigan. As they begin today's session and deliberations, we ask that they be kept alert to the Spirit, who makes all things plain and brings all things to their remembrance. Help them to receive the information that they must understand in order to fulfill the needs and will of the citizens of Michigan.

Almighty God, we pray that these leaders of the Senate will remain flexible; that they remain open-hearted and tender and obedient to Your way and to Your will. And, yes, we thank You for these leaders in these chambers who will stay on course, develop economic plans and educational programs, address the social needs of the state, and lead the state of Michigan on the road revealed by Your Spirit.

As we move through this day, we stand on tiptoe in anticipation of Your wondrous and marvelous works. Now, Lord, may our friendships be strengthened and our lives be broadened through the experience of this day. We pray this prayer, and we all say amen.

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

Motions and Communications

Senator Cropsey moved that Senators Allen and Stamas be excused from today's session.
The motion prevailed.

The following communications were received and read:

Office of the Senate Majority Leader

June 15, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5875, the Senate appoints the following members to sit on the conference committee:

Senator Cameron Brown

Senator Ron Jelinek

Senator Martha Scott

Thank you for your prompt consideration of this matter.

June 15, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5883, the Senate appoints the following members to sit on the conference committee:

Senator Alan Cropsey

Senator Roger Kahn

Senator Liz Brater

Thank you for your prompt consideration of this matter.

June 15, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5884, the Senate appoints the following members to sit on the conference committee:

Senator Mark Jansen

Senator Tom George

Senator Martha Scott

Thank you for your prompt consideration of this matter.

June 15, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5885, the Senate appoints the following members to sit on the conference committee:

Senator Valde Garcia

Senator Alan Cropsey

Senator Jim Barcia

Thank you for your prompt consideration of this matter.

June 15, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5888, the Senate appoints the following members to sit on the conference committee:

Senator Valde Garcia

Senator Alan Cropsey

Senator Jim Barcia

Thank you for your prompt consideration of this matter.

Sincerely,
Senator Michael D. Bishop
Majority Leader
State Senate, 12th District

The communications were referred to the Secretary for record.

Senator Anderson moved that Senators Clark-Coleman, Olshove, Brater and Scott be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senator Thomas be excused from today's session.

The motion prevailed.

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Hunter admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

Recess

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

The motion prevailed, the time being 10:08 a.m.

10:46 a.m.

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

During the recess, Senator Hunter introduced Erskin Burrell, Jr., first-place winner of the 2010 Association of Christian Schools International National Spelling Bee; his parents Erskin and Geta Burrell and other family members; and presented him with a Special Tribute.

During the recess, Senators George, Birkholz, McManus, Gleason, Scott, Brater, Garcia, Olshove, Kuipers and Clark-Coleman entered the Senate Chamber.

Senator Cropsey moved that Senator Cassis be excused from today's session.

The motion prevailed.

The following communication was received:
Office of the State Budget

June 8, 2010

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Sections 18.1350(a) through 18.1350(e) of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 2009.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Robert L. Emerson
State Budget Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 15:
House Bill Nos. 5280 5837 5843

The Secretary announced that the following official bills were printed on Tuesday, June 15, and are available at the legislative website:

Senate Bill Nos. 1385 1386 1387 1388 1389

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Switalski introduced
Senate Bill No. 1390, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2008 PA 40.

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

Senator Switalski introduced
Senate Bill No. 1391, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2008 PA 40.

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

Senators Kuipers, McManus, Gilbert, Richardville, Nofs, Gleason, Barcia, Olshove and Brown introduced
Senate Bill No. 1392, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2009 PA 146.

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

Senators Patterson, Prusi, Kuipers, Richardville, Birkholz, Jansen, Pappageorge and Hardiman introduced
Senate Bill No. 1393, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43537 (MCL 324.43537), as amended by 2007 PA 60.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

Senator Gilbert introduced
Senate Bill No. 1394, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 279.

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

Senator Thomas introduced
Senate Bill No. 1395, entitled

A bill to amend 1964 PA 286, entitled "An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts," (MCL 247.801 to 247.816) by adding section 6c.

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

House Bill No. 5280, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4101 (MCL 289.4101), as amended by 2007 PA 113, and by adding section 4102.

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

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

House Bill No. 5837, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 1105 (MCL 289.1105), as amended by 2008 PA 338.

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

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

House Bill No. 5843, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4105 (MCL 289.4105), as amended by 2007 PA 113.

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

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

Statements

Senators Scott, Brown, Cherry and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

There is an old English proverb that says, "Many things are lost for the want of asking." Auto insurance reform in Michigan will not be lost for the want of asking. If it is finally lost this year, it will be lost for the want of action by those who control our agenda.

Our constituents have been asking for relief from high rates and unfair rate-setting practices for many years now. For a number of years, I have been getting up every day to remind us that our constituents want, need, and deserve relief from unfair industry rate-setting practices.

We need to listen to the people across Michigan who have suffered with high insurance rates for far too long. We need to help them by reforming auto insurance so they can carry the coverage they need and still have money left for the rest of their life essentials. There isn't a family in Michigan who has not been touched by these troubled economic times. Some families feel the economic hardship more than others.

There are many costs that we cannot contain, that we cannot do anything about. But we can do something about the cost of auto insurance. We can make it better by banning practices like basing rates on your address. We can make it cheaper by preventing companies from using credit histories to determine rates.

We can do all this, and we need to do it now. The people of Michigan deserve our quick action to make the product we force them to buy affordable.

Senator Brown's statement is as follows:

In his address to the nation last night, President Obama said something I strongly agree with, and that is we must pray. We must not be so sophisticated in this modern age that we can't get on our knees and beg God's mercy and ask for His blessing. We seem to be challenged at every turn of the road, and so we must look to the author of our liberty for strength and guidance in these troubled times.

As a nation, we must be successful. There is no other America waiting in the wings. We are what Lincoln called the last best hope of earth. In our homes, in our houses of worship, and in state capitols throughout the land, we must pray. We must pray that America will fulfill its destiny to be a redeemer nation, a land of freedom for the oppressed, and a land of opportunity for the rest.

And lastly, we are stewards of the promise of America. We bear the responsibility to preserve and protect that promise for all those who will inherit this country after us.

Join me in asking the God of our liberty to guide and direct our path.

Senator Cherry's statement is as follows:

During the health care reform debate, Americans were assured that we could, in fact, keep our health plans if we liked them. Recently, rules were promulgated that outline the parameters employers and insurers must follow to have their plans grandfathered in, allowing consumers to keep those plans if they choose. You should know that the proposed rules are being published in the Federal Register, and there are still 60 days to comment. So while they have been written, they have not been finalized. They are not in hiding. They are in the Federal Register. I believe they will be published today. If not today, then within the next few days.

These regulations attempt to strike a balance between the improved consumer protections in the new federal law and the necessary and modest adjustments that businesses must make to their plans every year. If a plan makes significant changes that will reduce benefits or increase costs to consumers beyond these new rules, the plan loses its grandfather status. Many employers already offer coverage that will meet the new standards of benefits, and there will be no disruption. Improving the benefits and lowering the cost of consumers is not a broken promise. It is increased peace of mind.

For small businesses, who are generally paying the highest prices for their benefits, it is already very difficult and costly for them to provide a stable benefits package for their employees. Starting in 2010, small businesses may qualify for a tax credit to offset up to 35 percent of their premium contributions. By 2014, new exchanges will give small businesses and entrepreneurs more clout in the insurance market.

Attempting to opt out of this reform, besides being a wasted effort legally, would simply mean that consumers and businesses in Michigan would continue to be held captive to the whims of insurance companies. I don't believe that is what we wish to have in this state. I believe that the people of this state, along with businesses in this state, wish to provide health insurance at a reasonable cost. I believe that the health insurance reform package will do so.

Senator Sanborn's statement is as follows:

And what a great day to be young, alive, and a Spartan. Tom Izzo has shown by choosing to stay at Michigan State University that if you cut him, he bleeds green. He has shown that he is a Spartan for life. He has shown that it is better to be the green than to go for the green. What a great example to set. What a great day not just for Michigan State University, but for the entire state of Michigan. Who them Spartans.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 41

The motion prevailed.

The President pro tempore, Senator Richardville, assumed the Chair.

House Concurrent Resolution No. 58.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Saginaw Valley State University relative to the Saginaw Valley State University Health Sciences Facility.

The Secretary of the Senate made the following statement:

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

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 302**Yeas—34**

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

Nays—0**Excused—4**

Allen	Cassis	Stamas	Thomas
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Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Kahn's statement is as follows:

Those of us from mid-Michigan—myself, Senator Barcia, and Senator Stamas—are particularly delighted to see this coming before the Senate today. The reason is that this resolution would approve the conveyance of property and approve the lease between the state and the State Building Authority at Saginaw Valley State University for a construction project that had been previously approved for planning and construction by the Legislature.

Approval of the resolution would enable the SBA to issue bonds to finance the state's share of the construction costs. This project has met all of the planning approval requirements of the Joint Capital Outlay Subcommittee.

So we come now to the last step in completing the building. I am delighted to see it here, and I urge support of this resolution.

The President, Lieutenant Governor Cherry, resumed the Chair.

Senate Resolution No. 158.

A resolution to urge the U.S. Environmental Protection Agency to rescind rules that would require dairy farms to have oil spill prevention plans for milk storage tanks.

The question being on the adoption of the resolution,

Senator Cropsey requested the yeas and nays.

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

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

Roll Call No. 303**Yeas—24**

Barcia	Cropsey	Jansen	Pappageorge
Basham	Garcia	Jelinek	Patterson

Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Gleason	McManus	Switalski
Clarke	Hardiman	Nofs	Van Woerkom

Nays—10

Anderson	Clark-Coleman	Olshove	Scott
Brater	Hunter	Prusi	Whitmer
Cherry	Jacobs		

Excused—4

Allen	Cassis	Stamas	Thomas
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Not Voting—0

In The Chair: President

Senators Barcia, Birkholz, Bishop, Gleason, Jansen, McManus, Patterson, Richardville and Sanborn were named co-sponsors of the resolution.

Protest

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 158 and moved that the statement she made during the discussion of the resolution be printed as her reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement is as follows:

I find it ironic that the previous speaker says we should disregard federal law, yet he is on a mission to go there and make it. With regard to this resolution in front of us, this is a resolution and I think it is odd timing to ask that the EPA not require prevention plans for oil spills. Anyone watching C-SPAN around here? I have some concerns about this resolution. The EPA has proposed rules that would require dairy operations to have emergency plans in place in case of a milk spill or a failure to bulk milk storage tanks.

Now listen, I know you’re thinking this is milk—spilled milk. What bad can this do to the environment? It’s biodegradable, right? Well, yes. It builds strong bones and teeth. That’s true as well. But can it be a threat to our environment? Absolutely. Milk is a wholesome product in a child’s body but not in Michigan’s waterways. Milk can have very serious environmental consequences once released into our surface waters.

Let me share with you some facts, some scientific-based facts from the University of Wisconsin Extension Service regarding the management of waste milk. Milk has a high biochemical oxygen demand or BOD. BOD measures the amount of oxygen consumed when organic matter such as milk is broken down by bacteria. In streams and lakes, bacteria would need the dissolved oxygen from 1,600 gallons of water to break down the organic matter in one pint of milk. Because it depletes oxygen, discharging milk into surface waters can upset biological communities and kill fish—not far from the footage you are seeing on television these days. The minimum tank size of 1,320 gallons would be enough to deplete the oxygen in almost 17 million gallons of water. Those are serious consequences.

Milk also has a high concentration of phosphorus, a nutrient that causes the growth of algae and aquatic plants which can deplete oxygen levels in our lakes and streams, exacerbating an existing problem with excess phosphorus in our waterways.

In today’s world, it’s especially true that it is not unreasonable to ask that emergency plans be in place in case of milk spills or the failure of bulk milk storage tanks.

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

The motion prevailed.

Senator Brater's statement is as follows:

I would like to second the remarks of the Senator from the 23rd District who did a very good job explaining why milk spills can be a threat to our water here in the state of Michigan. This is certainly not an overreach of the Environmental Protection Agency. The Clean Water Act, passed in the early 1970s and repeatedly reauthorized by Congress, requires the EPA to protect our water. Given these plain facts, it is clear the EPA is following its legal obligation under this program.

Now just to put this in perspective, we are not talking about a few cows and a pretty red barn with a dairy maid sitting on a stool with a little bucket milking a cow. That is not what happens on these farms these days. We have, unfortunately, in this state made it all too easy for CAFOs, confined animal feeding operations hosting thousands of cows at a time, to operate in this state after they were expelled by the country of the Netherlands.

They started migrating here to Michigan because we made it so easy for them to locate here. These are factory farms which are major polluters. A small CAFO would have 1,000 cows that would result in, at the rate of 20 gallons a day per cow, a volume of milk reaching 20,000 gallons a day. But the largest CAFO in this state hosts 3,000, so we are talking about 60,000 gallons of milk a day.

We are talking about huge operations that have proved in the past that they are not always good environmental stewards. We have had to try over and over again to get them to comply with other environmental laws to protect our waterways. That needs to be done in the case of milk spills as well, so I oppose this resolution.

Senator Switalski offered the following resolution:

Senate Resolution No. 165.

A resolution commemorating the 100th Anniversary of Gowanie Golf Club.

Whereas, For the past 100 years, Gowanie Golf Club has existed as a hidden jewel to both the community residents and avid golfers throughout the state. Tucked away quietly in Harrison Township's greenery, the course attests to its name "Gowanie" meaning "Dell of the Daisies"; and

Whereas, Originally named Riverview Golf Club, the course was built by Thomas Shoemaker in 1910 on land that he previously farmed for over 35 years. With nearly 100 acres of open land, it afforded a nine-hole course to patrons. After Shoemaker leased the club to a Scotsman named Dave Millar, the course was remodeled and expanded to an 18-hole course, being renamed to Gowanie Golf Club in 1922; and

Whereas, The property underwent further modifications upon its purchase by Ross Axford in 1938 to its present layout; and

Whereas, Gowanie has overcome numerous plights with the support of its members, employees, and community, pulling itself out of bankruptcy in 2002. In 2007, the club again faced troubles when its 97-year-old clubhouse was burned to the ground, only to be rebuilt again in 2008; and

Whereas, In the same manner the community has supported Gowanie, the club gives back to its community, acting as the home course for Grosse Pointe South and Regina High Schools. The club has also hosted a number of competitions throughout its years, including the Golf Association of Michigan and U.S. Open qualifiers; now, therefore, be it

Resolved by the Senate, That tribute hereby be offered in commemoration of the 100th Anniversary of Gowanie Golf Club; and be it further

Resolved, That a copy of this resolution be transmitted to the entire membership of Gowanie Golf Club—past, present, and future.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Switalski offered the following substitute:

A resolution commemorating the 100th Anniversary of Gowanie Golf Club.

Whereas, For the past 100 years, Gowanie Golf Club has existed as a hidden jewel to both the community residents and avid golfers throughout the state. Tucked away quietly in Harrison Township's greenery, the course attests to its name "Gowanie" meaning "Dell of the Daisies"; and

Whereas, Originally named Riverview Golf Club, the course was built by Thomas Shoemaker in 1910 on land that he previously farmed for over 35 years. With nearly 100 acres of open land, it afforded a nine-hole course to patrons. After Shoemaker leased the club to a Scotsman named Dave Millar, the course was remodeled and expanded to an 18-hole course, being renamed to Gowanie Golf Club in 1922; and

Whereas, The property underwent further modifications upon its purchase by Ross Axford in 1938 to its present layout; and

Whereas, Gowanie has overcome numerous plights with the support of its members, employees, and community, pulling itself out of bankruptcy in 2002. In 2007, the club again faced troubles when its 97-year-old clubhouse was burned to the ground, only to be rebuilt again in 2008; and

Whereas, In the same manner the community has supported Gowanie, the club gives back to its community, acting as the home course for Grosse Pointe South and Regina High Schools. The club has also hosted a number of competitions throughout its years, including the Golf Association of Michigan and U.S. Open qualifiers; now, therefore, be it

Resolved by the Senate, That tribute hereby be offered in commemoration of the 100th Anniversary of Gowanie Golf Club; and be it further

Resolved, That a copy of this resolution be transmitted to Gowanie Golf Club.

The substitute was adopted.

The resolution, as substituted, was adopted.

Senators Barcia, Brater, Clarke, Jacobs, Jansen, Olshove, Pappageorge, Sanborn, Scott and Van Woerkom were named co-sponsors of the resolution.

Senators McManus and Van Woerkom offered the following concurrent resolution:

Senate Concurrent Resolution No. 46.

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 West Shore Community College relative to the West Shore Community College Arts and Sciences Center/Remodeling and Additions.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of West Shore 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 West Shore Community College Arts and Sciences Center/Remodeling and Additions (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the West Shore Community College Arts and Sciences Center/Remodeling and Additions shall not exceed \$6,900,000 (the Authority share is \$3,449,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,450,000), 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 \$3,449,800, 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 \$237,000 and \$309,000, 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 West Shore Community College, and the State Budget Director.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Barcia, Clarke, Jacobs, Jansen, Pappageorge and Switalski were named co-sponsors of the concurrent resolution.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, June 15, 2010, at 12:59 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 15, 2010, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Whitmer, Clarke and Basham

Excused: Senator Stamas

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Tuesday, June 15, 2010, at 2:00 p.m., Room H-65, Capitol Building

Present: Senators McManus and Clarke

Scheduled Meetings

Appropriations -

Subcommittee -

State Police and Military Affairs - Tuesday, June 22, 1:00 p.m.; Wednesday, June 23, 3:00 p.m.; Thursday, June 24, 1:00 p.m.; and Tuesday, June 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, June 23, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Banking and Financial Institutions and House Banking and Financial Services - Wednesday, June 23, 8:45 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Education - Thursday, June 17, 2:30 p.m., Room 210, Farnum Building (373-6920)

Finance - Thursday, June 17, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senior Citizens and Veterans Affairs - Thursday, June 17, 9:00 a.m., Room 100, Farnum Building (373-2413)

State Drug Treatment Court Advisory Committee - Friday, July 23, 9:00 a.m., Conference Room 1S69, 1st Floor, Michigan Hall of Justice Conference Center, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:23 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 17, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate