

No. 46
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, May 12, 2004.

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

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

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

Senator Laura M. Toy of the 6th District offered the following invocation:

Father, Mother, God, please bless us with the wisdom to discern right from wrong and the courage to make the decisions that best serve the future and welfare of this great state.

Teach us that change and progress are only possible when we embrace opportunities for compromise and cooperation and when we listen with both our minds and hearts to the concerns and issues we present to each other. In times of adversity, help us to never lose our resolve, and in times of prosperity, remind us to always temper justice with mercy and compassion.

Finally, we ask that You instill in us an even deeper reverence for the duties we perform for the people we represent. In Your name we pray. Amen.

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

Motions and Communications

Senators Garcia and Cropsy entered the Senate Chamber.

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

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:14 a.m.

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

During the recess, Senator Gilbert introduced the Marysville High School Girls Volleyball Team, Class B State Champions, and Head Coach John Knuth, and presented them with a Special Tribute.

Coach Knuth responded briefly.

During the recess, Senators Thomas and Brown entered the Senate Chamber.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

State Transportation Commission

Ms. Linda M. Atkinson, a Democrat, of N13927 Newberg Road, Channing, Michigan 49815, county of Dickinson, succeeding C. Robert Baillod, whose term has expired, appointed for a term commencing March 18, 2004 and expiring December 21, 2006.

Mr. Vincent J. Brennan, an Independent, of 1038 Bishop, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Lowell Jackson, whose term has expired, appointed for a term commencing March 18, 2004 and expiring December 21, 2006.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

Senator Schauer moved that Senator Bernero be temporarily excused from today's session.

The motion prevailed.

Senator Brater entered the Senate Chamber.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 11, for her approval the following bill:

Enrolled Senate Bill No. 307 at 2:55 p.m.

Senator Bernero entered the Senate Chamber.

Messages from the Governor

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

Senate Bill No. 195

Senate Bill No. 364

Senate Bill No. 293

Senate Bill No. 265

Senate Bill No. 288

Senate Bill No. 540

Senate Bill No. 283

Senate Bill No. 464

Senate Bill No. 466

Senate Bill No. 395

Senate Bill No. 474

Senate Bill No. 840

Senate Bill No. 785

Senate Bill No. 788

Senate Bill No. 829

Senate Bill No. 841

The motion prevailed.

The following message from the Governor was received and read:

May 11, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 2402(2)(d) and 2402(4) of The Insurance Code of 1956, 1956 PA 218, MCL 500.2402:

Data Collection Agency Governing Board

Mr. Bruno R. Czyrka of 7344 Pine Manor, Grand Ledge, Michigan 48837, county of Eaton, reappointed to represent the executive branch of state government, for a term expiring December 31, 2004.

Sincerely,

Jennifer M. Granholm

Governor

The appointment was referred to the Committee on Government Operations.

State Transportation Commission

Ms. Linda M. Atkinson, a Democrat, of N13927 Newberg Road, Channing, Michigan 49815, county of Dickinson, succeeding C. Robert Baillod, whose term has expired, appointed for a term commencing March 18, 2004 and expiring December 21, 2006.

Senator Hammerstrom moved that the Senate advise and consent to the said appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 275

Yeas—38

Allen
Barcia

Clark-Coleman
Clarke

Jacobs
Jelinek

Sanborn
Schauer

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

State Transportation Commission

Mr. Vincent J. Brennan, an Independent, of 1038 Bishop, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Lowell Jackson, whose term has expired, appointed for a term commencing March 18, 2004 and expiring December 21, 2006.

Senator Hammerstrom moved that the Senate advise and consent to the said appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 276

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Basham's statement is as follows:

I am pleased to support the appointment of Vincent Brennan to the State Transportation Commission. Mr. Brennan has already shown that he will be a thoughtful and fair addition to the commission. Mr. Brennan currently serves as the vice president and general counsel of Everest Energy Management of Warren, Michigan.

He is a graduate of the Detroit College of Law, and he has previously represented the Department of Transportation as a special assistant attorney general. He has also worked as a senior manager at several investment and financial firms. Mr. Brennan also volunteers as a member of the Board of Directors of Wolverine Human Services in Detroit, as well as several other community organizations.

I look forward to working with Mr. Brennan during his tenure on the commission.

Messages from the House

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

Senate Bill No. 863

Senate Bill No. 865

Senate Bill No. 867

Senate Bill No. 872

Senate Bill No. 875

Senate Bill No. 647

Senate Bill No. 977

The motion prevailed.

Senate Bill No. 267, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 783, entitled

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 411t.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

Senate Bill No. 804, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183).

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 839, entitled

A bill to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

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

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

Senate Bill No. 784, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

Substitute (H-1).

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

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

Roll Call No. 277**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

Third Reading of Bills

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

House Bill No. 4272

Senate Bill No. 724

The motion prevailed.

The following bill was read a third time:

House Bill No. 4272, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20188; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 278**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 724, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

The question being on the passage of the bill,

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

Roll Call No. 279

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott

Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Van Woerkom as Chairperson.

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

Senate Bill No. 722, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14501 (MCL 324.14501), as amended by 1998 PA 289, and by adding section 14514.

Senate Bill No. 723, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14513 (MCL 324.14513), as added by 1998 PA 289.

House Bill No. 5335, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

House Bill No. 5342, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

House Bill No. 5343, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

House Bill No. 5345, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 35a to chapter 2.

House Bill No. 5241, entitled

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending section 2 (MCL 141.862), as amended by 1991 PA 91.

House Bill No. 4244, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 1998 PA 85.

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

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

House Bill No. 5331, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31a.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 4, line 9, after "(A)" by striking out "In" and inserting "During".
2. Amend page 4, line 9, after "in" by inserting "1 of".
3. Amend page 4, line 12, after "(B)" by striking out "In" and inserting "During".
4. Amend page 4, line 12, after "in" by inserting "1 of".
5. Amend page 4, line 18, after "(C)" by striking out "In" and inserting "During".
6. Amend page 4, line 18, after "in" by inserting "1 of".

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

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

House Bill No. 5341, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 1, line 7, after "business" by inserting "used by that qualified business in conducting the business activities of that qualified start-up business".

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

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

Senate Bill No. 677, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 1 (MCL 388.851), as amended by 2002 PA 628.

Substitute (S-3).

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

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

House Bill No. 5666, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

Senate Resolution No. 234.

A resolution to memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Concurrent Resolution No. 41.

A concurrent resolution to memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators Brater, Prusi, Cherry, Bernero, Jacobs, Olshove, Scott, Basham, Schauer, Barcia, Clarke, Leland, Emerson, Clark-Coleman and Thomas offered the following resolution:

Senate Resolution No. 260.

A resolution to memorialize the Office of the United States Trade Representative not to negotiate access to critical segments of the American automotive market on a piecemeal basis through a bilateral trade agreement with Thailand, but as part of comprehensive, multi-lateral negotiations with all major automobile-producing nations.

Whereas, In February 2004, the United States and Thailand announced their intention to begin negotiations for a comprehensive Free Trade Agreement (FTA). Thailand is the United States' 19th largest trading partner, with two-way trade exceeding \$21 billion last year. Thailand is also the second-largest pickup truck manufacturer in the world, serving as the major hub of Asian pickup truck production, with nearly one million units per year; and

Whereas, The United States imposes a 25 percent tariff on imported pickup trucks from Thailand. The elimination or reduction of the tariff would threaten thousands of Michigan manufacturing workers employed in the Big Three pickup truck assembly plants and smaller automotive parts manufacturing plants. The elimination or reduction of the tariff would also allow Japanese, South Korean, and Indian automobile manufacturers to use Thailand as a back door into the United States market, significantly eroding American leverage to negotiate reductions to tariff and non-tariff barriers in these countries that unfairly restrict access of United States exports; and

Whereas, Congress should enact the bipartisan Kildee-Quinn-Levin Resolution (House Concurrent Resolution No. 366) or the bipartisan Levin-Voinovich Resolution (Senate Concurrent Resolution No. 90). These resolutions urge negotiators of a bilateral trade agreement with Thailand not to discuss tariff and non-tariff issues affecting access to the United States automobile market. Instead, these matters should only be dealt with as part of comprehensive negotiations among all major automobile-producing nations. Under the Trade Promotion Authority Act of 2002, the Bush administration is required to consult with Congress 90 days before commencing formal negotiations. FTA negotiations are expected to begin by June 2004 and conclude in 2005; now, therefore, be it

Resolved by the Senate, That we memorialize the Office of the United States Trade Representative not to negotiate access to critical segments of the American automotive market on a piecemeal basis through a bilateral trade agreement with Thailand, but as part of comprehensive, multi-lateral negotiations with all major automobile-producing nations; 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, the members of the Michigan congressional delegation, and the Office of the United States Trade Representative.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Commerce and Labor.

The motion prevailed.

House Concurrent Resolution No. 49.

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 Washtenaw Community College relative to the Washtenaw Community College Plumbers and Pipefitters Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Washtenaw 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 Plumbers and Pipefitters 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 Washtenaw Community College Plumbers and Pipefitters Building shall not exceed \$4,741,000 (the Authority share is \$1,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$2,741,000), 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 \$1,999,800, 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 \$150,000 and \$200,000, 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 Washtenaw Community College, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

Senators Barcia, Basham, Brater, Clarke, Jacobs and Schauer were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott and Brater 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:

To my distinguished colleagues, I rise today to speak on an issue that, as many of you know, is a subject matter that is very important to me. I made a promise some weeks ago that I would continue to talk on insurance until there is relief for all people. It has been stated in this chamber that my remarks should in no way be construed as an insult to anyone who is working with me in trying to resolve what I consider to be some very serious flaws in our current insurance system. I am aware of the fact that all citizens in this state have experienced an increase in their insurance premiums. From day one I have stated that every Michigan citizen in this state, regardless of where they live, deserves fair and equitable treatment with respect to rate setting for auto and homeowners insurance.

Now I have introduced bills addressing this issue, and I am currently working on additional legislation to address this issue. By no means am I saying that I know and have all of the answers. By introducing this legislation, it is my hope and my intentions that we can begin to debate the issue and create positive dialogue, thereby working together to create good public policy for those ratepayers out there who are, indeed, expecting just that from this legislative body.

Over the past several months, my staff and I have had discussions with the commissioner and staff at OFIS. I am most certain that they are very much aware of my complaints on behalf of my constituents. In fact, Commissioner Watters has received more than 2,000 complaints of rate disparity from residents across this state, just in the last six months.

I do take exception when the chair of the Senate Banking and Financial Institutions Committee surmises that all the remedies people have come forward with so far will have one effect. That one effect is to raise rates across this state. Senate Bill Nos. 1137 and 1138 require insurers to deal fairly and in good faith. I do not see how requiring companies to act in good faith will increase rates. Also my hope is the legislation that comes from this body will be reflective of our intentions to create a new and improved system that seeks a delicate balance toward achieving our goals of fairness and equity for all.

By standing here before you today, as I have for the past several weeks, all I am really asking for is fairness and equity for every Michigan citizen who must be insured in this state. I will continue to stand here until we get that equity for all people all over this state.

Senator Brater's statement is as follows:

I rise to call attention to a resolution on the U.S. trade agreement with Thailand that a minute ago was referred to the Committee on Commerce and Labor. I rise to urge the good chair of Commerce to take up this resolution for a hearing.

This resolution calls for a hearing. It calls upon the Office of the United States Trade Representative not to negotiate on a piecemeal, bilateral basis with Thailand but on a multi-lateral basis with all automobile-producing nations. This agreement should not deal with tariff issues. The United States currently imposes a 25 percent tariff on imported pickup trucks. There are fears that if the tariff is lifted, or if it is lowered it could result in a flood of imported pickups coming into the United States from Thailand, adversely affecting our auto industry, our workers, and our jobs.

Thailand is the second-largest pickup manufacturer in the world. NAFTA eliminated the 25 percent tariff on pickups from Mexico, and as a result, the production of pickups in Mexico soared and became a major source of pickups for the United States market. So this is no hypothetical situation. This is a problem that is real and already exists and we don't want to make it worse.

The resolution calls on Congress to enact the Kildee-Quinn-Levin resolution, House Concurrent Resolution No. 366, or the Levin-Voinovich resolution, Senate Concurrent Resolution No. 90, which are calling on the Office of the United States Trade Representative to do the very things that I have just asked for.

I hope the good chair of Commerce will give us a speedy hearing on this resolution that will come back to this chamber for a unanimous consent.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Tuesday, May 11, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), Stamas and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, May 11, 2004, at 1:10 p.m., Room 100, Farnum Building
Present: Senators Gilbert (C), Kuipers and Basham
Excused: Senators Goschka and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, May 11, 2004, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Garcia (C), McManus and Switalski

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, May 11, 2004, at 3:00 p.m., Senate Appropriations Room, Room 405, Capitol Building
Present: Senators Brown (C), Stamas and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Public hearing held on Tuesday, May 11, 2004, at 5:00 p.m., Epic Center, 359 S. Kalamazoo Mall, Wellspring Theatre, Kalamazoo

Present: Senators George (C) and McManus

Excused: Senator Clarke

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, May 13, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursdays, May 13 and May 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Commerce, Labor and Economic Development - Wednesday, May 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Family Independence Agency - Thursdays, May 13, 8:00 a.m., Room 210, Farnum Building; May 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and May 20, 8:00 a.m., Room 210, Farnum Building (373-1801)

General Government - Tuesday, May 18, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

History, Arts, and Libraries - Thursday, May 13, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

State Police and Military Affairs - Tuesday, May 18, 3:00 p.m., Room 405, Capitol Building (373-5932)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursdays, May 13 (CANCELED) and May 20, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Transportation Department - Tuesday, May 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, May 13, 1:00 p.m., Room 100, Farnum Building (373-2417)

Education - Thursday, May 13, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, May 13, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:12 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 13, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate