

No. 24
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 21, 2001.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussiaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present

North—present
Peters—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Joe Young, Jr., of the 1st District offered the following invocation:

Let us think of truth, speak truth, and act out truth in our hearts, so that we may enjoy love, peace, and joy. We ask this in Your name, Lord Jesus Christ. Amen.

Senators Bullard, McCotter, McManus and Cherry entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Jaye and Sikkema be temporarily excused from today's session.
The motion prevailed.

Senator Emerson moved that Senator Murphy be temporarily excused from today's session.
The motion prevailed.

Senator Emerson moved that Senator Vaughn be excused from today's session.
The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Gast admittance to the Senate floor.

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

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

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:05 a.m.

10:10 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

During the recess, the Renaissance Quartet: Tim Duman, Bob Fox, Mike Hansen, and Paul Jones, performed a musical selection in honor of St. Patrick's Day.

During the recess, Senators Murphy and Jaye entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 20:
House Bill Nos. 4075 4217

Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

House Bill No. 4322, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3913 (MCL 500.3913), as added by 1992 PA 84.

The above bill was read a third time.

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. 28**Yeas—35**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Gast	Leland	Shugars
Byrum	Goschka	McCotter	Sikkema
Cherry	Gougeon	McManus	Smith
DeBeaussaert	Hammerstrom	Miller	Steil
DeGrow	Hart	Murphy	Stille
Dingell	Hoffman	North	Van Regenmorter
Dunaskiss	Jaye	Peters	Young
Emerson	Johnson	Schuette	

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

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

Senator Emmons 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 pro tempore, Senator Schwarz, designated Senator Bennett as Chairperson.

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

Senate Bill No. 315, entitled

A bill to establish Holocaust remembrance week in the state of Michigan.

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

This month is March Madness around the country, and we are so blessed to have the national champion basketball team right here in the Lansing area. As they make their journey today south to Atlanta to repeat in two weeks, I want to bring attention, Mr. President, to another great institution that this state is blessed to have, which resides down on the corner of McNichols and Livernois in the city of Detroit.

The great University of Detroit, led by their president, Sister Fay, is also making a journey south on I-75. While they are not going all the way to Atlanta, they are going, Mr. President, to one of the nation's most prestigious and oldest tournaments, the National Invitational Tournament, which is having its semi-finals in Dayton tonight. The University of Detroit-Mercy Titans have an outstanding record of 24 victories, led by their great coach, Perry Watson, and one of the most exciting collegiate basketball players in the whole nation, Rashad Phillips. They're looking for their 25th victory tonight. If they win tonight, Mr. President, this state will have two great universities on the national level competing for national championships. If Detroit wins tonight, they will play next Tuesday in New York at Madison Square Garden.

I think that if our members and our friends here want to see an outstanding university, tune in at seven-thirty this evening on ESPN2 and watch a great university, led by a terrific coach and some exciting, young basketball players. I just want to say that they may have been on the back pages or page three or four of the sports section, but the University of Detroit has been an outstanding academic institution in this state for years. I also want to give them some attention for the great 24 victories, Mr. President, on a collegiate level—top level—which is really, really a great accomplishment. I hope that this state can have another national championship next week in New York.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senators Stille, McManus and Hoffman introduced

Senate Bill No. 350, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 26a (MCL 287.726a), as added by 2000 PA 323; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Steil, Dunaskiss, Hammerstrom, North, Dingell and Shugars introduced

Senate Bill No. 351, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2411 and 2412 (MCL 339.2411 and 339.2412), section 2411 as amended by 1991 PA 166 and section 2412 as amended by 1980 PA 496.

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

Senator Stille introduced

Senate Bill No. 352, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

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

Senator Schwarz introduced

Senate Bill No. 353, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 23a (MCL 208.23a), as added by 1995 PA 282.

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

House Bill No. 4075, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21799a (MCL 333.21799a).

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 Health Policy.

House Bill No. 4217, entitled

A bill to provide for standards for contracts involving certain residential and care services; and to provide for remedies.

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 Health Policy.

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

The motion prevailed.

Senator Dunaskiss' statement is as follows:

I want the Senate to know that we're losing a valued member of our team. Arika Perlman, who's been with me since November of 1998, is leaving to pursue a new career in the private sector as marketing communications director for The Leona Group. She will be working with charter schools.

Arika has always had a great smile, a wonderful personality, and wherever she goes, she brightens the day. It's a real thoughtful and sad day that I'm losing her, but I do appreciate the fact that she's going on to the private sector. She'll do an extremely good job for charter schools. I do appreciate all my colleagues signing the seal on her behalf, and I'd like to ask the Senate, with great sadness and joy, to say good-bye.

Committee Reports

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 116, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending the title and sections 1, 2, 3, 5, 6, 8, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

With the recommendation that the bill pass.

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

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 195, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 6 (MCL 29.6).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Tuesday, March 20, 2001, at 1:06 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Leland and Peters

Excused: Senator Steil

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Thursday, March 15, 2001, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senator McManus (C)

Excused: Senators Gast and Koivisto

Scheduled Meetings

Appropriations -

Subcommittees -

Higher Education - Friday, April 20, 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, corner of Kearsley Street and southbound Chavez, Flint; Monday, April 23, 10:00 a.m., Grand Valley State University, Grand Rapids Campus-DeVos Center, 401 W. Fulton Street, Grand Rapids; Friday, May 4, 10:00 a.m., Concordia College, Student Union-Riverside Rooms A, B, and C, 4090 Geddes Road, Ann Arbor; Friday, May 11, 10:00 a.m., Lake Superior State University, Cislser Center, 650 W. Easterday Avenue, Sault Ste. Marie; and Tuesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Retirement - Tuesday, March 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1777)

Education - Wednesday, March 28, 3:00 p.m., Room 810, Farnum Building (373-7350)

Families, Mental Health and Human Services - Wednesday, March 28, 3:00 p.m., Room 100, Farnum Building (373-3543)

Human Resources and Labor - Wednesday, March 28, 1:00 p.m. or later immediately following session, Room 110, Farnum Building (373-1801)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:29 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, March 22, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.