

No. 13
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 22, 2001.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
Gast—excused
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

Pastor William Riedel of Westwood United Pentecostal Church of Jackson offered the following invocation:

Our God, we humbly bow before You today at the outset of this Senate session. We are a blessed people because You have taught us, "Blessed is the nation whose God is the Lord." We pray that You will accept our thanks for all that You have done for us in times past; for we realize that every good gift and every perfect gift is from above and cometh down from the Father.

Your Word exhorts us that prayer, intercession, and giving of thanks are to be made for all men—for kings and for all who are in authority—that we may lead a quiet and peaceable life in all godliness and honesty, for this is good and acceptable in the sight of God our Savior.

So we pray today that divine guidance may rest upon this session and upon each member present to do the business that will ultimately affect us all. Guide their minds, I pray, and use their abilities. I ask it today in the name that is above every other name, the name of Jesus. Amen.

The President, Lieutenant Governor Posthumus, assumed the Chair.

Motions and Communications

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

Senator Emerson moved that Senator Smith 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.

Senators Jaye and Smith entered the Senate Chamber.

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

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 10:06 a.m.

10:19 a.m.

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

During the recess, Senator Emerson introduced to the Senate the Flint Luke M. Powers Catholic High School Girls Basketball Team, Class B State Champions, and Head Coach Kathy McGee. Senator Cherry presented them with Senate Resolution No. 8.

Coach McGee responded briefly.

During the recess, Senator Schwarz entered the Senate Chamber.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 199, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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. 14**Yeas—21**

Bennett	Hammerstrom	McManus	Sikkema
Bullard	Hoffman	North	Steil
DeGrow	Jaye	Schuette	Stille
Emmons	Johnson	Schwarz	Van Regenmorter
Goschka	McCotter	Shugars	Young
Gougeon			

Nays—12

Byrum	Dingell	Koivisto	Murphy
Cherry	Emerson	Leland	Peters
DeBeaussaert	Hart	Miller	Smith

Excused—3

Dunaskiss	Gast	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Cherry and Leland, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 199.

Senator Cherry’s statement is as follows:

I voted “no” on Senate Bill No. 199 because it strikes me that this legislation may ultimately have the effect of increasing, perhaps even dramatically, the auto insurance premiums that the citizens of this state pay. It would occur because as we raise the threshold in Senate Bill No. 199, which is established from the Michigan Catastrophic Claims Association, we ultimately are requiring the insurance carriers to pay more in health care benefits. These benefits, at least a portion of them, will be covered by the Michigan Catastrophic Claims Association. And so, in doing this, obviously Michigan insurance companies will incur greater health care costs as part of their normal auto insurance policies, and I’m convinced that greater costs will lead to greater insurance premiums.

I know that one of the explanations for doing this is that it's been some time since this threshold of \$250,000 has been established. So, consequently, inflation has eroded and impacted that threshold. But there are other parts of our auto insurance act that have suffered the same sort of erosion through the CPI. I know the RBI, the 20/40 that has been in statutes since 1978, has remained the same. So this is not an effort to consistently redress those parts of the act that have been eroded by inflation. This is simply aimed at a particular provision to reduce the cost liability of the Michigan Catastrophic Claims Association. And by reducing their costs, we're increasing the costs of the insurance—those who write insurance policies.

Now, if we had some assurance here that these reduced costs to the Michigan Catastrophic Claims Association actually resulted in an offsetting reduction in the annual assessment that would equal the increase in premium, then this wouldn't be so bad. But we all know that there's a history of failure here on the part of that association to keep its assessments low. Oftentimes we've had to debate that issue on the floor, and through legislative action, have had to prod the association to bring those assessments down.

So I think that this bill is flawed in that respect. It should have required a concurrent reduction in the annual assessment, and by failing to do that, we're not able to tell our constituents that this bill will not result in increased insurance costs—costs our constituents will wind up paying when they write a check for their premium.

So, on that basis, Mr. President, I voted "no."

Senator Leland's statement is as follows:

I am not sure if there is much left to say after the comments that my leader just stated, but I do want to add a couple of things to this.

The insurance commissioner stated that he did not know what the impact was by raising the threshold, and that is a concern to me, as well as my constituents. You know, in Detroit, we pay some of the highest insurance rates in the state, and that is one of the reasons why many of my constituents don't own automobiles. In fact, probably less than half my constituents—so half of the constituents in Detroit—have an automobile. The high cost of insurance has a direct impact on their ability to own a car. The unfortunate part of that is they then have to rely on a bus system that is broken and doesn't work, but I guess that's another story.

The other concern I have is this is something that this Legislature is doing. This is an action that we are taking, and my fear was raised during the committee when we heard testimony—that is, we may be blamed, this Legislature may be blamed—for raising insurance rates. The concern that some of us have—at least on our side of the aisle—is that the insurance companies are going to say, "Well, there was an act of the Legislature that raised the threshold." Therefore, we are now going to be responsible for the first \$500,000 as opposed to \$250,000, and we are paying out more money, so we have to now adjust our rates to reflect our losses and future losses. I can see them actually putting a disclaimer in one of their premium notices of why they are raising our rates, so we may take responsibility for this action down the road.

I felt that raising the threshold was not needed, and these are some of the reasons why I voted against this bill.

The following bill was read a third time:

Senate Bill No. 28, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," (MCL 474.51 to 474.70) by amending the title, as amended by 1984 PA 210, and by adding section 15a.

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. 15

Yeas—32

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

Nays—1

Jaye

Excused—3

Dunaskiss

Gast

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 180, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 451 (MCL 750.451).

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. 16**Yeas—33**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—3**

Dunaskiss

Gast

Vaughn

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

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 18**Senate Resolution No. 19****Senate Resolution No. 20**

The resolution consent calendar was adopted.

Senator DeBeaussaert offered the following resolution:

Senate Resolution No. 18.

A resolution memorializing the life of Officer Richard Lee Vauris.

Whereas, It is with deep respect and sorrow that we offer this resolution as a memorial for the life of Clinton Township Police Officer Richard Lee Vauris. With his tragic passing, the Clinton Township community and Macomb County have lost a gentleman of great dedication and unselfishness. To his father, Louis Vauris, two brothers, William and Michael, and his colleagues in law enforcement, we offer this expression of our respect and admiration for the gifts he shared with the people of our state; and

Whereas, Richard Vauris was born in Detroit and attended Holy Redeemer Grade School. A graduate of Center Line High School, he was drafted into the Army in 1968. He served his country for 13 months in Vietnam. Upon returning home, Mr. Vauris went to work at Fisher Body for a short time before he decided to join the Detroit Police Department; and

Whereas, Officer Vauris first joined the police force in Detroit in 1970. He was a highly decorated officer while working with the Detroit Police Department. He served as a detective in the Armed Robbery Unit for 18 years and retired as a sergeant in 1997. Five days after his retirement from the Detroit police force, he joined the Clinton Township Police Department as a road patrol officer. Officer Vauris had recently been assigned to the newly created Hostage Negotiating Team. Officer Vauris was the first officer to die in the line of duty in the 33-year history of the department; and

Whereas, Officer Vauris set standards of service that epitomized the values and qualities we seek in the men and women who dedicate themselves to public safety. To him, being a law enforcement officer was not just a job, but a total commitment and one he carried out in a most commendable way. Officer Vauris was highly respected by his peers. He will be sincerely missed; now, therefore, be it

Resolved by the Senate, That we offer words of praise as a memorial for Officer Richard Lee Vauris. We wish his family, friends, and the entire policing community comfort in their memory of him as a fine man, an outstanding citizen, and public servant; and be it further

Resolved, That copies of this resolution be transmitted to the Vauris family and the Clinton Township Police Department as a reflection of our condolences.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 19.

A resolution of tribute for Carolyn Boger.

Whereas, It is with deep appreciation for her commitment and professionalism throughout her career with the Legislative Service Bureau (LSB) that we commend and thank Carolyn Boger upon the occasion of her retirement. In her more than 22 years with the Bureau, Carolyn has epitomized the efficiency and respect for the system that are often hidden but always indispensable to the legislative process in this state; and

Whereas, A graduate of Central Michigan University and a former high school literature teacher, Carolyn Boger came to the LSB in 1978. Her experiences since that time have included proofreading bills and other documents, working with the Research Division, and more than a decade and a half with the Print Shop. For many years, members and staff have known Carolyn best as the ever-friendly and cooperative voice on the telephone, clarifying and expediting requests for standardized booklets or other nonpartisan printing services for lawmakers. As the printing coordinator, she has handled all matters with the utmost diplomacy and cheerfulness, even when handling the delicate task of enforcing printing rules; and

Whereas, In addition to her direct assistance to legislators and staff, Carolyn Boger has contributed her considerable talents to a host of internal LSB teams. Her attention to detail and innate warmth were put to good use as the leader of open house outreach efforts for the historic 90th Legislature and the 64 new representatives in 1999; and

Whereas, Through all of the challenges, deadlines, and pressures, Carolyn has maintained an unshakable perspective on the intrinsic value of nonpartisan public service. This, along with an unflappable sense of humor, has contributed to the character of the Bureau and will long benefit the agency and our state's legislative branch; now, therefore, be it

Resolved by the Senate, That the members of this legislative body extend this expression of our thanks and best wishes to Carolyn Boger as she retires from the Legislative Service Bureau; and be it further

Resolved, That copies of this resolution be transmitted to Carolyn and her family as evidence of our gratitude for her work on our behalf.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators McCotter, Hoffman, North, Dingell, DeBeaussiaert, Emmons, Steil, Gougeon, McManus, Johnson, Van Regenmorter, Shugars, Hammerstrom, Bullard, Stille, Jaye, Bennett, Schuette, Murphy, Peters, Hart, Young, Koivisto, Smith, Byrum, Sikkema, Schwarz and Leland offered the following resolution:

Senate Resolution No. 20.

A resolution honoring the memory of Dale Earnhardt.

Whereas, Dale Earnhardt was born on April 29, 1951, in Kannapolis, North Carolina; and

Whereas, Despite the fact that Dale Earnhardt was an eighth grade dropout, he rose to become the career-leading money winner, earning more than \$41 million and establishing a name worth an estimated \$20 million each year in sponsorships; and

Whereas, Over his 25-year racing career, he won 7 Winston Cup Championships, amassed 676 starts, 76 wins, and 428 top ten finishes; and

Whereas, It is fitting to recognize that his racing style, character, and winning tradition elevated stock car racing from its bootlegging origins to a highly respected and widely watched athletic spectacle; and

Whereas, Mr. Earnhardt leaves behind a loving family and millions of admirers who will treasure his memory and long remember his accomplishments for years to come; and

Whereas, The quick and unexpected death of Dale Earnhardt during the last one-half mile of the Daytona 500 serves as an ever-present reminder of our human frailty; and

Whereas, The life and memory of Dale Earnhardt cannot adequately be expressed in any tribute or memorial or condolences to his family upon his passing; now, therefore, it be

Resolved by the Senate, That we, the people of the state of Michigan, extend our prayers, thoughts, and warmest regards to his wife Teresa and children, Dale Jr., Kerry, Kelly King, and Taylor, during this period of national mourning; and be it further

Resolved, That copies of this resolution be transmitted to the family of Dale Earnhardt as evidence of our admiration for him.

By unanimous consent the Senate proceeded to the order of

Statements

Senators DeBeaussiaert and Jaye asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator DeBeaussiaert's statement is as follows:

I'd like to thank the Majority Leader, all the members of the Senate, and Lieutenant Governor for their consideration and passage of Senate Resolution No. 18, memorializing the life of Officer Richard Lee Vauris of Clinton Township. This week again we've seen another tragic reminder of the danger and risk that those in law enforcement place themselves in every day and every hour of their working lives to protect Michigan citizens. Tomorrow, on what would have been his 55th birthday, thousands of his family, friends, colleagues in law enforcement, and the community at large will come together to pay final respects to Officer Vauris, who was the first Clinton Township officer to fall in the line of duty in the history of that department.

He was a graduate of Center Line High School and a Vietnam veteran. Richard Vauris' law enforcement career spanned over 30 years, Mr. President, serving recently as a Clinton Township officer since 1997. But before that he had a distinguished career in the city of Detroit for over 27 years, serving there and retiring as a sergeant in the Armed Robbery Unit. I'm sure that many of the members here have read the newspaper accounts of the tragedy that resulted in his death this week. I hope they also had an opportunity to read the biographical sketches from his family and friends; you didn't have to know Richard Vauris personally to sense the great loss that's felt by so many of those family and friends across the community. It's clear that public service through law enforcement was more than a job to him. It was his life and those in law enforcement were his family.

So it's appropriate, I think, that the Senate did take the opportunity today, on behalf of the people of Michigan, to thank and acknowledge Richard Vauris' family and his fellow officers for his life of service—to recognize how deeply indebted we are for those many years of service and to mourn with them for his life that was cut far too short.

A moment of silence was observed in memory of Clinton Township Police Officer Richard Lee Vauris.

Senator Jaye's statement is as follows:

I voted against Senate Bill No. 28, and the major reason why I voted against Senate Bill No. 28, which establishes a \$15 million loan fund for railroad loan infrastructure payments, is because if you look at the Senate Fiscal Agency bill analysis, it says that the loans would be noninterest-bearing. It says the Michigan Department of Transportation and the State Transportation Commission would be prohibited from requiring collateral, an irrevocable letter of credit, or personal guarantee to qualify for the loan. The current MDOT program guidelines require loan applicants to specify collateral and assurances to guarantee the repayment of the loan.

This bill, I believe for the first time for state government or local units of government, is setting up a fund for a loan that doesn't require a promise to repay or require collateral. In fact, this bill runs contrary to current Michigan Department of Transportation policy requiring applicants to specify collateral and assurances to guarantee repayment of a loan.

Do you know of any other business in the state of Michigan that can get a loan—this would be up to \$15 million—without a promise to repay? Railroads are an important part of our infrastructure, both for passenger and freight, but to give a no interest loan and not to require a promise to repay is going to possibly lead to increased default rates and a failure to respect the taxpayers' dollars.

I'm hoping that the House of Representatives will look very closely at the existing MDOT policy program requirements—to require loan applicants to specify collateral and assurances and a guarantee to repay the loan. I'm in favor in helping railroads or any other businesses that help our economy, but let's make sure that there is a good faith effort and a promise to repay the taxpayer dollar.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Bennett introduced

Senate Bill No. 252, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

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

Senator Bullard introduced

Senate Bill No. 253, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1998 PA 539.

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

Senator Johnson introduced

Senate Bill No. 254, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 732 (MCL 257.320a and 257.732), as amended by 2000 PA 460.

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

Senator Johnson introduced

Senate Bill No. 255, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80186a.

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

Senators Johnson, Bullard, Gougeon, North, Schwarz and Steil introduced

Senate Bill No. 256, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1027 (MCL 436.2027).

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 Van Regenmorter introduced

Senate Bill No. 257, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 36 to chapter IX.

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

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Family Independence Agency submits the following:
Meeting held on Tuesday, February 20, 2001, at 1:30 p.m., Room 210, Farnum Building
Present: Senators Goschka (C), Gougeon and Murphy

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:
Meeting held on Wednesday, February 21, 2001, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Hoffman (C) and Young
Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submits the following:
Meeting held on Wednesday, February 21, 2001, at 1:00 p.m., Room 810, Farnum Building
Present: Senators Bennett (C), Stille and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources and Labor submits the following:
Meeting held on Wednesday, February 21, 2001, at 1:10 p.m., Room 110, Farnum Building
Present: Senators Steil (C), North, Cherry and Murphy
Excused: Senator Dunaskiss

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submits the following:
Meeting held on Wednesday, February 21, 2001, at 3:00 p.m., Room 210, Farnum Building
Present: Senators North (C), Goschka and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:
Meeting held on Wednesday, February 21, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senator McManus (C)
Excused: Senators Gast and Koivisto

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture - Wednesday, February 28, 3:00 p.m., and Thursday, March 15, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Career Development Strategic Fund Agency - Tuesdays, February 27 and March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Consumer and Industry Services - Thursday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7350)

Family Independence Agency - Tuesdays, February 27 and March 6, 1:30 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesdays, February 27, March 6, and March 13, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, February 28, 3:00 p.m., Room 210, Farnum Building; March 7 and March 14, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

State Police and Military Affairs - Thursdays, March 1 and March 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2426)

Transportation - Wednesdays, February 28, March 7, and March 14, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Education - Wednesday, February 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-7350)

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

Farming, Agribusiness and Food Systems - Wednesday, February 28, 1:00 p.m., Room 405, Capitol Building (373-1725)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:44 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, February 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.