

No. 34
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Thursday, April 16, 2015.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present
O'Brien—present

Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Smith—present
Stamas—present
Warren—present
Young—present
Zorn—present

Senator Joseph R. Hune of the 22nd District offered the following invocation:
Heavenly Father, please watch and guide us as we make decisions on behalf of our citizens.
In Your name, we pray. Amen.

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

Motions and Communications

Senators Nofs and Shirkey entered the Senate Chamber.

Senator Kowall moved that Senator Casperson be temporarily excused from today’s session.
The motion prevailed.

Senator Hood moved that Senator Young be temporarily excused from today’s session.
The motion prevailed.

Senator Casperson entered the Senate Chamber.

Recess

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

11:28 a.m.

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

During the recess, Senator Young entered the Senate Chamber.

The following communication was received and read:
Office of the Auditor General

April 14, 2015

Enclosed is a copy of the following audit report:
Performance audit report on Driver and Vehicle Related Systems, Department of State and Department of Technology,
Management, and Budget.

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 15:
House Bill Nos. 4195 4196 4245 4365

The Secretary announced that the following bills and joint resolution were printed and filed on Wednesday, April 15,
and are available at the Michigan Legislature website:

Senate Bill Nos. 250 251 252 253 254 255 256 257 258 259 260 261 262 263
264
House Bill Nos. 4418 4419 4420 4421 4422 4423 4424 4425 4426 4427 4428 4429 4430 4431
4432 4433 4434 4435 4436 4437 4438 4439 4440 4441 4442 4443 4444 4445
4446 4447
House Joint Resolution O

Messages from the Governor

The following messages from the Governor were received:

Date: April 14, 2015

Time: 4:29 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 53 (Public Act No. 16), being

An act to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 1, 5b, and 5o (MCL 28.421, 28.425b, and 28.425o), as amended by 2015 PA 3.

(Filed with the Secretary of State on April 14, 2015, at 5:02 p.m.)

Date: April 14, 2015

Time: 4:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 54 (Public Act No. 12), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 40112 and 48703a (MCL 324.40112 and 324.48703a), section 40112 as amended by 1996 PA 316 and section 48703a as amended by 2014 PA 281.

(Filed with the Secretary of State on April 14, 2015, at 4:54 p.m.)

Date: April 14, 2015

Time: 4:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 55 (Public Act No. 13), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 40111c (MCL 324.40111c), as added by 2008 PA 301.

(Filed with the Secretary of State on April 14, 2015, at 4:56 p.m.)

Respectfully,
Rick Snyder
Governor

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Kowall 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 Schuitmaker, designated Senator Knezek as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 99, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 89a.

Senate Bill No. 196, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217c, 217f, 248c, and 252a (MCL 257.217c, 257.217f, 257.248c, and 257.252a), section 217c as amended by 2002 PA 642, sections 217f and 248c as amended by 1993 PA 300, and section 252a as amended by 2008 PA 539.

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 a substitute therefor, the following bill:

Senate Bill No. 64, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155, 21703, and 21734 (MCL 333.20155, 333.21703, and 333.21734), section 20155 as amended by 2012 PA 322 and section 21734 as added by 2000 PA 437.

Substitute (S-2).

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:

Senate Bill No. 65, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20109, 21703, and 21715 (MCL 333.20109, 333.21703, and 333.21715), section 20109 as amended by 1996 PA 224.

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:

Senate Bill No. 66, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 102 (MCL 450.4102), as amended by 2012 PA 568.

Substitute (S-1).

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

1. Amend page 5, line 15, after "**BY**" by striking out "**AN**" and inserting "**A DENTIST**,".

The Senate agreed to the substitute as amended 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:

Senate Bill No. 67, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 109 (MCL 450.1109), as amended by 2012 PA 569.

Substitute (S-1).

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

1. Amend page 1, line 6, after "**BY**" by striking out "**AN**" and inserting "**A DENTIST**,".

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 160, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 143.

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.

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 99

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

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

Senate Bill No. 169

Senate Bill No. 170

Senate Bill No. 221

Senate Bill No. 232

Senate Bill No. 233

Senate Bill No. 99

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 169, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278e.

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. 77

Yeas—38

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 170, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278d. 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. 78

Yeas—38

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 221, entitled

A bill to provide for the reciprocal exchange of distance education between this state and other states or a higher education compact; to prescribe the powers and duties of certain state agencies and officials; to provide for collection of fees; to designate the state agency for negotiating distance education agreements; to establish a complaint process for students enrolled in distance education programs at participating colleges and universities; to establish an authorization and approval process for out-of-state distance education providers and participating colleges and universities in this state; to provide penalties; 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. 79

Yeas—38

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 232, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 2 (MCL 205.92), as amended by 2013 PA 234.

The question being on the passage of the bill,

Senator Knezek offered the following amendment:

1. Amend page 9, following line 2, by inserting:

“Enacting section 2. The legislature will appropriate sufficient funds from the general fund to the state school aid fund to fully compensate for any loss of revenue to the state school aid fund resulting from the enactment of this legislation.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 80

Yeas—13

Ananich
Bieda
Gregory
Hertel

Hood
Hopgood
Johnson

Jones
Knezek
Rocca

Smith
Warren
Young

Nays—25

Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Hansen

Hildenbrand
Horn
Hune
Knollenberg
Kowall
MacGregor

Marleau
Meekhof
Nofs
O’Brien
Pavlov
Proos

Robertson
Schmidt
Schuitmaker
Shirkey
Stamas
Zorn

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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. 81**Yeas—37**

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Rocca
Booher	Hood	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Colbeck	Hune	Nofs	Smith
Emmons	Johnson	O'Brien	Warren
Green	Jones	Pavlov	Young
Gregory	Knezek	Proos	Zorn
Hansen			

Nays—1

Stamas

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 233, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2013 PA 160.

The question being on the passage of the bill,

Senator Knezek offered the following amendment:

1. Amend page 7, following line 5, by inserting:

"Enacting section 2. The legislature will appropriate sufficient funds from the general fund to the state school aid fund to fully compensate for any loss of revenue to the state school aid fund resulting from the enactment of this legislation.".

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 82**Yeas—15**

Ananich	Hertel	Jones	Smith
Bieda	Hood	Knezek	Warren
Green	Hopgood	Nofs	Young
Gregory	Johnson	Rocca	

Nays—23

Booher	Hildenbrand	Marleau	Schmidt
Brandenburg	Horn	Meekhof	Schuitmaker

Casperson	Hune	O'Brien	Shirkey
Colbeck	Knollenberg	Pavlov	Stamas
Emmons	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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. 83

Yeas—37

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Rocca
Booher	Hood	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Colbeck	Hune	Nofs	Smith
Emmons	Johnson	O'Brien	Warren
Green	Jones	Pavlov	Young
Gregory	Knezek	Proos	Zorn
Hansen			

Nays—1

Stamas

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 99, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 89a.

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. 84**Yeas—38**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Nofs' statement is as follows:

Senate Bill No. 99 will designate a portion of Business Loop 94 in Battle Creek as the Detective LaVern S. Brann Memorial Highway in honor of the officer who was killed in the line of duty ten years ago next month.

As a Battle Creek State Police post commander, I had the opportunity of working with Detective Brann on a number of occasions. I can tell all of you here that he was one of the good ones. He was kind, considerate, and professional, and we could go on and on. Detective Brann was well-respected and well-liked throughout this community. This would be a fitting tribute to a man who spent his career protecting the citizens of Battle Creek. So I ask that my colleagues support this bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bieda, Jones, Knollenberg, Smith, Kowall, Schuitmaker, Colbeck, Hertel and Hood introduced

Senate Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 19 of article VI, to remove the age limitation from eligibility criteria for judicial office.

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

Senators Schmidt, Shirkey and Knollenberg introduced

Senate Bill No. 271, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1014.

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

Senators Warren, Knezek, Ananich, Hertel, Bieda, Gregory and Hopgood introduced
Senate Bill No. 272, entitled

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

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

Senators Warren, Ananich, Knezek, Hertel, Bieda, Gregory and Hopgood introduced
Senate Bill No. 273, entitled

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

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

Senators Jones, Robertson, Nofs and Hansen introduced

Senate Bill No. 274, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2012 PA 282.

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

Senator Robertson introduced

Senate Bill No. 275, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17039 and 17539.

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

Senator Robertson introduced

Senate Bill No. 276, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2012 PA 48.

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

Senators Hopgood, Gregory, Jones, Bieda, Young, Johnson, Hood and Kowall introduced

Senate Bill No. 277, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2008 PA 394, and by adding section 11131.

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

Senator Hildenbrand introduced

Senate Bill No. 278, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by amending the title, as amended by 2002 PA 90, and by adding chapter VIIA.

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

Senators Knollenberg, Shirkey, Jones, Hansen, Colbeck, Pavlov, Robertson, Schuitmaker, Marleau, Booher, Hildenbrand, Caspersen, Proos, Hune and Emmons introduced

Senate Bill No. 279, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 71 (MCL 38.1371), as amended by 1996 PA 268.

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

Senators Knollenberg, Shirkey, Hansen, Colbeck, Pavlov, Robertson, Schuitmaker, Marleau, Booher, Hildenbrand, Casperson, Proos, Hune and Emmons introduced

Senate Bill No. 280, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending section 10 (MCL 423.210), as amended by 2014 PA 414.

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

Senators Schuitmaker and Jones introduced

Senate Bill No. 281, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8322 (MCL 600.8322), as amended by 2005 PA 326.

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

House Bill No. 4195, entitled

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending sections 7, 9, 11, 15, 17, 19, 21, 23, and 27 (MCL 125.2237, 125.2239, 125.2241, 125.2245, 125.2247, 125.2249, 125.2251, 125.2253, and 125.2257), section 15 as amended by 2005 PA 102 and sections 17, 19, and 23 as amended by 2007 PA 173.

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 Economic Development.

House Bill No. 4196, entitled

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending section 31 (MCL 125.2261).

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 Economic Development.

House Bill No. 4245, entitled

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending sections 7, 9, and 12 (MCL 338.2307, 338.2309, and 338.2312), section 9 as amended by 2013 PA 150.

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 Regulatory Reform.

House Bill No. 4365, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 419 (MCL 208.1419).

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 Economic Development.

Recess

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

The motion prevailed, the time being 12:06 p.m.

1:07 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Kowall moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 248

Senate Bill No. 249

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Kowall 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 Schuitmaker, designated Senator Knezek as Chairperson.

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

Senate Bill No. 249, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 25a (MCL 552.625a), as amended by 2009 PA 193.

The bill 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. 248, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and sections 3101, 3104, 3107, 3107a, 3114, 3135, 3157, 3163, 3301, 3310, 3330, 4501, and 6107 (MCL 500.3101, 500.3104, 500.3107, 500.3107a, 500.3114, 500.3135, 500.3157, 500.3163, 500.3301, 500.3310, 500.3330, 500.4501, and 500.6107), the title as amended by 2002 PA 304, section 3101 as amended by 2014 PA 492, section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, section 3107a as amended by 1991 PA 191, section 3114 as amended by 2002 PA 38, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, section 3310 as amended by 2001 PA 228, section 3330 as amended by 2012 PA 204, section 4501 as amended by 2012 PA 39, and section 6107 as added by 1992 PA 174, and by adding section 3107c and chapter 63.

Substitute (S-3).

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

1. Amend page 43, line 5, after "IN" by striking out "SUBSECTIONS (3) AND (4)" and inserting "THIS SECTION".
2. Amend page 43, line 22, after "IN" by striking out "SUBSECTIONS (3) AND (4)" and inserting "THIS SECTION".
3. Amend page 43, line 25, after "MEMBER" by striking out the balance of the line through "(A)" on line 26 and inserting a comma.

4. Amend page 44, line 1, by striking out all of subdivision (B).

5. Amend page 44, line 4, after "(4)" by inserting "OR (5)".

6. Amend page 44, following line 11, by inserting:

"(5) AN INJURED PERSON OR THE INJURED PERSON'S REPRESENTATIVE MAY REQUEST A MEDICAL REVIEW TO DETERMINE THE CARE AND TREATMENT REQUIREMENTS OF THE PATIENT. IF THE MEDICAL REVIEW DETERMINES THAT THE INJURED PERSON RECEIVES ATTENDANT CARE THAT EXCEEDS THE LIMITATIONS IN THIS SECTION TO PROVIDE ADEQUATE TREATMENT, THE ADDITIONAL CARE IS AN ALLOWABLE EXPENSE UNDER SECTION 3107(1)(A)."

7. Amend page 49, line 27, after "3157." by inserting "(1)".

8. Amend page 50, line 8, after "insurance." by striking out "AN INSURER OR A" and inserting:

"(2) IF AN INSURER OR A CORPORATION FORMED UNDER 3104 DOES NOT AGREE WITH THE AMOUNT CHARGED UNDER SUBSECTION (1), THE PERSON OR INSTITUTION AND THE INSURER OR CORPORATION SHALL NEGOTIATE TO ATTEMPT TO AGREE ON A REASONABLE PAYMENT. IF THE PARTIES ARE UNABLE TO REACH AN AGREEMENT, THE INSURER OR"

9. Amend page 50, line 10, after the first "THE" by inserting "AVERAGE".

10. Amend page 54, line 1, after "AUTHORITY." by inserting "A MEMBER OR SELF-INSURER THAT PAYS MONEY FOR THE COSTS AND ADMINISTRATION OF THE MICHIGAN AUTOMOBILE INSURANCE FRAUD AUTHORITY SHALL NOT PAY THE MONEY FROM PREMIUM REVENUE, BUT SHALL PAY THE MONEY FROM OTHER EARNINGS OR INVESTMENTS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE CONTRARY, AN INSURER, THE DIRECTOR OR DEPARTMENT, OR ANY OTHER PERSON SHALL NOT INCLUDE OR CONSIDER THE PAYMENT OF MONEY AS DESCRIBED IN THIS SUBSECTION WITH RESPECT TO ESTABLISHING A RATE."

11. Amend page 57, line 10, after "MONEY." by striking out the balance of the subsection and inserting "HOWEVER, THE AUTHORITY SHALL COMPLY WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AS IF THE AUTHORITY WERE A PUBLIC BODY. A RECORD OR PORTION OF A RECORD, MATERIAL, DATA, OR OTHER INFORMATION RECEIVED, PREPARED, USED, OR RETAINED BY THE AUTHORITY IN CONNECTION WITH THE INVESTMENT OF ASSETS OR OF AN INSURER"

THAT RELATES TO FINANCIAL OR PROPRIETARY INFORMATION AND IS CONSIDERED BY THE PERSON OR INSURER PROVIDING THE AUTHORITY WITH THE RECORD, MATERIAL, DATA, OR INFORMATION AS CONFIDENTIAL AND ACKNOWLEDGED BY THE AUTHORITY AS CONFIDENTIAL IS NOT SUBJECT TO DISCLOSURE BY THE AUTHORITY. AS USED IN THIS SUBSECTION:

(A) "FINANCIAL OR PROPRIETARY INFORMATION" MEANS INFORMATION THAT HAS NOT BEEN PUBLICLY DISSEMINATED OR THAT IS UNAVAILABLE FROM OTHER SOURCES, THE RELEASE OF WHICH MIGHT CAUSE THE PERSON PROVIDING THE INFORMATION TO THE AUTHORITY SIGNIFICANT COMPETITIVE HARM. FINANCIAL OR PROPRIETARY INFORMATION INCLUDES, BUT IS NOT LIMITED TO, FINANCIAL PERFORMANCE DATA AND PROJECTIONS, FINANCIAL STATEMENTS, AND PRODUCT AND MARKET DATA.

(B) "PUBLIC BODY" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.232."

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 248

Senate Bill No. 249

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

Recess

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

The motion prevailed, the time being 1:16 p.m.

1:24 p.m.

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

The following bill was read a third time:

Senate Bill No. 248, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and sections 2109, 3101, 3104, 3107, 3107a, 3114, 3135, 3157, 3163, 3301, 3330, and 4501 (MCL 500.2109, 500.3101, 500.3104, 500.3107, 500.3107a, 500.3114, 500.3135, 500.3157, 500.3163, 500.3301, 500.3330, and 500.4501), the title as amended by 2002 PA 304, section 3101 as amended by 2014 PA 492, section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, section 3107a as amended by 1991 PA 191, section 3114 as amended by 2002 PA 38, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, section 3330 as amended by 2012 PA 204, and section 4501 as amended by 2012 PA 39, and by adding sections 3107c and 3178a.

The question being on the passage of the bill,

Senator Young offered the following amendment:

1. Amend page 52, following line 5, by inserting:

"SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 20% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.

(3) IF AN INSURER FAILS TO COMPLY WITH THIS SECTION, FOR THE FOLLOWING YEAR, THE INSURER SHALL NOT COMPENSATE ITS CHIEF EXECUTIVE OFFICER AT A WEEKLY RATE THAT EXCEEDS 5 TIMES THE STATE AVERAGE WEEKLY WAGE AS DETERMINED BY THE MICHIGAN EMPLOYMENT SECURITY COMMISSION UNDER SECTION 27 OF THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936 (EX SESS) PA 1, MCL 421.27.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 85**Yeas—12**

Ananich	Gregory	Hopgood	Rocca
Bieda	Hertel	Johnson	Warren
Emmons	Hood	Knezek	Young

Nays—26

Booher	Horn	Meekhof	Schmidt
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Jones	O'Brien	Shirkey
Colbeck	Knollenberg	Pavlov	Smith
Green	Kowall	Proos	Stamas
Hansen	MacGregor	Robertson	Zorn
Hildenbrand	Marleau		

Excused—0**Not Voting—0**

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 40% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 86**Yeas—8**Ananich
BiedaGregory
HertelHopgood
KnezekWarren
Young**Nays—28**Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
HansenHildenbrand
Hood
Horn
Hune
Jones
Knollenberg
KowallMacGregor
Marleau
Meekhof
Nofs
O'Brien
Pavlov
ProosRobertson
Rocca
Schmidt
Schuitmaker
Smith
Stamas
Zorn**Excused—0****Not Voting—2**

Johnson

Shirkey

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 30% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 87**Yeas—11**Ananich
Bieda
GregoryHertel
Hood
HopgoodJohnson
Knezek
RoccaWarren
Young**Nays—27**Booher
BrandenburgHildenbrand
HornMarleau
MeekhofSchmidt
Schuitmaker

Casperson	Hune	Nofs	Shirkey
Colbeck	Jones	O'Brien	Smith
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 20% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 88

Yeas—13

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Emmons	Hopgood	Rocca	Young
Gregory			

Nays—25

Booher	Horn	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O'Brien	Shirkey
Green	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 10% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 89

Yeas—13

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Emmons	Hopgood	Rocca	Young
Gregory			

Nays—25

Booher	Horn	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O’Brien	Shirkey
Green	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 5% TO REFLECT THE SAVINGS EXPECTED AS

A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 90

Yeas—17

Ananich	Hansen	Johnson	Schuitmaker
Bieda	Hertel	Knezek	Smith
Emmons	Hood	Nofs	Warren
Green	Hopgood	Rocca	Young
Gregory			

Nays—21

Booher	Hune	Marleau	Robertson
Brandenburg	Jones	Meekhof	Schmidt
Casperson	Knollenberg	O’Brien	Shirkey
Colbeck	Kowall	Pavlov	Stamas
Hildenbrand	MacGregor	Proos	Zorn
Horn			

Excused—0

Not Voting—0

In The Chair: President

Senator Bieda offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3182. AN INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) SHALL NOT IN ANY YEAR EXPEND MORE THAN 15% OF ITS PREMIUM REVENUE RECEIVED IN THE YEAR FOR THE PAYMENT OF NON-CLAIMS COSTS.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 91

Yeas—13

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Green	Hopgood	Rocca	Young
Gregory			

Nays—25

Booher	Horn	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O'Brien	Shirkey
Emmons	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Excused—0

Not Voting—0

In The Chair: President

Senator Bieda offered the following amendments:

1. Amend page 4, following line 1, by inserting:

“Sec. 134. (1) Every certificate of authority or license in force immediately prior to January 1, 1957 and existing under any act repealed by this act is valid until its original expiration date, unless earlier terminated in accordance with this act.

(2) Any plan of operation adopted by an association or facility, and any premium or assessment levied against an insurer member of that association or facility, is hereby validated retroactively to the date of its original adoption or levy and shall continue **CONTINUES** in force and effect according to the terms of the plan of operation, premium, or assessment until otherwise changed by ~~the commissioner~~ **DIRECTOR OF THE DEPARTMENT** or the board of directors of the association or facility pursuant to this act.

(3) An association or facility or the board of directors of the association or facility is not a state agency and the money of an association or facility is not state money.

(4) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 3104**, A record of an association or facility shall be ~~exempted~~ **IS EXEMPT** from disclosure pursuant to section 13 of the freedom of information act, ~~Act No. 442 of the Public Acts of 1976, being section 15.243 of the Michigan Compiled Laws 1976 PA 442, MCL 15.243.~~

(5) Any premium or assessment levied by an association or facility, or any premium or assessment of a similar association or facility formed under a law in force outside this state, is not a burden or special burden for purposes of a calculation under section 476a, and any premium or assessment paid to an association or facility shall not be included in determining the aggregate amount a foreign insurer pays to the ~~commissioner~~ **DEPARTMENT OF TREASURY** under section 476a.

(6) As used in this section, “association or facility” means an association of insurers created under this act and any other association or facility formed under this act as a nonprofit organization of insurer members, including, but not limited to, the following:

- (a) The Michigan worker’s compensation placement facility created under chapter 23.
- (b) The Michigan basic property insurance association created under ~~section~~ **CHAPTER 29**.
- (c) The catastrophic claims association created under chapter 31.
- (d) The Michigan automobile insurance placement facility created under chapter 33.
- (e) The Michigan life and health insurance guaranty association created under chapter 77.
- (f) The property and casualty guaranty association created under chapter 79.
- (g) The assigned claims facility created under section 3171.”.

2. Amend page 39, following line 12, by inserting:

“(41) THE BUSINESS THAT THE BOARD OF AN ASSOCIATION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(42) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE BOARD OF AN ASSOCIATION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.” and renumbering the remaining subsections.

The amendments were not adopted, a majority of the members serving not voting therefor.
 Senator Kowall requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 92**Yeas—15**

Ananich	Hertel	Knezek	Smith
Bieda	Hood	Nofs	Warren
Green	Hopgood	Rocca	Young
Gregory	Johnson	Schuitmaker	

Nays—23

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Schmidt
Casperson	Hune	Meekhof	Shirkey
Colbeck	Jones	O'Brien	Stamas
Emmons	Knollenberg	Pavlov	Zorn
Hansen	Kowall	Pros	

Excused—0**Not Voting—0**

In The Chair: President

Senator Hood offered the following amendments:

1. Amend page 4, following line 1, by inserting:

“SEC. 2027A. (1) IT IS AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE FOR AN AUTOMOBILE INSURER TO REFUSE TO INSURE, REFUSE TO CONTINUE TO INSURE, LIMIT THE AMOUNT OF COVERAGE AVAILABLE, OR CHARGE A DIFFERENT RATE OR PREMIUM FOR THE SAME COVERAGE BASED ON THE CREDIT HISTORY OR LACK OF CREDIT HISTORY OF AN INSURED OR APPLICANT.

(2) SUBSECTION (1) DOES NOT PROHIBIT A DISCOUNT BASED ON EXPENSE SAVINGS RELATED TO GROUP, BLANKET, OR FRANCHISE AUTOMOBILE INSURANCE.”.

2. Amend page 6, following line 9, by inserting:

“Sec. 2151. As used in this chapter:

(a) “Adverse action” means an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any personal insurance, existing or applied for.

(b) “Consumer reporting agency” means any person ~~which~~, **THAT**, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(c) “Credit information” means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Information that is not credit-related ~~shall~~ **IS** not be ~~considered~~ credit information, regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

(d) “Credit report” means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, or credit capacity that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in the rating of personal insurance.

(e) “Insurance score” means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(f) “Personal insurance” means property/casualty insurance written for personal, family, or household use, including ~~automobile~~, home, motorcycle, mobile home, noncommercial dwelling fire, boat, personal watercraft, snowmobile, and recreational vehicle, whether written on an individual, group, franchise, blanket policy, or similar basis. **PERSONAL INSURANCE DOES NOT INCLUDE AUTOMOBILE INSURANCE.**”

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 93

Yeas—11

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Rocca	

Nays—27

Booher	Hildenbrand	Marleau	Schmidt
Brandenburg	Horn	Meekhof	Schuitmaker
Casperson	Hune	Nofs	Shirkey
Colbeck	Jones	O’Brien	Smith
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 4, following line 1, by inserting:

“SEC. 2027B. (1) IT IS AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE FOR AN AUTOMOBILE INSURER TO REFUSE TO INSURE, REFUSE TO CONTINUE TO INSURE, LIMIT THE AMOUNT OF COVERAGE AVAILABLE, OR CHARGE A DIFFERENT RATE OR PREMIUM FOR THE SAME COVERAGE BASED ON THE EDUCATION LEVEL OF AN INSURED OR APPLICANT.

(2) SUBSECTION (1) DOES NOT PROHIBIT A DISCOUNT BASED ON EXPENSE SAVINGS RELATED TO GROUP, BLANKET, OR FRANCHISE AUTOMOBILE INSURANCE.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 94

Yeas—10

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood		

Nays—28

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Smith
Green	Kowall	Proos	Stamas
Hansen	MacGregor	Robertson	Zorn

Excused—0**Not Voting—0**

In The Chair: President

Senator Hertel offered the following amendment:

1. Amend page 38, line 4, after “ASSOCIATION,” by striking out “TRANSMIT ANY REMAINING MONEY OF THE UNINCORPORATED ASSOCIATION TO AN INCORPORATED ASSOCIATION” and inserting “DISTRIBUTE ANY REMAINING MONEY OF THE UNINCORPORATED ASSOCIATION IN EQUAL AMOUNTS TO EACH INDIVIDUAL WHO IS A NAMED INSURED AT THE TIME OF THE DISTRIBUTION UNDER AN INSURANCE POLICY THAT PROVIDES THE SECURITY REQUIRED BY SECTION 3101(1) OR SECTION 3103(1)”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 95**Yeas—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Rocca	

Nays—27

Booher	Hildenbrand	Marleau	Schmidt
Brandenburg	Horn	Meekhof	Schuitmaker
Casperson	Hune	Nofs	Shirkey
Colbeck	Jones	O'Brien	Smith
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

Excused—0**Not Voting—0**

In The Chair: President

Senator Gregory offered the following amendments:

1. Amend page 51, line 21, after “**3178A.**” by striking out “(1)”.
2. Amend page 51, line 27, by striking out all of subsection (2).

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 96

Yeas—16

Ananich	Gregory	Hopgood	Schuitmaker
Bieda	Hansen	Johnson	Smith
Colbeck	Hertel	Knezek	Warren
Green	Hood	Rocca	Young

Nays—22

Booher	Hune	Meekhof	Robertson
Brandenburg	Jones	Nofs	Schmidt
Casperson	Knollenberg	O’Brien	Shirkey
Emmons	Kowall	Pavlov	Stamas
Hildenbrand	MacGregor	Proos	Zorn
Horn	Marleau		

Excused—0

Not Voting—0

In The Chair: President

Senator Knezek offered the following amendment:

1. Amend page 52, following line 5, by inserting:

“SEC. 3184. IF AN ANNUAL PREMIUM CHARGED BY AN INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101(1) EXCEEDS 15% OF THE STATE AVERAGE OF PREMIUMS FOR THAT INSURANCE COVERAGE PER ZIP CODE, THE INSURER SHALL REPORT TO THE STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES WITH PRIMARY JURISDICTION OVER INSURANCE MATTERS ON THE REASON THE PREMIUM EXCEEDS THE STATE AVERAGE. THE INSURER’S CHIEF EXECUTIVE OFFICER OR HIS OR HER DESIGNEE SHALL APPEAR BEFORE THE STANDING COMMITTEES TO TESTIFY ABOUT THE REPORT REQUIRED UNDER THIS SECTION.”

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 97

Yeas—13

Ananich	Hood	Knezek	Smith
Bieda	Hopgood	Nofs	Warren
Gregory	Johnson	Schuitmaker	Young
Hertel			

Nays—25

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Rocca
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen			

Excused—0**Not Voting—0**

In The Chair: President

Senator Ananich offered the following amendment:

1. Amend page 50, line 8, after “insurance.” by striking out the balance of the section.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 98**Yeas—14**

Ananich	Hertel	Knezek	Warren
Bieda	Hood	MacGregor	Young
Green	Hopgood	Rocca	Zorn
Gregory	Johnson		

Nays—24

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Smith
Hansen	Kowall	Proos	Stamas

Excused—0**Not Voting—0**

In The Chair: President

Senator Warren offered the following amendments:

1. Amend page 43, line 5, after “**3107C.**” by striking out all of subsection (1) and renumbering the remaining subsections.

2. Amend page 43, line 22, after “**SUBSECTIONS**” by striking out “**(3) AND (4),**” and inserting “**(2) AND (3),**”.
3. Amend page 44, line 4, after “**SUBSECTION**” by striking out “**(4),**” and inserting “**(3),**”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 99**Yeas—13**

Ananich	Hertel	Johnson	Rocca
Bieda	Hood	Knezek	Warren
Green	Hopgood	Robertson	Young
Gregory			

Nays—25

Booher	Horn	Marleau	Schmidt
Brandenburg	Hune	Meekhof	Schuitmaker
Casperson	Jones	Nofs	Shirkey
Colbeck	Knollenberg	O’Brien	Smith
Emmons	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Excused—0**Not Voting—0**

In The Chair: President

Senator Ananich offered the following amendment:

1. Amend page 64, following line 24, by inserting:

“Enacting section 4. Sections 3107, 3107a, and 3157 of the insurance code of 1956, 1956 PA 218, MCL 500.3107, 500.3107a, and 500.3157, as amended by this amendatory act, and section 3107c of the insurance code of 1956, 1956 PA 218, as added by this amendatory act, only apply to motor vehicle accident policies issued or renewed after the date this amendatory act takes effect.”

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Kowall requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 100**Yeas—13**

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Green	Hopgood	Rocca	Young
Gregory			

Nays—25

Booher	Horn	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O'Brien	Shirkey
Emmons	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Excused—0**Not Voting—0**

In The Chair: President

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. 101**Yeas—21**

Booher	Hildenbrand	Meekhof	Robertson
Brandenburg	Horn	Nofs	Schuitmaker
Casperson	Hune	O'Brien	Shirkey
Colbeck	Jones	Pavlov	Smith
Emmons	Marleau	Proos	Stamas
Hansen			

Nays—17

Ananich	Hood	Knollenberg	Schmidt
Bieda	Hopgood	Kowall	Warren
Green	Johnson	MacGregor	Young
Gregory	Knezek	Rocca	Zorn
Hertel			

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Young, Johnson, Hertel, Hopgood, Ananich, Hood and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 248.

Senators Young and Johnson moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Young’s statement is as follows:

My fellow Senators and colleagues, what we have in this bill is what happens when the rich man inside the temple gets his way. This bill is nothing more than a giveaway to insurance companies and another backdoor tax increase for working families. Time after time, my colleagues across the aisle have pushed policies that add another fee increase or another tax burden onto the backs of regular Michigan residents; the people who could least afford to bear it. The pension tax, essentially eliminating the EITC, property tax, and cutting funding for education, and families have to pick up the slack. On and on. Countless working people are already being nicked and dined right out of the middle class.

After all of that, now you bring us this bill that you dropped into our laps in a hastily-scheduled committee meeting. This bill, all 62 pages of it, we could not possibly read before voting on or were asked to vote nonetheless. This bill allows insurance companies that are already swimming in profits to flood their pools at the expense of, yes, regular Michigan residents.

Tell me, colleagues, what in this bill helps the Michigan auto insurance consumer? If you believe that this bill is going to help the consumers of Michigan, then you might as well rename it a Spike Lee Joint, because you have been bamboozled, plain and simple. The consumer, as you know, already pays the highest auto insurance premiums in the nation. Please don’t tell me that it’s competition—that competition between companies will drive down prices because they haven’t. Not now and they won’t in the future and they won’t under this bill.

There are over 800 companies licensed to sell insurance products in Michigan. I don’t know how much more competitive you can get than that. Yet more residents in Detroit don’t drive because the cost of insuring the car is more than they can afford. I have people in my district who every time they get their auto insurance bills, they have to make a decision if they will pay for prescription drugs, keep lights on, keep heat on, keep car, pay rent, or pay auto insurance. Mr. President, I have a simple rule: You should never make life decisions every time you get your auto insurance bill. That is what people are doing—fill the car with gas or pay the auto insurance bill. It is absurd, wrong, and preying upon poor people. It needs to stop.

Let’s make today be the day that we have our priorities straight, and we put the people before the corporations. It is wrong. We can do better and people deserve better.

If this bill was so full of good things for the hundreds of people we represent, then why are we rushing it through? Do the rich men in the temple need a quick vote before the people outside begging for relief and bread find out what is really happening? Given the past actions of my colleagues across the aisle, I would say that is more than likely. Given my love for the people of this state, especially the people of the 1st District who elected me, it sickens me to the core.

Colleagues, I hope that you will join me in voting against this bill and working together on a new bill that would benefit the people we serve, not the companies that cash six-figure campaign checks. We need legislation that will provide fairness in auto rates for everybody. We need fairness in rates today, tomorrow, and forever. If we don’t get that, we need to vote this bill down.

Senator Johnson’s statement, in which Senators Hertel, Hopgood, Ananich, Hood and Gregory concurred, is as follows:

I was taught in Montessori School some time ago that any false statement inside of a true statement renders the entire statement false. That might prove analogous when you consider that this particular bill has a number of measures and instances in which it does more harm than good to the people who absorb insurance rates across the state of Michigan.

In this chamber and in this body, I thought that we all took an oath that was to protect the interest, good, safety, and welfare of the citizens we all represent. I will trade any member in this chamber my insurance bill for theirs. In the city of Highland Park, where I reside, which is one of the poorest communities in the state of Michigan, I pay \$6,634 for auto insurance per year and \$6,048 for home insurance without one claim ever made. Related expenses include \$16,000 in the past two months for front-end auto damage to my car that is sitting in the shop today. If I had a little bit of that insurance money back or if I didn’t pay such a high premium or if I wasn’t so worried about my costs continuing to skyrocket, I might have made a claim and wouldn’t have paid that money out of pocket.

We talk about these issues as though they don’t strike home for people. When you consider the amount of money that it takes to live in a poor city like Highland Park, you will forgive me if I possess no altruism for the bill presented before us. Frankly, what we are doing in this chamber today is protecting the interest of corporate stakeholders over and above the people we all represent.

I give some kudos to the Senator from the 38th District for what he did with me a few years back when I talked with him about the ugly nature of mass transit in the city of Detroit. He came down to study that system with me, and we rode it and talked with people and he came away with a sincere understanding of what citizens wrestle with every day. It was his conscience that was pricked, allowing him to come back to this chamber and make drastic but necessary changes

to the regional transit structure in Southeast Michigan. Today, part and parcel to the work we did, we have a bus rapid transit line going in and coordinated service across DDOT that will be to the benefit of citizens who have to endure that system each day.

More importantly, as it relates to this bill, not one single conscience has been pricked with respect to the rates that citizens you and I represent are absorbing. If you believe in people first and putting people over profits, then, in fact, you would withdraw this bill, go back to the drawing board, and figure out how to insert some people-saving mechanisms in here before we actually pass this bill. It is ridiculous that we are protecting the interest of people who are billionaires before we even consider the people who are suffering with having to buy a legal product that they cannot afford.

Senators Young, Bieda, Hood, Johnson, Hertel, Gregory, Knezek, Hopgood and Ananich asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's first statement is as follows:

I am literally talking about 5 percent. Mr. President, I can't get rate reduction for the greater good of the people of Michigan? Aren't they worth 5 percent? Not 10, not 20, not 30, not 40, not even 50, but 5. Are you serious? This is outlandish, and we ought to be ashamed of ourselves. People are going to report this in 20 years as a blooper and an embarrassment—5 percent; 5.

Senator Bieda's first statement is as follows:

Colleagues, I rise to offer an amendment to Senate Bill No. 248 that would give more money to insurance companies. This amendment would at least ensure that money saved by insurance companies is going to help consumers.

I know that insurance companies are everywhere and are an important part of our economy. We have all seen their ads. There is the GEICO gecko, Jake from State Farm, Mayhem, and you're in good hands with Allstate. They're funny commercials, yes. They're also a constant reminder that insurance companies are not hurting, but Michigan consumers are. We pay some of the highest insurance rates in the country, with no relief in sight, especially not out of these bills before us. Meanwhile, insurance companies are making billions, and this legislation is only going to ensure that they get more.

The insurance industry is the ninth-largest ad-spending category in the U.S. and spent \$5.2 billion on ads in 2013. That is not right. The state should not be giving more money to insurance companies, period. But if we are, we should at least ensure the money is going toward actual insurance services and consumer rate savings.

That is what my amendment would do—require insurance companies to spend 85 percent of their money on insurance. That is what their business is, and that is what they should be focused on, not padding their profits or perpetuating their advertising budgets.

Senator Bieda's second statement is as follows:

Colleagues, I rise to offer another amendment to this bill that would require any new insurance entity, including the Michigan Catastrophic Claims Association and the Michigan Legacy Claims Association, to be subject to FOIA and the Open Meetings Act. While the bill states the MLCA should act as if it were a public body when it comes to FOIA, that is not binding, and there is no reference to complying with the Open Meetings Act.

Michigan consumers pay some of the highest auto insurance rates in the country, yet under this legislation, their rates and coverage are still at the mercy of this new authority. If the decisions made by this new insurance authority are truly being made in the public's best interest, they should not be made behind closed doors. By making these meetings and decisions open to the public and subject to FOIA, there will be greater transparency and greater accountability to the public.

There is not a rational explanation, whether it's from the other side of the aisle or from the insurance companies themselves, why the public and the consumers required to carry auto insurance shouldn't be privy to how their rates and coverage are being set. The motives of this legislation are highly questionable, and these suspicions are compounded by any efforts to exclude Michigan citizens from the process.

I urge my colleagues to support this amendment and make this important revision to the bill to at least pull back the curtain on this process and restore public trust in this body.

Senator Hood's statement is as follows:

This amendment would simply require that the credit scores be removed from price determination of your insurance premiums. Credit scores should not be a part of determining your premiums, and this amendment will clarify that.

Senator Johnson's statement is as follows:

Fellow Senators, I rise to offer another amendment to Senate Bill No. 248 that would focus more on lowering insurance rates than raising insurance company profits. If we really want to reform auto insurance in Michigan, we should be tackling the way rates are set, not the liability and obligations of insurers.

Insurance is required to drive a vehicle. It is a legal necessity. But because every driver in Michigan needs it, consumers are forced to pay whatever insurance companies charge, allowing insurance companies to exploit low-income drivers.

A recent nationwide analysis by www.CarInsurance.com found that Detroit residents have the costliest car insurance in the country. Detroit's car insurance rates average about \$5,000 per year, compared with Brooklyn, New York, the second-highest at about \$3,900, and Philadelphia third at \$2,800, according to the survey released. The consumer website found Michigan's statewide average to be about \$2,200, less than half of that in Detroit. This is ridiculous, yet as we look at these bills before us, they are all about helping the insurance industry—the companies and their shareholders—not you and me.

This bill before us does nothing to help consumers and actually might hurt them. But my amendment would fix that. One of the ways these insurance companies get away with charging such outrageous and overinflated rates is by factoring in things like a driver's credit score or education into the price determination. This amendment would simply remove education from being a factor in auto insurance price determination. There is no reasonable explanation for this predatory rate-setting that takes advantage of low-income and undereducated drivers, and it's time we put a stop to it.

I urge you all to support this amendment, and stand up for Michigan consumers as readily and adamantly as you are going to for Michigan insurance companies.

Senator Young's second statement is as follows:

I know this might be a radical idea, but how about we give discounts to people who are good drivers? I think this nonsense of giving discounts based on your credit score or education level has nothing to do with determining whether or not you will run into a tree or do donuts in a parking lot. You can have people driving a car off a "Dukes of Hazzard" stunt ramp. We don't know what they are doing. To give a discount for that when we have people who are good drivers and play by the rules and are not getting discounts is absurd.

This is just further proof that this amendment needs to be adopted, and this bill doesn't. It is horrible and you are right. We are avoiding a tornado but substituting an economic tornado in this bill.

Senator Hertel's statement is as follows:

Colleagues, I rise to offer an amendment to Senate Bill No. 248. Unfortunately, there seems to be a pattern here. You've rushed through a bill that would overhaul our state's auto insurance system to exclusively benefit big insurance companies and their stockholders. We continue to offer amendments to provide some actual relief for consumers, and you vote them down. It doesn't matter if we appeal to your common sense, your conscience, or your compassion; our appeals fall on deaf ears.

But I rise to give you one more chance to do the right thing and amend this bill to better serve Michigan drivers. This amendment would require any rebate of additional money in the funds to go back to consumers. With this bill, so many of my colleagues are concerned with helping out insurance companies. I'm just asking that they extend the same consideration to Michigan drivers and the people we were elected to serve.

Any effort to change our state's auto insurance system should be done with consumers in mind, not company shareholders. But without this amendment, this bill will do nothing to help them. This body should be in the business of helping provide economic relief to people, not padding the profits of big companies.

This amendment would be one step in the right direction. I urge all of you to support this amendment, and offer some much-needed relief for Michigan drivers.

Senator Gregory's statement is as follows:

Colleagues, I rise to offer an amendment that would strike out the provision providing an appropriation for the Department of Insurance and Financial Services. This bill is asking taxpayers to foot a \$150,000 salary for one employee to draft an internal report. However, we all know that the likely reason for this language is to make this bill referendum-proof. The content of this bill is troubling enough. Making it impossible for voters to reject this bill is just undemocratic.

Colleagues, I ask for your support of my amendment.

Senator Knezek's statement is as follows:

Colleagues, I rise to offer an amendment to Senate Bill No. 248 that would hold insurers accountable to the people they serve. This amendment would add a provision to the legislation stating that if an insurer has an average auto insurance rate 15 percent above the state average per zip code, the insurer must provide an annual report to the Senate and House Insurance Committees explaining why this is the case. The insurers must also appear before the committees to give testimony on the report.

This legislation currently offers no protection for consumers, especially those in areas like Detroit where insurance rates are inexplicably high. I ask for your support of my amendment.

Senator Hopgood's statement is as follows:

Colleagues, I rise to offer an amendment to Senate Bill No. 248. This amendment would lower the co-pay for attendant care to 10 percent. People in need of attendant care aren't working. How can we expect them to pay an onerous co-pay each month when they need in-home care just to recover? We need to be looking out for the people these policies affect, not just the companies that want to lower their costs and boost their profits.

I ask for your support for my amendment.

Senator Ananich’s statement is as follows:

Colleagues, I rise to offer an amendment to Senate Bill No. 248. This amendment would ensure and clarify that all changes made in this bill apply only to future claimants, not those already in the system. To apply the changes to those already in the system would be to essentially pull the rug out from under the people whose lives depend on services funded under the old system.

I ask for your support of the amendment.

Senator Young’s third statement is as follows:

To my good colleague from the 24th District, I know he means well and is a good man and has helped me on many things. So I know what he is doing comes from the heart. But all of this conversation about wanting to help Detroit and what is right for the city, there is nothing in this bill that will roll back rates or even guarantee rolled-back rates. I can’t even get 5 percent rolled back, not that I am bitter—I am just saying. So I don’t understand how we are going to get up here and say that we care but won’t have any consumer protections. I don’t understand how we say we care about the city, and we are going to mandate price controls for hospitals but not mandate price controls for the insurance industry. That is the height of hypocrisy as far as I am concerned. It’s the hypocrisy of our democracy and it must stop.

So don’t come up here bumping your gums or running your mouth talking about reform for Detroit, because as much as you mean well, as much as I know you love the city, you still have not done anything to fundamentally roll back rates in the city. Until that happens, rates aren’t going to get rolled back in the city.

The following bill was read a third time:

Senate Bill No. 249, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 25a (MCL 552.625a), as amended by 2009 PA 193.

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. 102

Yeas—21

Booher	Hildenbrand	Meekhof	Robertson
Brandenburg	Horn	Nofs	Schuitmaker
Casperson	Hune	O’Brien	Shirkey
Colbeck	Jones	Pavlov	Smith
Emmons	Marleau	Proos	Stamas
Hansen			

Nays—17

Ananich	Hood	Knollenberg	Schmidt
Bieda	Hopgood	Kowall	Warren
Green	Johnson	MacGregor	Young
Gregory	Knezek	Rocca	Zorn
Hertel			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Committee Reports

The Committee on Natural Resources reported
Senate Resolution No. 22.

A resolution to encourage the Chicago Area Waterway System Advisory Committee to fully consider all options, including complete hydrologic separation, to protect the Great Lakes from Asian carp and to move as quickly as possible to determine the best long-term solution.

(For text of resolution, see Senate Journal No. 25, p. 287.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to encourage the Chicago Area Waterway System Advisory Committee to fully consider all options to protect the Great Lakes from Asian carp and to move as quickly as possible to determine the best long-term solution.

Whereas, The state of Michigan, surrounded by four of the five Great Lakes, is literally defined by the lakes. Consequently, the health of Michigan's economy and quality of life are intertwined with the health of the Great Lakes. Asian carp and other aquatic invasive species (AIS) are an acute threat to the Great Lakes, with the potential for significant impacts to billion dollar commercial and recreational fisheries; and

Whereas, The Chicago Area Waterway System, connecting the Great Lakes and Mississippi River basins, is a major pathway for AIS to spread between the basins. Zebra mussels used this pathway to spread from the Great Lakes to the Mississippi River basin, leading to millions of dollars in annual control costs for industries and public utilities. Now, Asian carp stand poised to move from the Mississippi River basin to the Great Lakes; and

Whereas, A permanent, long-term solution must be identified and implemented. The problem of Asian carp and other AIS using this man-made connection will not resolve itself. While the Great Lakes and Mississippi River Interbasin Study identified a number of solutions, it has become clear that nothing further will happen until there is broad consensus among the stakeholders in the Chicago area and the entire region; and

Whereas, There are many options and many issues that must be weighed to identify the best long-term solution. While the most important consideration is keeping out Asian carp, the costs to commercial navigation along the waterway system must also be considered. No options should be taken off the table that would effectively prevent Asian carp and other AIS movement through the system, whether hydrologic separation or innovative systems that biologically separate the basins while maintaining barge traffic; and

Whereas, The Chicago Area Waterway System Advisory Committee represents a great opportunity for our region. Thirty-four representatives from government, industry, and commercial, recreational, and environmental groups have come together to solve this pressing problem. Their continued commitment may be our best hope to reach consensus on a long-term solution that will prevent the movement of AIS between the Great Lakes and Mississippi River basins; and

Whereas, The advisory committee must maintain a sense of urgency and not be satisfied with only short-term solutions. Asian carp pose an imminent threat to the Great Lakes ecosystem and economy. If allowed to enter and establish within the Great Lakes, they will be difficult, if not impossible, to control or eradicate and will become a permanent drain on resources in the region. No one knows how much time we have to prevent this irreversible and undesirable outcome; now, therefore, be it

Resolved by the Senate, That we encourage the Chicago Area Waterway System Advisory Committee to fully consider all options to protect the Great Lakes from Asian carp and to move as quickly as possible to determine the best long-term solution; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Chicago Area Waterway System Advisory Committee.

Thomas A. Casperson
 Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson, Stamas and Warren

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Natural Resources reported
Senate Resolution No. 23.

A resolution to call on the Obama Administration and the Congress of the United States to direct the U.S. Army Corps of Engineers to close the connection between the Great Lakes and Mississippi River basins through Chicago to prevent Asian carp from entering the Great Lakes.

(For text of resolution, see Senate Journal No. 25, p. 287.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to call on the Obama Administration and the Congress of the United States to direct the U.S. Army Corps of Engineers to fully support efforts to determine the best long-term solution for preventing Asian carp from entering the Great Lakes and to move decisively to implement a solution.

Whereas, The Great Lakes are one of our nation's great natural wonders. Bordering Michigan and seven other states, these inland seas contain nearly one-fifth of the world's surface fresh water. They support jobs in manufacturing, tourism, recreation, shipping, agriculture, science, engineering, energy, and mining throughout the region. The protection of the Great Lakes is essential to Michigan's state identity and economy as well as national economic growth; and

Whereas, Asian carp pose an imminent threat to the Great Lakes ecosystem and economy. Asian carp have successfully invaded the Mississippi River basin and now stand only 50 miles downstream from the Great Lakes. Asian carp can reproduce rapidly, consume large quantities of food, disrupt local ecosystems, out-compete native fish, and devastate recreational fishing and boating opportunities. There is general scientific consensus that Asian carp will be able to establish populations and thrive in areas of the Great Lakes. Once established, they will be difficult, if not impossible, to control or eradicate. Thus, the federal government has recognized Asian carp as "the most acute [aquatic invasive species] threat facing the Great Lakes today"; and

Whereas, A permanent, long-term solution must be identified and implemented to keep Asian carp out of the Great Lakes. While the U.S. Army Corps of Engineer's Great Lakes and Mississippi River Interbasin Study identified a number of solutions, it stopped short of determining the best option. Regional efforts to reach consensus on a solution, such as those of the Chicago Area Waterway System Advisory Committee, must be supported and recommendations seriously considered; and

Whereas, The best long-term solution will prevent Asian carp from entering the Great Lakes while preserving as much as possible the current uses of the Chicago area waterways. Although effective Asian carp prevention is paramount and should not be compromised, the value, impacts, and costs to the barge industry must also be taken into account; and

Whereas, Regardless of the means, immediate and decisive action is required to protect the Great Lakes. The status quo will not prevent irreparable harm. Asian carp could cause billions of dollars in lost revenues and thousands of lost jobs in the \$7 billion sports and commercial fishing industry and the \$9 billion recreational boating industry. In addition, damage done to the Great Lakes, rivers, and inland lakes by Asian carp would greatly harm our state's viability as an attractive vacation destination, thereby leading to decreased tourism revenue and jobs; now, therefore, be it

Resolved by the Senate, That we call on the Obama Administration and the Congress of the United States to direct the U.S. Army Corps of Engineers to fully support efforts to determine the best long-term solution for preventing Asian carp from entering the Great Lakes; and be it further

Resolved, That we urge the Obama Administration and Congress to provide sufficient funding that will ensure the U.S. Army Corps of Engineers moves decisively to implement a solution; and be it further

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson, Stamas and Warren

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Natural Resources reported

Senate Resolution No. 25.

A resolution to memorialize the Congress of the United States to pass legislation that authorizes the U.S. Army Corps of Engineers to implement measures at the Brandon Road lock and dam to prevent Asian carp from entering the Great Lakes. (For text of resolution, see Senate Journal No. 28, p. 344.)

With the recommendation that the resolution be adopted.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson, Stamas and Warren

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources reported

Senate Bill No. 217, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd and 7jj (MCL 211.7dd and 211.7jj[1]), section 7dd as amended by 2013 PA 44 and section 7jj as amended by 2013 PA 42.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson, Stamas and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Joint meeting held on Wednesday, April 15, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Casperson (C), Pavlov, Robertson, Stamas and Warren

The Committee on Insurance reported

Senate Bill No. 249, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 25a (MCL 552.625a), as amended by 2009 PA 193.

With the recommendation that the bill pass.

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

Joe Hune

Chairperson

To Report Out:

Yeas: Senators Hune, Brandenburg, O'Brien, Jones and Smith

Nays: Senators Schmidt, Bieda and Young

The bill was referred to the Committee of the Whole.

The Committee on Insurance reported

Senate Bill No. 248, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and sections 3101, 3104, 3107, 3107a, 3114, 3135, 3157, 3163, 3301, 3310, 3330, 4501, and 6107 (MCL 500.3101, 500.3104, 500.3107, 500.3107a, 500.3114, 500.3135, 500.3157, 500.3163, 500.3301, 500.3310, 500.3330, 500.4501, and 500.6107), the title as amended by 2002 PA 304, section 3101 as amended by 2014 PA 492, section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, section 3107a as amended by 1991 PA 191, section 3114 as amended by 2002 PA 38, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, section 3310 as amended by 2001 PA 228, section 3330 as amended by 2012 PA 204, section 4501 as amended by 2012 PA 39, and section 6107 as added by 1992 PA 174, and by adding section 3107c and chapter 63.

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.

Joe Hune

Chairperson

To Report Out:

Yeas: Senators Hune, Brandenburg, O'Brien, Jones and Smith

Nays: Senators Schmidt, Bieda and Young

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

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Wednesday, April 15, 2015, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Brandenburg, Schmidt, O'Brien, Horn, Jones, Smith, Bieda and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Joint meeting held on Wednesday, April 15, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hansen (C), Zorn and Green

Excused: Senators Schmidt and Johnson

Scheduled Meetings

Michigan Law Revision Commission - Wednesday, May 13, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Michigan State Capitol Commission - Monday, April 20, 11:00 a.m., Room H-65, Capitol Building (373-0184)

State Drug Treatment Court Advisory Committee - Tuesday, April 21, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 3:06 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, April 21, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

