

**No. 6**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Wednesday, January 29, 2003.

10:00 a.m.

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

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

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

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

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

Pastor Steve Saunders of the Maranatha Baptist Church of Clarkston offered the following invocation:

Our great God, we thank You that You allow us entrance into Your very throne room, which means the prayer. I thank You that we can come this morning knowing that You hear, knowing that You care. Father, I do thank You for Your sovereignty over all the affairs of mankind. Father, I thank You that amongst that sovereignty You express Your love, concern, and compassion to us.

Lord, right now we invoke, as the title of this part of the day is, an invocation. We invoke Your blessing upon the affairs that take place here today; Lord, that these men and women who have authority and responsibility that they may take that seriously and soberly; that they may consider their place first before You and their place before their constituents. May they honor their position by looking at all angles, being humble in their regard to what they have to do and the business they have to conduct. May it be forthright, Father, and may they again have Your wisdom in dealing properly with the affairs that they have to take care of. Lord, I ask Your blessings upon them, being their constituent. Lord, I prayerfully ask that You would give them strength to do their duties well.

In Christ's name we pray. Amen.

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

### Motions and Communications

Senator Hammerstrom moved that Senators Sikkema, Hardiman, Kuipers and McManus be excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Barcia entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Tuesday, January 28, of:

**Senate Bill Nos. 60 61 62 63 64**

### Resolutions

Senators Gilbert, Johnson, Patterson, George, Garcia, Cropsey, Van Woerkom, Sanborn, Schauer, Goschka, Brown, Jelinek and Cassis offered the following concurrent resolution:

#### **Senate Concurrent Resolution No. 1.**

A concurrent resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, This shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

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

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

Senator Hammerstrom moved that the rule be suspended.  
The motion prevailed, a majority of the members serving voting therefor.  
The question being on the adoption of the concurrent resolution,  
Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Transportation.  
The motion prevailed.  
Senators Jacobs, Allen, Toy and Cherry were named co-sponsors of the concurrent resolution.

Senators Gilbert, Johnson, Patterson, George, Garcia, Cropsey, Van Woerkom, Sanborn, Kuipers, Schauer, Goschka, Brown, Jelinek and Cassis offered the following resolution:

**Senate Resolution No. 6.**

A resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, This shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

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

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Jacobs, Allen, Toy and Cherry were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Hammerstrom, Cassis and Schauer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hammerstrom's statement is as follows:

Colleagues, I rise in sorrow this morning to make a few comments about the untimely passing of our House colleague and my constituent, Representative Jerry Kratz. If you have not heard, Jerry died unexpectedly last evening, and it is very unfortunate that, I believe, most of you have not had a chance to meet him yet because it is early in this session. He was a new Representative. I had the good fortune of campaigning for the last six months with Jerry. I can tell you he was a man of honor. He was a man who was well respected in his community. He was a person who really liked people. He was a former educator, and children were his passion. We share that, and we talked about things we were going to work on together in this session to make lives better for children.

I regret that Jerry will not be here to do that. My prayers go out to his family and to his wife Eleanor. He will be missed.

Senator Cassis' statement is as follows:

I, too, rise in joining my fellow colleague, Senator Hammerstrom. How fragile, how short life really is. Today is a very, very sad day for me and for all of us as legislators. We've lost a very dear friend, newly-elected State Representative from Jackson, Jerry Kratz—though vigorous all the way through. You know, I just saw him again last weekend at the state convention and last night at the Michigan Manufacturers Association. He was again doing what

he so passionately loved; doing his calling, serving people—teacher, superintendent, educational leader in our state, and now a representative of the people.

He hired me in 1980 in Novi to be their second school psychologist. It set me on a path of how little we know—how coincidental. But that path led me to the State House and now the Senate. He joined me this year. We just renewed our friendship of many years ago, so to lose him last night is especially painful. All of us, I'm sure, join in with his family and loved ones in sending most sincere, genuine condolences and sorrow. Truly, his memory will live on through with us and through our work. God bless Jerry Kratz.

Senator Schauer's statement is as follows:

I rise as the Senator for the 19th District, and I also received word early this morning about the loss of Representative Kratz, who I was looking forward to serving with along with Senator Hammerstrom in serving greater Jackson County. It was apparent to me of how well loved and respected he was by the people of his community. I just last week attended a dinner at Jackson Community College and drove by the intermediate school district that very appropriately was named after Jerry Kratz.

I was just developing a relationship and a friendship with Jerry, met his wife Eleanor here on January 1 at the swearing in of the Governor and statewide officials. We recently, along with several other west Michigan and southwest Michigan legislators, joined with Jerry at a summit on early childhood development. I agree as has been said that was his calling, and that was his passion. We have lost a giant as a public servant, someone who is continuing his work in public service here in the legislative arena. I ask you to join me in praying for him, his family, and his constituents. I ask God's blessings on Jerry Kratz.

By unanimous consent the Senate returned to the order of

#### **Introduction and Referral of Bills**

Senators Schauer, Brater, Goschka, Leland, Barcia, Prusi, Cherry, Thomas, Basham, Olshove, Jacobs and Bernero introduced

##### **Senate Bill No. 97, entitled**

A bill to protect and promote children's health; to create the MICHild program; to prescribe the powers and duties of the department of community health; and to prescribe certain duties of certain other state departments, officers, and agencies.

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

Senators Brater, Schauer, Goschka, Bernero, Jacobs, George, Patterson, Cherry, Prusi, Jelinek, Basham, Olshove and Barcia introduced

##### **Senate Bill No. 98, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11513a.

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

Senators Jacobs, Hammerstrom and Cherry introduced

##### **Senate Bill No. 99, entitled**

A bill to authorize the administration of an organ donor leave time program for certain persons employed by this state; to provide for implementation and operation; and to prescribe powers and duties of certain state officers and agencies.

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

Senator Leland introduced

##### **Senate Bill No. 100, entitled**

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens; to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes;

to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

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

Senators Allen and Leland introduced

**Senate Bill No. 101, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

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

Senators Switalski and Leland introduced

**Senate Bill No. 102, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10c, 10h, 10l, and 10n (MCL 247.660c, 247.660h, 247.660l, and 247.660n), sections 10c and 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

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

Senators Bishop, Johnson, Sanborn, Kuipers, Patterson, Goschka and Birkholz introduced

**Senate Bill No. 103, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5 (MCL 28.725), as amended by 2002 PA 542.

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

Senator Hammerstrom introduced

**Senate Bill No. 104, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of

government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 722.676), as amended by 1999 PA 33.

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

Senators Sanborn, Van Woerkom and Goschka introduced

**Senate Bill No. 105, entitled**

A bill to amend 1990 PA 182, entitled “An act to require counties to redistribute certain payments received from the federal government; and to repeal certain acts and parts of acts,” by amending the title and sections 1 and 3 (MCL 141.1301 and 141.1303).

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

Senators Hammerstrom, Johnson, Goschka and Brater introduced

**Senate Bill No. 106, entitled**

A bill to designate an official state symbol for clean water in this state.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Hammerstrom, Johnson, Sanborn, Van Woerkom, Garcia, Patterson, Goschka, Birkholz, Bishop and Brown introduced

**Senate Bill No. 107, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 37e.

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

Senators Jacobs and Cherry introduced

**Senate Bill No. 108, entitled**

A bill to require rabies vaccinations for certain animals in petting zoos; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties.

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

Senators Garcia, Cropsey, Kuipers, Goschka, Bishop, Schauer and Leland introduced

**Senate Bill No. 109, entitled**

A bill to amend 1975 PA 164, entitled “An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking,” by amending sections 2 and 4 (MCL 18.302 and 18.304).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Garcia and Leland introduced

**Senate Bill No. 110, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 81101 and 81123 (MCL 324.81101 and 324.81123), as amended by 1998 PA 86.

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

Senators Garcia, McManus, Schauer, Birkholz, Bernero and Leland introduced

**Senate Bill No. 111, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 74103a.

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

Senators Garcia, Patterson, McManus, Kuipers, Cropsey, Goschka, Sanborn, Bishop, Birkholz, Jelinek and Cassis introduced

**Senate Bill No. 112, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217i and 217j.

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

Senators Garcia, Patterson, Cropsey, Van Woerkom, Goschka, Bishop, Jelinek and Cassis introduced

**Senate Bill No. 113, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending sections 801, 831, 915, 922, and 925 (MCL 450.2801, 450.2831, 450.2915, 450.2922, and 450.2925), section 915 as amended by 1996 PA 84.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Garcia, Cropsey, Van Woerkom, Goschka, Bishop and Jelinek introduced

**Senate Bill No. 114, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 207, 207a, 909, 1005, and 1101 (MCL 450.4207, 450.4207a, 450.4909, 450.5005, and 450.5101), sections 207, 909, 1005, and 1101 as amended and section 207a as added by 2002 PA 686.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Garcia, Kuipers, Cropsey, Goschka and Allen introduced

**Senate Bill No. 115, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1299a.

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

Senators Van Woerkom, Johnson, Patterson, Gilbert, Toy, Goschka and Jacobs introduced

**Senate Bill No. 116, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 602 (MCL 500.602), as amended by 1989 PA 35, and by adding section 603.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

### **Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, January 30, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** -

**Subcommittee** -

**Judiciary and Corrections** - Tuesday, February 4, 3:00 p.m., Room 100, Farnum Building (373-3760)

**Commerce and Labor** - Tuesday, February 4, 3:00 p.m., Room 810, Farnum Building (373-2413)

**Education** - Thursday, January 30, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Gaming and Casino Oversight** - Wednesday, February 5, 1:00 p.m., Room 810, Farnum Building (373-2413)

**Transportation** - Tuesday, February 4, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, January 30, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate