

No. 5
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Tuesday, January 28, 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—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Pastor Michael Nauff of the Church of Faith in God of Charlotte offered the following invocation:

Our Father in Heaven, we hold these truths to be self-evident that we are endowed by our Creator with life, liberty, and the pursuit of happiness. We're now engaged in a physical, emotional, and spiritual war testing whether this nation, state, or any state can long endure that does not love the truth as given by Your Word. I ask for Your blessing on these Senators, that they may discern truth, justice, and the American way according to Your will and as illustrated by Your Son when He walked among us.

During this session, we pray that Your will be done on Earth as it is in Heaven and that You direct the course of this Senate by Your Holy Spirit in Jesus' name.

Thank You, Lord, for such a love that we may know true life, liberty, and happiness which endures forever. God, help us, we pray, in our labor of today. And all God's people say, Amen.

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

Motions and Communications

Senator Schauer moved that Senator Scott be excused from this week's sessions.

The motion prevailed.

The Secretary announced that the Majority Leader has made the appointments of the following standing and statutory standing committees:

Gaming and Casino Oversight - Senator Olshove (MVC) replacing Senator Thomas.

Administrative Rules - Senators Bishop (C), Jelinek, Kuipers, Thomas and Barcia.

Legislative Council - Senators Sikkema (C), Patterson, Allen, Hammerstrom, Emerson and Schauer; Alternates: Senators Brown, Sanborn and Jacobs.

Legislative Retirement Board of Trustees - Senators Goschka (C) and Leland.

Michigan Capitol Committee - Senators George (C), Toy, Garcia and Schauer.

The standing committee appointments were approved, a majority of the members serving voting therefor.

The following communication was received and read:

Office of the Senate Majority Leader

January 27, 2003

Pursuant to MCL 4.1501(1), the Senate Fiscal Agency Governing Board will be comprised of the following members:

Sikkema (C), Johnson, Stamas, Emerson, Prusi

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

January 9, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:30 p.m. this date, administrative rule (03-01-01) for the Department of Consumer and Industry Services, Director's Office, entitled "*Fire Alarm and Fire Suppression*," effective 7 days hereafter.

January 9, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:33 p.m. this date, administrative rule (03-01-02) for the Department of Consumer and Industry Services, Director's Office, entitled "*Carnival and Amusement Rides*," effective 7 days hereafter.

January 9, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:36 p.m. this date, administrative rule (03-01-03) for the Department of Consumer and Industry Services, Director's Office, entitled "General Rules," effective 7 days hereafter.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

January 27, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Wildlife Division, Department of Natural Resources, January 2003.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by a member on Legislative business for the quarter ending December 31, 2002:

Senator Martha Scott	November 19-26	National Foundation for Women Legislators Annual Conference San Diego, CA	\$ 302.50
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The Secretary announced the printing and placement in the members' files on Thursday, January 23, of:

Senate Bill Nos.	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	35	36	37	38	39	41	43	44	45	46	47	48	49	

The Secretary announced the printing and placement in the members' files on Friday, January 24, of:

Senate Bill Nos.	40	42	50	51	52	53	54	55	56	57	58	59
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Resolutions

Senators Van Woerkom, Hammerstrom, Gilbert, Birkholz, Goschka, Toy and Hardiman offered the following resolution:

Senate Resolution No. 5.

A resolution to urge the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to grant Michigan a waiver to implement our partnership for long-term care program.

Whereas, The challenge of financing long-term care is difficult for individuals, families, and our society to meet. With current nursing home costs ranging from \$30,000 to \$60,000 a year, few people, especially those without insurance, can absorb this expense for very long without becoming impoverished. Many observers worry about the potential impact of the baby boom generation on our Medicaid system; and

Whereas, Following the example of a few states that have established such initiatives, Michigan enacted a statute to provide for partnership policies for long-term care. Under this concept, which is outlined in MCL § 400.112c, long-term care insurance is provided in a partnership arrangement involving private insurers and the state through Medicaid. A person is able to purchase private long-term care insurance and utilize the partnership policy coverage fully, after which period the person would be eligible for Medicaid. The ability of a person to hold and use this asset and still be covered under Medicaid will encourage the purchase of private insurance for long-term care; and

Whereas, Such strong and innovative measures are needed to encourage people to purchase private long-term care coverage. If more people purchase this insurance, overall Medicaid costs will be lower; and

Whereas, Michigan's partnership for long-term care program is predicated on receiving a federal waiver of Medicaid requirements. The waiver, which has yet to be granted, is a key component of an effort that holds great promise for our state; now, therefore, be it

Resolved by the Senate, That we urge the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to grant Michigan a waiver to implement our partnership for long-term care program; and be it further

Resolved, That copies of this resolution be transmitted to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

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 Health Policy.

The motion prevailed.

Introduction and Referral of Bills

Senators Scott, Clark-Coleman, Jacobs, Leland, Brater and Olshove introduced

Senate Bill No. 65, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 223a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Scott, Clark-Coleman, Jacobs, Leland, Brater and Olshove introduced

Senate Bill No. 66, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2001 PA 166.

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

Senator Thomas introduced

Senate Bill No. 67, entitled

A bill to make appropriations to the school employee teaching career loan fund.

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

Senator Thomas introduced

Senate Bill No. 68, entitled

A bill to establish an educational loan program for employees of certain school districts studying to become teachers; to prescribe conditions for repayment and forgiveness of the loans; to establish a school employee teaching career loan fund and to provide for its administration; and to prescribe powers and duties of certain state officers, agencies, and departments.

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

Senators Brater, Bernero, Jacobs and Schauer introduced

Senate Bill No. 69, entitled

A bill entering into the midwest pharmaceutical compact; and for related purposes.

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

Senators Kuipers, Cassis, Allen, Van Woerkom, Bishop, Cropsey, Hardiman, Stamas and Goschka introduced

Senate Bill No. 70, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

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

Senators Kuipers, Cassis, Allen, Van Woerkom, Bishop, Cropsey, Hardiman, Stamas and Goschka introduced
Senate Bill No. 71, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Sanborn, Allen, Cropsey, Bishop, McManus, Basham, Gilbert, Hardiman, Patterson, Kuipers, Goschka, Van Woerkom, Garcia, Barcia, Birkholz, Olshove, George, Stamas and Brown introduced

Senate Bill No. 72, entitled

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

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

Senators Cherry, Thomas, Clark-Coleman, Schauer, Prusi, Jacobs, Scott, Leland, Cassis, Hammerstrom and Kuipers introduced

Senate Bill No. 73, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1206. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Stamas, Allen, Prusi and Barcia introduced

Senate Bill No. 74, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 524, 527, and 549e (MCL 600.524, 600.527, and 600.549e), as amended by 2002 PA 92.

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

Senators Patterson, Cassis, Jelinek, Gilbert, Basham, Sanborn, Cherry, Van Woerkom, Birkholz, Olshove, Brown, Kuipers, Barcia, Cropsey, Allen, Bishop, Schauer, Hardiman, Jacobs, Goschka and Switalski introduced

Senate Bill No. 75, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 177A.

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

Senator Switalski introduced

Senate Bill No. 76, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 311 (MCL 206.311), as amended by 1987 PA 254.

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

Senators Basham, Leland and Cherry introduced

Senate Bill No. 77, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Senators Basham, Leland and Cherry introduced

Senate Bill No. 78, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 5 and 6 (MCL 408.1005 and 408.1006), section 5 as amended by 1986 PA 80.

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

Senators Basham and Patterson introduced

Senate Bill No. 79, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501, 62506a, and 62509 (MCL 324.62501, 324.62506a, and 324.62509), sections 62501 and 62509 as amended by 1998 PA 467 and section 62506a as added by 1996 PA 168.

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

Senators Basham and Leland introduced

Senate Bill No. 80, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 1988 PA 346.

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

Senators Basham, Leland and Cherry introduced

Senate Bill No. 81, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2229.

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 Basham, Leland and Cherry introduced

Senate Bill No. 82, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21788.

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

Senators Basham and Leland introduced

Senate Bill No. 83, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2002 PA 417.

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

Senators Basham and Patterson introduced

Senate Bill No. 84, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11103, 11118, 11118a, 11120, 11123, and 11125 (MCL 324.11103, 324.11118, 324.11118a, 324.11120, 324.11123, and 324.11125), section 11118a as added by 1996 PA 182 and section 11120 as amended by 1995 PA 61.

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

Senator Thomas introduced

Senate Bill No. 85, entitled

A bill to provide for the creation of local land banks; to facilitate the use and development of certain property; to promote economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the enforcement of tax liens and the clearing or quieting of title; to prescribe powers and duties of certain public entities and state and local officers and agencies; to exempt property, income, and operations of a land bank from tax; and to extend protections against certain liabilities to the land bank.

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

Senator Thomas introduced

Senate Bill No. 86, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Senator Thomas introduced
Senate Bill No. 87, entitled

A bill to define and prohibit racial profiling; to prescribe the powers and duties of certain state and local officials; to require training in racial sensitivity under certain conditions; to establish a grant program and provide appropriations; and to prescribe penalties and certain remedies for the effects of racial profiling incidents.

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

Senator Thomas introduced
Senate Bill No. 88, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2000 PA 13.

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

Senator Thomas introduced
Senate Bill No. 89, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401i.

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

Senator Thomas introduced
Senate Bill No. 90, entitled

A bill to create a child loan guarantee commission and its powers and duties; to create a child care loan guarantee fund; to prescribe the powers and duties for certain state agencies and officers; to prescribe limits on the use of the fund; and to make an appropriation.

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

Senator Thomas introduced
Senate Bill No. 91, entitled

A bill to allow civil actions and provide civil remedies for drug related nuisances; to provide for procedures to be followed in those civil actions; to prescribe penalties; to grant immunity to certain persons; to prescribe the powers and duties of certain state and local governmental officers and agencies; and to create funds.

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

Senator Thomas introduced
Senate Bill No. 92, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Bishop, Cassis, Kuipers, Birkholz, Goschka, Garcia, Brown, Jelinek, Stamas and Jacobs introduced
Senate Bill No. 93, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Senator Johnson introduced
Senate Bill No. 94, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21513 (MCL 333.21513), as amended by 2002 PA 125.

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

Senator Johnson introduced
Senate Bill No. 95, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Johnson introduced
Senate Bill No. 96, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 537 and 1025 (MCL 436.1537 and 436.2025), section 537 as amended by 2001 PA 223 and section 1025 as amended by 2002 PA 725. The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:
 Meeting held on Wednesday, January 22, 2003, at 3:00 p.m., Room 210, Farnum Building
 Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove and Leland
 Excused: Senator Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:
 Meeting held on Thursday, January 23, 2003, at 9:00 a.m., Room 110, Farnum Building
 Present: Senators Van Woerkom (C), Gilbert, Jelinek and Brater
 Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:
 Meeting held on Thursday, January 23, 2003, at 1:00 p.m., Room 100, Farnum Building
 Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:
 Meeting held on Thursday, January 23, 2003, at 2:00 p.m., Room 210, Farnum Building
 Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

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)

Economic Development, Small Business and Regulatory Reform - Wednesday, January 29, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

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

Finance - Wednesday, January 29, 1:00 p.m., Room 110, Farnum Building (373-1758)

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

Technology and Energy - Wednesday, January 29, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:20 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, January 29, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

