

No. 26
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Tuesday, March 18, 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—excused
Kuipers—present
Leland—present
McManus—present

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

Pastor Mark Evans of St. John Lutheran Church of Romeo offered the following invocation:

Almighty God, we stand on the brink of war—a war in which our people are divided. Sustain us through these troubled and uncertain times. Give us the patience to respect our differences, while we support the men and women of our armed services and pray for their safety.

Also remind us that Your Son Jesus told us to love our enemies. Lord, here is where we need Your wisdom, for how do we love those we are about to engage in battle? Lord, teach us the power of love as the bombs fall and the battles rage.

And finally, Lord, bless the leaders of this assembly, as their task becomes more difficult with each passing day. Keep them wise and humble as they wield the enormous power of state government.

God, be with us all. 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 Senator Johnson be excused from today's session.
The motion prevailed.

The following communications were received and read:
Office of Senator Sikkema

March 17, 2003

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Technology and Energy Committee hold a hearing on the appointment of James Butler to the Michigan Broadband Development Authority Board and make a written recommendation to the Government Operations Committee on this appointment.

March 17, 2003

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Judiciary Committee hold a hearing on the appointment of Sheriff Gene Wriggelsworth to the Michigan Commission on Law Enforcement Standards and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,
Senator Ken Sikkema
Chairman, Senate Government Operations Committee

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 13:
House Bill Nos. 4079 4139

The Secretary announced the printing and placement in the members' files on Thursday, March 13, of:

Senate Bill No. 293
House Bill Nos. 4326 4327 4328 4329 4330 4331 4332 4333 4334 4335 4336 4337 4338 4339
House Joint Resolution E

The Secretary announced the printing and placement in the members' files on Friday, March 14, of:

Senate Bill Nos. 294 296 297
House Bill Nos. 4340 4341 4342 4343 4344 4345 4346 4347 4348

The Secretary announced the printing and placement in the members' files on Monday, March 17, of:

Senate Bill No. 295

Messages from the Governor

The following message from the Governor was received and read:

February 14, 2003

I respectfully submit for your approval the following appointments to office:

Energy Advisory Committee

Mr. Tadarial Sturdivant, Plymouth, MI 48170, county of Wayne, to a term commencing on March 7, 2003 and expiring at the pleasure of the Governor.

Mr. David Hollister, 124 West Michigan Avenue, Lansing, MI 48933, county of Ingham, to a term commencing on March 14, 2003 and expiring at the pleasure of the Governor.

Ms. Janet Olszewski, 530 Cedar Ridge Drive, Williamston, MI 48895, county of Williamston, to a term commencing on March 7, 2003 and expiring at the pleasure of the Governor.

Ms. Gloria Jeff, 425 West Ottawa, Lansing, MI 48933, county of Ingham, to a term commencing on March 7, 2003 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Secretary for record.

The following message from the Governor was received and read:

February 14, 2003

I respectfully submit for your approval the following appointments to office:

Michigan Merit Award Board

Mr. David Hollister, 124 West Michigan Avenue, Lansing, MI 48933, county of Ingham, to a term commencing on March 14, 2003 and expiring at the pleasure of the Governor.

Mr. Thomas Watkins, 214 St. Lawrence, Northville, MI 48167, county of Wayne, to a term commencing on March 14, 2003 and expiring at the pleasure of the Governor.

Mr. Jay B. Rising, 1896 Live Oak Trail, Williamston, MI 48895, county of Ingham, to a term commencing on March 14, 2003 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator Hammerstrom moved that consideration of the following bill be postponed for today:

Senate Bill No. 160

The motion prevailed.

Senate Bill No. 195, entitled

A bill to provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to require certain policies and procedures in the awarding of contracts; and to provide for the powers and duties of certain governmental officials and entities.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 37

Yeas—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Kuipers	Sikkema
Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—15

Barcia	Cherry	Jacobs	Scott
Basham	Clark-Coleman	Leland	Switalski
Bernero	Clarke	Prusi	Thomas
Brater	Emerson	Schauer	

Excused—1

Johnson

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 38**Yeas—21**

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—16

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Protests

Senators Leland, Basham, Scott, Switalski, Thomas and Clark-Coleman, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 195 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Leland's statement is as follows:

I know where this is going, and obviously, we're not going to be able to stop it here today. But I do have a couple thoughts that I want to get across to my colleagues on the other side of the aisle.

I really think that we started out on a bad note here. This Legislature is off to a bad start. This is one of the first pieces of legislation that we are about to pass this year, and again, it's a hostile takeover. It's a situation where I as a Detroiter representing Detroit feel very humiliated about what you all are about to do to me as a Senator and do to my constituents.

We have some other jewels in Detroit, and I wonder what is going to be under attack next. Are you going to talk to us about the Detroit Institute of Arts because you have a problem with them and the way they operate? Are you going to talk about the Detroit Zoo and want to take over our zoo? Are you going to take over the Museum of African American History? No, probably you wouldn't take that one over.

I think that this really is a question more, as I indicated the other day, about race, not rates. I'm bothered by the fact that we've had this problem in Detroit for a long, long time. As I said to you last week, I remember growing up as a young person having problems with the water board when we were a White town, and we had a White constituency and a White mayor. We had issues with the water board: broken mains, hydrants that didn't work, and excessive water rates. These are issues that really are not new to me and are not new to Detroit.

What I'm really bothered by here is that you're taking this over and humiliating us. I just don't think in my heart it's about rates. I really think it's about who's in charge, who's in the front office, and the demographics of the city of Detroit. I believe if it was about rates, there would have been some action by this Legislature many, many years ago.

Go ahead. Do what you feel your constituency wants you to do because I know you cannot believe in your hearts you're doing the right thing. I think it's about politics. It's about race. Go ahead and do what you need to do, but that doesn't make it right. On this day, I want to let you all know that I'm ashamed, I'm humiliated, and I wish you wouldn't do this to my town.

Senator Basham's statement is as follows:

I will be voting against the bill. I would encourage my members and all members of this body to vote against the bill.

Here we go again. We are going after the city of Detroit. I shopped at Kmart for twenty years, and I see no reason because I shopped there to say that I own Kmart. If I buy a car from a dealership year after year, it doesn't mean that I own the dealership. It's the same thing here.

The suburbs mark their water up as much as 300 percent, and they are entitled to do that. Detroit is the fifth cheapest water system in this country. It is a model. Tom Ridge has said the Detroit water system relative to safety is a model that they are using for other water systems around the country. There is no reason, other than pure politics, to introduce legislation like this.

Now with this new legislation, it bypassed the circuit court and allows the parties to go right into the Court of Appeals, and that is side-stepping another branch of government also. I believe there is no reason for this body to pass this type of legislation which not only hurts the city of Detroit, it splits suburbs against Detroit.

The value of the Detroit water system is between \$1.7 billion and \$2.1 billion, and there is no reason that this Senator has to go back to his district and tell them that we are going to pay our portion of that amount of money to buy the Detroit water system. I would encourage members to oppose this piece of legislation.

Senator Scott's statement is as follows:

To my colleagues on both sides of the aisle: Here we go again, taking away from Detroit, and as one of my other colleagues said, "That's what it is. It's taking." You took Recorder's Court. You took Highland Park College. You took the school system, broke it down.

To me today and you tomorrow; just remember, what goes around comes around. One day there'll be some things in your district that you will want, that you have fought hard and worked for, and the citizens have built up something there, and someone will come along and take it. Just remember that.

Let me just say again, as I stated earlier when we had these debates, that you can have your own water system. You can go and build it. But you don't want that responsibility. You just want to be able to take control just because you have the votes to do it. Well, it's wrong, and you should not be doing that. As I indicated, we always pray and say to God that we want to help the citizens of this state. Again, I say to you, you don't mean it. But let me just say we're all human beings saved by the grace of God, and you ought to think about what you're doing.

I know you're boisterous over there, loud and clear, so that all of us can hear it. I can hear the tone of your voice, and it's not too sweet. But let me just say to you that we all ought to try to work together for the betterment of all of the citizens of this state. We all pay taxes. I have a community that I reside in, and they're going to be dealing with the water situation there because of the markups that they've had over the years. We ought to be saying to our local governments that they should not be marking up this water. It's not the city of Detroit. What makes you think that if you put in some other people that they're any better than the people in Detroit?

As you know, we've had all kinds of things happen, you know, from big businesses and that. They have just taken and taken and taken. Now do you want to add to that? Think better of yourselves than that, and think about all of the citizens of this great state. We need to be fair to them, and especially in the inner city where we have high everything—high energy bills—and it's just been said that they're going to raise the rates another 20 percent. Already in the inner city we're paying for your car insurance and your home insurance. Ours is tripling where yours isn't. So just remember that we're all human beings.

Thank you very much. I would hope that my colleagues would think of this again. You have another chance to vote this down. Please vote against this bill.

Senator Switalski's statement is as follows:

I hesitate to bring this up because after I finish this speech, I have to walk over to the other side and ask the good Senator from District No. 6 to take up one of my bills. Maybe I shouldn't even bring this up, but be that as it may, I would submit a couple of observations.

Maybe the reason we haven't done this for 30 years is because it's not a good idea. Yes, the water is public. That's a very important principle, but the infrastructure to suck it out of the lake, clean it, pressurize it, and deliver it is private. It's actually the private property of the corporation called the city of Detroit.

I think the change in this substitute to make any lawsuit be filed in the Court of Appeals should get a little more attention than maybe this chamber is giving it. As we all know, the Court of Appeals is not a trial court. The trial court work is done at the district and circuit levels, and now we're asking the Court of Appeals to be a trial court in this case. As far as I know, there's no precedent for such a provision.

I still think it's possible to have good legislation in this area. There are improvements that we could make, but this isn't it.

Senator Thomas' statement is as follows:

I would also commend members to the words of the Senator from Taylor, who pointed out, I think very clearly, that in spite of some of the self-righteous comments that we've heard on this issue, if this were not a taking, the House substitute would not have, in essence, put court venue shopping in. There would not have been extra protections in to somehow lawsuit-proof this legislation. Obviously, it's a taking. Obviously, you're concerned about it, otherwise you wouldn't seek to take away the rights of Wayne County citizens to sue in our own court system. So again, end the hypocrisy, and vote "no."

Senator Clark-Coleman's first statement is as follows:

I, too, rise to oppose this takeover. You can paint it any way you want to paint it, but if it walks like a duck and it quacks like a duck, big chances are it's a duck.

Now you say that you want to create this new authority to oversee another board to oversee the water department. If that isn't placing a whole bunch of red tape over getting anything done, then I don't know what else it is. You already have an overseer; you have federal Judge Feikens who is overseeing this. He has appointed our Mayor Kwame Kilpatrick as the person responsible. So what does the state want to do? You want to usurp the powers of the federal judge? Well, that's what you are doing.

You say the water belongs to everyone. True, the water does belong to everyone. We are talking about the system that purifies this water. You are saying that Detroit didn't build it. That's a fabrication. Detroit bonded and built this system. We are not saying that we own the water. If you want the water, then go into the river, go into the lakes, get the water, and purify it yourself. But don't expect us to use our system to purify this water and then laugh and smile about you coming in and dictating how that system works.

Now you talk about Detroit water rates, which, by the way, is the fifth lowest in the nation with the best water quality. Did anybody stand up and yell when I just heard an announcement that Consumers Power was increasing their rates by 20 percent to cover their expenses? Did I hear one single talk about taking over Consumers Power because they are increasing their energy rates by 20 percent? Not one word. So what then? What is behind this whole methodology of taking over Detroit's water department? Is it because water is something that everybody needs, and you don't trust Detroit to be able to monitor this, even though the consultant came in from D.C. and said that this water and this water department is being held up as a model for other states? So if the water is cheap, if it is safe, and certainly our leaders would know if it is safe, then what is the reason that you see to come in and do a takeover of our water department?

Listen, we all know what it is. It's the same reason for the oil; we know what it is.

Senator Clark-Coleman's second statement is as follows:

To the good Senator from District No. 7: You mentioned the fact that this is what you're doing—you're putting another layer on top. I want to point out to you that we already have a board that oversees the rates and everything else, so are you saying that you don't trust that board? That you want to put another board on top of that board?

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

The motion prevailed.

Senator Toy’s statement is as follows:

I would ask my colleagues to concur in the changes to this bill made by the House. The changes are minor and include a clarification as to how the water rates are to be disclosed and a clarification as to which court has jurisdiction to hear any changes or challenges filed against this law. I would also repeat to my colleagues that the time has come for this bill to be enacted. For 30 years, we’ve heard the excuses for not enacting this bill: “Give us more time; give the new mayor a chance. This is a takeover.” It’s not anyone’s system.

Recently, I heard another excuse. This one says that the legislation contains a taking that violates the Constitution. Well, let me say this with emphasis for my colleagues and our Governor. Both the United States and the Michigan Constitution are quite clear when they say that takings involve private property—private property. Even if this was a taking, which it is not, there is no violation of the Constitution. The Detroit Water and Sewerage Department is a public utility. Its water belongs to all of us. It comes from the Great Lakes. It’s no more private property than any agency of the government. The only taking going on is the taking of taxpayer money without representation. Let’s stop the excuses, let’s stop the delays, let’s stop the politics, and let’s do what is right for all of Michigan’s residents of southeastern Michigan. Vote “yes” on Senate Bill No. 195.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 6, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17757 (MCL 333.17757), as amended by 1986 PA 304.

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. 39

Yeas—37

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

General Orders

Senator Hammerstrom 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, Lieutenant Governor Cherry, designated Senator Brater as Chairperson.

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

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).

Senate Bill No. 258, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

The bills were placed on the order of Third Reading of Bills.

Resolutions

Senators Bernero, Toy, Jacobs, Leland, Olshove, Clark-Coleman, George, Jelinek, Brater, Thomas and Prusi offered the following resolution:

Senate Resolution No. 36.

A resolution to memorialize the Congress of the United States to maintain full funding for the 21st Century Community Learning Centers program.

Whereas, Educators, parents, and community leaders throughout the country agree on the importance of efforts to promote learning beyond the traditional school day. The 21st Century Community Learning Centers program, a component of the No Child Left Behind Act, seeks to offer additional opportunities to students attending low-performing schools; and

Whereas, The 21st Century Community Learning Centers program offers a wide range of educational services, including tutoring, to help students gain the skills necessary to reach state and local academic achievement standards. Students can receive the specialized help they need in core subject areas, such as mathematics and reading; and

Whereas, The program utilizes a community-based approach, offering services at times when school is not normally in session. Services ranging from drug and violence prevention to counseling and from literacy to technology education are also available to help disadvantaged students and their families reshape their future; and

Whereas, The 21st Century Community Learning Centers program operates through a state grant program, with funds based on a specific share of Title I funding. Local educational agencies, community-based organizations, and other public or private entities are eligible to apply. As Michigan wrestles with difficult financial challenges, this program addresses an issue that is vitally important to our society; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to maintain full funding for the 21st Century Community Learning Centers program; 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 Education.

The motion prevailed.

Senators Goschka, Kuipers, Cherry, Clarke and Schauer were named co-sponsors of the resolution.

Senators Cropsey, Garcia, Patterson, Gilbert, Van Woerkom, Stamas, Hammerstrom, Goschka, Cassis, Kuipers, Bishop, Birkholz, Jelinek, George, Brown, Allen, Sikkema, Hardiman, McManus, Toy, Barcia, Sanborn and Olshove offered the following resolution:

Senate Resolution No. 37.

A resolution to express support for the President's strategy for protecting the security of the United States through our efforts in Iraq and to express support for our men and women in uniform and their families.

Whereas, While our nation has faced a wide range of threats to our freedom over the years, the unique war on terrorism in which we now find ourselves engaged demands an exceptional commitment. From our leaders and our military to our citizens and state and local governments, we all must work together to increase the security of our homeland. In the aftermath of September 11th, our country must deal with the entire range of terrorist threats before us; and

Whereas, The ongoing preparations for a military action to deal with threats from Iraq and its weapons of mass destruction are a direct and necessary response for the United States and our allies. As the world learns more about the links between the reign of hatred of Saddam Hussein and international terrorist organizations, including those affiliated with Osama bin Laden, the gravity of the world’s situation has become increasingly clear. The smokescreen of misinformation that has hampered United Nations efforts in Iraq must not be permitted to jeopardize the homeland security of our nation or the stability of other parts of the world; and

Whereas, A number of Michigan citizen soldiers are engaged in the noble effort to defend our liberties. In addition to those already serving in the military, several reserve units have been called into duty. It is important to voice our support for all of them, as their courage and steadfastness in the face of war represents the highest standard of citizenship. For the families with loved ones in the military, the world’s tensions take on much more intensity. Once again, we are reminded that the true cost of freedom is clearly beyond measure; and

Whereas, Unity in the face of adversity is essential for success in any grave battle. The people of this state, well aware of the high stakes of any military action, stand behind our President in his work to protect peace in our troubled world; now, therefore, be it

Resolved by the Senate, That we express support for the President’s strategy for protecting the security of the United States through our efforts in Iraq and to express support for the men and women of our military and their families; 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 resolution was adopted.

Senator Sikkema requested the yeas and nays.

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

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 40

Yeas—26

Allen	Cassis	Hammerstrom	Patterson
Barcia	Cherry	Hardiman	Sanborn
Basham	Cropsey	Jelinek	Sikkema
Bernero	Garcia	Kuipers	Stamas
Birkholz	George	McManus	Toy
Bishop	Gilbert	Olshove	Van Woerkom
Brown	Goschka		

Nays—11

Brater	Emerson	Prusi	Switalski
Clark-Coleman	Jacobs	Schauer	Thomas
Clarke	Leland	Scott	

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senators Brater, Cropsey, Sikkema, Brown, Garcia, Basham, Sanborn, Goschka and Hardiman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

I rise to oppose this resolution. I am concerned, first of all, that we're addressing a foreign policy matter on the floor of the Senate. I don't feel that this is within our jurisdiction. We don't have sufficient information to evaluate the President's strategy, except what we've been reading in the newspapers. I know what we've been reading in the newspapers has been eliciting a great deal of disagreement among the citizens of the United States, of the citizens of the state of Michigan, and of the citizens of my district.

I would just say that, to the extent that this resolution is before us, I regret that more time has not been taken to explore diplomatic means to disarm this country and this dictator. I do feel there is reason for concern about his activities, but I also believe there's reason for concern that belligerency on our part in that part of the world will result in the very consequences that the President stated he's trying to avoid—which is more terrorism at home and perhaps here in the state of Michigan. To that extent, we as a Legislature need to be on guard and looking for resources to guard against that action, or those possible consequences, because we have not been given the amount of money from the federal government that was promised to us—even for first responder funding for our police and fire fighters to respond at the state and local level. Given the fact that Michigan is a border state and that we have additional responsibilities at the border crossings, I think that is cause for concern for this Legislature.

Furthermore, we have not been given an adequate accounting of the cost of this action. The estimates have ranged up in the hundreds of billions of dollars. Given the fact that the states collectively are facing up to an \$80 billion deficit this year, this state in particular is facing a deficit anywhere from \$1.5-\$2 billion in the next fiscal year, I think there are some direct economic consequences for the money that is being sent over for this action, which might have been solved through diplomatic means if more time was taken.

I want to express grave concern for the safety of our troops in the region. The men and women, the mothers and fathers who are over there are in my heart and in my prayers. I do pray that they come home safely and that all American citizens and citizens all around the world remain safe and sound. I regretfully must oppose this resolution.

Senator Cropsey's statement is as follows:

This is a serious resolution. This nation is prepared to go to war. I think it is important that we let our President know that he is the President of all the people here in the United States. He certainly has intelligence reports that we are not privy to, but he has been steadfast in saying the President or the dictator of Iraq is a clear and present danger to our safety and indeed the safety of the world. The belligerency is not on our part. The belligerency is on the part of Saddam Hussein who, for 12 long years, has defied international law; has defied the United Nations that lost the war of aggression because we stepped in. And he has not been held accountable after 12 years. He was given the opportunity to be held accountable and to respond in a proper fashion. He has not done so, and that's been very clear. The belligerency is on his part, not on the part of the United States of America.

If we are going to have international law mean anything at all, then this man must be ousted, and the time has come to do that. We could delay and delay and delay, as has been done, but there comes a day of reckoning. That day of reckoning is now. I think it is extremely important that we let the leadership of our country know the delay has gone on long enough. Are we ever going to hold Saddam Hussein accountable or not? We could turn our backs and go away and hope that he never touches us, but I believe everybody here knows that the cost of doing that down the road is going to be far too great.

What is the cost of this war? I don't know. People talked about \$100 billion, \$150 billion, but we do know what the cost was when those jets flew into the World Trade Center. I believe our United States Congress and our President said that New York and New York City were talking around \$30 billion. Now that was just from two airplanes. Can you imagine what would happen if weapons of mass destruction were brought into this nation or sent against this nation—what the cost would be of that? That's what our President has to look at. He's weighed it. His advisors have weighed it, and the United States Congress weighed this many months ago and gave the President the authority to go after this. Believe you me, \$100 billion would seem like small potatoes if there was a massive attack here in this country.

Are we concerned for our troops? Yes, we are concerned for our troops, and our prayer is that they will come back, that they will come back victorious, and that they will come back intact. And I believe that they will. But our prayers should also be for the President, and as he wages this just war, that it be done quickly, it be done smoothly, and that we be behind it.

Senator Sikkema's statement is as follows:

Mr. President and colleagues, I feel compelled to speak on this resolution. I, for one, believe that we should avoid war if at all possible. But I do not take the position that we should avoid war at any and all costs. I would say that the security of this country and this country's interests—the sacrifice or the compromising of those interests—are not a cost I'm willing to incur with Iraq or anyone else.

I think the goal of America's security at home and abroad, and being resolute about that goal, is the right strategy. I happen to believe using diplomacy and using international bodies like the U.N. is the right strategy, which has been utilized year in and year out, and recently, month in and month out. But this country should never let any other country or group of countries sacrifice American security within our borders or the security of our personnel around the world. That is not acceptable. I support the President's strategy—the strategy of being clear and resolute, exhausting diplomacy and using it—but there comes a point where a decision has to be made.

I will share with you a conversation I had yesterday when someone asked me about President Bush's decisions. I think the decision to go to war has got to be the most difficult decision any President of any party in any era could ever make. And I can't imagine it being made lightly or without exhaustive research and exhausting every other possibility. Because of that, when a President decides to go to war, I support the President. I don't care if the President is Democrat or Republican because that decision has got to be so difficult for a President. And it's got to be the last straw, and that's why I take the position that any President who makes that decision, Democrat or Republican, I give them the benefit of the doubt.

This is a good resolution. We should support this resolution and other resolutions that support our troops in this very, very difficult and trying time.

Senator Brown's statement is as follows:

Our men and women in uniform may within a few hours be placed in harms way, many from this state—an issue of our concern. It is time to close ranks and send a strong statement of support. Mr. President, I rise to support the resolution before us and any similar resolution, and I encourage my colleagues to do the same.

Senator Garcia's statement is as follows:

I rise as a concerned American, as someone who wears a uniform, someone who has worn a uniform, and someone who has been called up for active duty in support of our military.

I just want to urge the members to support this resolution because our first duty in government and the first duty of the President, whoever he might be, is to protect our citizens. That's what the President is doing.

Now you can disagree with the purpose of the war. You can disagree with how we got there. But the fact of the matter is we are about to go to war, and as much as we pray and wish and hope that our troops will be safe, the truth is, in war, there will be casualties. Some of our troops will not come home. Some of them will be young men, like the previous speaker said, and young women, 18 or 19 years old. Others will be older who have families, who have children at home, and who have spouses who love them. But the fact of the matter is we are about to go to war, and we have to remember that we are Americans, first and foremost.

When we go to war, we're not going to be Republicans, we're not going to be Democrats, we're not going to be Liberals, we're not going to be Conservatives, and we're not going to be Black or White or Hispanic or Asian or any other nationality. We are Americans. When President Clinton committed troops to Mogadishu, and when President Clinton committed troops to Bosnia and Republicans opposed him on those two matters, I disagreed with my fellow colleagues because the President had made a decision, and we needed to support our troops. When Republicans called for our troops to leave Mogadishu after the battle there that we fought, I disagreed. But I supported our President even though he was a Democrat. I disagreed with him on a number of issues, but he was our Commander in Chief. He had committed our forces to battle, and I committed to supporting him and our troops.

I rise to ask our members to put aside our political differences, to put aside our philosophical differences and rise as one to support our Commander in Chief in this moment of great trial because he does have a big burden on his shoulders. Some of the troops will not come back and some of them will not come back in one piece, and their families will suffer great losses.

So I urge my colleagues to band together as Americans, to put aside our partisan differences, and join and support the President, regardless of what political party he might be.

Senator Basham's statement is as follows:

I, too, wore a uniform of my country, and I wore it for four years in the United States Air force. I was in the service during the Cuban missile crisis—1962 to 1966. That was a period in our country when we came very, very close to nuclear war.

As a veteran, I think we need to enlist, and if we can pass a U.N. resolution, we can enlist the other countries of the Security Council in that resolution for a war in 1991, a war, by the way, which didn't finish. And then here we are 10-12 years later and we want to go back in and mop up on a country that's been under sanctions for 10-12 years, and that has inspectors on the ground, in the country. I understand they just got pulled out last night, but if you don't get your way with the U.N. to go in and go it alone, I think that's the difference between the two arguments that we're hearing today in this body.

In fact, I don't know that there's anyone here who doesn't support the troops and doesn't support the President should we go to war. But to encourage to make a decision that we take preemptive strikes on countries that we don't see eye to eye with, there are numerous other countries that raise a greater risk to this country's borders than certainly Iraq.

I have reservations about why we sit here in this body and want to wrap ourselves around the flag and pass resolutions and stir the emotions of every member in this body. So I have concerns that we're doing that, and as a veteran, I thought I just might echo those concerns, Mr. President.

Senator Sanborn's statement is as follows:

I rise to support this resolution. You know that Abraham Lincoln once quoted scripture when he said, "A house divided against itself cannot stand." And this nation divided against itself cannot stand. We need to pull together behind the President of the United States. You cannot speak words of appeasement to pacify this rabid dog. He needs to be dealt with at this time. I am not a war monger. I have boys at home and in college, 17 and 19. I think about that often, but you cannot pacify Saddam Hussein. We need to stand together as a nation at this time, and I urge your support for this resolution.

Senator Goschka's statement is as follows:

I rise in support of this resolution because as an American, I support our troops. I support, more importantly, our President. Regardless of who our President is, regardless of party, when that person makes a decision of the magnitude that is on the mind of our President today, I believe that we all need to drop party labels and stand as one body, as one voice all across this land in support of our troops.

I am going to support this resolution because I do exactly that, and I think this is our way of saying that if that decision is made—and this is IF that decision is made—that we stand by our President and we stand by our troops. I really can't find any fault in that thought process at all.

Senator Hardiman's statement is as follows:

I rise to support this resolution. Several years ago, I stood in a formation in Texas waiting to find out where I would spend my active duty after training. Private Hardiman was called off and named in Vietnam. I went to Vietnam, and I served my country. I didn't understand all that was going on and perhaps didn't agree with all of it, but I served my country because I loved this country.

We are about to go to war, and I believe that a decision has not been made of the final basis, but I believe it will be soon. I do support our troops, I do support our President, and I do want to stand with my country. I understand people who feel differently, and certainly in this country, they have that right to express those feelings and those desires, but I do support the President.

A few weeks ago, I had the opportunity to visit the White House. I went by the room where the President receives the reports each morning regarding the national defense. I know there's a heavy weight on his shoulders. I know that he's thought about this carefully. I don't have all of the information that he has, and I feel very vulnerable if he only knew what I know. But I do believe he's making the best decision he can for this country, and I rise to support him.

Senators Toy, Garcia, Stamas, Gilbert, Van Woerkom, Patterson, Hardiman, George, Cropsey, Brown, Jelinek, Cassis, McManus, Allen, Birkholz, Kuipers, Sikkema, Hammerstrom, Sanborn, Bishop and Goschka offered the following resolution:

Senate Resolution No. 38.

A resolution to express support for Michigan military troops and their families.

Whereas, As it has done throughout our state's history, Michigan has responded to our nation's call to duty in its time of need. Military personnel from all across our state are engaged in the critical and dangerous mission of protecting our freedom, our liberties, and our safety in numerous locales around the world. In addition to direct involvement in military operations in the area around Iraq, Michigan military members are also discharging a multitude of difficult assignments and responsibilities to protect their fellow citizens, including responding to the new and uniquely challenging threats of terrorism; and

Whereas, The current uncertainties are especially difficult for the families of our brave men and women who have answered the call to service by donning the uniforms as members of the armed forces. Whether active duty, National Guard, or Reserve, these military members, who are being called upon to execute a vital mission, leave behind their families who confront great challenges, both emotionally and often financially; and

Whereas, It is important that our troops and their families know of our support for them as they place themselves in harm's way and sacrifice in their endeavors to make the world a safe place and to preserve our cherished freedoms for us and for future generations. It is equally important to thank the families of the military personnel for the hardships that they endure because of the separation from their loved ones. We need to recognize their enormous sacrifices by communicating our continuing support in the difficult weeks and months ahead; now, therefore, be it

Resolved by the Senate, That we hereby express our support for Michigan military troops and their families; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Military Affairs.

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 Schauer requested the yeas and nays.

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

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 41

Yeas—37

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Leland’s statement is as follows:

I have a couple comments that I will make, and I won’t be more than a minute. You know, I’ve always said that one of the things that I enjoy most about being a member of this Michigan State Senate is that I get an opportunity from time to time to get before the members and make some formal remarks and have them then printed.

Something was said by a certain congressman from the state of Virginia last week, Congressman Jim Moran, Democrat of Virginia, that I find to be extraordinarily repugnant to me because of my citizenship and repugnant to me because of my religion. As you know, the comments had to do with Jewish people driving the war effort in Iraq. And that comment sort of reminded me of what Adolf Hitler said around 1938, blaming my people for the situation and the economy in Germany. And here we go almost 75 years later, or 65 years later, with comments blaming, again, the Jewish people.

I would hope, Mr. President and members, that my party, the Democrat Party, does something to Congressman Jim Moran who has a history of very volatile behavior. Some of you may have remembered issues of domestic violence. Some of you may have remembered that he beat up a young African-American child for allegedly tampering with his vehicle. The child was about 10 or 11 years old. That was settled.

You know, it wasn't long ago that the Democrats were very upset with the Majority Leader in Washington, Senator Trent Lott. And because of the criticism, he was forced to give up his very powerful and prestigious leadership position; that, of course, being the Majority Leader in the United States Senate. The outcry was so—thank God, the outcry on both sides of the aisle was so outrageous that he did, in fact, step down.

I would hope that the outcry with this congressman and his very offensive and, as I said, repugnant remarks would be heard particularly by my party. I would hope that my party in Washington take some drastic and some serious action real soon to sanction Congressman Jim Moran from Virginia. I would hope that they would strip him of his leadership responsibilities; that they would at least take his committee assignments away. I hope that he's not re-elected in the Democratic primary. And if things are not done to sanction the congressman, I would hope that my people of my faith remember this in the next election. And I believe something like 80 percent of the Jewish population in this country vote on the Democratic side. Again, I hope that if something is not done that they certainly will remember that when they go to the polls and vote in the next election.

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

Senators Jelinek, Allen, Van Woerkom, Goschka, Hardiman and Brown introduced
Senate Bill No. 298, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

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

Senators Bernero, Clark-Coleman, Jacobs, Basham, Brater, George and Scott introduced
Senate Bill No. 299, entitled

A bill to repeal section 14 of 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.434).

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 Patterson, Sanborn, Gilbert, Stamas, Allen, Kuipers, Toy, Birkholz, Goschka, Cassis, McManus and Bishop introduced

Senate Bill No. 300, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

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

House Bill No. 4079, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20194 and 21799a (MCL 333.20194 and 333.21799a), section 20194 as added by 1993 PA 79.

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 Senior Citizens and Veterans Affairs.

House Bill No. 4139, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43536a (MCL 324.43536a), as added by 1996 PA 585.

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 Natural Resources and Environmental Affairs.

Committee Reports

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 239, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 1998 PA 97.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Laura Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 240, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending the title and section 2 (MCL 123.872), the title as amended and section 2 as added by 1985 PA 9.

With the recommendation that the bill pass.

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

Laura Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, March 13, 2003, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, March 5, 2003, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Tuesday, March 11, 2003, at 12:00 noon, Room 100, Farnum Building

Present: Senators George (C), McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, March 12, 2003, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Thursday, March 13, 2003, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Brown (C) and Jelinek

Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, March 13, 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, March 20, 8:30 a.m., Room 810, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursdays, March 20, March 27, April 3, and April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Commerce, Labor and Economic Development - Wednesday, March 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Family Independence Agency - Thursdays, March 20 and March 27, 2:00 p.m., Room 810, Farnum Building; Tuesday, April 1, 2:00 p.m., Room 810, Farnum Building (CANCELED); and Wednesday, April 2, 2:00 p.m., Senate Hearing Room, Boji Tower (formerly Michigan National Tower) (CANCELED) (373-1801)

General Government - Tuesdays, March 25, April 1, and April 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

Judiciary and Corrections - Tuesdays, March 25, April 1, and April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesdays, March 25, April 1, and April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

Transportation Department - Tuesdays, March 25, April 1, April 8, April 15, and April 22, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, March 20, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-2417)

Health Policy - Wednesday, March 19, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Michigan Capitol Committee - Thursday, March 20, 1:00 p.m., Room 405, Capitol Building (373-0289)

Senior Citizens and Veterans Affairs - Wednesday, March 19, 1:00 p.m., Room 810, Farnum Building (373-1707)

Technology and Energy - Wednesday, March 19, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:29 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 19, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate