

**No. 21**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Wednesday, March 5, 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—excused  
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

Reverend Dr. David Breen of Fairhaven Ministries of Hudsonville offered the following invocation:

Lord, Your leaders are gathered here in this place. We ask that You will raise their sense of idealism; that You will give them courage for decisions that are made; that You will strengthen their marriages and their families; and that You will give them joy in the service of this people. The people You have created are wonderfully diversified, and the needs and causes that these, our friends, are called to represent are magnificent and challenging. Give to them grace for each decision that they make. Bless them in every role of leadership.

Bless the leaders of our country and our world. The clouds of conflict are thickening. We ask that You will give to each one a vision of peace, a peace that will endure. We pray that there will be peace between each of us and peace between us and You. So give to each one here the grace to lead, led by You.

In the name of the Prince of Peace we pray. Amen.

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

Senator Hammerstrom moved that Senator Bishop be temporarily excused from today's session. The motion prevailed.

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:04 a.m.

10:45 a.m.

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

During the recess, Senators Bernero, Bishop and Clarke entered the Senate Chamber.

Senator Schauer moved that Senators Barcia and Scott be excused from today's session. The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### Resolutions

Senators Hardiman and Birkholz offered the following resolution:

#### **Senate Resolution No. 22.**

A resolution to urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God."

Whereas, On February 28, 2003, the San Francisco-based Ninth United States Circuit Court of Appeals decided not to revisit an earlier decision by a three-judge panel regarding the unconstitutionality of the Pledge of Allegiance with the phrase "under God." In doing so, this court has turned down the President's request to rehear the case and turned away from considering factors that prove the appropriateness of the words "under God" in this revered declaration of loyalty to the flag and our republic; and

Whereas, The notion that the nonspecific two-word reference of "under God" constitutes an endorsement of a state religion or any religion at all is difficult to fathom. Americans have pledged their allegiance to the flag of the United States of America, with this contested phrase, for nearly five decades. It should be clear to all that, in that time, the freedom to worship, or not worship, has not been diminished in any way; and

Whereas, The public outcry in reaction to the court's refusal to reconsider the earlier ruling reflects the strong feelings that people in Michigan and across the country have for the Pledge of Allegiance. Americans have recited this affirmation of loyalty, with these two words, proudly for fifty years. The ruling is in direct conflict with patriotic references to a deity that have been part of our nation since the Declaration of Independence; now, therefore, be it

Resolved by the Senate, That we urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God." We urge the nation's highest court to act quickly to affirm the status of the Pledge of Allegiance as we have recited it for the past five decades; and be it further

Resolved, That copies of this resolution be transmitted to the United States Supreme Court.

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 Toy, Kuipers, Cassis, Brown, Jelinek, Cherry, Olshove, Van Woerkom, Garcia, Goschka, Bishop, Sanborn and Patterson were named co-sponsors of the resolution.

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

**Senate Resolution No. 23.**

A resolution to recognize March 2003 as Parenting Awareness Month.

Whereas, March is traditionally celebrated as Parenting Awareness Month in the state of Michigan; and

Whereas, Parenting Awareness Month celebrates people who are raising children; and

Whereas, Parenting Awareness Month seeks to draw public attention to the critical importance of parenting in helping children to become healthy, caring, and contributing citizens; and

Whereas, Parenting Awareness Month seeks to promote education and resources for developing parenting skills throughout the year; and

Whereas, Parenting Awareness Month encourages the development of local parent networks; and

Whereas, Parenting Awareness Month encourages everyone to participate in the lives of all of our children; now, therefore, be it

Resolved by the Senate, That we hereby declare March 2003 as Parenting Awareness Month in the state of Michigan; and be it further

Resolved, That the state of Michigan supports all efforts and resources, particularly at the local level, that promote, encourage, support, and educate the community on parenting issues; and be it further

Resolved, That the state of Michigan upholds the vision that every person, everywhere, every day understands their responsibility in raising our children.

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.

Senators Jelinek, Cherry, Olshove and Jacobs were named co-sponsors of the resolution.

Senators Birkholz, Hardiman, Patterson, Bishop, Brown, Jelinek, Sanborn, Cassis, Kuipers, Goschka and Garcia offered the following concurrent resolution:

**Senate Concurrent Resolution No. 10.**

A concurrent resolution to urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God."

Whereas, On February 28, 2003, the San Francisco-based Ninth United States Circuit Court of Appeals decided not to revisit an earlier decision by a three-judge panel regarding the unconstitutionality of the Pledge of Allegiance with the phrase "under God." In doing so, this court has turned down the President's request to rehear the case and turned away from considering factors that prove the appropriateness of the words "under God" in this revered declaration of loyalty to the flag and our republic; and

Whereas, The notion that the nonspecific two-word reference of "under God" constitutes an endorsement of a state religion or any religion at all is difficult to fathom. Americans have pledged their allegiance to the flag of the United States of America, with this contested phrase, for nearly five decades. It should be clear to all that, in that time, the freedom to worship, or not worship, has not been diminished in any way; and

Whereas, The public outcry in reaction to the court's refusal to reconsider the earlier ruling reflects the strong feelings that people in Michigan and across the country have for the Pledge of Allegiance. Americans have recited this affirmation of loyalty, with these two words, proudly for fifty years. The ruling is in direct conflict with patriotic references to a deity that have been part of our nation since the Declaration of Independence; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God." We urge the nation's highest court to act quickly to affirm the status of the Pledge of Allegiance as we have recited it for the past five decades; and be it further

Resolved, That copies of this resolution be transmitted to the United States Supreme Court.

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 Education.

The motion prevailed.

Senators Toy, Cherry, Olshove and Van Woerkom were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

### **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 Bernero 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. 180, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 224.

#### **House Bill No. 4206, entitled**

A bill to provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to create an authority; and to provide for the powers and duties of certain governmental officials and entities.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

#### **Senate Bill No. 195, entitled**

A bill to provide for the incorporation of a regional water supply and sewerage authority; to provide for a regional assembly and regional authority board; to transfer certain ownership rights in water supply and sewerage facilities; to provide for payment for water supply and sewerage services and facilities through fees, charges, taxes, special assessments, and other means; to provide for the issuance and payment of bonds; and to provide for the powers and duties of certain governmental officials and entities.

Substitute (S-4).

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

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

"Sec. 6. If a qualified county, qualified city, or a local unit of government charges its customers a rate that generates an amount greater than the amount that the county, city, or local unit is required to pay under its contract with the water or sewer system, the county, city, or local unit shall annually itemize on the customer's bill the additional charges."

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

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

Senator Bishop introduced

#### **Senate Joint Resolution C, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 13 of article IV, to limit the legislative session.

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

Senator Cropsey introduced

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

**Committee Reports**

The Committee on Technology and Energy reported

**Senate Bill No. 11, entitled**

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 7 (MCL 830.417), as amended by 1994 PA 252.

With the recommendation that the bill be referred to the Committee on Appropriations.

Bruce Patterson

Chairperson

To Report Out:

Yeas: Senators Patterson, Birkholz, Brown, Cassis, Olshove and Bernero

Nays: None

The bill was referred to the Committee on Appropriations.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, February 26, 2003, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove and Bernero

Excused: Senator Leland

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, March 6, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -**

**Subcommittees -**

**History, Arts, and Libraries** - Tuesdays, March 11 and March 18, 12:00 noon, Room 100, Farnum Building (373-0793)

**Judiciary and Corrections** - Tuesdays, March 18, March 25, April 1, and April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

**State Police and Military Affairs** - Tuesdays, March 18, March 25, April 1, and April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

**Appropriations, Joint Senate/House** - Thursday, March 6, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Business Competitiveness Joint Select Committee (SCR 3)** - Monday, March 10, 3:00 p.m., Novi Expo Center, Stiller Room, 43700 Expo Center Drive, Novi (373-7670)

**Education** - Thursday, March 6, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Families and Human Services** - Thursday, March 6, 8:30 a.m., Room 210, Farnum Building (373-1801)

**Government Operations** - Tuesday, March 11, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-0797)

**Health Policy** - Wednesday, March 12, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:11 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 6, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate