

No. 7
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, January 28, 2004.

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

Senator Bill Hardiman of the 29th District offered the following invocation:

Father God, we thank You for life; we thank You for liberty; we thank You for keeping us safe through the difficult weather.

Father God, we appreciate all that You have given us in this great state and this wonderful nation. We realize we face many challenges even now. Father, I ask that You bless us, Lord God—bless us as a country; bless our leaders; bless President Bush; lead and guide, O God.

Father, as I focus on this state, thank You for our Governor. Give her wisdom and guide her ways. I focus even on this body right here. Father, I have come to know them over this past year, and I thank You for each and every one of them.

Father, bless us as we tackle the problems that face us. Father, give us a heart of wisdom, Lord God, as well as compassion. Father, we see the needs of the people, and we want to make an impact. Father, guide us and strengthen us. May we make wise decisions, and of course, with Your will, we might live in peace and prosper. Bless each and everyone in their personal lives, in their relationships at home, so that they might be free to do the people's work here.

We ask all of these blessings in the precious name of Jesus Christ. 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 today's session.
The motion prevailed.

Senator Schauer moved that Senators Bernero and Thomas be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that the Committee on Economic Development, Small Business and Regulatory Reform be discharged from further consideration of the following bill:

Senate Bill No. 914, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 221 and 233 (MCL 436.1221 and 436.1233).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Appropriations.

The motion prevailed.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointment:

Michigan Natural Resources Trust Fund Board

Mr. David D. Dempsey of 323 North Walnut, Apt. 801, Lansing, Michigan 48933, county of Ingham, succeeding Kevin E. Johnson, whose term has expired, for a term commencing November 25, 2003 and expiring October 1, 2007.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

Senator Hammerstrom moved that rules be suspended to permit immediate consideration of the appointment.

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

Messages from the Governor

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

Senate Bill No. 195

Senate Bill No. 364

Senate Bill No. 293

Senate Bill No. 265

Senate Bill No. 288

Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 687
Senate Bill No. 474
 The motion prevailed.

Senators Bernero and Thomas entered the Senate Chamber.

Michigan Natural Resources Trust Fund Board

Mr. David D. Dempsey of 323 North Walnut, Apt. 801, Lansing, Michigan 48933, county of Ingham, succeeding Kevin E. Johnson, whose term has expired, for a term commencing November 25, 2003 and expiring October 1, 2007. Senator Hammerstrom moved that the Senate advise and consent to the said appointment to office.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 15

Yeas—37

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

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

Senators Brater and Birkholz 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 do stand to support the confirmation by the Senate of Mr. David Dempsey as a member of our Natural Resources Trust Fund Board. David Dempsey has proven himself as a leader on environmental issues. He is a respected leader in this state who is capable of working in a bipartisan and a nonpartisan manner to promote conservation efforts of our state land, and to carry out the intent of the Constitution when it comes to administering our Natural Resources Trust Fund.

Mr. Dempsey currently serves as policy advisor for the Michigan Environmental Council, a coalition of over 65 environmental organizations, and he served as an advisor to former Governor James Blanchard as his environmental advisor from 1983 to 1989.

Mr. Dempsey also served as program director and state director of Clean Water Action. President Clinton appointed him to serve on the Great Lakes Fishery Commission in 1994, where he served until 2001. He has been known as the author of a book named *Ruin and Recovery: Michigan's Rise as a Conservation Leader*, an environmental history of Michigan since its statehood in 1837. Through this book, he has demonstrated his knowledge of the tradition of conservation in this state and is committed to continuing to help us protect the natural resources of this state.

I urge my colleagues to join me in supporting the nomination of Mr. David Dempsey to the Natural Resources Trust Fund Board.

Senator Birkholz's statement is as follows:

I rise as chair of the Natural Resources and Environmental Affairs Committee to support the nomination of Dave Dempsey to the Natural Resources Trust Fund Board. Yesterday in committee, we had a lengthy discussion—quite spirited, some probing questions by several committee members of Mr. Dempsey. The Senator from the other side of the aisle has listed several of his accomplishments.

Let me assure you that the members of our committee examined thoroughly Mr. Dempsey's credentials, questioned him at length, and talked with him about his views on the natural resources of our state and preserving those natural resources. He is also an adjunct professor at Michigan State University in environmental policy and law. He co-teaches a class with someone we are all well acquainted with, and that's Bob Wilson of our central policy staff. I personally have visited and spoken to that class a few times in the last year an a half and can speak very highly of the teaching qualifications of both of the professors.

So with that in mind, I have known David personally as someone who has worked in the area of natural resources for several years myself. In fact, we agreed that we were not going to name the number of years that we have known each other and worked together on natural resources.

He and I have always worked for our natural resources, conserving our natural resources, and supporting the stewardship of those natural resources. Occasionally, we have disagreed on some issues, but I have always found him to be fair, to be someone who listens, and someone who cares about Michigan as a state. Our committee in a bipartisan way—overwhelming supportive vote—supported that we recommend the Senate to advise and consent to the recommendation of David Dempsey as a member of the Natural Resources Trust Fund Board.

Messages from the House

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

Senate Bill No. 506

Senate Bill No. 557

Senate Bill No. 806

Senate Bill No. 502

Senate Bill No. 334

The motion prevailed.

House Bill No. 4236, entitled

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal

certain parts of this act on specific dates,” by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

(For text of amendments, see Senate Journal No. 6, p. 66.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 16

Yeas—36

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

Nays—1

Basham

Excused—1

Scott

Not Voting—0

In The Chair: President

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4340, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

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. 17

Yeas—37

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas

Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Goschka
Hammerstrom

Leland
McManus
Olshove
Patterson

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Scott

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 concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

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 Allen 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:

House Bill No. 4802, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 540c (MCL 750.540c), as amended by 2002 PA 672.

House Bill No. 4916, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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:

House Bill No. 5120, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 1d, 65, 310d, 319b, 320a, 321a, 625, 625b, 627, 727, 732, 733, and 907 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.320a, 257.321a, 257.625, 257.625b, 257.627, 257.727, 257.732, 257.733, and 257.907), section 1d as added and sections 310d and 625 as amended by 2003 PA 61, section 65 as amended by 1994 PA 449, sections 319b and 732 as amended by 2002 PA 534, sections 320a and 627 as amended by 2003 PA 315, section 321a as amended by 2002 PA 741, section 625b as

amended by 1998 PA 357, section 727 as amended by 1998 PA 348, section 733 as amended by 1994 PA 50, and section 907 as amended by 2003 PA 73, and by adding section 79e; and to repeal acts and parts of acts.

Substitute (S-3).

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

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

House Bill No. 5129, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts.

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

1. Amend page 23, line 15, by striking out "January 1, 2004" and inserting "June 1, 2004".

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

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 209

Senate Resolution No. 210

The resolution consent calendar was adopted.

Senators Prusi, Basham, Garcia, Johnson, Allen, Goschka, Emerson, Cropsey, Hardiman, Brown, Patterson, Bernero, Jacobs and Clarke offered the following resolution:

Senate Resolution No. 209.

A resolution memorializing Staff Sergeant Stephen C. Hattamer.

We, and all others who believe in freedom as deeply as we do,
would rather die on our feet than live on our knees."

— Franklin D. Roosevelt

Whereas, It is with great sadness that we mourn the recent passing of Staff Sergeant Stephen C. Hattamer. Serving in the United States Army Reserves, Staff Sergeant Hattamer unselfishly paid the ultimate sacrifice for his country when his living quarters came under mortar attack on December 25, 2003, while serving in Baqubah, Iraq. We are honored to join with his family, friends, and the people of the great state of Michigan in remembering this fallen soldier; and

Whereas, Born to Ralph and Rosalie (Mittawigger) Hattamer on January 19, 1960, in Spokane, Washington, Stephen C. Hattamer graduated from Central Valley High School. Employed at the former Sawyer Air Force Base as a customer service agent with American Communications Network, Stephen and his family most recently called the Upper Peninsula home. Prior to his employment with ACN, Staff Sergeant Hattamer was an active duty soldier, serving sixteen years as a military policeman for the United States Army and nine years as a member of the U.S. Marine and Army Reserves; and

Whereas, In February 2003, Staff Sergeant Hattamer and approximately sixty other members of the 652nd Engineering Company Detachment left for Fort McCoy near Tomah, Wisconsin. Within weeks, they were deployed first to Kuwait and later to Iraq. A member of the 652nd Engineering Company Detachment, Staff Sergeant Hattamer was assigned to an Army Reserve bridge-building unit based in Harvey, Michigan. The detachment is a multi-role outfit with administrative ties to Ellsworth, Wisconsin, and is attached to the Army's Fourth Infantry Division. The brave members of this agile, highly-skilled force prove their patriotism every day and are prepared to serve and defend their country—at a moment's notice—even during the most turbulent times. Staff Sergeant Hattamer's life and that of his fellow Reservists remind us of the words spoken by Commander in Chief John F. Kennedy in 1962, during his *Let the Word Go Forth* speech: "What I do hope is that these people recognize that they are fulfilling a valuable function, and that...they will have the satisfaction afterwards of knowing that they contributed importantly to the security of their families and their country, and at a significant time"; and

Whereas, Staff Sergeant Hattamer willingly accepted the responsibilities of service and courageously met the challenges of a demanding and dangerous profession. With a deep love for family and country, Stephen Hattamer is remembered as a loving and devoted father. Known to bake German chocolate cakes for his kids' birthdays, Hattamer always strived to give his children the very best of everything. He was said to have been an active sportsman who enjoyed both snow and water skiing. A church elder at Victory Lutheran Church, Staff Sergeant Hattamer was regarded as one to lift the morale of his fellow servicemen through his spiritual words and counseling; now, therefore, be it

Resolved by the Senate, That it is with great pride that we recognize the life of Staff Sergeant Stephen C. Hattamer. On behalf of the Governor, the Michigan State Legislature, and the people of the state of Michigan, we extend our sincere appreciation for his courageous service to the 652nd Engineering Company Detachment and the United States armed services. His death serves to remind us of how delicate life is and that the freedoms we all enjoy today have come at a very high price; and be it further

Resolved, That we extend our thoughts and prayers to the family and friends of Staff Sergeant Stephen C. Hattamer, especially to his wife Karen; his three children, Bryce, Alyssa, and Tyler; his mother Rose; sisters, Theresa, Marge, Rosanne, and Sharon; and brothers, Frank and Eric. May they know of our deep sorrow for their loss and our undying gratitude for his bravery during the course of battle; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Staff Sergeant Stephen C. Hattamer as a token of our condolences and respect.

Senators Birkholz, Brater, Clark-Coleman, Olshove, Switalski, Thomas and Van Woerkom were named co-sponsors of the resolution.

Senators Prusi, Basham, Garcia, Johnson, Allen, Goschka, Emerson, Cropsy, Hardiman, Brown, Patterson, Bernero, Jacobs and Clarke offered the following resolution:

Senate Resolution No. 210.

A resolution memorializing Staff Sergeant Thomas W. Christiansen.

"Duty, Honor, Country: Those three hallowed words reverently
dictate what you ought to be, what you can be, what you will be."

— General Douglas MacArthur

Whereas, It is with great sadness that we mourn the passing of Staff Sergeant Thomas W. Christiansen as we recognize him for his dedicated service to the United States Army. Serving as a United States Army Reservist, Staff Sergeant Christiansen unselfishly gave his life when his living quarters came under mortar attack on December 25, 2003, while serving in Baqubah, Iraq. We are honored to join with his family, friends, and the residents of Michigan in remembering this fallen soldier; and

Whereas, Born in Livonia, Michigan, Thomas W. Christiansen most recently called the Upper Peninsula his home. An early love for the military led the forty-two-year-old to join the Army at the tender age of nineteen. After completing two tours of duty in Germany, Thomas joined the U.S. Army Reserve in 1994. Not new to combat, Staff Sergeant Christiansen also completed a year of service in the Persian Gulf region, first in Kuwait and later in Iraq. A member of the 652nd Engineering Company Detachment, Staff Sergeant Christiansen was assigned to an Army Reserve bridge-building unit attaché based in Harvey, Michigan. The detachment is a multi-role outfit with administrative ties to Ellsworth, Wisconsin, and is attached to the Army's Fourth Infantry Division. Staff Sergeant Christiansen had a knack for mechanics and possessed skills that made him a "go-to guy" in his Army unit; and

Whereas, Staff Sergeant Christiansen willingly accepted the responsibilities of active duty and courageously met the challenges of an often demanding and dangerous profession. He had a deep love for his family and his country and is remembered as a patriotic man who never questioned his duties. His service reminds us of those words spoken by Commander in Chief John F. Kennedy in 1962, during his *Let the Word Go Forth* speech: "What I do hope is that these people recognize that they are fulfilling a valuable function, and that...they will have the satisfaction afterwards of

knowing that they contributed importantly to the security of their families and their country, and at a significant time.” The brave members of this agile, highly-skilled force prove their patriotism every day and are prepared to serve and defend their country—at a moment’s notice—even during the most turbulent times; now, therefore, be it

Resolved by the Senate, That it is with great pride that we recognize the life and bravery of Staff Sergeant Thomas W. Christiansen. On behalf of the Governor, the Michigan State Legislature, and the people of the state of Michigan, we extend our sincere appreciation for his dedicated service to the 652nd Engineering Company Detachment and the United States armed services. His sacrifice, as well as others who have given their lives in service to our nation, have inspired their fellow Americans through their loyalty and courage. Their contributions will be forever remembered by a grateful nation; and be it further

Resolved, That we extend the highest commendation to Staff Sergeant Thomas W. Christiansen for his service to the United States Army and the state of Michigan. Our thoughts and prayers go out to his family and friends, especially his father Thomas Christiansen, Sr.; his mother Janet Sprey; his brothers, Chris and Norman; his sister Heidi; four stepsisters, Ruth Ann Stover, Nancy Clay, Barbara Betzine, and Peggy Wicks; and two stepbrothers, Donald and Richard Clay. May they know of our deep sorrow for their loss and our undying gratitude for his efforts to preserve our freedom; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Staff Sergeant Thomas W. Christiansen as a token of our condolences and respect.

Senators Birkholz, Brater, Clark-Coleman, Olshove, Switalski, Thomas and Van Woerkom were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 929, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3140, 3240, 6062, and 6066 (MCL 600.3140, 600.3240, 600.6062, and 600.6066), section 3240 as amended by 2000 PA 380; and to repeal acts and parts of acts.

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

Senator Hammerstrom introduced

Senate Bill No. 930, entitled

A bill to amend 1899 PA 188, entitled “Michigan estate tax act,” by amending section 3 (MCL 205.203), as amended by 1993 PA 54.

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

Senator Hammerstrom introduced

Senate Bill No. 931, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 48i and 49j (MCL 125.1448i and 125.1449j), section 48i as added by 1981 PA 173 and section 49j as amended by 1993 PA 221.

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

Senators Switalski, Jacobs, Bernero, Garcia and Schauer introduced

Senate Bill No. 932, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending section 6 (MCL 722.26), as amended by 1993 PA 259.

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

Senators Bishop, Birkholz and McManus introduced

Senate Bill No. 933, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142.

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

Senator Sanborn introduced
Senate Bill No. 934, entitled

A bill to amend 1981 PA 180, entitled "Older Michigianians act," (MCL 400.581 to 400.594) by adding section 13a. The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Statements

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

The motion prevailed.

Senator Prusi's statement is as follows:

Franklin D. Roosevelt once said, "We, and all others who believe in freedom as deeply as we do, would rather die on our feet than live on our knees."

It is with great sadness that I rise to inform you of the recent loss of two Army Staff Sergeants, Thomas W. Christiansen, age 42, of Atlantic Mine, and Stephen C. Hattamer, age 43, of Gwinn, Michigan. Staff Sergeants Christiansen and Hattamer were killed on Christmas day, when their living quarters came under mortar attack while serving in Baqubah, Iraq. These brave men were members of the 652nd Engineering Company Detachment, a multi-role outfit with administrative ties to Ellsworth, Wisconsin, and is attached to the Army's Fourth Infantry Division.

The son of Thomas Christiansen and Janet Sprey, Staff Sergeant Thomas Christiansen was born and raised in Livonia, Michigan, but most recently called the Upper Peninsula home.

Joining the United States Army at the tender age of nineteen, he completed two tours of duty in Germany and one year of service in the Persian Gulf, before joining the U.S. Army Reserves in 1994. Christiansen, who was assigned to the Army Reserve bridge-building unit based in Harvey, Michigan, had a knack for mechanics and possessed skills that made him a "go-to guy" in his unit.

Along with his mother and father, Staff Sergeant Christiansen leaves behind two brothers, a sister, four stepsisters, and two stepbrothers.

Born to Ralph Rosalie Hattamer on January 19, 1960, in Spokane, Washington, Staff Sergeant Stephen C. Hattamer graduated from Central Valley High School and enlisted in the Army. Employed at the former Sawyer Air Force Bas as a customer service agent with American Communications Network (CAN), he and his family were residing in Gwinn at the time of this death.

Prior to his employment at ACN, Staff Sergeant Hattamer was an active duty soldier, serving sixteen years as a military policeman for the United States Army and nine years as a member of the U.S. Marine and Army Reserves. Like Christiansen, he was also assigned to the Army Reserve bridge-building unit based in Harvey, Michigan.

A deep love for God, country, and family, Stephen Hattamer is remembered as a faithful friend and a loving and devoted father. Known to bake German chocolate cakes for his kids' birthdays, Hattamer always strived to give his children the very best of everything. He was said to have been an active sportsman who enjoyed both snow and water skiing. A church elder at Victory Lutheran Church, Staff Sergeant Hattamer was said to have the ability to lift the morale of his fellow servicemen.

Along with his wife Karen and his three children, Bryce, Alyssa, and Tyler, Staff Sergeant Stephen C. Hattamer leaves behind his mother Rose, four sisters, and two brothers.

The brave members of this agile, highly-skilled force prove their patriotism every day and as reservists are prepared to serve and defend their country—at moment's notice—even in the most turbulent times. It is with great pride that we recognize the lives of Staff Sergeants Thomas W. Christiansen and Stephen C. Hattamer, as well as the many others who have laid down their lives in the name of freedom. Their tragic deaths remind us of how delicate life is and how high the price of that freedom is.

Our thoughts and prayers go out to their families and friends during this difficult time.

A moment of silence was observed in memory of Army Staff Sergeants Thomas W. Christiansen and Stephen C. Hattamer.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:
 Meeting held on Thursday, January 22, 2004, at 9:00 a.m., Room S-101, Capitol Building
 Present: Senators Sikkema (C), Johnson and Stamas
 Excused: Senators Emerson and Prusi

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Tuesday, January 27, 2004, at 11:30 a.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:
Meeting held on Tuesday, January 27, 2004, at 2:15 p.m., Room 110, Farnum Building
Present: Senators Allen (C), Kuipers, Schauer and Olshove
Excused: Senator McManus

Scheduled Meetings

Administrative Rules - Wednesday, February 4, 12:00 noon, Room 426, Capitol Building (373-6476)

Appropriations - Thursday, February 5, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Judiciary and Corrections - Tuesdays, February 17, February 24, March 2, March 9, and March 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education - Wednesday, February 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

K-12, School Aid, Education and House School Aid and Department of Education - Tuesday, February 10, 4:00 p.m., State Board of Education Room, 4th Floor, Hannah Building (373-6960)

Natural Resources Department - Tuesday, February 10, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs - Tuesday, February 3, 2:00 p.m., Room 405, Capitol Building (373-5932)

Education - Thursday, January 29, 2:00 p.m., Room 210, Farnum Building (373-6920) (CANCELED)

Local, Urban and State Affairs - Thursday, January 29, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:38 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, January 29, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate