

No. 11
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 16, 1999.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Pastor Paul E. Wilson of Trinity Baptist Church of Alma offered the following invocation:

The Bible says that we should always pray. So, let us approach the throne of grace with confidence so that we may receive mercy and find grace to help in our time of need.

Merciful Father, today the Senate opens their day of business with prayer. We collectively and humbly ask for Your divine help and favor for the duties these men and women have assembled to do.

May You grant them wisdom in their deliberations and decisions. Your Word promises wisdom to any who ask for it, and You generously give it.

May You give our great state of Michigan success. Bless Governor Engler, the Supreme Court, the House of Representatives and this Senate. May they all lead with integrity and with a consciousness of their calling.

May You grant peace to our nation so that we may live peaceful and quiet lives in all godliness and holiness.

Now, Father, give these Senators, their staffs, and all the people who work at this beautiful State Capitol gentle grace as they serve one another and the people of the state of Michigan. In Jesus' name. Amen.

Senators Leland, Emerson and A. Smith entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess until 10:15 a.m.

The motion prevailed, the time being 10:04 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Goschka, Hoffman, DeGrow, Stille, Shugars, North, Steil, McManus, Gast, Jaye, Bennett, McCotter, Van Regenmorter, Murphy and Gougeon entered the Senate Chamber.

A quorum of the Senate was present.

Senators Bullard, Hammerstrom, Sikkema and Emmons entered the Senate Chamber.

Motions and Communications

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senator Goschka admittance to the Senate floor.

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

Senator Rogers moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 117

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

The following communications were received:

Office of the Auditor General

February 10, 1999

Enclosed is a copy of the following audit report and/or executive digest.
Performance Audit of State Facilities' Food Service, Clothing, and Time Reporting Practices.

February 10, 1999

Enclosed is a copy of the following audit report and/or executive digest.
Performance and Financial Audit of the Veterans Affairs Directorate, Department of Military and Veteran Affairs, October 1, 1995, through September 30, 1997.

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

The communications were referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Friday, February 12 of:

Senate Bill Nos.	289	290	291	292	293	294	295	296	297					
House Bill Nos.	4167	4168	4169	4170	4171	4172	4173	4174	4175	4176	4177	4178	4179	4180
	4181	4182	4183	4184	4185	4186	4187	4188	4189	4190	4191	4192	4193	4194
	4195	4196	4197	4198	4199	4200	4201	4202	4203	4204	4205	4206	4207	4208
	4209	4210	4211	4212	4213	4214	4215	4216	4217	4218	4219	4220	4221	4222
	4223	4224	4225	4226	4227	4228	4229	4230	4231	4232	4233	4234	4235	4236
	4237	4238	4239	4242	4243	4244	4245	4246	4247	4248	4249			
House Joint Resolution	E													

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

The motion prevailed.

Senator Hammerstrom's statement is as follows:

This morning, in honor of what you did for me a couple of weeks ago with passing my first bill, I want to honor the long-held tradition in this body and reward you for that.

So, what I have done is that I have asked the students from the culinary class at Monroe Community College to come up here. They will be in the hall. They're here with their program that's under the direction of Chef Kevin Thomas, and they have prepared some delightful food for you to enjoy today.

I wanted to highlight their program at the college because they do this on a regular basis. They run a restaurant on the college campus, and they also provide meals in the spring semester on Fridays. I want to you see the great job they do, so, I would invite all of you to step out into the hall sometime during today's session and partake of this.

Messages from the Governor

The following messages from the Governor were received and read:

February 11, 1999

Please be advised of the following correction of Dr. Tracey Stulberg's term expiration:

Board of Marriage and Family Therapy

Dr. Tracey L. Stulberg, 611 Humphrey, Birmingham, Michigan 48009, county of Oakland, as a member representing professionals, succeeding Dr. Andrew D. Atwood of Grand Rapids, whose term has expired for a term expiring on June 30, 2001.

February 12, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Board of Barber Examiners

Mr. John W. Mallia, 689 Spartan Drive, Rochester Hills, Michigan 48309, county of Oakland, as a member representing licensed barbers, succeeding Mr. Daniel R. Cooney of Houghton, whose term has expired, for a term expiring on September 30, 2002.

February 12, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Military Appeals Tribunal

Mr. Michael W. Zehnder, 1267 Prosper Drive, Troy, Michigan 48098, county of Oakland, as a member representing the general public, succeeding Mr. Stephen F. Pereira of Manistique, whose term has expired, for a term expiring on April 16, 2002.

February 12, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

Ski Area Safety Board

Mr. John K. Lutz, 8639 Lakeview, Clarkston, Michigan 48348, county of Oakland, as a member representing the general public with skiing experience from the Lower Peninsula, succeeding himself, for a term expiring on June 8, 2002.

Mr. Jon C. Mommaerts, 1501 Woodland Avenue, Marquette, Michigan 49855, county of Marquette, as a member representing the general public of the Upper Peninsula, succeeding Mr. Terry P. Ahola of Gladstone, whose term has expired, for a term expiring on June 8, 2002.

February 12, 1999

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

State Employees' Retirement Board

Mr. Douglas C. Drake, 5743 Bear Creek Drive, Lansing, Michigan 48917, county of Ingham, as a member representing retirants, succeeding himself, for a term expiring on July 31, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that Senator Dunaskiss be excused from today's session.

The motion prevailed.

Senator Dunaskiss is attending to a personal family matter.

General Orders

Senator Rogers 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 Posthumus, designated Senator DeBeaussaert as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 7, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. Substitute (S-1).

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 a substitute therefor, the following bill:

Senate Bill No. 217, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

Substitute (S-1).

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 a substitute therefor, the following bill:

Senate Bill No. 117, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 3 and 5 (MCL 722.673 and 722.675).

Substitute (S-2).

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

1. Amend page 8, following line 3, by inserting:

"(6) THIS SECTION DOES NOT APPLY IF A PERSON DISPLAYS SEXUALLY EXPLICIT MATTER TO A MINOR BY MEANS OF THE INTERNET OR A COMPUTER NETWORK UNLESS 1 OR BOTH OF THE FOLLOWING APPLY:

(A) THE MATTER IS OBSCENE AS THAT TERM IS DEFINED IN SECTION 2 OF 1984 PA 343, MCL 752.362.

(B) THE PROSECUTING ATTORNEY PROVES THAT THE PERSON DISPLAYED THE MATTER TO 1 OR MORE SPECIFIC MINORS AND KNEW HIS OR HER STATUS AS A MINOR."

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.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Jaye, Dingell and Leland asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jaye's statement is as follows:

Today is Fat Tuesday, and for those who may be watching or visiting and that aren't familiar with the tradition of Fat Tuesday, in the Catholic religion it is the last day of celebration before the Lenten period of sacrifice. Perhaps the most famous of celebrations of Fat Tuesday are the various festivities in New Orleans and the various carnivals in Central and South America.

In the Polish community, we have a more modest celebration. I happen to be 100 percent Polish. Jodloski was my last name before my father shortened it to Jaye. What was traditional in the Polish Community was that many of the ladies would give up sweets for Lent. What they would do is that they would take all the jellies and the sweets, and they would make packzi doughnuts. For those of you who haven't had a packzi doughnut, I want to make sure you get fair warning; they're double-jelly packed, full of goodness and sweets.

Later today I have a press conference at 1:00, identifying a bakers' dozen—13 items of fat and waste in the state's spending. Just like the lenten period, it is important for the community to go through some sacrifices, both spiritual and physical, in order to be leaner, healthier and more focused. I also believe it would be good for the taxpayers of Michigan and the quality of life for our business economy and our working place for the state budget to go on a diet.

I'll have the 13 items of fat and waste, totaling over \$307 million. I'd urge my Senate colleagues' consideration of these budget-cut amendments when they come up. I also hope they enjoy the packzi doughnuts that I was able to deliver to my colleagues, that I picked up early this morning in the Washington County, Macomb County area.

Senator Dingell's statement is as follows:

Like Senator Jaye's, my car was also bottomed-out on its springs this morning because I'm also a Polish-American. I brought up 12 dozen from Wyandotte. I stopped there at 6:00 a.m. this morning. I've managed to pass out six dozen so far; I still have another six dozen to go.

If anyone has an appetite for sweets and wants to get rid of it before Lent arrives, please report to my desk or my office. Thank you.

Senator Leland's statement is as follows:

I have a statement I'd like to make about the recent town hall meeting that the Republican Congress had in Detroit yesterday. Well, first of all, that wasn't quite Detroit; I didn't notice any people of color who attended that meeting. The meeting was in Warren. The meeting was a very controlled group, and I believe it was by invitation only. So I wouldn't exactly call that a Detroit town hall meeting where you had to have an invitation to get in the place to speak. It was controlled, and it was phony.

Now I've given the Senator from the 8th District, the chair of the Senate Education Committee, which I'm on, the opportunity to have a real town hall meeting; a town hall meeting in Detroit; a town hall meeting to talk about the takeover bill because the bill, as you know, affects my constituents in Detroit. So I would hope that I would get a positive response from the letter that I sent the Senator from the 8th District. I hope we would have a town hall meeting. I hope that we would have it before the Senate takes up the bill. And I would hope that it would be an invitation that everybody is welcome to attend—that we don't need an invitation to be there. So that's what I have to say this morning.

By unanimous consent the Senate returned to the order of
Resolutions

House Concurrent Resolution No. 1.

A concurrent resolution rejecting the recommendations of the State Officers Compensation Commission for 1999 and 2000.

Whereas, The State Officers Compensation Commission was created by 1968 PA 357 pursuant to Article IV, Section 12, of the Constitution of the State of Michigan of 1963; and

Whereas, The State Officers Compensation Commission is charged with the responsibility for determining the salaries and expense allowances of the Governor, Lieutenant Governor, the Justices of the Supreme Court, and the members of the Michigan Legislature. These determinations shall be filed before December 31 of each even-numbered

year and shall be effective on January 1 of the year following their filing unless the legislature, by concurrent resolution adopted by a 2/3 vote of the members elected to and serving in each house, prior to February 1 of the year following the filing of the determinations, rejects either the entire determination or specific determinations for specific positions. In the event of rejection, the existing salaries and expense allowances shall prevail retroactive to January 1; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature, pursuant to the provisions of 1968 PA 357 and Article IV, Section 12 of the Michigan Constitution, hereby reject the recommendations of the State Officers Compensation Commission for 1999 and 2000; and be it further

Resolved, That a copy of this resolution be transmitted to the State Officers Compensation Commission and to the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following concurrent resolution:

Senate Concurrent Resolution No. 2.

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That Rule 9 of the Joint Rules of the Senate and House of Representatives be hereby amended to read as follows:

“Adoption of Conference Report.

Rule 9. EACH ENUMERATED MATTER OF DIFFERENCE ~~Conference reports~~ shall BE ADOPTED IN CONFERENCE COMMITTEE WITH THE VOTE TAKEN BY THE “YEAS” AND “NAYS,” WHICH SHALL BE INCLUDED IN THE CONFERENCE REPORT FOLLOWING THE SIGNATURE OF THE CONFEREES. CONFERENCE REPORTS SHALL not be subject to amendments or division. The vote on conference reports shall be taken by “yeas” and “nays” and shall require the same number of votes constitutionally required for passage of the bill. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a majority vote in either House, provided that a printed copy of the conference report has been placed on each member’s desk.”.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following concurrent resolution:

Senate Concurrent Resolution No. 3.

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That Rule 8 of the Joint Rules of the Senate and House of Representatives be hereby amended to read as follows:

“Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two Houses. For all bills making appropriations, adoption of a substitute by either House shall not open identical provisions contained in the other House passed version of the bill as a matter of difference; ~~nor shall the~~ adoption of a substitute by either House SHALL NOT open provisions not contained in either House version of the bill as a matter of difference; AND THE CONFERENCE REPORT SHALL BE LIMITED TO ENUMERATED MATTERS OF DIFFERENCE. ~~When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill, the conferees may recommend amendments to conform with the agreement.~~ The conferees may also recommend amendments to the other parts of the bill which will be limited to necessary date revisions, adjusting totals, cross references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or the title.”.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following concurrent resolution:

Senate Concurrent Resolution No. 4.

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That Rule 29 be hereby added to the Joint Rules of the Senate and House of Representatives to read as follows:

“CAPITAL OUTLAY.

RULE 29. DECISIONS OF THE JOINT CAPITAL OUTLAY SUBCOMMITTEE THAT OBLIGATE THE TAXPAYERS OF THE STATE OF MICHIGAN TO MORE THAN \$1 MILLION SHALL BE APPROVED BY CONCURRENT RESOLUTION OF A MAJORITY OF THE MEMBERS ELECTED AND SERVING IN EACH HOUSE.”.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following concurrent resolution:

Senate Concurrent Resolution No. 5.

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That Rule 17 of the Joint Rules of the Senate and House of Representatives be hereby amended to read as follows:

“Immediate Effect.

Rule 17. Whenever both Houses, by the constitutional vote, direct that any bill shall take effect immediately, a statement shall be added thereto at the enrollment of the bill in words to this effect: “This act is ordered to take immediate effect. THE VOTE FOR IMMEDIATE EFFECT IS VALID ONLY FOR THE LAST VERSION PASSED BY EACH HOUSE.”.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following resolution:

Senate Resolution No. 11.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.201 of the Standing Rules of the Senate be hereby amended to read as follows: “3.201 FIVE DAYS’ POSSESSION

No bill shall be passed or become law at any regular session of the Legislature until it has been printed or reproduced and in possession of the Senate for at least five days, WHICH SHALL BE MEASURED IN HOURS AND MINUTES (see Const. Art. 4, Sec. 26).”.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following resolution:

Senate Resolution No. 12.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.202 of the Standing Rules of the Senate be hereby amended to read as follows: “3.202 BILLS AND RESOLUTIONS AMENDED BY THE HOUSE

All bills, joint resolutions, and concurrent resolutions returned by the House with amendments shall be laid over one day. Consideration of bills and joint resolutions shall be resumed the following day under the same order of business. A WRITTEN ANALYSIS FOR THE HOUSE VERSION OF BILLS SHALL BE AVAILABLE TO ALL SENATORS PRIOR TO THE VOTE ON CONCURRENCE. Consideration of resolutions shall be resumed the following day under the order of Resolutions.”; and be it further

Resolved, That Rule 3.503 of the Standing Rules of the Senate be hereby amended to read as follows: “3.503 FINAL PASSAGE BY REQUIRED VOTE

a) The vote on the final passage of any bill or the adoption of any joint resolution shall be taken by yeas and nays, which shall be printed in the Journal (see Const. Art. 4, Sec. 26). A WRITTEN ANALYSIS FOR THE HOUSE VERSION OF BILLS AND BILLS FOR WHICH A COMMITTEE HAS BEEN DISCHARGED OR COMMITTEE REFERRAL HAS BEEN BYPASSED SHALL BE AVAILABLE TO ALL SENATORS PRIOR TO THE VOTE ON FINAL PASSAGE.

b) The final vote on all joint resolutions ratifying a proposed amendment to the federal Constitution shall be by record roll call.

c) When any bill or joint resolution receives the constitutionally required assent, that fact shall be certified on the bill or joint resolution by the Secretary of the Senate.

d) When a bill is given immediate effect by a two-thirds vote of the Senators elected and serving, that action remains in effect as the bill proceeds through the legislative process, unless the vote for immediate effect is reconsidered and defeated.”.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following resolution:

Senate Resolution No. 13.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.503 of the Standing Rules of the Senate be hereby amended to read as follows: “3.503 FINAL PASSAGE BY REQUIRED VOTE

a) The vote on the final passage of any bill or the adoption of any joint resolution shall be taken by yeas and nays, which shall be printed in the Journal (see Const. Art. 4, Sec. 26).

b) The final vote on all joint resolutions ratifying a proposed amendment to the federal Constitution shall be by record roll call.

c) When any bill or joint resolution receives the constitutionally required assent, that fact shall be certified on the bill or joint resolution by the Secretary of the Senate.

d) When a bill is given immediate effect by a two-thirds vote of the Senators elected and serving, that action IS VALID ONLY FOR THE LAST VERSION PASSED BY THE SENATE ~~remains in effect as the bill proceeds through the legislative process,~~ unless the vote for immediate effect is reconsidered and defeated.”.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following resolution:

Senate Resolution No. 14.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.505 of the Standing Rules of the Senate be hereby amended to read as follows:
“3.505 VOTING

a) After a question is stated by the Chair, no motion shall be in order and no Senator shall be entitled to speak until the roll call is finished and the result is declared.

b) The electronic voting system shall be used, if operational, to determine the question before the body when the vote is taken by roll call or by division, and shall display the votes of each Senator and the running total. At the direction of the presiding officer, the Secretary of the Senate shall immediately activate the electronic voting system for ~~one minute~~ TWO MINUTES for a roll call vote. ~~after which the vote shall be closed and no further votes shall be entered in the record.~~ If all Senators present have voted before ~~one minute has~~ TWO MINUTES HAVE elapsed, the presiding officer may ask Senators if there is objection to closing the vote. If no Senator objects, the presiding officer shall instruct the Secretary of the Senate to close the board immediately and record the vote. BEFORE THE VOTE IS CLOSED AND RECORDED, THE PRESIDING OFFICER MAY AT HIS OR HER DISCRETION RECOGNIZE HAND VOTES AND VOICE VOTES TO BE RECORDED FOR THE RECORD.

c) The presiding officer may close a division vote at his or her discretion when it appears that all members present have had a reasonable opportunity to vote.

d) If the electronic voting system is not operational, the presiding officer shall direct the Secretary of the Senate to conduct a roll call or a division vote orally, and to record and announce the results.

e) A Senator shall not vote for another Senator. A person not a Senator shall not vote for any Senator. In addition to penalties prescribed by law, any Senator may be punished as the Senate may determine for voting for another Senator. If a person not a Senator votes or attempts to vote, he or she, in addition to penalties prescribed by law, shall be barred from the Senate floor for the remainder of the session and may receive further punishment as the Senate deems proper.”.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following resolution:

Senate Resolution No. 15.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.401 of the Standing Rules of the Senate be hereby amended to read as follows:
“3.401 TWO READINGS BEFORE AMENDMENT

No bill or joint resolution shall be amended until it has been read twice. THE COMBINING OF AMENDMENTS SPONSORED BY INDIVIDUAL SENATORS TO TAKE ONE VOTE SHALL NOT BE IN ORDER UNLESS THE SPONSORING SENATORS HAVE NO OBJECTION.”.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Jaye offered the following resolution:

Senate Resolution No. 16.

A resolution to amend the Standing Rules of the Senate.

Resolved the by Senate, That Rule 3.505 of the Standing Rules of the Senate be hereby amended to read as follows:
“3.505 VOTING

a) After a question is stated by the Chair, no motion shall be in order and no Senator shall be entitled to speak until the roll call is finished and the result is declared.

b) The electronic voting system shall be used, if operational, to determine the question before the body when the vote is taken by roll call or by division, and shall display the votes of each Senator and the running total. AN ASTERISK SHALL APPEAR ON THE VOTING DISPLAY BOARD IN FRONT OF THE NAME OF THE SENATORS WHO VOTE “NO.” At the direction of the presiding officer, the Secretary of the Senate shall immediately activate the electronic voting system for one minute for a roll call vote, after which the vote shall be closed and no further votes shall be entered in the record. If all Senators present have voted before one minute has elapsed, the presiding officer may ask Senators if there is objection to closing the vote. If no Senator objects, the presiding officer shall instruct the Secretary of the Senate to close the board immediately and record the vote.

c) The presiding officer may close a division vote at his or her discretion when it appears that all members present have had a reasonable opportunity to vote.

d) If the electronic voting system is not operational, the presiding officer shall direct the Secretary of the Senate to conduct a roll call or a division vote orally, and to record and announce the results.

e) A Senator shall not vote for another Senator. A person not a Senator shall not vote for any Senator. In addition to penalties prescribed by law, any Senator may be punished as the Senate may determine for voting for another Senator. If a person not a Senator votes or attempts to vote, he or she, in addition to penalties prescribed by law, shall be barred from the Senate floor for the remainder of the session and may receive further punishment as the Senate deems proper.”

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 302, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

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

Senator Young introduced

Senate Bill No. 303, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” by amending section 203 (MCL 4.1203).

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

Senators Young and A. Smith introduced

Senate Bill No. 304, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 139.

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

Senator Young introduced

Senate Bill No. 305, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11521a and part 170; 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 Natural Resources and Environmental Affairs.

Senators Rogers, Schwarz, Hammerstrom, Steil, Hoffman, Sikkema, Stille and Goschka introduced

Senate Bill No. 306, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

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

Senator Jaye introduced

Senate Bill No. 307, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 10, 11, and 492 (MCL 168.10, 168.11, and 168.492), section 492 as amended by 1989 PA 142.

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

Senators Jaye, Steil, Young, Goschka and Hammerstrom introduced

Senate Bill No. 308, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4h.

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

Senators Jaye and Goschka introduced

Senate Bill No. 309, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 244a; 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 Judiciary.

Senator Jaye introduced

Senate Bill No. 310, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509u and 509ee (MCL 168.509u and 168.509ee), as added by 1994 PA 441.

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

Senators Jaye, Young, Goschka and Hammerstrom introduced

Senate Bill No. 311, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4h.

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

Senators Hammerstrom, Bennett, McCotter, Shugars, Steil, Rogers, Jaye and Goschka introduced

Senate Bill No. 312, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509o (MCL 168.509o), as added by 1994 PA 441.

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

Senators Hammerstrom, Bennett, North, Stille, Gast, Shugars, McCotter, Hoffman, Rogers, Gougeon, Jaye and Goschka introduced

Senate Bill No. 313, entitled

A bill to amend 1981 PA 180, entitled "Older Michiganians 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 Government Operations.

Senator Van Regenmorter introduced

Senate Bill No. 314, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as added by 1998 PA 317.

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

Senator Van Regenmorter introduced

Senate Bill No. 315, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 106, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535a (MCL 750.535a), as amended by 1988 PA 140.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 117, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 3 and 5 (MCL 722.673 and 722.675).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15d of chapter IV (MCL 764.15d), as added by 1987 PA 256.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 288, 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 added by 1998 PA 317.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, February 10, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, V. Smith and Dingell

Excused: Senator Peters

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Joint meeting held Thursday, February 11, 1999, at 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Scheduled Meetings

Education Committee, Joint Senate and House - Wednesday, February 17, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

Families, Mental Health and Human Services Committee - Thursday, February 18, at 8:30 a.m., Room 100, Farnum Building (3-3543).

Judiciary Committee - Tuesday, March 23, at 7:00 p.m., Oakland County Service Center, 1200 North Telegraph Road, Pontiac (3-6920).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:57 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, February 17, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.