

No. 12
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 17, 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 present.

Bennett—present
Bullard—present
Byrum—present
Cherry—excused
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

Messages from the Governor

The following message from the Governor was received and read:

February 16, 1999

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

State Carnival-Amusement Safety Board

Mr. Kurt G. Kipling, 2100 Jackson, Ishpeming, Michigan 49849, county of Marquette, as a member representing the general public, succeeding himself, for a term expiring on July 10, 2002.

Mr. John Carl Olson, 3315 S. Van de Car Road, Mt. Pleasant, Michigan 48858, county of Isabella, as a member representing the Retail Merchants Association, succeeding himself, for a term expiring on July 10, 2002.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senator Murphy entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

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 DeGrow 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 without amendment, the following bills:

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.

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.

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. 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.

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.

Resolutions

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

Senate Resolution No. 20

The resolution consent calendar was adopted.

Senators Dingell, Gougeon and McCotter offered the following resolution:

Senate Resolution No. 20.

A resolution commemorating February 21-27, 1999, as National Engineers Week in Michigan.

Whereas, It is a distinct privilege to join with engineers throughout our nation, and particularly in Michigan, in celebrating National Engineers Week, February 21-27, 1999. This special week has been set aside to highlight the

many contributions engineers have made and continue to make to the quality of our life. May all involved in this important profession know how much we value their contributions to our well-being; and

Whereas, National Engineers Week is always celebrated at the time of George Washington's birthday. Our nation's first president was a military and agricultural engineer and land surveyor. He was responsible for establishing the first United States engineering school at Valley Forge, Pennsylvania, which later became the United States Military Academy at West Point, New York. In the same traditions as our first president, American engineers have sought to improve society by turning ideas into reality; and

Whereas, Today, we can thank engineers for such marvels as weather radar, space travel, and artificial kidneys. Products of engineering, including such everyday mechanisms as a thermostat, television set, and telephone, became reality because of the vision, hard work, and creativity of engineers. With more than two million engineers developing new solutions to today's problems, we are on the threshold of even more fascinating engineering marvels; now, therefore, be it

Resolved by the Senate, That the week of February 21-27, 1999, be highly commemorated as National Engineers Week in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to coordinators of this event and the National Society of Professional Engineers as a reflection of our regard for engineers and their contributions to our society.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

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.

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. 27

Yeas—33

Bennett	Gougeon	Miller	Sikkema
Byrum	Hammerstrom	Murphy	Smith, A.
DeBeaussaert	Hart	North	Smith, V.
DeGrow	Jaye	Peters	Steil
Dingell	Koivisto	Rogers	Stille
Emerson	Leland	Schuette	Van Regenmorter
Emmons	McCotter	Schwarz	Vaughn
Gast	McManus	Shugars	Young
Goschka			

Nays—0

Excused—3

Cherry	Dunaskiss	Hoffman
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Not Voting—1

Bullard

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Rogers' statement is as follows:

This is a bill that we have worked on in the Senate before and again talked about yesterday. It is an important piece of legislation when you talk about the safety of our children. There are 16 million minors on the Internet every day in the United States, and unfortunately, we've seen an increase in occurrences of sexual predators and pedophiles using the Internet as a tool to lure their victims. Unfortunately, as the powerful tool that it is, but we've also given them the ability to reach into our homes and our libraries and our schools and get at our children. If we don't stand very tall very quickly and send a very clear message that we will not tolerate it, and if you're operating on the Internet to use it to attack and defile our children, we're going to find you, and we're going to put you in jail. That's what Senate Bill No. 7 is all about.

Senators Shugars, Peters, McCotter, Jaye, Steil, Goschka, McManus, North, Byrum, Miller, Schuette, Sikkema, Gougeon, Koivisto, Hart, Bennett, Hammerstrom, Gast, V. Smith, Murphy, Emmons and Stille moved that they be named co-sponsors of the following bill:

Senate Bill No. 7

The motion prevailed.

The following bill was read a third time:

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.

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. 28

Yeas—34

Bennett	Goschka	Miller	Sikkema
Bullard	Gougeon	Murphy	Smith, A.
Byrum	Hammerstrom	North	Smith, V.
DeBeaussaert	Hart	Peters	Steil
DeGrow	Jaye	Rogers	Stille
Dingell	Koivisto	Schuette	Van Regenmorter
Emerson	Leland	Schwarz	Vaughn
Emmons	McCotter	Shugars	Young
Gast	McManus		

Nays—0

Excused—3

Cherry	Dunaskiss	Hoffman
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hart's statement is as follows:

This bill complements the previous bill sponsored by Senator Rogers, Senate Bill No. 7. It tie-bars the bill as well as complements it because it alludes to the penalty aspect not only for a first offense, but also for a second offense. We need this bill desperately.

Senators Shugars, Hammerstrom, Sikkema, Steil, Bennett, Stille, Gougeon, Goschka, Jaye, Byrum, McCotter, North, McManus, Emmons, Murphy, Peters, Schuette, Miller, V. Smith, Koivisto and Vaughn moved that they be named co-sponsors of the following bill:

Senate Bill No. 217

The motion prevailed.

The following bill was read a third time:

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, 5, 6, and 7 (MCL 722.673, 722.675, 722.676, and 722.677) and by adding section 1a.

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. 29

Yeas—34

Bennett	Goschka	Miller	Sikkema
Bullard	Gougeon	Murphy	Smith, A.
Byrum	Hammerstrom	North	Smith, V.
DeBeaussaert	Hart	Peters	Steil
DeGrow	Jaye	Rogers	Stille
Dingell	Koivisto	Schuette	Van Regenmorter
Emerson	Leland	Schwarz	Vaughn
Emmons	McCotter	Shugars	Young
Gast	McManus		

Nays—0

Excused—3

Cherry	Dunaskiss	Hoffman
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Sikkema, Rogers, Gougeon, Bennett, Jaye, North, McCotter, McManus, Byrum, Emmons, V. Smith, Schuette, Koivisto, Murphy, Steil and Goschka moved that they be named co-sponsors of the following bill:

Senate Bill No. 117

The motion prevailed.

Introduction and Referral of Bills

Senator Bennett introduced

Senate Bill No. 316, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32701 (MCL 324.32701), as amended by 1996 PA 434, and by adding section 32704a.

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

Senator Bennett introduced

Senate Bill No. 317, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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

Senators Steil, Cherry, Schwarz, Hoffman and Young introduced

Senate Bill No. 318, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 1996 PA 553.

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. 319, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6304 (MCL 600.6304), as amended by 1995 PA 249, and by adding section 1484.

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. 320, entitled

A bill to create the model law enforcement vehicle pursuit and response policy advisory panel within the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development of law enforcement vehicle pursuit and response policies; 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.

Scheduled Meetings

Family Independence Agency Appropriations Subcommittee - Tuesdays, March 2 and March 9, and Thursdays, March 4 and March 11, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1760).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:31 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, February 18, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

