# 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	Hammerstrom—present
Bullard—present	Hart—present
Byrum—present	Hoffman—present
Cherry—excused	Jaye—present
DeBeaussaert—present	Koivisto—present
DeGrow—present	Leland—present
Dingell—present	McCotter—present
Dunaskiss—excused	McManus—present
Emerson—present	Miller—present
Emmons—present	Murphy—present
Gast—present	North—present
Goschka—present	Peters—present
Gougeon—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 Reverend Charles E. Bicy of New Jerusalem Church of Lansing offered the following invocation:

First, giving honor to God, we know from our busy schedules that Your Word reigns with all of us.

We thank You for our present Governor, John Engler, and the Lieutenant Governor, Dick Posthumus, and all the Senators and all members that make up this quorum of people that are here today. God, we hold up before You now and give thanks in Jesus' name for all people in this nation in any position of authority over us: for our President, our Vice President, their cabinet and advisors; our federal, state and local Senators, our congressmen and our judges; all other governors and mayors throughout this world; including military leaders; other heads of government agencies and departments; policemen, school boards and city councils.

According to Your Word, Father, we ask You in Jesus' name to speak through these Senators in offices that they hold and set up those officials who have been voted or appointed in positions that would enhance the strength for this great state of Michigan.

We agree that divinely directed decisions are on their lips and that their mouths do not transgress in judgment. We agree that their hearts are in Your hand and that You turn them whichever way You will. You have made our leaders to be blessed and a blessing forever. Through Your mercy and steadfast love, they will never be moved.

We thank You for giving our leaders knowledge of Your way of judging, O God, and the Spirit of Your righteousness to control all their actions.

We declare that our Senators will judge and govern Your people with righteousness, the poor and afflicted with judgment and justice. We pray that they judge and defend the poor of the people, deliver the children of the needy and crush the oppressor.

We declare that because of their ways that it will please You, Lord. You will even make their enemies to be at peace with them. We thank You that the lying lips which speak insolently against them with pride and contempt are silenced. Thank You for hiding them in the secret place of the most high.

We declare that our total government of Michigan is established and made secure by righteousness and that the stability of even our nation will long continue because of great leadership of both men and women of discernment, understanding and knowledge.

We pray that our state will be elevated by uprightness and right standing with You, Father, because our leaders carefully listen to Your voice. We will continue to strive for excellence in our state's Capitol in all aspects of legislation for all people regardless of who they are.

In Jesus' name, we receive Your blessings for our government in this great state of Michigan and this Capitol and even our country because You are Father and Lord. Amen.

Senators Schwarz, Emmons and Jaye entered the Senate Chamber.

#### **Motions and Communications**

Senator Rogers moved that Senator Hoffman be excused from the balance of today's session. The motion prevailed.

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

The motion prevailed.

Senator Dunaskiss is attending to a personal family matter.

Senator V. Smith moved that Senator Murphy be temporarily excused from today's session.

The motion prevailed.

Senator V. Smith moved that Senator Cherry be excused from today's session.

The motion prevailed.

Senator Rogers moved that rule 3.902 be suspended to allow Commander Harold Miller and Virginia Hobbs of the American Legion admittance to the Elijah Myers Room.

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

The Secretary announced the printing and placement in the members' files on Tuesday, February 16 of:

Senate Bill Nos. 298 299 300 301

House Bill Nos. 4250 4251 4252 4253 4254 4255 4256 4257 4258 4259 4260 4261 4262 4263 4264 4265 4266 4267 4268 4269 4270

## **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

Nays—0

Excused—3

Cherry Dunaskiss Hoffman

Not Voting—1

Bullard

Goschka

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

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	-	_

Navs—0

Excused—3

Cherry Dunaskiss Hoffman

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.