

No. 90  
**MICHIGAN SENATE**  
**DAILY CALENDAR**

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THURSDAY, DECEMBER 4, 1997  
10:00 a.m.

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**MESSAGES FROM THE HOUSE**

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1

- SB 181** Sen. Van Regenmorter  
Mental health; patients; notification of prosecutor when certain individuals are released or discharged from hospital; require and require competency evaluation.  
Amends sec. 1034 of 1974 PA 258 (MCL 330.2034) & adds secs. 487 & 542.  
**I.E. House, December 2, 1997.**  
**Senate substitute (S-2).**  
**Returned from House with amendments, Tuesday, December 2; laid over under the rules.**  
**For House amendments, see Senate Journal No. 89, page 1879.**  
**Committee recommended I.E.**
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**THIRD READING OF BILLS**

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2

- SB 34** Sen. Byrum  
Retirement; municipal employees; early retirement for elected officials; prohibit.  
Amends 1984 PA 427 (MCL 38.1501 - 38.1555) by adding sec. 10b.  
**Reported by Committee on Appropriations.**  
**Committee recommended I.E.**
- SB 35** Sen. Byrum  
Retirement; state employees; early retirement for elected officials; prohibit.  
Amends 1943 PA 240 (MCL 38.1 - 38.69) by adding sec. 19g.  
**Reported by Committee on Appropriations.**  
**Committee recommended I.E.**
- SB 36** Sen. Byrum  
Retirement; county employees; early retirement for elected officials; prohibit.  
Amends sec. 12a of 1851 PA 156 (MCL 46.12a).  
**Reported by Committee on Appropriations.**  
**Committee recommended I.E.**
- SB 37** Sen. Byrum  
Retirement; legislative; early retirement for elected officials; prohibit.  
Amends 1957 PA 261 (MCL 38.1001 - 38.1080) by adding sec. 23f.  
**Reported by Committee on Appropriations.**  
**Committee recommended I.E.**

5

**THIRD READING OF BILLS**

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6

- SB 38** Sen. Byrum  
Retirement; generally; regulation of early retirement benefits act; enact to regulate benefits provided to certain public officials.  
**Reported by Committee on Appropriations.**  
**Committee recommended I.E.**
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7

- SB 200** Sen. Van Regenmorter  
Crimes; homicide; assisting suicide; prohibit and provide penalties.  
Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 329a.  
**Reported by Committee on Judiciary.**  
**Rules suspended, placed on General Orders, Wednesday, December 3.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**
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8

- HB 5228** Rep. Gire  
Education; examinations; changes to state endorsement program; provide for in school code.  
Amends sec. 1279 of 1976 PA 451 (MCL 380.1279) & adds sec. 1279a.  
**I.E. House, October 15, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Education.**  
**Senate substitute (S-6).**  
**For Senate amendments, see Senate Journal No. 89, page 1887.**  
**Committee recommended I.E.**
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9

- HB 5229** Rep. Schauer  
Education; examinations; changes to state endorsement program; provide in school aid act.  
Amends sec. 104a of 1979 PA 94 (MCL 388.1704a).  
**I.E. House, October 15, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Education.**  
**Senate substitute (S-4).**  
**For Senate amendment, see Senate Journal No. 89, page 1888.**  
**Committee recommended I.E.**

## THIRD READING OF BILLS

- 10
- HB 5230** Rep. Jelinek  
Education; examinations; high school proficiency test results; allow school districts to omit results of 11th graders in reporting.  
Amends sec. 1279f of 1976 PA 451 (MCL 380.1279f).  
**I.E. House, October 15, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Education.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**
- 11
- HB 5232** Rep. Dalman  
Education; attendance; postsecondary enrollment options; revise to allow for certain changes in state endorsement program.  
Amends sec. 3 of 1996 PA 160 (MCL 388.513).  
**I.E. House, October 15, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Education.**  
**Senate substitute (S-2).**  
**Committee recommended I.E.**
- 12
- HB 5233** Rep. Agee  
Education; examinations; MEAP and high school proficiency test scores; require to be used as indicator in school improvement process.  
Amends sec. 1277 of 1976 PA 451 (MCL 380.1277).  
**I.E. House, October 15, 1997.**  
**House substitute (H-1).**  
**Committee on Appropriations discharged, Wednesday, December 3.**  
**Senate substitute (S-1).**  
**For Senate amendments, see Senate Journal No. 89, page 1888.**
- 13
- HB 5234** Rep. LeTarte  
Education; examinations; high school proficiency test results; require to be used as criteria for accreditation and require criteria to include multiple year changes in those results.  
Amends sec. 1280 of 1976 PA 451 (MCL 380.1280).  
**I.E. House, October 15, 1997.**  
**Reported by Committee on Education.**  
**Senate substitute (S-2).**  
**Committee recommended I.E.**
- 14
- HB 5235** Rep. Kilpatrick  
Education; examinations; MEAP and HSPT test relationship and remediation; revise and require certain special assistance for pupils with unsatisfactory MEAP results.  
Amends sec. 1282 of 1976 PA 451 (MCL 380.1282).  
**I.E. House, October 16, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Education.**  
**Senate substitute (S-2).**  
**For Senate amendments, see Senate Journal No. 89, page 1888.**  
**Committee recommended I.E.**

## GENERAL ORDERS

- 15
- SJR E** Sen. Hoffman  
Transportation; other; state transportation commission; repeal.  
Repeals sec. 28, art. V of the state constitution.  
**Reported by Committee on Appropriations.**  
**For Senate amendment, see Senate Journal No. 50, page 833.**
- 16
- SB 10** Sen. Schuette  
Single business tax; credit; research and development; provide for.  
Amends 1975 PA 228 (MCL 208.1 - 208.145) by adding sec. 37e.  
**Reported by Committee on Economic Development, International Trade and Regulatory Affairs.**  
**Senate substitute (S-2).**  
**Committee recommended I.E.**
- 17
- SB 300** Sen. North  
Education; calendar; school year; require to start after Labor day.  
Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1284b.  
**Reported by Committee on Education.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**
- 18
- HB 4039** Rep. Profit  
Vehicles; emergency vehicles; emergency vehicle operation; create commission and require to develop a model policy.  
Creates & repeals new act.  
**I.E. House, February 26, 1997.**  
**House substitute (H-5)\*.**  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**
- 19
- HB 4324** Rep. Harder  
State; employees and officers; suggestion awards programs; include retired state employees.  
Amends secs. 1, 2, 3 & 4 of 1978 PA 325 (MCL 38.1161 et seq.).  
**I.E. House, March 19, 1997.**  
**For House amendment, see House Journal No. 24, page 428.**  
**Reported by Committee on Government Operations.**  
**For Senate amendment, see Senate Journal No. 83, page 1686.**  
**Committee recommended I.E.**

## GENERAL ORDERS

20

**SB 769** Sen. McManus  
Natural resources; fishing; commercial fishing fees; revise for fiscal year 1997-98.  
Amends secs. 47315, 47330, 47331 & 47362 of 1994 PA 451 (MCL 324.47315 et seq.); adds sec. 47330a & repeals secs. 47330 & 47330a of 1994 PA 451 (MCL 324.47330 & 324.47330a).

**Reported by Committee on Appropriations.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

21

**SB 473** Sen. Rogers  
Criminal procedure; self-incrimination; grant of use immunity to witness; permit in criminal and juvenile proceedings and certain administrative investigations and proceedings.

Amends title & secs. 1, 2 & 3 of 1968 PA 289 (MCL 780.701 et seq.) & adds sec. 2a.

**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

22

**SB 474** Sen. Rogers  
Criminal procedure; self-incrimination; grant of use immunity to witness; permit in grand jury proceeding.  
Amends secs. 6 & 19b, ch. VII of 1927 PA 175 (MCL 767.6 & 767.19b).

**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

23

**SB 475** Sen. Gougeon  
Criminal procedure; self-incrimination; use immunity to witness; require in certain criminal proceedings.  
Amends secs. 125, 157, 446, 453 & 461 of 1931 PA 328 (MCL 750.125 et seq.) & repeals sec. 334 of 1931 PA 328 (MCL 750.334).

**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

24

**SB 476** Sen. Bennett  
Criminal procedure; self-incrimination; use immunity to witness; require in fire investigations.  
Amends sec. 7 of 1941 PA 207 (MCL 29.7).

**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

25

**SB 718** Sen. Geake  
Torts; other; criminal bringing a civil action for damages for injuries sustained while committing the crime against the victim of the crime and certain other individuals; prohibit.  
Amends 1961 PA 236 (MCL 600.101 - 600.9948) by adding sec. 2955c.

**Reported by Committee on Judiciary.**  
**Senate substitute (S-6).**

## GENERAL ORDERS

26

**SB 712** Sen. North  
Construction; contracts; public buildings and works paid for by the state; require good and sufficient bond for certain payments and that the surety be authorized to do business in this state.

Amends sec. 1 of 1905 PA 187 (MCL 570.101).

**Reported by Committee on Human Resources, Labor and Veterans Affairs.**

**For Senate amendments, see Senate Journal No. 87, page 1824.**

**Committee recommended I.E.**

27

**SB 713** Sen. North  
Construction; public buildings; payment bonds; require that bonds be good and sufficient.

Amends secs. 1, 3 & 4 of 1963 PA 213 (MCL 129.201 et seq.).

**Reported by Committee on Human Resources, Labor and Veterans Affairs.**

**For Senate amendments, see Senate Journal No. 87, page 1825.**

**Committee recommended I.E.**

28

**SB 786** Sen. Rogers  
Worker's compensation; mediation; mediators to approve certain redemptions; allow.

Amends secs. 836 & 837 of 1969 PA 317 (MCL 418.836 & 418.837).

**Reported by Committee on Human Resources, Labor and Veterans Affairs.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

29

**SB 789** Sen. Rogers  
Worker's compensation; disabilities; occupational cancer; provide presumption for certain fire fighters regarding.  
Amends sec. 405 of 1969 PA 317 (MCL 418.405).

**Reported by Committee on Human Resources, Labor and Veterans Affairs.**

**Committee recommended I.E.**

30

**HB 4146** Rep. Kelly  
Libraries; other; definition of library record; revise to include information on patrons of the library.

Amends sec. 2 of 1982 PA 455 (MCL 397.602).

**I.E. House, April 30, 1997.**

**Reported by Committee on Local, Urban and State Affairs.**

**Committee recommended I.E.**

## GENERAL ORDERS

31

**HB 5084** Rep. Dobronski  
State; planning; funding for implementation of monumentation and remonumentation plan; clarify.  
Amends secs. 2, 6, 8 & 12 of 1990 PA 345 (MCL 54.262 et seq.).  
**I.E. House, October 14, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Local, Urban and State Affairs.**  
**Committee recommended I.E.**

32

**HB 4454** Rep. Varga  
Liquor; other; recodification of Michigan liquor control act; provide for.  
Creates new act & repeals (See bill).  
**I.E. House, May 14, 1997.**  
**House substitute (H-1).**  
**Reported by Committee on Economic Development, International Trade and Regulatory Affairs.**  
**Senate substitute (S-2).**  
**Committee recommended I.E.**

33

**HB 4047** Rep. Callahan  
Environmental protection; sewage; discharge of rain-water from gutters or roof downspouts into sanitary sewage system; prohibit in communities that have combined sewer system.  
Amends 1994 PA 451 (MCL 324.101 - 324.90106) by adding sec. 3112b.  
**I.E. House, June 25, 1997.**  
**House substitute (H-2).**  
**Reported by Committee on Natural Resources and Environmental Affairs.**  
**Senate substitute (S-2).**  
**Committee recommended I.E.**

34

**HB 4045** Rep. Callahan  
Environmental protection; sewage; discharge of inadequately treated water during a combined sewer overflow; require notice and testing of receiving waters.  
Amends sec. 3112a, 1994 PA 451 (MCL 324.3112a).  
**I.E. House, June 25, 1997.**  
**House substitute (H-2).**  
**Reported by Committee on Natural Resources and Environmental Affairs.**  
**Senate substitute (S-5).**  
**Committee recommended I.E.**

35

**SB 483** Sen. Schwarz  
Highways; other; number of interchanges used for logo sign pilot program; increase.  
Amends sec. 2 of 1941 PA 205 (MCL 252.52).  
**Reported by Committee on Transportation and Tourism.**  
**For Senate amendment, see Senate Journal No. 88, page 1854.**  
**Committee recommended I.E.**

## GENERAL ORDERS

36

**SB 484** Sen. Schwarz  
Highways; other; number of interchanges used for logo sign pilot program; increase.  
Amends sec. 676a of 1949 PA 300 (MCL 257.676a).  
**Reported by Committee on Transportation and Tourism.**  
**For Senate amendment, see Senate Journal No. 88, page 1854.**  
**Committee recommended I.E.**

37

**SB 763** Sen. Byrum  
Traffic control; driver license; regulations of licensed driving instructors; provide for.  
Amends secs. 2, 4 & 5 of 1974 PA 369 (MCL 256.602 et seq.) & adds secs. 5a & 5b.  
**Reported by Committee on Transportation and Tourism.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

38

**SB 792** Sen. Byrum  
Traffic control; other; requirement for private driving schools to subscribe to the community look-up service; provide for.  
Amends sec. 208b of 1949 PA 300 (MCL 257.208b).  
**Reported by Committee on Transportation and Tourism.**  
**Committee recommended I.E.**

39

**SB 202** Sen. Steil  
Education; board members; school elections; require to be held with general election, make other revisions in school elections, and repeal certain election provisions in school code.  
Amends secs. 3, 5, 6, 11a, 613, 616, 617, 661, 687, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 932, 945, 1361 & 1732 of 1976 PA 451 (MCL 380.3 et seq.); adds secs. 1206 & 1351c & repeals sec. 662 of 1976 PA 451 (MCL 380.662), pt. 12 of 1976 PA 451 (MCL 380.1001 - 380.1071) & pt. 14 of 1976 PA 451 (MCL 380.1101 - 380.1106).  
**Reported by Committee on Government Operations.**  
**Committee recommended I.E.**

40

**SB 207** Sen. McManus  
Elections; school; chapter in election law regulating school elections; create and provide other general amendments.  
Amends 1954 PA 116 (MCL 168.1 - 168.992) by adding sec. 17 & ch. XIV.  
**Reported by Committee on Government Operations.**  
**Committee recommended I.E.**

41

**SB 486** Sen. Bennett  
Townships; charter; signature requirements to file for election to the board of a charter township; eliminate.  
Amends sec. 4 of 1947 PA 359 (MCL 42.4).  
**Reported by Committee on Government Operations.**  
**Committee recommended I.E.**

## GENERAL ORDERS

42

- SB 224** Sen. Bennett  
Elections; school; school elections being conducted by local units of government; provide for and provide other general amendments.  
Amends secs. 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954 & 972 of 1954 PA 116 (MCL 168.30a et seq.).  
**Reported by Committee on Government Operations.**  
**For Senate amendment, see Senate Journal No. 88, page 1856.**  
**Committee recommended I.E.**

43

- HB 4635** Rep. Bankes  
State; identification cards; use of official state personal identification card as proof of identification; permit acceptance same as driver license and provide penalties for non-compliance.  
Amends secs. 2 & 3 of 1972 PA 222 (MCL 28.292 & 28.293).  
**I.E. House, May 21, 1997.**  
**Reported by Committee on Government Operations.**  
**For Senate amendment, see Senate Journal No. 88, page 1856.**  
**Committee recommended I.E.**

44

- SB 805** Sen. Steil  
Labor; hours and wages; certain projects subject to prevailing wage act; exempt.  
Amends sec. 8 of 1965 PA 166 (MCL 408.558).  
**Reported by Committee on Human Resources, Labor and Veterans Affairs.**  
**Committee recommended I.E.**

45

- SB 312** Sen. Bouchard  
Courts; other; juror boards; eliminate.  
Amends secs. 1304, 1304a, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1330, 1331, 1340, 1341, 1342, 1345 & 1346 of 1961 PA 236 (MCL 600.1304 et seq.) & repeals secs. 1301, 1302, 1303, 1303a, 1305, & 1318 of 1961 PA 236 (MCL 600.1301 et seq.).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

46

- SB 780** Sen. Cherry  
Criminal procedure; sentencing; conditional sentence; allow payment of restitution to the victim as a condition.  
Amends secs. 1a & 3, ch. IX of 1927 PA 175 (MCL 769.1a & 769.3).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

## GENERAL ORDERS

47

- SB 781** Sen. Van Regenmorter  
Criminal procedure; sentencing; imposition of sentence conditional upon payment of restitution; permit under crime victim's rights act.  
Amends secs. 16 & 76 of 1985 PA 87 (MCL 780.766 & 780.826).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

48

- SB 536** Sen. Bouchard  
Criminal procedure; pleas; pleas or arraignment by telephone, mail, or court filing; allow for certain incarcerated individuals and extend 2-way television procedures.  
Amends sec. 37a, ch. VII of 1927 PA 175 (MCL 767.37a) & adds sec. 37b to ch. VII.  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

49

- SB 537** Sen. Geake  
Health; smoking; use of tobacco products on school property; give district court concurrent jurisdiction if violator is a minor.  
Amends sec. 473 of 1931 PA 328 (MCL 750.473).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

50

- SB 538** Sen. Geake  
Health; smoking; possession or use of tobacco product by minor in a public place; give district court concurrent jurisdiction.  
Amends sec. 2 of 1915 PA 31 (MCL 722.642).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

51

- SB 539** Sen. Geake  
Courts; jurisdiction; misdemeanors involving minors and tobacco products; provide district courts with concurrent jurisdiction.  
Amends secs. 1021 & 8311 of 1961 PA 236 (MCL 600.1021 & 600.8311).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

52

- SB 776** Sen. V. Smith  
Property tax; tax sales; sales of tax liens; allow.  
Amends sec. 107 of 1893 PA 206 (MCL 211.107).  
**Reported by Committee on Finance.**  
**Committee recommended I.E.**

53

- SB 778** Sen. V. Smith  
Local government; financing; sale of tax liens; allow.  
**Reported by Committee on Finance.**  
**Committee recommended I.E.**

GENERAL ORDERS

54

SB 779 Sen. V. Smith
Local government; bonds; procedure for issuance of delinquent tax anticipation notes or bonds; revise. Amends secs. 20, 21, 22, 23 & 24, ch. IV of 1943 PA 202 (MCL 134.20 et seq.). Reported by Committee on Finance. Committee recommended I.E.

55

SB 104 Sen. Schwarz
Health; occupations; registered professional nurse with specialty certification; include in definition of prescriber. Amends sec. 17708 of 1978 PA 368 (MCL 333.17708). Reported by Committee on Health Policy and Senior Citizens. Senate substitute (S-3). Committee recommended I.E.

56

HB 4619 Rep. Gire
Health; pharmaceuticals; complimentary starter dose drugs; revise definition and labeling requirements. Amends sec. 17745 of 1978 PA 368 (MCL 333.17745). I.E. House, November 5, 1997. House substitute (H-1). Reported by Committee on Health Policy and Senior Citizens. Committee recommended I.E.

57

HB 5259 Rep. Law
Occupations; marriage counselors; direct client contact hours during educational training; revise requirements for obtaining. Amends sec. 16909 of 1978 PA 368 (MCL 333.16909). I.E. House, November 12, 1997. Reported by Committee on Health Policy and Senior Citizens. Committee recommended I.E.

RESOLUTIONS

58

SR 71 Sen. McManus
A resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi. Reported by Committee on Gaming and Casino Oversight. For text of resolution, see Senate Journal No. 51, page 860. Adoption pending.

RESOLUTIONS

59

HCR 21 Rep. Lowe
A concurrent resolution to memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program. Reported by Committee on Government Operations. For text of resolution, see Senate Journal No. 37, page 547. Adoption pending.

60

SR 106 Sen. Stille
A resolution to accept and endorse the findings of the Michigan Environmental Science Board regarding directional drilling under the Great Lakes; to urge the Department of Natural Resources and the Department of Environmental Quality to implement the report's recommendations promptly; and to offer legislative support for efforts to further protect Great Lakes bottomlands. Reported by Committee on Local, Urban and State Affairs. For text of resolution, see Senate Journal No. 83, page 1681. Adoption pending.

61

SCR 37 Sen. McManus
A concurrent resolution to approve a designated open space land application and a local open space land application on appeal. Reported by Committee on Government Operations. For text of resolution, see Senate Journal No. 56, page 982. Adoption pending.

SCHEDULED MEETINGS

Administrative Rules, Joint - Thursday, December 4, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-6476)

Appropriations -

Subcommittee -

Capital Outlay, Joint - Thursday, December 4, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Judiciary - Thursday, December 4, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Michigan Trial Court Assessment Commission - Thursday, December 4, 3:00 p.m., 8th Floor Conference Room, Farnum Building (373-7000)