

**No. 95**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Wednesday, September 26, 2007.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Randy Richardville.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present  
Anderson—present  
Barcia—present  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Garcia—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present  
Olshove—present

Pappageorge—present  
Patterson—present  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Reverend Tom Seppo of Operation Transformation of Port Huron offered the following invocation:

Father, we take this time to look to You for help. As I was reading scriptures today, Daniel in the lion's den, I was thinking, Lord, is that me going into the lion's den, and I thought, no. I think our Senators and our Representatives are Daniel and the state of Michigan is the lion's den at this particular moment.

I pray, Father, as Daniel was faithful in his prayers in being consistent in calling on Your name, You helped him in his time of need and shut the mouths of the lions. I pray that for this day and for this week that as the Senators meet and as those Representatives meet that You will give them and grant them the wisdom that is necessary to shut the mouths of the lions of poverty and lack and of criticism and of negativity in our state.

I pray, Lord Jesus, that You would turn the tides of the economy of this great state of Michigan; that You would once again cause us to rise up and to be the economic leaders of this great Union of ours; and that You would grant each one wisdom to make wise decisions to know exactly what to do to balance this budget.

We pray all these things in the precious name of Jesus. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senator Garcia entered the Senate Chamber.

Senator Cropsey moved that Senator Jelinek be temporarily excused from today's session.  
The motion prevailed.

Senator Cropsey moved that rule 2.106 be suspended to allow conference committees to meet during Senate session.  
The motion prevailed, a majority of the members serving voting therefor.

Senator Thomas moved that Senator Switalski be temporarily excused from today's session.  
The motion prevailed.

Senator Jelinek entered the Senate Chamber.

The following communication was received and read:  
Office of the Senate Majority Leader

September 25, 2007

Pursuant to Joint Rule 3(a), I am making the following conferee appointments to the Conference Committee on House Bill 5194:

Senator Ron Jelinek  
Senator Tom George  
Senator Michael Prusi

Respectfully yours,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received and read:  
Office of the Senate Majority Leader

September 25, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Jeffrey Martin and Jerome Yantz to the Saginaw Valley State University Board of Control, and make written recommendations to the Government Operations and Reform Committee on these appointments.

Sincerely,  
Senator Michael D. Bishop, Chairman  
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

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

**Senate Bill No. 794**

**House Bill No. 4860**

**House Bill No. 4861**

**House Bill No. 4862**

**House Bill No. 4863**

**House Bill No. 4864**

**House Bill No. 4849**

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 25:  
**House Bill Nos. 5123 5251 5257 5258**

The Secretary announced that the following official bills were printed on Tuesday, September 25, and are available at the legislative website:

**Senate Bill Nos. 802 803 804 805 806 807 808 809 810 811 812 813 814 815**

**House Bill No. 5261**

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:10 a.m.

11:12 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

### Messages from the Governor

Senator Switalski entered the Senate Chamber.

Senator Cropsey moved that consideration of the following bill be postponed for today:

**Senate Bill No. 436**

The motion prevailed.

The following message from the Governor was received and read:

September 25, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421:

**Michigan State Housing Development Authority**

Mr. Bernard S. Glieberman, an Independent, of 5050 Greensward Court, West Bloomfield, Michigan 48322, county of Oakland, succeeding Mary M. Fowlie, who has resigned, for a term commencing September 25, 2007 and expiring March 10, 2011.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointment was referred to the Committee on Government Operations and Reform.

### Messages from the House

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

**Senate Bill No. 53**

**House Bill No. 4120**

**Senate Bill No. 419**

**Senate Bill No. 420**

**Senate Bill No. 421**

The motion prevailed.

#### **Senate Bill No. 229, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has appointed Reps. Cheeks, Cushingberry and Hansen as conferees to join with Sens. Pappageorge, Jansen and Anderson.

The bill was referred to the Conference Committee on September 25, 2007.

#### **Senate Bill No. 276, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2004 PA 79.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

#### **Senate Bill No. 774, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 8, 9, and 10 (MCL 207.628, 207.629, and 207.630), section 8 as amended by 1993 PA 58 and section 9 as amended by 2005 PA 312.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

### **General Orders**

Senator Cropsy 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 pro tempore, Senator Richardville, designated Senator George as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **House Bill No. 4849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2003 PA 82; and to repeal acts and parts of acts.

**House Bill No. 4860, entitled**

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 4 and 9b (MCL 287.334 and 287.339b), section 4 as amended by 2004 PA 280 and section 9b as added by 1997 PA 7.

**House Bill No. 4863, entitled**

A bill to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113), as amended by 2003 PA 86.

**House Bill No. 4864, entitled**

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2004 PA 279.

**House Bill No. 4861, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 2005 PA 326.

**Senate Bill No. 794, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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. 4862, entitled**

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending the title and sections 6, 9, and 11 (MCL 286.206, 286.209, and 286.211), the title as amended by 2005 PA 53, section 6 as amended by 1995 PA 137, section 9 as amended by 2004 PA 273, and section 11 as amended by 1984 PA 88.

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:

**House Bill No. 4185, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2007 PA 5.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 5, line 10, after "subdivision." by inserting "**A NURSING HOME OR LONG-TERM CARE UNIT THAT IS ASSESSED THE QUALITY ASSURANCE ASSESSMENT AND THAT DOES NOT PAY THE ASSESSMENT REQUIRED UNDER SUBSECTION (1)(G) IN ACCORDANCE WITH SUBDIVISION (C)(i) OR IN ACCORDANCE WITH A WRITTEN PAYMENT AGREEMENT WITH THE STATE SHALL NOT RECEIVE THE INCREASED PER DIEM MEDICAID REIMBURSEMENT RATES UNDER THIS SUBDIVISION UNTIL ALL OF ITS OUTSTANDING QUALITY ASSURANCE ASSESSMENTS AND ANY PENALTIES ASSESSED PURSUANT TO SUBDIVISION (G) HAVE BEEN PAID IN FULL. NOTHING IN THIS SUBDIVISION SHALL**

**BE CONSTRUED TO AUTHORIZE OR REQUIRE THE DEPARTMENT TO OVERSPEND TAX REVENUE IN VIOLATION OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1101 TO 18.1594.”.**

2. Amend page 11, line 8, after “**THERAPY.**” by striking out the balance of the line through “**THERAPY.**” on line 12 and inserting “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, IN FISCAL YEAR 2007-2008, \$66,400,000.00 OF THE QUALITY ASSURANCE ASSESSMENT COLLECTED PURSUANT TO SUBSECTION (1)(H) SHALL BE APPROPRIATED TO THE DEPARTMENT OF COMMUNITY HEALTH TO SUPPORT MEDICAID EXPENDITURES FOR HOSPITAL SERVICES AND THERAPY. HOWEVER, IF THE STATE RECEIVES APPROVAL FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO INCREASE MEDICAID HEALTH MAINTENANCE ORGANIZATION HOSPITAL PAYMENT RATES THAT INCREASE MEDICAID PAYMENTS TO HOSPITALS BY \$120,000,000.00 OR MORE IN FISCAL YEAR 2007-2008, THEN IN FISCAL YEAR 2007-2008, \$81,400,000.00, INSTEAD OF \$66,400,000.00, OF THE QUALITY ASSURANCE ASSESSMENT COLLECTED PURSUANT TO SUBSECTION (1)(H) SHALL BE APPROPRIATED TO THE DEPARTMENT OF COMMUNITY HEALTH TO SUPPORT MEDICAID EXPENDITURES FOR HOSPITAL SERVICES AND THERAPY.**”.

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 returned to the order of  
**Third Reading of Bills**

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

**Senate Bill No. 794**  
**House Bill No. 4849**  
**House Bill No. 4860**  
**House Bill No. 4861**  
**House Bill No. 4862**  
**House Bill No. 4863**  
**House Bill No. 4864**  
**House Bill No. 4185**

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

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 593**  
**House Bill No. 4185**  
**Senate Bill No. 794**  
**House Bill No. 4849**  
**House Bill No. 4860**  
**House Bill No. 4861**  
**House Bill No. 4862**  
**House Bill No. 4863**  
**House Bill No. 4864**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 593, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending the heading or part 131 and sections 13101 and 13102 (MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by adding sections 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111.

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. 354**

**Yeas—38**

Allen  
 Anderson

Clark-Coleman  
 Clarke

Jansen  
 Jelinek

Richardville  
 Sanborn

Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Hunter	Prusi	Whitmer
Cherry	Jacobs		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4185, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20161 (MCL 333.20161), as amended by 2007 PA 5.

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. 355**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

**Nays—1**

Sanborn

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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 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 provide for the levy of taxes against certain health facilities or agencies; 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 794, entitled**

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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. 356**

**Yeas—31**

Allen	Cherry	Jansen	Schauer
Anderson	Clark-Coleman	Jelinek	Scott
Basham	Clarke	Kuipers	Stamas
Birkholz	Cropsey	McManus	Switalski
Bishop	George	Olshove	Thomas
Brater	Hardiman	Patterson	Van Woerkom
Brown	Hunter	Prusi	Whitmer
Cassis	Jacobs	Sanborn	

**Nays—7**

Barcia	Gilbert	Kahn	Richardville
Garcia	Gleason	Pappageorge	

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.



The following bill was read a third time:

**House Bill No. 4849, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8317 (MCL 324.8317), as amended by 2003 PA 82; and to repeal acts and parts of acts.

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. 357**

**Yeas—36**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

**Nays—2**

Cassis	Sanborn
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**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4860, entitled**

A bill to amend 1969 PA 287, entitled “An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,” by amending sections 4 and 9b (MCL 287.334 and 287.339b), section 4 as amended by 2004 PA 280 and section 9b as added by 1997 PA 7.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:



**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4862, entitled**

A bill to amend 1931 PA 189, entitled “The insect pest and plant disease act,” by amending the title and sections 6, 9, and 11 (MCL 286.206, 286.209, and 286.211), the title as amended by 2005 PA 53, section 6 as amended by 1995 PA 137, section 9 as amended by 2004 PA 273, and section 11 as amended by 1984 PA 88.

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. 360**

**Yeas—36**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

**Nays—2**

Cassis	Sanborn
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**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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 regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction or treatment of certain plants or plant products; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; to prescribe penalties and civil sanctions; and to provide remedies.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4863, entitled**

A bill to amend 1974 PA 93, entitled “An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty,” by amending section 3 (MCL 287.113), as amended by 2003 PA 86.

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. 361**

**Yeas—36**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

**Nays—2**

Cassis	Sanborn
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**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4864, entitled**

A bill to amend 1937 PA 284, entitled “An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting,

exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2004 PA 279.

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. 362****Yeas—36**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

**Nays—2**

Cassis	Sanborn
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**Excused—0****Not Voting—0**

In The Chair: Richardville

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. The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators McManus, Jelinek, Pappageorge, Garcia and Gleason introduced

**Senate Bill No. 816, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 19 (MCL 125.2169), as amended by 1993 PA 333.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Schauer, Gleason, Clarke, Clark-Coleman, Scott, Hunter and Jacobs introduced

**Senate Bill No. 817, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5827 (MCL 600.5827).

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

**House Bill No. 5123, entitled**

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2006 PA 554.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

**House Bill No. 5251, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2004 PA 79.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5257, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2003 PA 107.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5258, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**Recess**

Senator Cropsey moved that the Senate recess until 2:30 p.m.

The motion prevailed, the time being 11:59 a.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

**Committee Reports**

The Committee on Appropriations reported

**Senate Bill No. 794, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Clark-Coleman and Scott

Nays: Senators Garcia and Cherry

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2003 PA 82; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4860, entitled**

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 4 and 9b (MCL 287.334 and 287.339b), section 4 as amended by 2004 PA 280 and section 9b as added by 1997 PA 7.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4861, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 2005 PA 326.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4862, entitled**

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending the title and sections 6, 9, and 11 (MCL 286.206, 286.209, and 286.211), the title as amended by 2005 PA 53, section 6 as amended by 1995 PA 137, section 9 as amended by 2004 PA 273, and section 11 as amended by 1984 PA 88.

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.

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 4863, entitled**

A bill to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113), as amended by 2003 PA 86.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4864, entitled**

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2004 PA 279.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, September 25, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge, Hardiman, Kahn, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Excused: Senators Jelinek (C) and Cropsey

#### Scheduled Meetings

**Appropriations** - Thursday, September 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Energy Policy and Public Utilities** - Thursday, September 27, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Families and Human Services** - Tuesday, October 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 2:31 p.m.



The Secretary of the Senate declared the Senate adjourned until Thursday, September 27, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

