

No. 64

# MICHIGAN SENATE

## DAILY CALENDAR

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WEDNESDAY, SEPTEMBER 7, 2011  
10:00 a.m.

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**THIRD READING OF BILLS**

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- 1
- HB 4310** Rep. Denby  
Local government; intergovernmental affairs; intergovernmental transfers of metropolitan transportation employees; revise contents of contracts.  
Amends sec. 13 of 1967 PA 204 (MCL 124.413).  
**I.E. House, March 24, 2011.**  
**Reported by Committee on Reforms, Restructuring and Reinventing.**  
**Committee recommended I.E.**
- 2
- SB 356** Sen. Jones  
Crimes; animals; forfeiture of real property used in the commission of animal fighting; allow.  
Amends sec. 4702 of 1961 PA 236 (MCL 600.4702).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**
- 3
- SB 357** Sen. Johnson  
Civil procedure; civil actions; property on which animal fighting is conducted; declare to be a nuisance.  
Amends sec. 3801 of 1961 PA 236 (MCL 600.3801).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**
- 4
- SB 358** Sen. Bieda  
Crimes; animals; racketeering statute; include animal fighting as predicate offense.  
Amends sec. 159g of 1931 PA 328 (MCL 750.159g).  
**Committee on Government Operations discharged.**
- 5
- SB 162** Sen. Pappageorge  
Vehicles; registration plates; specialty plate for Michigan humane society; create.  
Amends sec. 811e of 1949 PA 300 (MCL 257.811e) & adds sec. 811r.  
**Reported by Committee on Transportation.**  
**Committee recommended I.E.**
- 6
- SB 472** Sen. Moolenaar  
Land use; farmland and open space; open space easement exception; revise approving authority and allow waiver of certain tax benefits.  
Amends secs. 36105 & 36106 of 1994 PA 451 (MCL 324.36105 & 324.36106).  
**Reported by Committee on Agriculture.**  
**Committee recommended I.E.**

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**THIRD READING OF BILLS**

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- 7
- SB 393** Sen. Jones  
Corrections; jails; population requirement for municipalities eligible to seek reimbursement from inmates; remove.  
Amends sec. 2 of 2006 PA 88 (MCL 801.312).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**
- 8
- SB 64** Sen. Jones  
Housing; landlord and tenants; 7-day notice to quit for tenants who injure or threaten to injure other tenants or employees; require.  
Amends sec. 5714 of 1961 PA 236 (MCL 600.5714).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-5).**  
**Committee recommended I.E.**
- 9
- SB 65** Sen. Schuitmaker  
Housing; landlord and tenants; provision relating to the termination of lease for certain controlled substance offenders; modify.  
Amends sec. 34 of 1846 RS 66 (MCL 554.134).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**
- GENERAL ORDERS**
- 10
- SB 29** Sen. Hansen  
Crimes; weapons; sale, possession, and use of device that uses electro-muscular technology; amend Michigan penal code to allow under certain circumstances.  
Amends sec. 224a of 1931 PA 328 (MCL 750.224a).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-2).**  
**Committee recommended I.E.**
- 11
- SB 30** Sen. Jones  
Weapons; licensing; sale, possession, and use of device that uses electro-muscular disruption technology; amend firearms act to allow under certain circumstances.  
Amends title & secs. 5f, 5k & 5o of 1927 PA 372 (MCL 28.425f et seq.).  
**Reported by Committee on Judiciary.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

## GENERAL ORDERS

12

**SB 93** Sen. Hansen

Criminal procedure; sentencing guidelines; sentencing guidelines for carrying concealed pistol in prohibited place; revise to include reference to electro-muscular disruption devices.

Amends secs. 11b & 16m, ch. XVII of 1927 PA 175 (MCL 777.11b & 777.16m).

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

13

**SB 25** Sen. Jones

Health; death; final disposition of fetal remains; define, and clarify authorization requirements.

Amends secs. 2803, 2804 & 2834 of 1978 PA 368 (MCL 333.2803 et seq.).

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

14

**SB 54** Sen. Jones

Health; death; final disposition of fetal remains; clarify authorization requirements and provide penalties for non-compliance.

Amends secs. 2848 & 13807 of 1978 PA 368 (MCL 333.2848 & 333.13807) & adds secs. 2836 & 2854.

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

15

**SB 55** Sen. Jones

Criminal procedure; sentencing guidelines; sentencing guidelines for violation of requirements for final disposition of fetal remains; establish.

Amends sec. 13k, ch. XVII of 1927 PA 175 (MCL 777.13k).

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

16

**SB 160** Sen. Meekhof

Health; abortion; partial-birth abortions; prohibit.

Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 90h.

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

17

**SB 161** Sen. Hansen

Criminal procedure; sentencing guidelines; sentencing guidelines for crime of performing partial-birth abortion; enact.

Amends sec. 16d, ch. XVII of 1927 PA 175 (MCL 777.16d).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

## GENERAL ORDERS

18

**SB 126** Sen. Robertson

Use tax; collections; use tax on difference between trade-in and purchase price for motor vehicles and titled watercraft; provide for.

Amends sec. 2 of 1937 PA 94 (MCL 205.92).

**Reported by Committee on Finance.**

**Committee recommended I.E.**

19

**SB 127** Sen. Robertson

Sales tax; collections; sales tax on difference between trade-in and purchase price for motor vehicles and titled watercraft; provide for.

Amends sec. 1 of 1933 PA 167 (MCL 205.51).

**Reported by Committee on Finance.**

**Committee recommended I.E.**

20

**SB 17** Sen. Jones

Health; pharmaceuticals; formation of medicinal marijuana clubs or operation of medical marijuana bars; prohibit.

Amends 1978 PA 368 (MCL 333.1101 - 333.25211) by adding sec. 7421.

**Reported by Committee on Health Policy.**

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

**Committee recommended I.E.**

21

**SJR E** Sen. Hildenbrand

Legislature; other; budget process; require legislature to present all general appropriation bills to the governor by July 1 and require forfeiture of legislators' salaries for failure to present those bills by that date.

Amends sec. 31, art. IV & adds sec. 55 to art. IV of the state constitution.

**Reported by Committee on Reforms, Restructuring and Reinventing.**

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

22

**SB 137** Sen. Jones

Education; discipline; policy prohibiting harassment and bullying at school; require.

Amends 1976 PA 451 (MCL 380.1 - 380.1852) by adding sec. 1310b.

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

23

**HB 4445** Rep. Moss

Appropriations; supplemental; school aid supplemental; provide for fiscal year 2010-2011.

Amends secs. 11, 11m, 22a, 22b, 51a, 51c & 74 of 1979 PA 94 (MCL 388.1611 et seq.).

**I.E. House, April 13, 2011.**

**Reported by Committee on Appropriations.**

**Committee recommended I.E.**

## GENERAL ORDERS

24

**SB 244** Sen. Jones

Criminal procedure; expunction; expand record expunction for certain offenders; provide for under certain circumstances.

Amends secs. 1, 3 & 4 of 1965 PA 213 (MCL 780.621 et seq.).

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

25

**SB 234** Sen. Jones

Health; occupations; conviction of first, second, or third degree criminal sexual conduct; revise sanction disciplinary subcommittee must impose and include permanent revocation.

Amends sec. 16226 of 1978 PA 368 (MCL 333.16226).

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

26

**SB 236** Sen. Jones

Health; occupations; conviction of first, second, or third degree criminal sexual conduct; allow permanent revocation of license or registration.

Amends sec. 16245 of 1978 PA 368 (MCL 333.16245).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

27

**SB 258** Sen. Jones

Liquor; drinking age; certain minors presenting themselves for treatment; exempt from underage drinking violation under certain circumstances.

Amends sec. 703 of 1998 PA 58 (MCL 436.1703).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

28

**SB 27** Sen. Hansen

Agriculture; animals; transfer of regulatory responsibility from department of natural resources and environment to department of agriculture; provide for.

Amends secs. 2, 3, 4, 6, 7 & 10 of 2000 PA 190 (MCL 287.952 et seq.).

**Reported by Committee on Agriculture.**

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

**Committee recommended I.E.**

29

**HB 4013** Rep. LeBlanc

Law enforcement; other; possession and operation of electrical devices designed to temporarily incapacitate persons; allow for reserve peace officers, auxiliary officers, and reserve officers.

Amends sec. 224a of 1931 PA 328 (MCL 750.224a).

**I.E. House, March 24, 2011.**

**House substitute (H-1).**

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

## GENERAL ORDERS

30

**SB 187** Sen. Booher

Vehicles; fund-raising registration plates; specialty plate for ducks unlimited; provide for.

Amends sec. 811e of 1949 PA 300 (MCL 257.811e) & adds sec. 811r.

**Reported by Committee on Transportation.**

**Senate substitute (S-2).**

**Committee recommended I.E.**

31

**SB 389** Sen. Anderson

Vehicles; registration plates; specialty plate for the Michigan breast and cervical cancer control program; provide for.

Amends sec. 811e of 1949 PA 300 (MCL 257.811e) & adds sec. 811r.

**Reported by Committee on Transportation.**

**Committee recommended I.E.**

32

**SB 26** Sen. Jones

Retirement; legislative; retirement health care benefits for legislators; eliminate.

Amends secs. 50b, 75 & 79 of 1957 PA 261 (MCL 38.1050b et seq.) & adds sec. 79a.

**Reported by Committee on Reforms, Restructuring and Reinventing.**

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

**Committee recommended I.E.**

33

**SB 133** Sen. Rocca

Income tax; checkoff; money received from certain income tax checkoff to be used for training purposes only; require.

Amends sec. 13 of 1966 PA 291 (MCL 29.373).

**Reported by Committee on Finance.**

**Committee recommended I.E.**

34

**SB 134** Sen. Rocca

Income tax; checkoff; donation to the Michigan firefighter training council; provide for check-off option.

Amends sec. 435 of 1967 PA 281 (MCL 206.435).

**Reported by Committee on Finance.**

**Committee recommended I.E.**

35

**HB 4411** Rep. Haines

Health; occupations; conviction of first, second, or third degree criminal sexual conduct; allow permanent revocation of license or registration.

Amends sec. 16245 of 1978 PA 368 (MCL 333.16245).

**I.E. House, May 17, 2011.**

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

## GENERAL ORDERS

36

**HB 4412** Rep. Huuki

Health; occupations; conviction of first, second, or third degree criminal sexual conduct; revise sanction disciplinary subcommittee must impose and include permanent revocation.

Amends sec. 16226 of 1978 PA 368 (MCL 333.16226).

**I.E. House, May 17, 2011.**

**House substitute (H-1).**

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

37

**SB 10** Sen. Jansen

Elections; other; reference to municipal partnership act; provide for in the Michigan election law.

Amends 1954 PA 116 (MCL 168.1 - 168.992) by adding sec. 976a.

**Reported by Committee on Reforms, Restructuring and Reinventing.**

**Committee recommended I.E.**

38

**SB 376** Sen. Kowall

Economic development; plant rehabilitation; definition of industrial property; expand.

Amends sec. 2 of 1974 PA 198 (MCL 207.552).

**Reported by Committee on Economic Development.**

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

**Committee recommended I.E.**

39

**SB 397** Sen. Jones

Labor; arbitration; procedures for arbitration of police and fire labor disputes; revise.

Amends secs. 2, 3, 5, 6, 8, 9 & 10 of 1969 PA 312 (MCL 423.232 et seq.).

**Reported by Committee on Government Operations.**

**Committee recommended I.E.**

40

**SB 320** Sen. Jones

Children; protection; ex parte emergency removal order allowing the department of human services to take protective custody of a child; allow.

Amends secs. 10, 13a & 14, ch. XIIA of 1939 PA 288 (MCL 712A.10 et seq.) & adds secs. 14a & 14b to ch. XIIA.

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

41

**SB 351** Sen. Proos

Sales tax; distribution; percentage of sales tax collected to be earmarked to transportation funding; establish.

Amends sec. 25 of 1933 PA 167 (MCL 205.75).

**Reported by Committee on Transportation.**

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

**Committee recommended I.E.**

## GENERAL ORDERS

42

**SB 208** Sen. Hune

Agriculture; animals; cap on indemnification for disease eradication; eliminate.

Amends sec. 14 of 1988 PA 466 (MCL 287.714).

**Reported by Committee on Agriculture.**

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

**Committee recommended I.E.**

43

**SB 307** Sen. Hune

Criminal procedure; sentencing guidelines; sentencing guidelines for sporting swine marketing act violations; enact.

Amends sec. 12m, ch. XVII of 1927 PA 175 (MCL 777.12m).

**Reported by Committee on Agriculture.**

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

**Committee recommended I.E.**

44

**SB 308** Sen. Hune

Agriculture; animals; ability of registrant under privately owned cervidae producers marketing act to operate sporting swine estate; provide for.

Amends sec. 5 of 2000 PA 190 (MCL 287.955).

**Reported by Committee on Agriculture.**

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

**Committee recommended I.E.**

45

**SB 309** Sen. Hune

Agriculture; animals; certain sporting swine; exclude from regulation as game.

Amends secs. 40103 & 41102 of 1994 PA 451 (MCL 324.40103 & 324.41102).

**Reported by Committee on Agriculture.**

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

**Committee recommended I.E.**

46

**SB 310** Sen. Hune

Agriculture; animals; sporting swine livestock operations; regulate.

Creates new act.

**Reported by Committee on Agriculture.**

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

**Committee recommended I.E.**

47

**SB 377** Sen. Booher

Health; medical marihuana; registry information; make available to law enforcement officers upon issuance of a medical marihuana card.

Amends sec. 6 of IL 1 of 2008 (MCL 333.26426).

**Reported by Committee on Judiciary.**

**Senate substitute (S-2).**

**Committee recommended I.E.**

## GENERAL ORDERS

48

**SB 418** Sen. Jones  
Health; medical marihuana; permissible causes of action under the medical marihuana law; clarify.  
Amends sec. 7 of 2008 IL 1 (MCL 333.26427).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

49

**HB 4316** Rep. Huuki  
Vehicles; equipment; requirement for brakes; exempt log slasher units.  
Amends sec. 705 of 1949 PA 300 (MCL 257.705).  
**I.E. House, June 7, 2011.**  
**Reported by Committee on Transportation.**  
**Committee recommended I.E.**

50

**HB 4360** Rep. Haines  
Transportation; school vehicles; diabetic testing waiver for new school bus drivers; provide for.  
Amends sec. 5 of 1963 PA 181 (MCL 480.15).  
**I.E. House, May 17, 2011.**  
**Reported by Committee on Transportation.**  
**Committee recommended I.E.**

51

**SB 504** Sen. Jones  
Health; medical marihuana; dispensing medical marihuana within 1,000 feet of a church or school; prohibit.  
Amends sec. 4 of 2008 IL 1 (MCL 333.26424).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

52

**SB 505** Sen. Jones  
Health; medical marihuana; qualification for designation as primary caregiver; establish.  
Amends sec. 6 of 2008 IL 1 (MCL 333.26426).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

53

**HB 4716** Rep. Olumba  
Cities; home rule; provision regarding financial recovery bonds; modify.  
Amends sec. 36a of 1909 PA 279 (MCL 117.36a).  
**I.E. House, June 23, 2011.**  
**Committee on Local Government and Elections discharged, Thursday, June 30.**

54

**HB 4563** Rep. Nesbitt  
State; escheats; business-to-business exemption; provide for.  
Amends 1995 PA 29 (MCL 567.221 - 567.265) by adding sec. 37a.  
**I.E. House, June 8, 2011.**  
**House substitute (H-1).**  
**Reported by Committee on Economic Development.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

## GENERAL ORDERS

55

**SB 363** Sen. Bieda  
Human services; other; uses for bridge card; clarify.  
Amends 1939 PA 280 (MCL 400.1 - 400.119b) by adding secs. 14k & 14l.  
**Reported by Committee on Families, Seniors and Human Services.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

56

**SB 210** Sen. Hune  
Animals; other; facilities accredited by the zoological association of America; exempt from large carnivore act.  
Amends sec. 22 of 2000 PA 274 (MCL 287.1122).  
**Reported by Committee on Agriculture.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

57

**HB 4553** Rep. MacMaster  
Occupations; landscape architects; requirement for continuing education for renewal of license; establish.  
Amends secs. 2203 & 2205 of 1980 PA 299 (MCL 339.2203 & 339.2205).  
**I.E. House, June 14, 2011.**  
**Reported by Committee on Regulatory Reform.**  
**Committee recommended I.E.**

58

**SB 502** Sen. Nofs  
Liquor; licenses; license to serve alcohol at certain community colleges and universities; allow.  
Amends 1998 PA 58 (MCL 436.1101 - 436.2303) by adding sec. 513a.  
**Reported by Committee on Regulatory Reform.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

59

**HB 4061** Rep. Geiss  
Liquor; licenses; provision relating to consumption of alcohol products on licensed premises produced by home brewers; modify to allow the premises of microbrewers or brewpubs under certain circumstances.  
Amends sec. 1027 of 1998 PA 58 (MCL 436.2027).  
**I.E. House, June 23, 2011.**  
**House substitute (H-2).**  
**Reported by Committee on Regulatory Reform.**  
**Committee recommended I.E.**

## RESOLUTIONS

60

**SR 34** Sen. Jones  
A resolution to memorialize the United States Congress to take immediate steps to provide funding to the Drug Enforcement Agency for the cleanup of clandestine methamphetamine laboratories seized by state and local law enforcement.  
**Reported by Committee on Judiciary.**  
**For text of resolution, see Senate Journal No. 30, page 446.**  
**Adoption pending.**



## RESOLUTIONS

61

**SCR 10** Sen. Moolenaar

A concurrent resolution to approve a certain designated open space land application for property in Midland County.

**Reported by Committee on Agriculture.**

**For text of resolution, see Senate Journal No. 17, page 217.**

**Adoption pending.**

62

**SR 67** Sen. Marleau

A resolution to urge the Secretary of the United States Department of Health and Human Services to continue the Perinatology Research Branch facility in Detroit.

**Reported by Committee on Health Policy.**

**For text of resolution, see Senate Journal No. 58, page 1656.**

**Adoption pending.**

63

**SR 57** Sen. Proos

A resolution to memorialize the President and the United States Congress to support the continued and increased importation of oil derived from Canadian oil sands and to urge the United States Secretary of State to approve the TransCanada Keystone Coast Expansion pipeline project.

**Reported by Committee on Energy and Technology.**

**For text of resolution, see Senate Journal No. 47, page 1099.**

**Adoption pending.**

## COMMITTEE REPORTS

64

**SB 525** Sen. Hansen

Weapons; licensing; licensing renewal procedure; modify.

Amends sec. 5I of 1927 PA 372 (MCL 28.425I).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

**Refer to Committee of the Whole pursuant to Rule 3.701.**

65

**SB 535** Sen. Schuitmaker

Crime victims; rights; removal of certain definitions from crime victims services statute in the code of criminal procedure; amend to reflect.

Amends sec. 1j, ch. IX of 1927 PA 175 (MCL 769.1j).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

**Refer to Committee of the Whole pursuant to Rule 3.701.**

## COMMITTEE REPORTS

66

**SB 536** Sen. Schuitmaker

Crime victims; rights; victim assessments; extend to all crimes.

Amends secs. 1 & 5 of 1989 PA 196 (MCL 780.901 & 780.905).

**Reported by Committee on Judiciary.**

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

**Committee recommended I.E.**

**Refer to Committee of the Whole pursuant to Rule 3.701.**

67

**SB 537** Sen. Schuitmaker

Crime victims; rights; juvenile offender assessments; extend to all misdemeanors.

Amends secs. 18 & 18m, ch. XIA of 1939 PA 288 (MCL 712A.18 & 712A.18m).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

**Refer to Committee of the Whole pursuant to Rule 3.701.**

68

**SB 538** Sen. Schuitmaker

Crime victims; rights; removal of certain definitions from crime victims services statute in the revised judicature act of 1961; amend to reflect.

Amends sec. 8381 of 1961 PA 236 (MCL 600.8381).

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

**Refer to Committee of the Whole pursuant to Rule 3.701.**

69

**HB 4349** Rep. Heise

Criminal procedure; forfeiture; use of state forfeiture funds; expand to include use for any law enforcement purpose.

Amends sec. 7524 of 1978 PA 368 (MCL 333.7524).

**I.E. House, June 30, 2011.**

**House substitute (H-2).**

**Reported by Committee on Judiciary.**

**Committee recommended I.E.**

**Refer to Committee of the Whole pursuant to Rule 3.701.**

## SCHEDULED MEETINGS

## Appropriations -

## Subcommittees -

**Agriculture and Rural Development and Department of Natural Resources** - Tuesday, September 13, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

SCHEDULED MEETINGS	SCHEDULED MEETINGS
<p><b>K-12, School Aid, Education and House School Aid Appropriations Subcommittee</b> - Thursday, September 15, and Tuesday, September 20, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)</p> <p><b>Education</b> - Wednesday, September 7, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)</p>	<p><b>Outdoor Recreation and Tourism</b> - Thursday, September 8, 12:30 p.m., Room 210, Farnum Building (373-5323)</p> <p><b>Senate Fiscal Agency Board of Governors</b> - Thursday, September 8, 9:00 a.m., Senate Majority Leader's Conference Room, Room S-101, Capitol Building (373-2768)</p>