

No. 102
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, December 9, 2009.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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—excused
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

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

Senator Deborah Cherry of the 26th District offered the following invocation:

Our Heavenly Father, as we gather together in this chamber today, we thank You for Your grace and mercy.

As we begin our session, let us be reminded of our commitment to serve the people of Michigan, and grant us patience to make wise decisions. We ask that You continue to guide us in our behavior so we may be selfless and honorable.

As we continue to confront the many issues that face our state, let us put aside our differences and work cooperatively toward the common goal of creating a better life for every man, woman, and child in Michigan.

Grant this Senate, the House, our Lieutenant Governor, and Governor wisdom as we work together for the good of the people of this great state. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Richardville, Prusi, Basham, Thomas, George, Nofs and Kuipers entered the Senate Chamber.

Senator Cropsey moved that Senator Stamas be temporarily excused from today's session.

The motion prevailed.

Senator Cropsey moved that Senator Hardiman be excused from today's session.

The motion prevailed.

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

House Bill No. 4257

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

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

The motion prevailed.

Senator Jelinek's statement is as follows:

Mr. President and colleagues, I am saddened to report that on November 19, 2009, we lost a Michigan soldier and a hero in the Afghanistan war. Army Sergeant Daniel Alexander Frazier's actions that day prevented a suicide bomber from reaching and possibly killing 40 of his fellow soldiers. He was a true warrior and lived his values to the very end.

Before presenting this Special Tribute to honor Army Sergeant Daniel Alexander Frazier's service to his country, I would like to introduce in the east Gallery Sergeant Frazier's father and stepmother, David and Sheri Frazier; sister and brother-in-law, Jessica and David Marquardt; brother, David Walter; and family friend, K.T. Alexander. May we give them a grateful welcome this morning.

"LET IT BE KNOWN, That it is with deepest gratitude for the life and dedicated service of U.S. Army Sergeant Daniel Alexander Frazier that we join with his family, friends, fellow soldiers, and citizens across the country in honoring this fallen American hero. Sergeant Frazier, 25, was tragically killed on November 19, 2009, in the Afghanistan province of Zabul during his second tour of duty with the United States Army.

Sergeant Daniel Frazier joined the Army in 2006 as a motor transport operator. He completed basic training at Fort Knox, Kentucky, and then joined the 782nd Brigade Support Battalion at Fort Bragg in North Carolina—part of the 4th Brigade Combat Team, 82nd Airborne Division. During his military service, Sergeant Frazier was awarded: the Bronze Star Medal, the Purple Heart Medal, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terror Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Combat Action Badge.

A 2003 graduate of St. Joseph High School, Daniel Frazier is remembered as 'just one of those super kids you loved to have in school.' He is remembered for his quiet dedication and sacrificing loyalty in caring for those around him. Daniel was very close to his family and always looked out for others. We extend our deepest sympathy to Sergeant Frazier's father, David (Sheri) Frazier of Niles; mother Roxana (William) Walter of Pace, Florida; and to his wife, Brittany Frazier of Fayetteville, North Carolina—the love of his life—and to all who feel his loss so intensely and cherish his memory with extraordinary pride and love.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to U.S. Army Sergeant Daniel Frazier to honor this United States Army soldier, who will be remembered for his selfless service and admired for his commitment to duty. Although our words cannot ease the pain of this tremendous sacrifice, may his family know of our highest respect and appreciation for his dedication, and may his heroic efforts to defend our liberty never be forgotten.”

A moment of silence was observed in memory of U.S. Army Sergeant Daniel Alexander Frazier.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:11 a.m.

10:43 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators McManus, Garcia, Brater and Stamas entered the Senate Chamber.

Senator Cropsey moved that the Committee on Education be discharged from further consideration of the following bills:

House Bill No. 5298, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1148 (MCL 380.1148).

House Bill No. 5299, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 6 (MCL 388.1606), as amended by 2009 PA 73.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

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

House Bill No. 5298

House Bill No. 5299

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, December 8:

House Bill Nos. 4370 4394 5219 5241 5503 5555 5567 5584 5585

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 935, entitled

A bill to authorize the county board of commissioners of any county in this state to establish and operate a farmers market or flea market; and to prescribe the powers and duties of certain local officers and officials.

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

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

Senate Bill No. 163, entitled

A bill to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety;

to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 4 (MCL 28.4).

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 25, after "**REMOVAL**" by inserting a comma and "**UNLESS A REDUCTION IN EXPENDITURES IS REQUIRED DUE TO INSUFFICIENT FUNDS**".

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 677

Yeas—36

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

Nays—0

Excused—1

Hardiman

Not Voting—1

Clarke

In The Chair: President

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 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 Cropsey 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 Cherry, designated Senator Anderson as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4218, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 2005 PA 114.

House Bill No. 4257, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2005 PA 235.

House Bill No. 5299, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2009 PA 73.

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. 750, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7523, 7524, and 7524a (MCL 333.7523, 333.7524, and 333.7524a), section 7523 as amended by 2006 PA 130, section 7524 as amended by 2006 PA 558, and section 7524a as amended by 1994 PA 8.

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. 4327, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

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. 5298, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1148 (MCL 380.1148).

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsy moved that the Committee on Education be discharged from further consideration of the following bills:

House Bill No. 4787, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 6, 449, 504, 507, 1246, 1280, 1311, and 1536 (MCL 380.5, 380.6, 380.449, 380.504, 380.507, 380.1246, 380.1280, 380.1311, and 380.1536), section 5 as amended by 2005 PA 61, sections 6, 504, and 1311 as amended by 2008 PA 1, section 449 as amended by 2004 PA 303, section 507 as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1280 as amended by 2006 PA 123, and section 1536 as added by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d and part 6e.

House Bill No. 4788, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

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

House Bill No. 4787**House Bill No. 4788**

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Cropsey 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 Cherry, designated Senator Anderson as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 904, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2511 (MCL 324.2511), as added by 2006 PA 146.

The bill 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. 4787, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 507, and 1701a (MCL 380.5, 380.507, and 380.1701a), section 5 as amended by 2005 PA 61, section 507 as amended by 1995 PA 289, and section 1701a as amended by 2008 PA 1, and by adding sections 1280c and 1320 and part 6d.

Substitute (S-4).

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. 4788, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

Substitute (S-4).

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.

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:

House Bill No. 4257**House Bill No. 5298****House Bill No. 5299**

House Bill No. 4787**House Bill No. 4788**

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. 891**Senate Bill No. 892****Senate Bill No. 893****House Bill No. 4257****House Bill No. 5298****House Bill No. 4787****House Bill No. 4788****House Bill No. 5299**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 891, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 9 (MCL 400.209), as amended by 2004 PA 470.

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. 678**Yeas—37**

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

Nays—0**Excused—1**

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 892, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 43 of chapter X (MCL 710.43), as amended by 1996 PA 409.

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. 679

Yeas—37

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 893, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

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. 680

Yeas—37

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Nofs	Switalski
Brater	Gleason	Olshove	Thomas

Brown
Cassis
Cherry

Hunter
Jacobs

Pappageorge
Patterson

Van Woerkom
Whitmer

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4257, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 310 (MCL 484.2310), as amended by 2005 PA 235.

The question being on the passage of the bill,

Senators Olshove and Birkholz offered the following amendments:

1. Amend page 2, line 6, by striking out “**JULY**” and inserting “**DECEMBER**”.
2. Amend page 2, line 8, after the first “**OF**” by striking out “**JULY**” and inserting “**DECEMBER**”.

The amendments were not adopted, a majority of the members serving not voting therefor.

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. 681

Yeas—37

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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 and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; 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. 5298, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1148 (MCL 380.1148).

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. 682**Yeas—37**

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

Nays—0**Excused—1**

Hardiman

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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 provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto;

to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; 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. 4787, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 5, 6, 449, 504, 507, 1246, 1280, 1311, and 1536 (MCL 380.5, 380.6, 380.449, 380.504, 380.507, 380.1246, 380.1280, 380.1311, and 380.1536), section 5 as amended by 2005 PA 61, sections 6, 504, and 1311 as amended by 2008 PA 1, section 449 as amended by 2004 PA 303, section 507 as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1280 as amended by 2006 PA 123, and section 1536 as added by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d and part 6e.

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. 683

Yeas—24

Allen	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hunter	Nofs	Switalski
Cassis	Jansen	Pappageorge	Thomas
Cropsey	Jelinek	Patterson	Van Woerkom

Nays—13

Anderson	Cherry	Gleason	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Olshove	Whitmer
Brater			

Excused—1

Hardiman

Not Voting—0

In The Chair: President

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe

the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; 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. 4788, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

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. 684

Yeas—24

Allen	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hunter	Nofs	Switalski
Cassis	Jansen	Pappageorge	Thomas
Cropsey	Jelinek	Patterson	Van Woerkom

Nays—13

Anderson	Cherry	Gleason	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Olshove	Whitmer
Brater			

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5299, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 6 (MCL 388.1606), as amended by 2009 PA 73.

The question being on the passage of the bill,

Senator Jansen offered the following substitute:

Substitute (S-1).

The substitute was adopted, a majority of the members serving voting therefor.

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. 685**Yeas—37**

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

Nays—0**Excused—1**

Hardiman

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Senator Jansen offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending section 6 (MCL 388.1606), as amended by 2009 PA 121.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Barcia, Van Woerkom, Jansen, Nofs, Gleason, Cropsey, Brown and Kahn introduced

Senate Bill No. 1012, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2008 PA 337.

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

Senators Allen, Prusi, Jansen and Cropsey introduced

Senate Bill No. 1013, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 40110a and 43540d; 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 Hunting, Fishing and Outdoor Recreation.

House Bill No. 4370, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463.

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 Transportation.

House Bill No. 4394, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 602b.

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 Transportation.

House Bill No. 5219, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1079.

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 Transportation.

House Bill No. 5241, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 3 (MCL 38.1603), as amended by 2008 PA 366.

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. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as amended by 2004 PA 537.

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 Natural Resources and Environmental Affairs.

House Bill No. 5503, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321c (MCL 257.321c), as added by 1996 PA 240.

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 Families and Human Services.

House Bill No. 5555, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

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 Commerce and Tourism.

House Bill No. 5567, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2008 PA 284.

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 Local, Urban and State Affairs.

House Bill No. 5584, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation

and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

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 Commerce and Tourism.

House Bill No. 5585, entitled

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” by amending section 12b (MCL 125.1812b), as added by 2008 PA 156.

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 Commerce and Tourism.

Statements

Senators Scott, Switalski and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

President Teddy Roosevelt said, “In this life we get nothing save by effort.” We all have our list of issues that we throw a great deal of our effort into. For me, it has been the issue of insurance reform. I saw what happened in communities across the state after we adopted no-fault auto insurance. As an elected official, I feel that it is my duty to right the wrongs of this system. Through our efforts, we can craft a fair solution that will benefit all Michigan citizens, and make life a little bit easier for many people in these tough times.

Senator Switalski’s statement is as follows:

Yesterday I talked about saving money on some legislation allowing counties to delay filling judicial vacancies. Today I wanted to address an associated issue, which is the issue of a potential backlog in the courts. Legislation is pending in each chamber to allow Macomb and Oakland to delay filling vacancies that will come up because judges have aged out of the system and have to retire. It has been pointed out that a recent report by SCAO, the State Court Administrative Office, has said that Macomb could, actually justify adding additional judges. If you look at the SCAO report, they say that Macomb could justify based on its’ caseload. It could justify four additional judges.

Unfortunately, the county can’t afford to add additional judges, and in fact, is \$15 million in deficit and has to cut. That is the subject of the legislation that is pending in each chamber. So if we can’t add, let’s address the question of how to handle that backlog.

The SCAO report itself suggested that Macomb might move one of its two probate judges over to the circuit court. In addition, the SCAO report talked about the backlog in Oakland County. Let me remind members that we have already passed a bill that would allow Oakland County to not fill one of its vacancies.

Well, when the SCAO report said that based on the caseload, Macomb could justify adding four judges, they said that Oakland could add 3.7 judges. So I would say it’s a similar situation, but we have already agreed to allow Oakland to reduce a judge. So this points out that the courts will have to make adjustments, and they both face similar problems.

Now, I would like to quote some of the judges themselves who are most affected by the backlog and the caseload that they would be asked to take on. So let me quote from Judge Mary Chrzanowski in Macomb County who says, “So my caseload goes up, big deal. We will continue to get the job done. Cuts are coming, and we believe they should start at the top.” So the judge—I admire her spunk—she wants to work harder and deal with the caseload. She knows that the money is not there.

Let me also quote Judge Don Miller, who is the husband of U.S. Representative Candice Miller and also a circuit court judge. He says, “Our goal is to maintain our level of service while we make these cuts. We have some innovations in mind to do exactly that.” So they believe that they can accommodate their backlog, and they have some innovations that they are going to do. As Judge Chrzanowski says, we are going to work harder; we are going to deal with it.

The *Macomb Daily* has editorialized on this saying the primary issue is whether the circuit court can operate efficiently with 11 judges, thereby saving tax dollars. Who knows the workload and what can be done to save money better than the judges themselves. Hopefully, the Michigan Legislature will also see the proposal for what it is— method of saving tax dollars by having a few do a little bit more.

But I have one last judge I want to quote on this matter, and he has recently retired, but because of problems Macomb was having in its probate court, he was asked to come out of retirement, step in and be the chief judge of probate. He did a superb job and he said, "A single judge can handle the entire probate caseload with the help of a visiting judge to fill in for vacancies and absences." That is a solution, he says. The surviving judge might be a little upset with the increased workload, but that is what they are paid for.

Senator Sanborn's statement is as follows:

In the words of my political hero Ronald Reagan, to the Senator from the 10th District, well, there you go again.

You know, *Inside Michigan Politics* yesterday came out with their conservative ratings, and once again, ladies and gentlemen, I have been rated the most conservative Senator in the state of Michigan, which should mean to you and me that if you have an idea for cost savings that doesn't threaten public safety, please bring it to me. I am going to be there leading the charge.

This is not it, though. Yesterday my colleague from the 10th District rose under Statements—my respected and learned colleague, my friend—and spoke about legislation that would cut the number of judges in Macomb County. During his comments, the Senator from the 10th District referenced my previous comments, that those supposed savings from the bill—his bill—are illusory. The Senator indicated that a document prepared by the Macomb County finance department estimates \$2 million in savings—good heavens.

What he failed to mention and didn't offer to share is that the original report shared by that same department indicated that the savings was \$3.2 million in savings. It seems that \$1.2 million disappeared between the first estimate and the second estimate. Why? The reason is simple. The first estimate grossly overestimated the savings, and when the finance department was made aware of it, they quickly came up with a different number. I am shocked. And yet my colleague finds skepticism—my skepticism—unfounded.

For those of you who haven't seen the document he waved around here yesterday, 65 percent of the operating savings included in this document comes from three areas: reduced interpreting services, reduced jury fees, and reduced defense attorney fees. These expenses are not related to the number of judges. They are a direct result of the number of cases heard, which means that the only way these savings can be accomplished is by having the court with the highest caseload and the worst backlog of cases in the entire state of Michigan hear fewer cases. It doesn't make sense. It doesn't add up.

Now I can't support denying or delaying the residents of Macomb County their day in court, and I would hope that you would not either. Oddly, the figure provided by the finance department includes only savings. Apparently, unemployment isn't their issue; nor is the cost of transitioning fewer judges or the cost of adding them back in two years. Is the transitioning for these individuals who will be hired to fill in the replacement employees who are going to be hired to fill in two years later in 2012 free? I don't think so. You are going to have to pay to have them retrained. The cost of extended jail stays, the cost of delayed hearings, the cost of paying visiting judges, and the cost of additional backlog of cases—all these factors are being ignored. The state court administrator is correct. He says that Macomb County is actually five judges short. It points out that Wayne County has five judges too many. I don't see them leading the charts there. The fact of the court reporters are unionized, the prosecutors, the clerks, and the deputies are not under the authority of the court and, therefore, not on the court's budget. I talked to Prosecutor Eric Smith and he says, "That comes out of my budget." So he does not support these cuts.

These unionized employees will be laid off. No, they are going to be put into a different position. All these facts are being glossed over by the good Senator from the 10th District. The only real savings in this plan comes from laying off the judicial secretary, which the judge can do now because they are an at-will employee, and the judges' fringe benefits.

The savings are not there. If the Senator from the 10th District would take an opportunity to talk to me because I am the only one in this chamber he has not talked to, perhaps I could educate him further.

Committee Reports

The Committee on Transportation reported
Senate Bill No. 402, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 468, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 862, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 2 (MCL 207.212), as amended by 2006 PA 346.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom, Basham and Gleason

Nays: Senator Kahn

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 863, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2007 PA 210.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom, Basham and Gleason

Nays: Senator Kahn

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

The Committee on Transportation reported

Senate Bill No. 995, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 12 (MCL 247.662), as amended by 2002 PA 498.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 8, 2009, at 1:01 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

The Committee on Energy Policy and Public Utilities reported

House Bill No. 4257, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2005 PA 235.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Brown, Birkholz, Richardville, Nofs, Olshove, Clarke and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:
Meeting held on Tuesday, December 8, 2009, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Nofs, Olshove, Clarke, Thomas and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:
Meeting held on Thursday, December 3, 2009, at 3:00 p.m., Room H-252, Capitol Building
Excused: Senators McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:
Meeting held on Tuesday, December 8, 2009, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Kuipers (C), Cropsey, Sanborn, Stamas and Whitmer
Excused: Senators Patterson, Clarke and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Wednesday, December 9, 2009, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Garcia (C) and Cropsey
Excused: Senator Barcia

Scheduled Meetings

Commerce and Tourism - Thursday, December 10, 8:30 a.m., Room 110, Farnum Building (373-2413)

Families and Human Services - Thursday, December 10, 9:00 a.m., Room 210, Farnum Building (373-0797)

Legislative Commission on Statutory Mandates - Thursday, December 10, 9:00 a.m., Bloomfield Conference Room, 5th Floor, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:59 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, December 10, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate