

No. 92  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2009

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Senate Chamber, Lansing, Thursday, October 29, 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—excused  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Garcia—excused  
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  
Scott—excused  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Senator Michael Switalski of the 10th District offered the following invocation:

Good morning, Lord. Fall is here, the days are getting shorter, and the leaves are changing colors. There is also a dense fog out there this morning. For many of us who have been in Lansing ten years or more, our time grows short. Lord, the number of our days is a gift from You. What we do with them is our choice. As they grow shorter and fewer in number, they seem to be more valuable.

We have lots of problems to work on before we leave the Legislature. Help us to be good leaves who take the energy You provide from the sun and the rain from the heavens and make the tree stronger. When we eventually fall from the tree, we pray that the tree will be healthier because of the time we spent on it. Amen.

And PS, Lord: Please say hello to Leonard Haggerty, a skinny kid from St. Anthony's in Detroit, liberator of Dachau; original councilman and former mayor of Roseville; and political godfather who served his constituents in six different decades. He joined You on Monday, and he will probably tell You a few good jokes when You see him.

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

### Motions and Communications

Senators Allen, Clarke, Richardville and Thomas entered the Senate Chamber.

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

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Wednesday, November 4, at 10:00 a.m.

The motion prevailed.

Senator Thomas moved that Senators Hunter and Brater be temporarily excused from today's session.  
The motion prevailed.

Senator Thomas moved that Senators Scott and Barcia be excused from today's session.  
The motion prevailed.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, October 28:  
**House Bill No. 5514**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, October 28, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>945</b>	<b>951</b>	<b>952</b>	<b>953</b>	<b>954</b>	<b>955</b>	<b>956</b>	<b>957</b>	<b>958</b>					
<b>Senate Joint Resolution</b>		<b>M</b>												
<b>House Bill Nos.</b>	<b>5543</b>	<b>5544</b>	<b>5545</b>	<b>5546</b>	<b>5547</b>	<b>5548</b>	<b>5549</b>	<b>5550</b>	<b>5551</b>	<b>5552</b>	<b>5553</b>	<b>5554</b>	<b>5555</b>	

### Messages from the Governor

Senators Brown and Hunter entered the Senate Chamber.

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

**Senate Bill No. 254**

**Senate Bill No. 237**

The motion prevailed.

The following messages from the Governor were received:

Date: October 27, 2009

Time: 7:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 70 (Public Act No. 124), being**

An act to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 28 (MCL 205.28), as amended by 2003 PA 114.

(Filed with the Secretary of State on October 27, 2009, at 8:43 a.m.)

Date: October 27, 2009

Time: 7:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 71 (Public Act No. 125), being**

An act to amend 1995 PA 24, entitled “An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,” by amending section 10 (MCL 207.810), as amended by 2006 PA 283.

(Filed with the Secretary of State on October 27, 2009, at 8:45 a.m.)

Date: October 27, 2009

Time: 7:31 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 774 (Public Act No. 126), being**

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 431 (MCL 208.1431), as amended by 2008 PA 111.

(Filed with the Secretary of State on October 27, 2009, at 8:47 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

This is a day that I have mixed feelings about. I have a valued staff member who is leaving my staff and moving on to a very important position. So I am very happy for him, but I am sad that I won’t be seeing him on a regular, daily basis.

Alan Bolter—I think you all know Alan—has been with me and served as my chief of staff for five years. He is leaving my office and will become the associate director for the Michigan Community Mental Health Board. Alan has not only served in my office as chief of staff for five years, but he has also served as legislative aide for former State

Representative Jerry Kooiman for four years and worked for former Lieutenant Governor Dick Posthumus for two years. He graduated from Michigan State University—that is nice too.

Even more importantly, Alan is not only a valued colleague, but he is also a friend. He has helped keep me on track; he has advised me. He is very politically astute, and he knows good policy as well. He has helped to lead my staff and lead me in my efforts in the community. I have called him sometimes, many times very late at night. Usually I will apologize and say forgive me, but do it anyway. He always tells me no problem and don't hesitate to call back. When he says that, he really means it.

He is now a wonderful father. Even while he was working with me, he has had two beautiful children. He has a wonderful wife, and he is a fine young man. I am just very proud of him. I will miss him. I will miss his wisdom, insight, and I will even miss his dry sense of humor. It is the kind of humor that sometimes he will say something and then you have to wait a minute to make sure he is joking.

He is a wonderful person. We have a state seal that we are going to present to him, so please help me thank Alan for his wonderful years of service to not only me, but to the state of Michigan.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:09 a.m.

11:06 a.m.

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

During the recess, Senator Brater entered the Senate Chamber.

### Messages from the House

#### Senate Bill No. 641, entitled

A bill to amend 2008 PA 456, entitled "An act to amend 1966 PA 346, entitled "An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act," (MCL 125.1401 to 125.1499c) by adding chapter 3B," by repealing enacting section 1.

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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Cropsey requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

#### Roll Call No. 564

#### Yeas—32

Allen	Clarke	Jansen	Prusi
Anderson	Cropsey	Jelinek	Richardville
Basham	George	Kahn	Sanborn
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Switalski
Brater	Hardiman	Olshove	Thomas
Brown	Hunter	Pappageorge	Van Woerkom
Cassis	Jacobs	Patterson	Whitmer

**Nays—0**

**Excused—3**

Barcia

Garcia

Scott

**Not Voting—2**

Cherry

Clark-Coleman

In The Chair: Sanborn

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

**Senate Bill No. 290, entitled**

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 15 (MCL 125.2665), as amended by 2007 PA 201.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**Senate Bill No. 293, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 15 (MCL 125.2695) and by adding sections 8g and 8h.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**Senate Bill No. 295, entitled**

A bill to amend 2000 PA 146, entitled “Obsolete property rehabilitation act,” by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**Senate Bill No. 296, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**House Bill No. 4083, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 11 (MCL 125.2011), as amended by 1987 PA 278.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**House Bill No. 4089, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 257 and section 10 as amended by 2006 PA 283.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**House Bill No. 4092, entitled**

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," (MCL 125.1251 to 125.1267) by adding section 5a.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**House Bill No. 4093, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 4 (MCL 207.554), as amended by 2004 PA 437.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

**House Bill No. 4094, 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 13 (MCL 247.913) and by adding section 9a.

The House of Representatives has appointed Reps. Miller, Robert Jones and Opsommer as conferees to join with Sens. Allen, Gilbert and Clarke.

The bill was referred to the Conference Committee on October 27, 2009.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Richardville as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 850, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 550 (MCL 600.550), as amended by 1990 PA 54.

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:

**Senate Bill No. 851, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2006 PA 607.

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

**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. 850**

**Senate Bill No. 851**

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:

**House Bill No. 4793**

**House Bill No. 4995**

**Senate Bill No. 680**

**House Bill No. 4264**

**House Bill No. 4709**

**Senate Bill No. 850**

**Senate Bill No. 851**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4793, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2004 and 2005 (MCL 339.2004 and 339.2005), section 2004 as amended by 1988 PA 463 and section 2005 as amended by 1998 PA 90.

The question being on the passage of the bill,

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4995, entitled**

A bill to require all official depictions of the state of Michigan to include both peninsulas of the state.

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. 565**

**Yeas—33**

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

**Nays—0**

**Excused—3**

Barcia

Garcia

Scott

**Not Voting—1**

McManus

In The Chair: Sanborn

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

Senator Cropsey moved to reconsider the vote by which the bill was passed.  
The question being on the motion to reconsider,  
Senator Cropsey moved that further consideration of the bill be postponed temporarily.  
The motion prevailed.

**Call of the Senate**

Senator Cropsey moved that there be a Call of the Senate.  
The motion prevailed, a majority of the members serving voting therefor, the time being 11:33 a.m.

**Proceedings under the Call**

The roll was called by the Secretary of the Senate and the following Senators were reported absent: Senators Barcia, Garcia, McManus and Scott.

Senator Cropsey moved that the Senate proceed with business under the Call.  
The motion prevailed.

Senator Cropsey moved that Senators McManus and Garcia be excused from the Call.  
The motion prevailed.

Senator Cropsey requested the yeas and nays.  
The yeas and nays were ordered, 1/5 of the members present voting therefor.  
The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 566****Yeas—21**

Allen  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cropsey  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
Olshove  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Nays—4**

Anderson	Clark-Coleman	Hunter	Thomas
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**Excused—0****Not Voting—12**

Barcia	Clarke	Jacobs	Scott
Basham	Garcia	McManus	Switalski
Cherry	Gleason	Prusi	Whitmer

In The Chair: Sanborn

Senator Thomas moved that Senators Barcia and Scott be excused from the Call.  
The motion prevailed.

The President pro tempore, Senator Richardville, assumed the Chair.

The following bill was read a third time:

**Senate Bill No. 680, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 314a.

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. 567****Yeas—33**

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

**Nays—0****Excused—4**

Barcia	Garcia	McManus	Scott
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to consideration of the following bill:

**Senate Bill No. 850, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 550 (MCL 600.550), as amended by 1990 PA 54.

The above bill was read a third time:

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. 568**

**Yeas—29**

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

**Nays—4**

Brater	Cherry	Prusi	Sanborn
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**Excused—4**

Barcia	Garcia	McManus	Scott
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to consideration of the following bill:

**Senate Bill No. 851, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2006 PA 607.

The above bill was read a third time:

The question being on the passage of the bill,

Senator Switalski offered the following substitute:

Substitute (S-2).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Switalski requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 569**

**Yeas—15**

Anderson	Cherry	Hunter	Switalski
Basham	Clark-Coleman	Jacobs	Thomas

Brater  
Cassis

Clarke  
Gleason

Olshove  
Prusi

Whitmer

**Nays—18**

Allen  
Birkholz  
Bishop  
Brown  
Cropsey

George  
Gilbert  
Hardiman  
Jansen  
Jelinek

Kahn  
Kuipers  
Pappageorge  
Patterson

Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—4**

Barcia

Garcia

McManus

Scott

**Not Voting—0**

In The Chair: Richardville

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. 570**

**Yeas—28**

Allen  
Anderson  
Basham  
Birkholz  
Bishop  
Brown  
Cassis

Clarke  
Cropsey  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
Olshove  
Pappageorge

Patterson  
Richardville  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—5**

Brater  
Cherry

Clark-Coleman

Prusi

Sanborn

**Excused—4**

Barcia

Garcia

McManus

Scott

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators 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 Switalski's first statement is as follows:

The effect of my substitute is to add Macomb County to the bill. The Macomb County Board of Commissioners, by resolution, which I have passed out on members' desks today, and the circuit court majority both have asked to be included in the bill that gives Oakland County the option of delaying the filling of nonincumbent judicial positions.

Macomb County, by way of information, has a \$15 million deficit after raising taxes. So they raise taxes, but they still have a \$15 million deficit that they need to deal with. So the Board of Commissioners, which is chaired by former State Representative Paul Gielegem, asked the circuit court to come up with \$1 million in savings as part of their contribution to eliminating the county's \$15 million debt. The majority responded by asking to delay filling judgeships of jurists who are constitutionally barred from running for re-election—we have two of those.

One of the members of the bench of the circuit court in Macomb County said and I quote from a *Macomb Daily* editorial that I also provided on members' desks: "So my caseload goes up. Big deal," said Judge Mary Chrzanowski. "We'll continue to get the job done. Cuts are coming. We believe they should start at the top." Well, isn't that refreshing? It is refreshing that the court wants to start at the top, make their contribution to cutting, and make Macomb balance its books and erase its \$15 million deficit.

So if this substitute is allowed on, it makes just as much sense for Macomb to be able to do what Oakland wants to do, and I support Oakland being able to do this. In fact, I support any court and county being able to do this. As the law will read, it will be that the county or district will have to vote by resolution to say they want to delay filling these judgeships that will allow them to save significant dollars. It will also save some dollars for the state. So I hope all members will support my amendment.

Senator Sanborn's first statement is as follows:

You know, Senator Pappageorge has actually put up a good bill here, but Oakland County is very different from Macomb County. We listened to testimony from the administrator in Oakland County who had indicated that they don't even have a backlog of cases in Oakland County. They didn't expect long bail hearings. They said the jobs are nonunion jobs, so the tax savings are not illusory. They are a real savings of \$1.8 million.

However, in Macomb County, it is a very different situation. We have the worst backlog of cases in the entire state of Michigan in Macomb County. These jobs that the county Board of Commissioners is talking about—you'll eliminate five jobs from each judge—that's just not true. You see, in Macomb County, these jobs are union jobs. These workers who are displaced from the circuit court will simply be reassigned. You are not eliminating their jobs. You are eliminating one judge from an already backlog with one secretary; then a second judge with a second secretary. Those are the only nonunion jobs. The ten other jobs they are talking about are simply going to be reassigned. So what we are hearing are funny numbers. These savings are illusory.

The diminished savings will completely disappear with prolonged bail hearings. Haven't thought this through, Macomb County Board of Commissioners. You see, what will happen is since you already have a backlog of cases, you are now going to have inmates sit in jail longer. They can't make bail. They are sitting in jail—at whose dime? According to the Oakland County administrator, he said, "Senator Sanborn, it is the taxpayer who is going to foot the bill." This is a poorly thought-out plan. It is irresponsible, and it is going to go on the backs of the Macomb County taxpayers. There will not be a cost savings. It will cost the taxpayers more. The savings are illusory. This plan is not well thought-out.

The chief judge of the Macomb County circuit court strongly opposes this. The State Court Administrative Office says that Macomb County is short five judges. You see, in Oakland County they have nineteen judges. We only have thirteen in Macomb, already the most backlogged caseload there is. Senator Basham said in committee just the other day the he had a matter appear before the circuit court and it took him four years to get his case heard. Now you want to eliminate more judges? This is outrageous, this miscarriage of justice to eliminate more judges.

Other areas of the state were talking about cutting salaries by ten percent. We have cut our own salaries ten percent, we have downsized our own budgets, and we are cutting everybody else. But, no, we don't want to talk about cutting salaries for these judges who are already making twice as much and even more than most state employees.

No, this is a wrong-minded approach. The Board of Commissioners has not thought this through, and furthermore, only the chief justice of the court can lobby the Legislature on this issue. So any other judges who have done so have betrayed the Canon of Ethics on top—I would call to their attention. No, I would ask that you vote "no" on this wrong-minded approach that will cost taxpayers more.

Senator Switalski's second statement is as follows:

I just want to respond to a couple of points. I know that it is very hard to cut government. I know that when we have less revenue—12 percent less revenue—coming in to the state; when we have to cut revenue sharing to the counties; and when the property tax values go down, they have less money coming in, and they have to address a \$15 million deficit in Macomb County. I know how hard it is to cut government. I appreciate the people who do the hard work of doing that.

Sometimes people even know better that they've got to cut, but they take an easy vote and vote not to cut because they know others will carry the bill. I have been at fault at that myself on occasion.

I also appreciate my colleague from Macomb County trying to protect union jobs. That is something that I try to do too, but in many cases, you have to make cuts and the union in Macomb County supports this approach. The central question is: Who gets to say what the savings is? Are the savings illusory? Does Lansing know better than Macomb County, the Board of Commissioners, the finance director who is in charge of paying the bills, and the judges themselves? Do we want to substitute our judgment for whether savings are there over the guy who actually does the budget for Macomb County? He says that it is a savings of \$1.8 million for the county and helps them to get to the \$15 million that they've got to get. I've got to believe him.

To substitute our judgment and take away their ability to deal with their deficit—at a time when we are cutting their revenue sharing and they are losing property taxes—really doesn't help them solve their problems. I hope members will give Macomb the same opportunity that we are rightfully giving to Oakland and we should give to any other county and court that wants to do this.

Senator Sanborn's second statement is as follows:

I would like to respond to the comments of the good Senator from the 10th District who has pointed out that the unions support this effort. Well, of course, they support this effort. It verifies my point. They are getting rid of nonunion jobs. The union jobs are going to be saved. They support it because they are not going to be losing any union jobs. You just proved my point.

Again I will reiterate about the savings being illusory. I am amazed that you would want people who can't pay bail to be incarcerated even longer. I will remind you that it is going to fall on the wallet of the taxpayer. You will be paying for their extended stays.

He also points out who knows better, the budget director or the Board of Commissioners? I say the chief judge knows better. You see, the chief judge in Oakland County supports these cuts. The chief judge in Macomb County points out that these will be devastating. Judge Rick Carretti strongly opposes these cuts.

I have a little bit of experience in the judiciary as well—having worked for the court system for 20 years and having served on the Judiciary Committee for 12 years. So I put my 32 years' experience of knowing how the court system works weighing on my decision to strongly oppose the Switalski substitute.

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 pro tempore, Senator Richardville, designated Senator Richardville 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:

#### **Senate Bill No. 501, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 11, 14, 15, 16, and 16a (MCL 207.561, 207.564, 207.565, 207.566, and 207.566a), section 11 as amended by 2007 PA 195, section 14 as amended by 2008 PA 457, section 15 as amended by 2008 PA 170, section 16 as amended by 1982 PA 417, and section 16a as amended by 2008 PA 306.

#### **Senate Bill No. 563, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 269 (MCL 206.269), as added by 2004 PA 313.

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. 500, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and

collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2, 4, 7, 9, and 10 (MCL 207.552, 207.554, 207.557, 207.559, and 207.560), section 2 as amended by 2008 PA 581, section 4 as amended by 2004 PA 437, section 7 as amended by 2008 PA 457, section 9 as amended by 2008 PA 516, and section 10 as amended by 1996 PA 1.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 8, following line 2, by inserting:

**“(C) HAS BECOME VACANT BECAUSE THE MOST RECENT OCCUPANT IS SUBJECT TO A BANKRUPTCY PROCEEDING.”.**

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.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

**Senate Bill No. 283, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27 (MCL 211.27), as amended by 2003 PA 274.

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

1. Amend page 6, line 7, after “(6)” by striking out “THE” and inserting “FOR TAXES LEVIED AFTER DECEMBER 31, 2008, THE”.

2. Amend page 6, line 10, after “TRANSFERRED.” by inserting “IN THE YEAR IMMEDIATELY SUCCEEDING THE YEAR IN WHICH THE TRANSFER OF ELIGIBLE NONPROFIT HOUSING PROPERTY OCCURS AND EACH YEAR THEREAFTER, THE TAXABLE VALUE OF THE ELIGIBLE NONPROFIT HOUSING PROPERTY SHALL BE ADJUSTED AS PROVIDED UNDER SECTION 27A.”.

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Jelinek introduced

**Senate Bill No. 963, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 11 (MCL 388.1611), as amended by 2009 PA 121.

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

Senator Jelinek introduced

**Senate Bill No. 964, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2009 PA 121 and section 17b as amended by 2007 PA 137.

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

Senators Kuipers, Pappageorge and Van Woerkom introduced

**Senate Bill No. 965, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1531i.

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

**House Bill No. 5514, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 2007 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 Families and Human Services.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Cropsey moved that the Call of the Senate be lifted.  
 The motion prevailed.

### Committee Reports

The Committee on Local, Urban and State Affairs reported  
**Senate Concurrent Resolution No. 26.**

A concurrent resolution relative to secondary road patrol funds for counties, cities, and villages.  
 (For text of resolution, see Senate Journal No. 87, p. 2033.)  
 With the recommendation that the concurrent resolution be adopted.

Gerald Van Woerkom  
 Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham  
 Nays: None  
 The concurrent resolution was placed on the order of Resolutions.

The Committee on Local, Urban and State Affairs reported  
**Senate Bill No. 791, entitled**

A bill to create the uniform real property electronic recording act; and to create an electronic recording commission and provide for its powers and duties.

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.

Gerald Van Woerkom  
 Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham  
 Nays: None  
 The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported  
**House Bill No. 5052, entitled**

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," (MCL 141.1201 to 141.1291) by adding sections 21a and 41a.

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

Gerald Van Woerkom  
 Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham  
 Nays: None  
 The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:  
 Meeting held on Tuesday, October 27, 2009, at 3:00 p.m., Room 110, Farnum Building  
 Present: Senators Van Woerkom (C), Birkholz, Allen, Gleason and Basham

**COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, October 28, 2009, at 3:12 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators George (C), Sanborn, Patterson, Allen, Clarke, Gleason and Jacobs

**Scheduled Meetings**

**Health Policy** - Wednesday, November 4, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Legislative Commission on Statutory Mandates** - Monday, November 16, 9:00 a.m., Waterford Room, 1st Floor, Oakland County Executive Office Building, 2100 North Pontiac Lake Road, Waterford (373-0212)

**Legislative Retirement Board of Trustees** - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 12:30 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, November 4, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate