

No. 93
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, November 30, 2011.

10:00 a.m.

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

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

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Reverend Chad McCallum of Compass Church of Byron Center offered the following invocation:

Our Heavenly Father, we pause to ask You for help for the legislators and government officials of this great state. We recognize that every blessing we have experienced is because of Your unfailing love and deep kindness toward us.

I ask that You might give each legislator in this room a deep spirit of optimism that You can do exceedingly more than we could ever ask or think. I ask that You might give each one a bold courage to stand for issues even when it is not popular. I ask that You might give each one a deep decisiveness and discernment to sift through all the details and find the true facts. I ask that You would give each one in this room the wisdom of Solomon to know what to do and when to do it. Give them eyes to see what is right and the courage to correct their ways.

May each legislator embrace the opportunity to use the gifts and talents that You have entrusted to them. Give them insight to work with excellence for Your glory. Give them the favor of success so they may invest it for Your kingdom purposes. Give them the grit to press through difficult days when they see little light.

God, I ask that You would disturb us all when we are too well-pleased with ourselves; when our dreams have come true because we have dreamed too little; and when we have arrived safely because we sailed too close to the shore. Push back the horizons of our hopes, and push us into the future in strength, courage, hope, and love.

Father, we pray today that the words of our mouths and the meditation of our hearts might be pleasing in Your sight, our Rock and our Redeemer. These things we ask in Your name. Amen.

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

Motions and Communications

Senators Kahn, Marleau and Smith entered the Senate Chamber.

Senator Gregory moved that Senators Hopgood, Hood, Johnson, Warren and Young be temporarily excused from today's session.

The motion prevailed.

Senator Warren entered the Senate Chamber.

Senator Meekhof moved that Senators Emmons and Jansen be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that consideration of the motion to discharge the Committee on Judiciary from further consideration of the following bill be postponed until Saturday, December 31:

Senate Bill No. 45

The motion prevailed.

Senators Jansen, Young and Emmons entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 29:

House Bill Nos. 4845 4846 4847 4848 5109 5110

Messages from the Governor

The following message from the Governor was received:

Date: November 28, 2011

Time: 12:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 427 (Public Act No. 232), being

An act to amend 1976 PA 451, entitled "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," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

(Filed with the Secretary of State on November 29, 2011, at 9:06 a.m.)

Respectfully,
Rick Snyder
Governor

The following message from the Governor was received and read:

November 29, 2011

I respectfully submit to the Senate the following appointment to office:

Acting State Fire Marshal

Karen E. Towne of 5640 Babbitt Street, Haslett, Michigan 48840, county of Ingham, for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 291

House Bill No. 4369

Senate Bill No. 166

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute to the Senate substitute as amended was concurred in.

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

Senator Meekhof moved to reconsider the vote by which the House substitute to the Senate substitute as amended was concurred in.

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

The question being on concurring in the House substitute to the Senate substitute as amended,

Senator Jansen offered the following amendment to the House substitute:

1. Amend page 3, line 1, after "**EXERCISED**" by striking out "**IN CONNECTION WITH**" and inserting "**TO THE EXTENT PROVIDED IN THE ARTICLES OF INCORPORATION CREATING**".

The amendment to the substitute was adopted.

The question being on concurring in the House substitute to the Senate substitute as amended,

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

Roll Call No. 705**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—11

Anderson	Gregory	Johnson	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hunter	Warren	

Excused—1

Hopgood

Not Voting—0

In The Chair: Schuitmaker

Senators Hopgood, Hood and Johnson entered the Senate Chamber.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled “An act to provide for intergovernmental transfers of functions and responsibilities,” by amending section 4 (MCL 124.534).

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute to the Senate substitute as amended was concurred in.

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

Senator Meekhof moved to reconsider the vote by which the House substitute to the Senate substitute as amended was concurred in.

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

The question being on concurring in the House substitute to the Senate substitute as amended,

Senator Jansen offered the following amendment to the House substitute:

1. Amend page 3, line 10, after “**EXERCISED**” by striking out “**IN CONNECTION WITH**” and inserting “**TO THE EXTENT PROVIDED IN**”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute to the Senate substitute as amended,

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

Roll Call No. 706**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson

Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled “Urban cooperation act of 1967,” by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute to the Senate substitute as amended was concurred in.

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

Senator Meekhof moved to reconsider the vote by which the House substitute to the Senate substitute as amended was concurred in.

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

The question being on concurring in the House substitute to the Senate substitute as amended,

Senator Jansen offered the following amendment to the House substitute:

1. Amend page 6, line 8, after “**EXERCISED**” by striking out “**IN CONNECTION WITH**” and inserting “**TO THE EXTENT PROVIDED IN**”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute to the Senate substitute as amended,

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

Roll Call No. 707**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senate Bill No. 271, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 45 (MCL 24.245), as amended by 2004 PA 491.

Substitute (H-1).

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

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

Roll Call No. 708

Yeas—34

Anderson	Green	Kahn	Proos
Bieda	Gregory	Kowall	Richardville
Booher	Hansen	Marleau	Robertson
Brandenburg	Hildenbrand	Meekhof	Rocca
Casperson	Hopgood	Moolenaar	Schuitmaker
Caswell	Hune	Nofs	Smith
Colbeck	Hunter	Pappageorge	Walker
Emmons	Jansen	Pavlov	Whitmer
Gleason	Jones		

Nays—4

Hood	Johnson	Warren	Young
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Excused—0

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 272, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending sections 32, 40, 43, 61, and 64 (MCL 24.232, 24.240, 24.243, 24.261, and 24.264), section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, and section 61 as amended by 1982 PA 413.

Substitute (H-3).

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

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

Roll Call No. 709**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—11

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Young
Gleason	Hopgood	Smith	

Excused—0**Not Voting—1**

Whitmer

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The President, Lieutenant Governor Calley, assumed the Chair.

Senate Bill No. 275, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1303, 1305, 1307, and 1311 (MCL 324.1303, 324.1305, 324.1307, and 324.1311), as added by 2004 PA 325.

Substitute (H-2).

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

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

Roll Call No. 710**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—12

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young

Excused—0**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.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 276, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 39, and 122 (MCL 24.203, 24.239, and 24.322), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, and section 122 as added by 1984 PA 196, and by adding section 45b.

Substitute (H-1).

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

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

Roll Call No. 711**Yeas—27**

Bieda	Green	Kowall	Proos
Booher	Hansen	Marleau	Richardville
Brandenburg	Hildenbrand	Meekhof	Robertson
Casperson	Hune	Moolenaar	Rocca
Caswell	Jansen	Nofs	Schuitmaker
Colbeck	Jones	Pappageorge	Walker
Emmons	Kahn	Pavlov	

Nays—11

Anderson	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—0**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.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

Senate Bill No. 453

Senate Bill No. 298

Senate Bill No. 653

Senate Bill No. 666

Senate Bill No. 673

Senate Bill No. 678

Senate Bill No. 807

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 453, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 57b.

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. 712

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

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. 298, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2930a, 4501, and 4503 (MCL 500.2930a, 500.4501, and 500.4503), section 2930a as amended by 2002 PA 492 and sections 4501 and 4503 as added by 1995 PA 276.

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. 713**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0**Excused—0****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. 653, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 607 (MCL 206.607), as amended by 2011 PA 182.

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. 714**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0**Excused—0**

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. 666, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as amended by 2011 PA 179.

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. 715**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0**Excused—0****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. 673, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 663 (MCL 206.663), as added by 2011 PA 38.

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. 716**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

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. 678, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 699.

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. 717

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

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. 807, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

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. 718

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Meekhof 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 Calley, designated Senator Gleason as Chairperson.

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

Senate Bill No. 789, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2251, 7201, 7202, 7203, and 7204 (MCL 333.2251, 333.7201, 333.7202, 333.7203, and 333.7204), section 7204 as amended by 1994 PA 38.

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 amendment, the following bill:

Senate Bill No. 725, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd and 34c (MCL 211.7dd and 211.34c), section 7dd as amended by 2010 PA 17 and section 34c as amended by 2006 PA 646.

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

1. Amend page 5, line 2, after "PLAN." by inserting "WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THE IMMEDIATELY PRECEDING SENTENCE, THE DEPARTMENT OF TREASURY SHALL UPDATE ITS PUBLICATION ENTITLED "QUALIFIED AGRICULTURAL PROPERTY EXEMPTION GUIDELINES" AND SHALL POST THAT UPDATED PUBLICATION ON THE DEPARTMENT OF TREASURY WEBSITE."

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

Resolutions

Senator Meekhof moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 34

Senate Resolution No. 67

The motion prevailed.

Senators Kahn, Schuitmaker, Caswell, Marleau, Booher, Anderson, Emmons, Jones, Pappageorge and Colbeck offered the following resolution:

Senate Resolution No. 102.

A resolution to memorialize Congress to enact legislation to ensure that members of Congress and their staffs are subject to the same laws and rules prohibiting insider trading that apply to corporate executives and others.

Whereas, Recent reports of financial transactions engaged in by members of Congress have focused public attention to the fact that members of Congress are largely exempt from provisions prohibiting insider trading that apply to corporate executives and others. While some of the transactions that have been the subject of reports may be legal, the American people find it most disturbing and wrong for any elected or appointed official to take advantage—for personal gain—of knowledge not readily available to the public at large; and

Whereas, There have been numerous reports of financial transactions by members of Congress that clearly run counter to the ideal that voters choose officials to represent the country's best interests and not their own. There have been reports of some members involved in high-level meetings at the peak of the financial crisis in 2008 getting out of the stock market or, even worse, buying options to take advantage of the impending stock market crash. Other reports have cited members buying and selling stocks of health industry and insurance, banking, credit card, or defense-related corporations while major legislation was being considered. Access to initial public offerings of stock has also drawn attention; and

Whereas, There are provisions of federal statute and regulation, amplified by considerable case law, that specify what constitutes illegal insider trading. Congress and its staff must not be exempt from these restrictions. In addition, standards of morality, if not specific statutes, are violated any time a legislator engages in the buying and selling of stock or real estate while in a position to influence legislation that could impact markets; and

Whereas, There is legislation pending in Congress that seeks to rein in actions that are either clearly insider trading or that reflect knowledge gained from pending legislation. The Stop Trading on Congressional Knowledge Act would prohibit commodities and securities trading based on nonpublic information available to Congress and would require additional reporting by members and employees of Congress of securities transactions; and

Whereas, Central to our system of self-government is the trust the people have in the institutions and individuals who represent them. Clearly, insider trading activities outlawed for others and the unscrupulous actions of anyone using their elective position and knowledge to personal advantage destroy this trust. This must be rectified; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to enact legislation to ensure that members of Congress and their staffs are subject to the same laws and rules prohibiting insider trading that apply to corporate executives and others; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Bieda, Kowall, Meekhof, Proos and Walker were named co-sponsors of the resolution.

Senator Gleason offered the following concurrent resolution:

Senate Concurrent Resolution No. 23.

A concurrent resolution to urge the Federal Surface Transportation Board to require trains to permit the accommodation of bicycles, especially through roll-on services.

Whereas, A healthy and vital economic climate requires an efficient transportation system capable of meeting the needs of all users. Today's travelers, whether they are commuters or tourists, deserve access to all modes of transportation infrastructure. Connections between transportation modes should be seamless for all users. Commuting and tourism by bicycle would be facilitated by the accommodation of bicycles in the transfer to rail transportation. Bike-friendly policies such as short- and long-term bike parking at train stations and allowing bikes to be brought on trains would encourage bicyclists to link their trips to areas served by rail; and

Whereas, The bicycle tourism industry is booming with bike tours and events happening in or near Michigan cities accessible by rail service. Michigan tourism would benefit if bike parking was more available at train stations, and bicyclists could bring their bikes on board with roll-on service, instead of as boxed luggage; and

Whereas, Many passenger rail routes outside of Michigan currently offer roll-on bike service. They offer the option to store bikes on board in bike racks, secure bikes as checked baggage with tie-down equipment (without breaking down the bike into a box), and allow folding bicycles on board as carry-on baggage. Passenger trains in Michigan utilize the same type of equipment as more bike-friendly systems. A simple reservations system update to allow bikes on board would greatly improve the bike-to-rail trip link for commuters and tourists in Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Federal Surface Transportation Board to require trains to permit the accommodation of bicycles, especially through roll-on services; and be it further

Resolved, That copies of this resolution be transmitted to the Federal Surface Transportation Board.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Transportation.

The motion prevailed.

Senator Bieda was named co-sponsor of the concurrent resolution.

Introduction and Referral of Bills

Senators Warren, Hopgood, Anderson, Hood, Whitmer, Smith, Gleason, Bieda and Young introduced

Senate Joint Resolution R, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article VIII, to prohibit public schools from being operated on a for-profit basis or by a for-profit entity.

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

Senator Young introduced

Senate Bill No. 856, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1114 (MCL 436.2114), as amended by 2011 PA 27, and by adding section 1116.

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

Senator Gleason introduced

Senate Bill No. 857, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1101 and 1104 (MCL 339.1101 and 339.1104), as amended by 1984 PA 25.

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

Senator Hune introduced

Senate Bill No. 858, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending the title and sections 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 13a, 13b, 14, 16, and 19 (MCL 207.3, 207.4, 207.5, 207.6, 207.7, 207.9, 207.10, 207.11, 207.12, 207.13, 207.13a, 207.13b, 207.14, 207.16, and 207.19), sections 4, 5, and 9 as amended by 2002 PA 610, sections 10, 11, 14, and 19 as amended by 1995 PA 257, sections 12 and 13 as amended by 2001 PA 35, section 13a as added by 2000 PA 341, and section 13b as added by 2002 PA 50; 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 Finance.

House Bill No. 4845, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80141, and 80212 (MCL 324.80101, 324.80141, and 324.80212), section 80101 as amended by 2004 PA 547, section 80141 as added by 1995 PA 58, and section 80212 as added by 2000 PA 229; and to repeal acts and parts of acts.

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 Outdoor Recreation and Tourism.

House Bill No. 4846, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104 and 80152 (MCL 324.80104 and 324.80152), section 80104 as amended by 2004 PA 587 and section 80152 as amended by 1999 PA 19, and by adding section 80143.

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 Outdoor Recreation and Tourism.

House Bill No. 4847, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80143.

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 Outdoor Recreation and Tourism.

House Bill No. 4848, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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 Outdoor Recreation and Tourism.

House Bill No. 5109, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as amended by 2008 PA 178.

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 Outdoor Recreation and Tourism.

House Bill No. 5110, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80166 (MCL 324.80166), as amended by 2002 PA 636.

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 Outdoor Recreation and Tourism.

Statements

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

The motion prevailed.

Senator Bieda's statement is as follows:

I wanted to take the opportunity to acknowledge a longtime public servant who served in Macomb County for 27 years with the city of St. Clair Shores as city councilman and mayor. Mayor Hison recently decided not to run for re-election, and I just wanted to note for the record my deep appreciation for all the hard work and commitment that was displayed in Robert Hison's 27 years of service.

I want to commend him for both his civic leadership where he displayed the highest form of citizenship as someone willing and able to take on a great deal of responsibility and handle it with grace and style. His ability, commitment, and integrity have been reflected in all of his activities throughout his years of service to the city of St. Clair Shores. He has served on the City Council since 1984 and was appointed mayor in 2004. The next year he was elected as mayor, a title he held until this last election when he opted not to run for re-election.

In addition to his longstanding service to the city of St. Clair Shores, Robert Hison serves the region of southeast Michigan through his membership in SEMCOG and is the immediate past chair and member of the executive committee. He also received their highest honor, the Regional Ambassador Award, in 2005, reflecting the excellence of his service to that organization.

I wanted again, with my sincere gratitude and that of the community that I represent, to acknowledge the great career of Robert Hison as he steps down as mayor of St. Clair Shores.

Committee Reports

The Committee on Energy and Technology reported

House Bill No. 4683, entitled

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending section 405 (MCL 484.1405), as amended by 2007 PA 165.

With the recommendation that the bill pass.

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

Mike Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, November 29, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

The Committee on Judiciary reported

House Bill No. 4920, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3 and 4i (MCL 117.3 and 117.4i), section 3 as amended by 2004 PA 541 and section 4i as amended by 1999 PA 55.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4921, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1999 PA 58.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4922, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1 and 4 (MCL 41.181 and 41.184), as amended by 1999 PA 257.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4923, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 2 and 4 of chapter VI (MCL 66.2 and 66.4), section 2 as amended by 1999 PA 57 and section 4 as amended by 1999 PA 259.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4924, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 23 and 24 (MCL 78.23 and 78.24), section 23 as amended by 2003 PA 304 and section 24 as amended by 1999 PA 56.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, November 29, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 29, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Pavlov, Hansen, Gleason and Hood

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Tuesday, November 29, 2011, at 2:00 p.m., Room 405, Capitol Building
Present: Senators Caswell (C), Jansen, Proos and Gregory

Scheduled Meetings**Appropriations -****Subcommittees -**

Community Health Department - Thursday, December 8, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

General Government; K-12, School Aid, Education; and Education - Tuesday, December 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Education; General Government and K-12, School Aid, Education Appropriations Subcommittees - Tuesday, December 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5314)

Health Policy - Thursday, December 1, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Michigan Law Revision Commission - Wednesday, December 7, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources, Environment and Great Lakes - Thursday, December 1, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:03 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, December 1, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate