

No. 84
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, October 26, 2011.

10:00 a.m.

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

Senator John J. Gleason of the 27th District offered following invocation:

Dear Father, we rise again this morning, and ask for You to once again give us the ability that man should not hurt man; that we understand psychological and other means of difference as Your people.

Through Your handiwork, we represent two peninsulas, yet we are representing one state. We come from distances as far away as the western point of the Upper Peninsula to the southeast corner of the Lower Peninsula. Though we have many differences and philosophies, and though we have been raised in different homes and come from different communities, may we always understand that our efforts should be to benefit our citizens as a whole. You have told us that if we need something to ask You. You have reminded us that we should believe even though we cannot see.

This morning, I would like to share what I believe are the most profound words written in what I consider the Holy Book, the Bible. This is from Ecclesiastes:

“For to the person who pleases him, God gives wisdom, knowledge and joy; but to the sinner he gives the task of gathering and storing up wealth to hand it over to the one who pleases God. This too is meaningless, a chasing after the wind.

To everything there is a season, a time for every purpose under heaven: a time to be born, a time to die; a time to plant, and a time to pluck what is planted; a time to kill, and a time to heal; a time to break down, and a time to build up; a time to weep, and a time to laugh; a time to mourn, and a time to dance; a time to cast away stones, and a time to gather stones; a time to embrace, and a time to refrain from embracing; a time to seek, and a time to lose; a time to keep, and a time to cast away; a time to rend, and a time to sew; a time to keep silent, and a time to speak up; a time to love, and a time to hate; a time of war, and a time of peace. What profit has the worker from his toil?”

Father, we are gathered here today and again we ask for the justice You have given us that we would once again forsake our individual desires and that we would reach out and help the disabled; that we would not forget those who cannot see or hear; that we would stand up for those who can't walk; and reach out for those who can't reach.

We ask all of this from all points and from every district in Your holy 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 Green, Johnson and Kahn entered the Senate Chamber.

The following communication was received:

Department of Licensing and Regulatory Affairs

September 29, 2011

As Director of the Department of Licensing And Regulatory Affairs, I take great pleasure in forwarding to you the tenth legislative report as required by statute on the activities and the progress of survey and remonumentation in the State of Michigan.

Public Act 345 of 1990, as amended, created the Survey and Remonumentation Commission and Public Act 346 of 1990 provided the funding for survey and remonumentation. Since the original Commission was appointed in June, 1991, a statewide Model County Plan for county remonumentation has been developed, and Administrative Rules for Act 345 have been promulgated by the Department and adopted by the Legislature. Including grants offered in 2010, \$106 million in grants has been made available to all 83 counties in the State of Michigan.

Details of these activities are included in the enclosed report. If you have any questions regarding the survey and remonumentation program, please feel free to contact me.

Sincerely,
Steven H. Hilfinger
Director

The communication was referred to the Secretary for record.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

October 18, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2010-048-ED (Secretary of State Filing #11-10-02) on this date at 4:40 p.m. for the Department of Education, entitled “School Social Worker.”

This rule takes effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 18, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2010-049-ED (Secretary of State Filing #11-10-03) on this date at 4:42 p.m. for the Department of Education, entitled "Special Education Programs and Services."

This rule takes effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 19, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-021-LR (Secretary of State Filing #11-10-04) on this date at 4:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Beer."

This rule takes effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 19, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-022-LR (Secretary of State Filing #11-10-05) on this date at 4:44 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Wine."

This rule takes effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 19, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-023-LR (Secretary of State Filing #11-10-06) on this date at 4:46 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Spirits."

This rule takes effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 25:
House Bill Nos. 5044 5045

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

Senate Bill Nos. 774 775 776 777

Messages from the Governor

The following message from the Governor was received and read:

October 24, 2011

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

Michigan Community Service Commission

Larry A. Williamson of 2000 Talamore Court, S.E., Grand Rapids, Michigan 49546, county of Kent, representing business, succeeding himself, is reappointed for a term expiring October 1, 2014.

Donna M. Niester of 2849 Shorewood Boulevard, Fort Gratiot, Michigan 48059, county of St. Clair, representing business, succeeding herself, is reappointed for a term expiring October 1, 2014.

Marsha J. Smith of 529 Washington Street, Traverse City, Michigan 48686, county of Grand Traverse, representing the National Service Program, succeeding herself, is reappointed for a term expiring October 1, 2014.

Michael J. Lavoie of 1164 E. Wickford Street, Bloomfield, Michigan 48302, county of Oakland, representing business, succeeding Russell G. Mawby, is appointed for a term expiring October 1, 2014.

Larry B. Romanelli of 2319 Vincent Drive, Muskegon, Michigan 49441, county of Muskegon, representing Native American tribes, succeeding Joseph V. Sowmick, is appointed for a term expiring October 1, 2014.

Judith Watson Olson of 437 N. River Drive, Gwinn, Michigan 49841, county of Marquette, representing local educators, succeeding Joseph M. Lubig, is appointed for a term expiring October 1, 2014.

Fred M. Mester of 210 South Berkshire, Bloomfield Hills, Michigan 48302, county of Oakland, representing individuals with experience in promoting service and volunteerism among older adults, succeeding Karen E. Betley, is appointed for a term expiring October 1, 2014.

Julie A. Calley of 10198 Butler Road, Portland, Michigan 48875, county of Ionia, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding Daniel G. Mulhern, is appointed for a term expiring October 1, 2012.

John T. Truscott of 920 Nicole Circle, Okemos, Michigan 48864, county of Ingham, representing experts in the delivery of human, educational, environmental, or public safety services to communities and persons, succeeding James G. Vella, is appointed for a term expiring October 1, 2012.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

11:31 a.m.

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 4452

House Bill No. 4061

House Bill No. 4071

Senate Bill No. 412

The motion prevailed.

The following bill was read a third time:

House Bill No. 4452, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2011 PA 14.

The question being on the passage of the bill,

Senator Hunter offered the following amendment:

1. Amend page 9, line 8, after "However," by striking out the balance of the line through "20" on line 12 and inserting "**NOT MORE THAN 26**".

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 591**Yeas—13**Anderson
Bieda
Gleason
GregoryHood
Hopgood
HunterJohnson
Rocca
SmithWarren
Whitmer
Young**Nays—25**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Jansen
Jones
KahnKowall
Marleau
Meekhof
Moolenaar
Nofs
PappageorgePavlov
Proos
Richardville
Robertson
Schuitmaker
Walker**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

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. 592**Yeas—38**Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason
GreenGregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson
JonesKahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
ProosRichardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young**Nays—0****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.

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

“An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

Senator Young asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young’s first statement is as follows:

I would like to begin with a quote: “The best index to a person’s character is (a) how he treats people who can’t do him any good, and (b) how he treats people who can’t fight back.” Abigail Van Buren. Madam President and fellow colleagues, this amendment would fix an injustice that occurred in this body back in March. House Bill No. 4408 helped Michigan qualify for a one-time federal unemployment insurance extension. But it also permanently decreased the number of Michigan-paid unemployment benefits from 26 weeks to 20 weeks. For that reason, members on my side of the aisle did not support it. We believed it was a grave and grotesque injustice.

Senator Hunter introduced a bill, Senate Bill No. 370, back in May to correct the problem. I ask, why has this bill not been moved? The business community cheered with the elimination of six weeks of state-funded unemployment, but the constituents calling your offices next year when this change goes into effect will not be cheering. They will be asking you why you voted to make Michigan the worst state in the nation for the unemployed, having the lowest number of state-sponsored weeks in the country despite having one of the highest unemployment rates. They will ask you if you knew that this permanent change would cripple Michigan’s unemployed citizens during future federal extensions.

Michigan has arguably been hit the hardest of any state by the worst economic recession since the Great Depression. Our unemployment rate continues to be in double digits. There are people struggling out there without jobs, and the Legislature has told them tough luck and pick yourself up by your bootstraps. Well, Madam President, how are you going to pick yourself up by your bootstraps when you don’t have any boots?

The agenda put forward by Governor Snyder and the Republican-led Legislature has done nothing to help Michigan workers. It has not created any jobs, and adding insult to injury, Republicans are cutting unemployment benefits and reducing state assistance. That is just wrong and the exact opposite of what we need to get Michigan’s economy back on track.

Let’s just admit that we went too far on House Bill No. 4408 and that our constituents deserve better from us. This amendment will go a long way to help those we have sworn to defend by restoring the six weeks of unemployment benefits that were so callously eliminated.

Senator Young’s second statement is as follows:

I find this line of argument confounding. House Bill No. 4408, as it originally passed the House, was a bill that dealt with the detection of unemployment fraud. It had nothing to do with lowering Michigan-sponsored unemployment weeks. That was all added in a substitute sponsored by the Majority Leader. I find it disingenuous that it is perfectly fine to use a bill for unintended purposes when it fits your policy goals but not when it goes against them. I think that is the hypocrisy of this democracy, and it must stop.

The following bill was read a third time:

House Bill No. 4061, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 1027 (MCL 436.2027), as amended by 2010 PA 213.

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. 593**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: 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.

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; 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. 4071, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 62b and 62c (MCL 791.262b and 791.262c), section 62b as amended by 2000 PA 211 and section 62c as amended by 1988 PA 293.

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. 594**Yeas—33**

| | | | |
|-------------|-------------|---------|--------------|
| Anderson | Gregory | Kahn | Proos |
| Bieda | Hansen | Kowall | Richardville |
| Booher | Hildenbrand | Marleau | Robertson |
| Brandenburg | Hopgood | Meekhof | Rocca |

| | | | |
|---------|--------|-------------|-------------|
| Caswell | Hune | Moolenaar | Schuitmaker |
| Colbeck | Hunter | Nofs | Walker |
| Emmons | Jansen | Pappageorge | Warren |
| Gleason | Jones | Pavlov | Whitmer |
| Green | | | |

Nays—5

| | | | |
|-----------|---------|-------|-------|
| Casperson | Johnson | Smith | Young |
| Hood | | | |

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.

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 412, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43524 (MCL 324.43524), as amended by 2002 PA 81.

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. 595**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
GreenJohnson
Jones

Proos

Young

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

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 pro tempore, Senator Schuitmaker, designated Senator Young as Chairperson.

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

Senate Bill No. 688, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 423 (MCL 750.423).

Senate Bill No. 707, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1852 (MCL 600.1852) and by adding chapter 22.

House Bill No. 4881, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 819 and 824 (MCL 600.819 and 600.824).

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. 621, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166b (MCL 388.1766b), as amended by 2010 PA 204.

Substitute (S-2).

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. 689, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2102 (MCL 600.2102) and by adding chapter 21A.

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.

Resolutions

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

Senate Resolution No. 34

Senate Resolution No. 67

Senate Concurrent Resolution No. 20

Senate Concurrent Resolution No. 21

The motion prevailed

House Concurrent Resolution No. 29.

A concurrent resolution to urge the Department of Defense to continue to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries.

Whereas, With origins that date back to George Washington, the Purple Heart medal is a highly respected expression of our nation's gratitude for the members of our military who are wounded in battle. Its recipients reflect the intimate and lasting sacrifices that so many brave men and women make to preserve the freedoms and way of life Americans cherish; and

Whereas, For many years, the eligibility criteria for the Purple Heart have been interpreted to be injuries that are visible and tangible in nature. As a result, a stigma seems to have developed about traumatic brain injuries, which at times have been called "invisible wounds." In recent years, as we have come to understand more fully the true impact of such injuries, concussions and all degrees of traumatic brain injuries are finally being acknowledged as serious threats to health. In addition, the widespread use of improvised explosive devices in Iraq and Afghanistan and the quality of equipment used and emergency care offered have contributed to a significant number of personnel surviving traumatic brain injuries; and

Whereas, The branches of our military have taken steps to recognize the seriousness of traumatic brain injuries by revamping approaches to awarding the Purple Heart. The Army very recently set new guidelines to be followed, and the other branches have been examining their practices. We want to thank the Department of Defense for their efforts in moving forward with redefinitions of the criteria for awarding the Purple Heart and thanking them for this progress; and

Whereas, The Department of Defense is to be commended for its work on the issue of traumatic brain injuries to our troops and the steps it has taken to address situations involving complex medical details in an effective and responsible manner; and

Whereas, Given the heroism displayed each day in mountains and deserts far from our shores by brave men and women working to defend our nation and its ideals, it is imperative that this nation acknowledges the sacrifices our troops make for us. By valuing the heroism of all of those who are injured, we express our lasting respect for those who suffer on our behalf; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Defense to continue to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the Department of Defense.

The House of Representatives has adopted the concurrent resolution.

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 Veterans, Military Affairs and Homeland Security.

The motion prevailed.

Senators Anderson, Booher, Brandenburg, Emmons, Hansen, Hopgood and Jones were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Kowall, Jones, Pappageorge, Schuitmaker, Bieda and Gregory introduced

Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30111b.

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

Senators Hopgood, Jones, Bieda, Brandenburg, Anderson, Johnson, Nofs, Gregory and Young introduced **Senate Bill No. 779, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 225. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Jones, Hopgood, Bieda, Brandenburg, Anderson, Johnson, Nofs, Gregory and Young introduced **Senate Bill No. 780, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 234e (MCL 750.234e), as added by 1990 PA 321.

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

Senators Bieda, Jones, Hopgood, Brandenburg, Anderson, Johnson, Nofs and Gregory introduced **Senate Bill No. 781, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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

House Bill No. 5044, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1070.

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. 5045, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1071.

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.

Statements

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

The motion prevailed.

Senator Johnson’s statement is as follows:

Since the Republican-led Legislature chose to cut our K-12 schools as much as \$470 per pupil, my Senate Democratic colleagues and I have risen time and again to voice our concerns about the negative impact of these cuts. We have held education town halls around the state and heard firsthand from kids, parents, and teachers just how devastating these cuts have been. These drastic cuts have led to larger class sizes, fewer teachers, diminished school resources, and defunct afterschool programs. These cuts not only make it harder for our kids to learn, but they are literally putting our kids’ lives at risk.

Just yesterday, the Detroit Fire Marshall’s office issued a citation to Nolan Elementary School in Detroit for overcrowding after a parent complained to fire officials that too many children were in her son’s kindergarten class. *The Detroit News* reported last week that excessive class sizes at some DPS schools were still a problem six weeks into the school year, with at least 55 kindergarteners in one class at Nolan and 72 students in a science course at a DPS high school.

According to *The News*, more than 200 elementary and middle school classrooms are over class size limits in DPS. That’s outrageous. How are our kids supposed to learn in an environment like that? Even worse, how are they going to handle an emergency situation, like a fire, when their classroom sizes are at absurd and unsafe levels?

Parents have a right to be concerned. Teachers have a right to be concerned. And as a legislator, I am concerned. Apparently, the only ones not concerned are the ones to blame—Governor Snyder and legislative Republicans. That is appalling, but should not be surprising.

We warned that overcrowding and larger class sizes would be a direct result of the budget cuts passed—budget cuts made to help pay for a \$1.7 billion corporate tax break—and now it’s happening. We can’t expect our public schools to survive like this, and we need to address adequate school funding immediately—not yesterday, not tomorrow, but today.

I urge my colleagues from across the aisle to reconsider their draconian school cuts, and join us to find real solutions to the challenges facing our public schools. We have a ripe opportunity to do so. We have received a recent surplus of higher-than-anticipated funding to the tune of about \$285 million. We have the ability to funnel that money to our schools and try to counteract the cuts they've endured. This shouldn't even be under debate.

My Republican colleagues, you have a rare chance to remedy your past mistakes, and give our schools more of the money that they, in fact, deserve. I urge you to stand up today for schools, and ensure that they have the funding they need to keep class sizes down and graduation rates up.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Thursday, October 20, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Moolenaar (C), Caswell, Booher and Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, October 25, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Caspersen (C), Kowall, Brandenburg, Pavlov, Hansen and Gleason

Excused: Senator Hood

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Joint meeting held on Tuesday, October 25, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 25, 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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, October 25, 2011, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen, Colbeck and Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, October 25, 2011, at 2:33 p.m., Room 100 Farnum Building

Present: Senators Hune (C), Marleau, Hansen, Robertson, Smith and Bieda

Excused: Senator Brandenburg

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, October 26, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Caspersen, Kowall and Robertson

Excused: Senators Young and Warren

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

Community Health Department - Thursday, November 3, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)
(CANCELED)

Community Health Department and Licensing and Regulatory Affairs Department - Thursday, October 27, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Human Services Department; Families, Seniors and Human Services; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Banking and Financial Institutions - Thursday, October 27, 1:30 p.m., Room 100, Farnum Building (373-5324)

Families, Seniors and Human Services; Human Services Department Appropriations Subcommittee; House Families, Children, and Seniors; and House Human Services Appropriations Subcommittee - Thursday, October 27, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Natural Resources, Environment and Great Lakes - Thursday, October 27, 8:30 a.m., Room 210, Farnum Building (373-5323)

Transportation - Tuesday, November 1, 6:00 p.m., Summit on the Park, 46000 Summit Parkway, Canton (373-5314)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 12:05 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, October 27, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

