

**No. 92**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2015**

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Senate Chamber, Lansing, Wednesday, October 14, 2015.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

Ananich—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hertel—present  
Hildenbrand—present  
Hood—present

Hopgood—present  
Horn—present  
Hune—present  
Johnson—excused  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—present  
O'Brien—present

Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—present  
Schuitmaker—present  
Shirkey—present  
Smith—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Senator Kenneth B. Horn of the 32nd District offered the following invocation:

Dear loving Father, as I began to pen out this letter of prayer, I looked out of my 10th floor office window and rediscovered the majesty and beauty of the Capitol Building that we're all standing in today. I captured a beautiful photo of the newly-renovated exterior surrounded by the autumn colors of the trees on the Capitol lawn, with the American flag reflected in the window.

While Your humble servants are mending the roof over our heads, Lord, I ask that You bless the public servants here inside today by refreshing our hearts. Help us to remember that there are many of Your people, maybe some right here in this chamber, who are feeling rather empty and misunderstood. Lord, please wrap Your arms around them, and fill them with knowledge that there is a better life waiting for them with You in their hearts.

Lord, Your love bridges both oceans and miles of land. Please let our military personnel near and far know how much we appreciate their services. Above all, Lord, as they face down true evil in foreign lands, please keep them safe, and hurry them home to us and their loving families.

For those of us in this chamber, Lord, we always try our best, but if we lose hope, please remind us that Your plans are still way better than our dreams. On this Pure Michigan autumn day, Lord, we thank You for the beautiful life You've given to us, and we ask Your forgiveness if we fail to love it enough every day.

In Your Son's name, we servants of God say, Amen.

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

**Motions and Communications**

Senator Kowall moved that Senators Nofs and Shirkey be temporarily excused from today's session. The motion prevailed.

Senator Hood moved that Senator Young be temporarily excused from today's session. The motion prevailed.

Senator Hood moved that Senator Johnson be excused from today's session. The motion prevailed.

Senator Nofs entered the Senate Chamber.

**Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:05 a.m.

11:27 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator O'Brien.

During the recess, Senators Shirkey and Young entered the Senate Chamber.

The following communication was received:  
Department of State Police

October 1, 2015

Enclosed is a copy of the 2013-2014 Concealed Pistol License Annual Report as required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2013, and June 30, 2014.

Below is a summary of the activity since the statutes required yearly reporting:

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548

2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
2008-2009	73,105	66,446	1,292
2009-2010	90,808	86,661	1,005
2010-2011	84,827	87,637	2,711
2011-2012	82,347	78,721	2,997
2012-2013	129,900	118,025	3,040
2013-2014	115,601	115,990	4,421

As with last year, a comparison report was compiled matching criminal history information with concealed pistol license holders. This information was provided to all of the counties for verification. If the counties failed to verify, the information was still included in the report. The report includes a notation on which counties failed to verify.

The number of approved applications for this reporting period is higher than the number of applications received due to the high volume of pending applications at the end of the 2012-2013 reporting period. Many counties had a backlog in processing their incoming applications at that time, but have since reduced their backlog.

If you have any questions regarding the information in this report, please feel free to contact the Michigan State Police, Concealed Pistol License Unit at (517) 241-1917.

Sincerely,  
Kriste Etue  
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Tuesday, October 13, and are available at the Michigan Legislature website:

**Senate Bill Nos. 552 553 554 555 556 561**

### Messages from the Governor

The following message from the Governor was received:

Date: October 13, 2015  
Time: 10:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 144 (Public Act No. 142), being**

An act to amend 2000 PA 92, entitled “An act to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture and rural development; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for immunity to certain persons under certain circumstances; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts,” by amending sections 1109, 2129, and 3115 (MCL 289.1109, 289.2129, and 289.3115), section 1109 as amended by 2012 PA 178 and section 2129 as amended by 2014 PA 516.

(Filed with the Secretary of State on October 13, 2015, at 2:12 p.m.)

Respectfully,  
Rick Snyder  
Governor

### Messages from the House

**Senate Bill No. 240, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 914a.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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. 360, entitled**

A bill to amend 2000 PA 161, entitled “Michigan education savings program act,” by amending section 10 (MCL 390.1480), as amended by 2001 PA 215.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Kowall moved that the rule be suspended.

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

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. 421**

**Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O’Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: O’Brien

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.

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

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

**Senate Bill No. 303**

**Senate Bill No. 372**

**Senate Bill No. 151**  
**Senate Bill No. 374**  
**Senate Bill No. 375**  
**Senate Bill No. 376**  
**Senate Bill No. 377**  
**Senate Bill No. 378**  
**Senate Bill No. 379**  
**Senate Bill No. 380**  
**Senate Bill No. 381**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 303, entitled**

A bill to amend 1937 PA 215, entitled “An act to authorize municipalities to own or control cemetery or burial grounds; to provide for perpetual care and maintenance; to provide for endowment and perpetual care funds; and to permit municipalities to authorize the creation of joint cemetery associations,” by amending section 1 (MCL 128.1), as amended by 1980 PA 366.

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. 422**

**Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O’Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 372, entitled**

A bill to amend 1966 PA 291, entitled “Firefighters training council act,” by amending section 9 (MCL 29.369), as amended by 2013 PA 166.

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. 423****Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 151, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2011 PA 212.

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. 424****Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 374, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5101 (MCL 333.5101), as amended by 2010 PA 119.

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. 425**

**Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 375, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5111 (MCL 333.5111), as amended by 2010 PA 119.

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. 426****Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 376, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5117 (MCL 333.5117), as amended by 2010 PA 119.

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. 427****Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0****Excused—1**

Johnson



**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 377, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5119 (MCL 333.5119), as amended by 2000 PA 209.

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. 428**

**Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 378, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5121 (MCL 333.5121), as added by 1988 PA 491.

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. 429****Yeas—37**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Green	Knezek	Proos	Young
Gregory	Knollenberg	Robertson	Zorn
Hansen			

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

**Senate Bill No. 379, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5123 (MCL 333.5123), as amended by 1994 PA 200.

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. 430****Yeas—36**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Gregory	Knezek	Proos	Young
Hansen	Knollenberg	Robertson	Zorn

**Nays—0**

**Excused—2**

Green Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 380, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5127 (MCL 333.5127), as added by 1988 PA 491.

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. 431****Yeas—36**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Gregory	Knezek	Proos	Young
Hansen	Knollenberg	Robertson	Zorn

**Nays—0****Excused—2**

Green Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 381, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 2014 PA 321.

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. 432****Yeas—36**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Jones	Pavlov	Warren
Gregory	Knezek	Proos	Young
Hansen	Knollenberg	Robertson	Zorn

**Nays—0****Excused—2**

Green Johnson

**Not Voting—0**

In The Chair: O'Brien

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**House Concurrent Resolution No. 3**

**Senate Resolution No. 76**

**Senate Resolution No. 75**

The motion prevailed.

Senator Colbeck offered the following resolution:

**Senate Resolution No. 104.**

A resolution to urge the President and Congress of the United States to oppose the Joint Comprehensive Plan of Action, consider the Joint Comprehensive Plan of Action as a treaty under Article II, Section 2 of the U.S. Constitution, and to reaffirm Michigan's right to levy state sanctions against the Islamic Republic of Iran.

Whereas, The U.S. State Department lists the Islamic Republic of Iran as a state sponsor of terrorism, one of only three nations currently listed as such, and Iranian actions are responsible for the deaths of American servicemen. General Qasem Soleimani, the head of Iran's Quds Forces, helped supply copper-tipped IEDs to Shiite militias in Iraq, for example, killing 500 American soldiers and Marines. For his role in this armament, General Soleimani has been prohibited by the United Nations to travel outside Iran, which he openly defied by traveling to Russia to secure weapons for Iran; and

Whereas, Iran's anti-American and anti-Israeli sentiments are well-known. The Supreme Leader of Iran, the Ayatollah Ali Khamenei, has frequently threatened the United States in public statements, stating "death to America" and referring to the United States as the "Great Satan." These statements were made while Iran was negotiating with the United States on a nuclear agreement. The Supreme Leader has also threatened Israel, referring to that nation as "Little Satan" and remarking, "God willing, there will be no such thing as the Zionist regime in 25 years." Moreover, the Iranian government continues to wrongfully imprison Americans Jason Rezaian, Robert Levinson, Saeed Abedini, and Amir Hekmati; and

Whereas, The Joint Comprehensive Plan of Action, commonly referred to as the Iranian nuclear agreement, is an agreement between the Islamic Republic of Iran and six coalition nations, led by the United States, that seeks to limit Iran's capacity to refine weapons-grade nuclear material and develop nuclear weapons in exchange for international sanctions relief; and

Whereas, The Iranian nuclear agreement poses a direct threat to the national security of the United States, Israel, and our other allies and interests around the world. The current package of sanctions imposed by the United States and coalition nations restrict Iran's capacity to enhance weapons-grade uranium and develop nuclear weaponry. Lifting these sanctions and allowing uranium refinement provides a path to a nuclear Iran. Sanctions relief would also subsidize the actions of General Soleimani's and Iran's terrorist activities with up to \$100 billion in monetary support. Moreover, the agreement requires the United States to protect the Iranian nuclear program from sabotage; and

Whereas, H.R. 1191 of 2015 amended the Atomic Energy Act of 1954 to require the President to present the Joint Comprehensive Plan of Action, including all related material and annexes, to Congress within five days of reaching an agreement with Iran for a 60-day congressional review. Only after all germane materials have been given to Congress, including information related to other agreements directly associated with the Iran nuclear agreement, should the 60-day rule go into effect; and

Whereas, The process detailed in H.R. 1191 of 2015 is not the most appropriate for such an agreement. A multi-national agreement of this significance should have the backing of the United States Congress and legitimacy under the U.S. Constitution as a treaty. Article II, Section 2 of the U.S. Constitution requires the President of the United States to submit treaties to the United States Senate for its advice and consent, requiring approval by two-thirds present. This would demonstrate to the world that the full weight of the American government is in support of these actions; and

Whereas, Many states, including Michigan, have laws sanctioning state sponsors of terrorism. Michigan's Attorney General has issued a letter to all 50 states asking them to keep in place or impose new sanctions on entities conducting business in Iran; now, therefore, be it

Resolved by the Senate, That we memorialize the President and Congress of the United States to adhere to all stipulations of H.R. 1191 of 2015; and be it further

Resolved, That we urge the President and Congress of the United States to consider the Joint Comprehensive Plan of Action as a treaty under Article II, Section 2 of the U.S. Constitution; and be it further

Resolved, That we urge the Congress of the United States to oppose the Joint Comprehensive Plan of Action, and be it further

Resolved, That we reaffirm Michigan's right to levy state sanctions against the Islamic Republic of Iran; and be it further

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

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

Senator Kowall 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 resolution,

Senator Colbeck offered the following substitute:

A resolution to urge the Congress of the United States to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon.

Whereas, On July 14, 2015, a six-member coalition of nations, including the governments of Great Britain, France, Russia, China, and Germany and led by the United States, reached an agreement with the Islamic Republic of Iran. This agreement, formally known as the Joint Comprehensive Plan of Action, seeks to limit Iran's capacity to refine, store, and use weapons-grade nuclear material and develop nuclear weapons in exchange for international sanctions relief; and

Whereas, The Joint Comprehensive Plan of Action, commonly referred to as the Iranian nuclear agreement, is not in the strategic interest of the United States and its allies. With the notable exception of the Arak heavy-water nuclear facility, this agreement leaves in place much of Iran's nuclear infrastructure, including 5,060 centrifuges. Moreover, this deal allows Iran to continue researching and developing advanced centrifuges capable of refining weapons-grade nuclear material for use in intercontinental ballistic missiles that can strike the United States and short-range missiles capable of hitting targets throughout the Middle East. This creates a direct threat to our national security at home and the national security interests of Israel and other allies; and

Whereas, The Iranian nuclear agreement legitimizes Iran's nuclear program and does not definitively block a path to a nuclear weapon. While the agreement restricts the amount of nuclear material Iran may store and allows for international inspections, these provisions will slow—but not halt—the advancement of Iran's weapons program. The inspections also do not meet the "anytime, anywhere" standard needed in this case, but rather uses the "managed access" approach that is insufficient to ensure Iran is not developing or hiding nuclear weaponry and weapon components. Given Iran's history of deceiving the International Atomic Energy Agency and its refusal to recognize its nuclear program's military dimension, the international community will be challenged keeping Iran's nuclear weapons program in line with the agreement. With some of the toughest restrictions ending in ten years, Iran is 15 years from manufacturing a nuclear arsenal, which could sink the Middle East into a nuclear arms race; and

Whereas, International sanctions relief would allow Iran to further support terrorist organizations. The Joint Comprehensive Plan of Action, if enacted, would unfreeze an estimated \$150 billion in assets currently isolated in foreign banks

almost immediately. These assets, alongside additional revenue from sanctions relief, could be redirected by the Iranian government to more substantially support terrorist organizations in Iraq, Syria, Yemen, Lebanon, Palestine, and others. Sanctions relief could also allow more money to support a domestic military build-up that could be used against area nations, like Israel, which Iran has long committed to destroying. This emboldens the autocratic state to continue its conflict with the United States, destabilize the region, and marginalize Iranian moderates; and

Whereas, The Joint Comprehensive Plan of Action is not the best agreement for the United States, the Middle East, and the world. The agreement fails to set free imprisoned Michigan resident and former Marine Amir Hekmati and other Americans. It fails to address Iran's human rights situation, a situation that, according to a 2015 State Department report, continues to deteriorate. The agreement does not allow the inspection of Iranian military installations, which are needed to ensure secret research is not conducted and weaponry and components are not hidden; and

Whereas, Israel's support of the Iranian nuclear agreement is crucial to reaching long-term peace. However, the agreement does not have the support necessary to reach that goal. Repeated Israeli public opinion polls have shown a broad consensus, seemingly traversing conventional political divides, against the Iranian nuclear deal; now, therefore, be it

Resolved by the Senate, That we to urge the Congress of the United States to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon; 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.

The substitute was adopted.

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

The question being on the adoption of the resolution as substituted, Senator Kowall requested the yeas and nays.

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

The resolution as substituted was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 433**

**Yeas—27**

Booher	Horn	Meekhof	Schmidt
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Jones	O'Brien	Shirkey
Colbeck	Knollenberg	Pavlov	Smith
Emmons	Kowall	Proos	Stamas
Hansen	MacGregor	Robertson	Zorn
Hildenbrand	Marleau	Rocca	

**Nays—9**

Ananich	Hertel	Hopgood	Warren
Bieda	Hood	Knezek	Young
Gregory			

**Excused—2**

Green	Johnson
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**Not Voting—0**

In The Chair: Schuitmaker

Senators Booher, Caspersion, Emmons, Hansen, Kowall, Marleau, Pavlov, Zorn, Brandenburg, Horn, Hune, Jones, Knollenberg, MacGregor, Meekhof, Nofs, Proos, Robertson, Schuitmaker, Shirkey and Smith were named co-sponsors of the resolution.

### Protests

Senators Knezek, Young, Gregory, Ananich, Hood, Hopgood and Bieda, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 104.

Senators Knezek and Ananich moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Knezek’s statement, in which Senators Young and Gregory concurred, is as follows:

In July of this year, a historic agreement was reached between the United States, the United Kingdom, Russia, China, France, and Germany. Senate Resolution No. 104 attempts to lay out an argument for Congress to deny this agreement. Contrary to what some would have us believe, the fact remains that the United States has throughout our history often negotiated with adversarial countries. President George W. Bush did so with Libyan President Muammar Gaddafi, just as President Reagan and others did with the Soviet Union.

In order to remain an adult in the room, the United States must continue to search for real solutions that will make both our country and our allies more secure moving forward. This resolution goes on to state the opinion of the author that this agreement poses a direct threat to the national security of the United States, our other allies, and our interests around the world. No one in this room received a classified national security briefing that would allow any of us as state legislators to come to such a conclusion. As such, we are resigned to debate this issue on the relevant facts that are known to the general public.

Those facts easily dispose of the assertions that have been made here today. First, sanctions relief does not include relief from sanctions against Iran for human rights abuses nor terrorist activities. It says in the language that those sanctions will remain in place. Secondly, Iran must dismantle two-thirds of its installed centrifuges, remove 98 percent of its uranium stockpile, and they will permanently alter the Arak plutonium reactor before it receives any relief from economic sanctions. Uranium enrichment will be capped at 3.67 percent. At this level, nuclear material can generally only be used for peaceful purposes. Uranium enriched at 90 percent or more is considered weapon grade.

With just a 24-hour notice, the International Atomic Energy Agency may request access to any site if they suspect Iran might be harboring illicit nuclear activities. If they are not granted access, the countries that I mentioned earlier are able to convene. A majority of those members can require Iran to grant access, and there is no single-member veto. This deal also includes a mechanism to reimpose sanctions, should Iran be found to be violating the agreement.

Many have also expressed concerns about the lifting of the UN embargo on small arms and ballistic missile technology. This embargo was adopted as part of a UN Security Council resolution in 2010 and was to be lifted once Iran agreed to negotiate on its nuclear program. That agreement was made two years ago. Under this new deal, the arms embargo will remain for another five years on conventional arms and eight years on ballistic missiles.

It is true that this deal is not perfect, but diplomacy seldom is. While I know many of my colleagues are passionate about this issue, it is my belief that opposition to the Iran deal has more to do with politics than national security. Our colleagues know that this resolution is moot, as the 60-day window to reject this plan has come and gone. The only reasons for debating this resolution today are political.

For those reasons, along with the factual reasons I’ve already laid out, I support the Joint Comprehensive Plan of Action, and I oppose this resolution. The rhetoric we are hearing today is far too reminiscent of what we heard in the lead-up to the invasion of Iraq. I am proud to have worn the uniform of our country, very proud of my brothers and sisters whom I served with, and proud of what we were able to accomplish. However, I do not wish to saddle future generations with another war in the Middle East without first exploring diplomatic avenues to peace.

This deal will prevent Iran from obtaining nuclear weapons for at least 15 years. Rejecting this deal would allow Iran to continue their nuclear aspirations immediately and guarantee one of two options: military action or a nuclear Iran. Those who know me will tell you that I’m no isolationist, but I do not want to spend another decade sifting through the sands of an overseas country; costing American lives and untold amounts of our national treasury.

The fog of war is undoubtedly intoxicating, especially for those who have not experienced the hell that it has wrought upon humans for time immemorial. We owe it to current and future soldiers to explore peace first while always preserving the right to protect ourselves and lead our country to war if and when it should become necessary.

Senator Ananich’s statement, in which Senators Hood, Hopgood and Bieda concurred, is as follows:

Colleagues, I rise to oppose the resolution that would reject the U.S.-led nuclear agreement with Iran. As a reminder, my resolution regarding freeing Amir Hekmati and other Americans wrongfully imprisoned by Iran went to committee. Because this issue and this resolution offer points of disagreement, I believe these differences should be handled in committee as well.

Further, while the United States House of Representatives voted to reject the deal, the Republican-controlled United States Senate failed to muster the votes, and more importantly, the 60-day clock that Congress put in place to reject the deal started on July 20. As such, Congress has no additional role in the joint action plan. Sending this resolution would likely make this respected institution look like we do not understand how Congress works and reflect poorly upon us.

I urge all of my colleagues to vote “no” out of respect for our reputation and the rules established by Congress and the White House. As you may be aware, new bipartisan legislation in the United States House of Representatives would create a commission to oversee the implementation of the Iran accord. I fully support this measure, and I hope my colleagues here will as well.

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

The motion prevailed.

Senator Colbeck’s statement is as follows:

This amendment is actually an amendment reflecting a similar resolution sponsored by the Democratic State Representative for the 68th House District. I regretfully say that I think he did a better job in writing this resolution than I did in my first try. I would encourage acceptance of his language in regard to this resolution. It is a pretty straightforward resolution dealing with our national security. Not only is this an issue we deal with here in this State Legislature, but we do have the Department of Homeland Security and several other committees that reflect the fact that it is our duty to help keep our citizens safe.

One of the concerns I had early on with what is known as the Joint Comprehensive Plan of Action, otherwise known as the Iran deal, is that it has significant implications to the safety of our citizens. It also has significant implications for the security of our allies around the world. The Iranian regime that we have this agreement with is regarded as one of the world’s leading sponsors of state-sponsored terrorism in the world. The net effect to this agreement as currently negotiated is to free up over \$100 billion worth of sanctions to go off and fund their activities inside of Iran, which includes terrorist activities and sponsoring terrorist organizations. It is inconceivable that we actually have this approved by those who are charged with securing the national security interests of our citizens.

It was with this intent that I encourage the adoption of the resolution by my colleagues. The net effect of the resolution as amended would reflect the wording of the Representative that says simply to urge Congress to go back to the drawing board. We do not want a nuclear Iran, and the current agreement provides a pathway for one. We need to make sure that any agreement reached with the Iranian regime actually prohibits the ability of the Iranians to acquire a nuclear weapon. Just to underscore this point, at the same time the Iranians were passing a resolution around agreement to the terms in this agreement, they were also test firing a ballistic missile.

So it is in the best interest for us as a state and also as a country to prohibit Iran from ever getting their hands on a nuclear weapon. I would urge my colleagues to support this amendment and resolution overall.

By unanimous consent the Senate returned to the order of

### **General Orders**

Senator Kowall 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 Gregory 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 bill:

#### **House Bill No. 4263, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16336, 17901, 17905, and 17906 (MCL 333.16336, 333.17901, 333.17905, and 333.17906), as added by 2006 PA 54.

The bill was placed on the order of Third Reading of Bills.

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

#### **Senate Bill No. 446, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40111a (MCL 324.40111a), as amended by 2009 PA 199.

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. 334, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2, 3, and 12b (MCL 722.622, 722.623, and 722.632b), section 2 as amended by 2014 PA 30, section 3 as amended by 2014 PA 344, and section 12b as added by 2012 PA 593.



Substitute (S-2).

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

1. Amend page 11, line 15, after the first "a" by striking out "venereal disease" and inserting "**SEXUALLY TRANSMITTED INFECTION**".

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 a substitute therefor, the following bill:

**Senate Bill No. 531, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 176 and chapter 19A.

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. 532, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 176.

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. 533, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1988.

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.

### **Introduction and Referral of Bills**

Senators Horn, Zorn, Hansen and Bieda introduced

**Senate Bill No. 562, entitled**

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending section 2 (MCL 28.452), as amended by 2012 PA 257.

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

Senators Zorn, Horn, Hansen and Bieda introduced

**Senate Bill No. 563, entitled**

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending section 12 (MCL 28.462), as amended by 2013 PA 65.

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

### **Statements**

Senators O'Brien and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator O'Brien's statement is as follows:

It is with a heavy heart that I rise today to honor the life of a local Kalamazoo native, United States Air Force Master Sergeant Greg Kuhse, who was one of two Americans killed in a helicopter crash in Afghanistan on Sunday. He was only

38 years old, and he lived in Belleville, Illinois. He enlisted in the Air Force in 1996, after graduation from Comstock High School. While in high school, he was remembered for his leadership, not just in sports, but also for his desire to serve in the military.

Regardless of traveling all around the country, he kept Michigan close to home and was a Detroit Tigers fan. He died Sunday when a British Royal Air Force helicopter crashed in Kabul while landing at the headquarters of the Resolute Support Mission, which is training Afghan security forces.

Master Sergeant Greg Kuhse was assigned to the 3rd Manpower Requirements Squadron at Scott Air Force Base in Illinois. He was the son of Linda and Joseph, and, in fact, his father was Joseph Kuhse who had passed away in 2013 as an Army veteran of the Vietnam War.

Perhaps this says it well, when the superintendent of the school he graduated from said this to our paper: "He is by definition a hero, and for that, we are greatly appreciative of the fact that people in this community knew him and they will miss him greatly."

He leaves a family which includes his siblings, Michael and Patricia; his wife, Tori; and children, Madeline and Eliana. We know that his many friends and family are grieving his loss.

A moment of silence was observed in memory of Air Force Master Sergeant Greg Kuhse.

Senator Young's statement is as follows:

Madam President, I would like to start with a quote. The great Albert Einstein once said, "The world will not be destroyed by those who do evil, but by those who watch them without doing anything." Colleagues, I rise today to vent my frustrations about our stalled roads funding negotiations. I know my constituents and your constituents feel the same way and want to see this terrible soap opera finally come to an end. I see that House Republicans are more concerned with ideology and tax breaks for the wealthy than they are for building the roads for all the people of Michigan. I implore them, I demand them to finish the conversation about roads and get this job done.

This is not about helping us move toward a solution. It's just about adding to everyone's frustration. Our Republican colleagues in the other chamber don't seem to be as invested in finding a long-term solution as we are here in the Senate. We need to get our House in order. I am worried that the dysfunction that we see in Congress is starting to trickle down to the State House. They have cray-cray people up in Washington, D.C., and we don't need to be cray-cray here in Lansing too. Let's get to work. Let's do our job. We are here to do a job. This isn't an adventure. We aren't here for fun. This isn't for show. We are here to work, so let's do that, Madam President.

Here we are spending time debating whether or not we should send a moot Iran resolution to Congress for people who want to be on the side of the mullahs in Iran. We can't even fix our roads. How are we going to get involved in foreign policy or foreign affairs? This is outrageous. If it wasn't so serious, it would be funny. We can't even fill our own potholes. Our roads look like something from *I Am Legend* or the *Book of Eli* or whatever major disaster film that you want to talk about; something from *San Andreas*, whatever post-apocalyptic or disaster movie reference you want to put in there. Enough is enough.

Our leaders need to sit down and get this plan hammered out without attaching any strings. It is time to get negotiations back on the road. Please join me on the path to prosperity and fixing our roads and doing our jobs because the people deserve better.

### Committee Reports

The Committee on Education reported

**House Bill No. 4390, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278a (MCL 380.1278a), as amended by 2014 PA 293.

With the recommendation that the bill pass.

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

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher, Colbeck and Knezek

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, October 13, 2015, at 12:00 noon, Room 110, Farnum Building

Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Knezek

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, October 14, 2015, at 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Hansen (C), Pavlov and Hopgood

**Scheduled Meetings**

**Economic Development and International Investment** - Thursday, October 15, 1:30 p.m., Room 210, Farnum Building (373-5323)

**Elections and Government Reform** - Thursday, October 15, 9:00 a.m., Room 210, Farnum Building (373-1721)  
(CANCELED)

**Energy and Technology** - Thursday, October 15, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

**State Drug Treatment Court Advisory Committee** - Tuesday, October 20, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 12:22 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, October 15, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

