

**No. 68**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**99th Legislature**  
**REGULAR SESSION OF 2017**

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Senate Chamber, Lansing, Thursday, September 7, 2017.

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—excused  
Colbeck—present  
Conyers—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hertel—present  
Hildenbrand—present

Hood—present  
Hopgood—present  
Horn—present  
Hune—present  
Johnson—present  
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  
Stamas—present  
Warren—present  
Young—excused  
Zorn—present

Bishop David Maxwell of Eliezer Temple Church of Lansing offered the following invocation:

Our God and our Father, we approach You with unbridled humility as we recognize our insufficiency and our frailty to deal with the perplexity of issues that face our state. We are aware that, with Your help, all things are possible.

We invoke a special prayer for our fellow citizens and compatriots who are enduring the severe weather in Houston, in the islands of the sea, and in Florida. We pray for Your protection and Your assistance as they go through this very difficult time.

We ask that You would bless the leadership of this august body—the Lieutenant Governor who presides, Senator Meekhof, and Senator Ananich. Lord, we come not as a group of 27-and-11, not as Democrats and Republicans, but we come in the commonality of human decency—that we would rise above the rancor of partisanship and parochial interest, and that we would find common ground to advance and enrich our great state.

We submit ourselves to You, to be used as Your voice and Your human instrumentality to express the will and desires of this, the state of Michigan. This prayer we ask in the inimitable name of the Lord Jesus Christ, and all of us said: 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 Knollenberg, Robertson and Schmidt be temporarily excused from today’s session. The motion prevailed.

Senator Kowall moved that Senator Casperson be excused from today’s session. The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow his guests and the guests of Senator Meekhof admittance to the Senate floor.

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, September 6:  
**House Bill No. 4892**

The Secretary announced that the following bills were printed and filed on Wednesday, September 6, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>513</b>	<b>514</b>	<b>515</b>	<b>516</b>	<b>517</b>	<b>518</b>	<b>519</b>	<b>520</b>	<b>521</b>	<b>522</b>	<b>523</b>	<b>524</b>	<b>525</b>	<b>526</b>
	<b>527</b>	<b>528</b>	<b>529</b>	<b>530</b>										
<b>House Bill Nos.</b>	<b>4895</b>	<b>4896</b>	<b>4897</b>	<b>4898</b>	<b>4899</b>	<b>4900</b>	<b>4901</b>	<b>4902</b>	<b>4903</b>	<b>4904</b>				

Senators Schmidt and Knollenberg entered the Senate Chamber.

By unanimous consent the Senate proceeded 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, Lieutenant Governor Calley, designated Senator Booher 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 bills:

**Senate Bill No. 437, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1091 (MCL 600.1091), as added by 2013 PA 274.

**Senate Bill No. 438, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1201 (MCL 600.1201), as added by 2012 PA 335, and by amending the heading of chapter 12.

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. 435, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1084 (MCL 600.1062 and 600.1084), section 1062 as amended by 2010 PA 177 and section 1084 as amended by 2013 PA 227.

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 amendment, the following bill:

**Senate Bill No. 436, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 304 (MCL 257.304), as amended by 2016 PA 32.

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

1. Amend page 4, following line 9, by inserting:

**“(xi) AT THE DISCRETION OF THE JUDGE, THE CUSTODIAN OF A MINOR CHILD MAY DRIVE TO AND FROM THE FACILITIES OF A PROVIDER OF DAY CARE SERVICES AT WHICH THE CUSTODIAN’S MINOR CHILD IS ENROLLED, OR AN EDUCATIONAL INSTITUTION AT WHICH THE CUSTODIAN’S MINOR CHILD IS ENROLLED AS A STUDENT FOR THE PURPOSES OF CLASSES, ACADEMIC MEETINGS OR CONFERENCES, AND ATHLETIC OR OTHER EXTRACURRICULAR ACTIVITIES SANCTIONED BY THE EDUCATIONAL INSTITUTION IN WHICH THE MINOR CHILD IS A PARTICIPANT. AS USED IN THIS SUBPARAGRAPH, “MINOR CHILD” MEANS AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF AGE.”**

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

**Senate Concurrent Resolution No. 10**

**Senate Resolution No. 36**

**House Concurrent Resolution No. 3**

The motion prevailed.

Senator Casperson offered the following resolution:

**Senate Resolution No. 85.**

A resolution to encourage support for Aquila Resources’ Back Forty Proposed Mine and express confidence that the proposed mine meets federal and state requirements to protect the environment, natural resources, and public health.

Whereas, Protecting water quality, addressing economic sustainability, and enforcing strict regulatory standards are legitimate priorities and merit thorough review by lawmakers, regulators, industry, and stakeholders; and

Whereas, Aquila Resources’ Back Forty Project is a proposed zinc, gold, copper, and silver mine and processing facility that will be constructed near the Menominee River on approximately 580 acres close to Stephenson, Michigan; and

Whereas, Modern-day mining can boost our state and local economies while providing for a balanced use of natural resources. Aquila Resources’ Back Forty Project will enhance continued economic growth in the Upper Peninsula without sacrificing the environment, other natural resources, or public health; and

Whereas, The Michigan Legislature has adopted laws to ensure that today’s mining is carried out safely and responsibly, without adversely impacting the environment, enabling local communities, families, and institutions to prosper and grow for future generations of Michiganders. These laws for nonferrous metallic mineral mining bolstered our state’s already-strong environmental standards and regulations, arguably making them the most stringent standards in the world; and

Whereas, Clean, safe water to support fish, wildlife, and human needs is important to everyone. Protection of the Menominee River during and after mining is particularly important to nearby communities and tribal groups. Preventing adverse impacts to the river from potential acid rock drainage related to mining should be a top priority in designing and managing the Back Forty Project; and

Whereas, The Back Forty Project will employ systems and advanced technologies to prevent acid rock drainage and treat water if prevention is not obtainable. Double-walled piping and lined retention basins with leak detection and collection systems will be used to prevent water that comes into contact with mining activities from going into the ground or into nearby water bodies. All water on site, including rain and snowmelt, will be collected and treated at an on-site wastewater treatment plant that will use technologies that far surpass typical municipal wastewater treatment plants. The purified water will be tested and monitored to ensure that it meets all safety and environmental requirements before being discharged back into the river; and

Whereas, The Michigan Department of Environmental Quality has thoroughly reviewed the Back Forty Project and granted three of the four permits necessary to mine in the state of Michigan. The nonferrous metallic mineral mining permit, the air quality permit-to-install, and the National Pollutant Discharge Elimination System permit for water discharges will ensure the environment is protected. The fourth and final permit is a wetlands permit; and

Whereas, Local communities will benefit from tax revenue generated by the Back Forty mine. It has been estimated that approximately \$20 million in severance taxes will be paid annually during operation to local communities (65 percent) and the state (35 percent). The state's portion will be directed to the Rural Development Fund. The fund issues grants for infrastructure and development projects related to the expansion or maintenance of agriculture, forestry, mining, oil and gas production, and tourism industries; now, therefore, be it

Resolved by the Senate, That we encourage support by leaders at the local, regional, state, and federal level for the Aquila Resources' Back Forty Project and express confidence that the mine and processing facility meets federal and state requirements to protect the environment, natural resources, and public health; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Governor of Wisconsin, the Wisconsin state representatives and senators representing Marinette County, the Director of the Michigan Department of Environmental Quality, the Secretary of the Wisconsin Department of Natural Resources, the members of the Menominee County Board of Commissioners, the members of the Marinette County Board of Supervisors, and the chairs of the county boards of supervisors for Brown, Door, Florence, Keweenaw, and Oconto Counties in Wisconsin.

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 Kowall moved that the resolution be referred to the Committee on Natural Resources.

The motion prevailed.

Senators Booher, Brandenburg, Conyers, Hansen and Stamas were named co-sponsors of the resolution.

Senators Bieda, Kowall, Knezek, Ananich and Gregory offered the following resolution:

**Senate Resolution No. 86.**

A resolution supporting Restoration of Appropriation for the MotorCities National Heritage Area.

Whereas, The MotorCities National Heritage Area Partnership was designated by Congress in 1998 as one of 48 National Heritage Areas nationwide; and

Whereas, The MotorCities National Heritage Area Partnership, located throughout a region of more than 10,000 miles covering a population of more than six million people in southeast and central Michigan, was created to preserve the cultural and historic landscape associated with the area that "Put The World on Wheels"; and

Whereas, MotorCities National Heritage Areas generates an economic impact of over \$410 million; supports more than 4,500 jobs; and generates tax revenue of more than \$35 million through initiatives, partnership and grants such as:

1. Preservation and restoration of many landmarks from the Ford Model T Complex to R.E. Olds structures and exhibits in Flint and Lansing.

2. More than 250 Wayside interpretive exhibits that link unique local stories within the overall auto heritage story of Michigan.

3. Multiple educational exhibits such as "Making Tracks; The African American Experience in the Auto Industry" and "Forward Gear Yesteryear" that tell the rich story of the people, places and innovation that helped create the middle class and expand Michigan's industrial power; and

Whereas, Federal appropriations for the MotorCities National Heritage Area and the other 48 National Heritage Areas in the country was previously included under the Historic Partnership Program of the budget of the National Parks Service and most recently approved in the FY17 budget at a level of \$19,821,000; and

Whereas, National heritage areas generate over \$1 Billion in tax revenue, providing substantial leverage to federal funding and creating a trickle-down effect in economic as well as cultural impacts; now, therefore, be it

Resolved by the Senate, That this legislative body urges the U.S. Congressional Appropriations committees to restore the Historic Partnership Program in the FY18 budget from zero to level funding of \$19,821,000; and be it further

Resolved, That copies of this resolution be provided to U.S. Senators Debbie Stabenow and Gary Peters; U.S. Representatives Jack Bergman, Bill Huizenga, Justin Amash, John Moolenaar, Dan Kildee, Fred Upton, Tim Walberg, Mike Bishop, Sander Levin, Paul Mitchell, Dave Trott, Deborah Dingell, John Conyers and Brenda Lawrence, and the Executive Director, Shawn Pomaville, of MotorCities National Heritage Area.

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 Kowall moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Booher, Hansen, Hopgood and Rocca were named co-sponsors of the resolution.

Senator Bieda offered the following concurrent resolution:

**Senate Concurrent Resolution No. 19.**

A concurrent resolution to call upon the President of the United States to ensure that U.S. foreign policy appropriately acknowledges and addresses human rights violations, ethnic cleansing, and genocide committed against European Jewish-Assyrian people.

Whereas, It is imperative that the United States continues to provide global leadership in confronting and ending mass killings and violations of human rights. Our country has the resources and influence to stop crimes against humanity and encourage other world actors to act. When action is not taken, atrocities can persist and grow; and

Whereas, The Assyrian Documentation Centre (ADC) has documented a campaign of human rights violations, ethnic cleansing, and genocide against minority European Jewish-Assyrian people by the Islamic State terrorist group. Working with other organizations, the ADC's documentation is said to include the identification of victims' names, video testimonials, and legal documents; and

Whereas, Acknowledging and stopping the ethnic cleansing of European Jewish-Assyrian people should be a top foreign policy priority of the United States. This horrific crime of genocide must be dealt with appropriately, and the United States should address and work to end all mass atrocities; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call upon the President of the United States to ensure that U.S. foreign policy appropriately acknowledges and addresses human rights violations, ethnic cleansing, and genocide committed against European Jewish-Assyrian people; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and U.S. Secretary of State.

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

Senators Hansen, Hopgood and Rocca were named co-sponsors of the concurrent resolution.

Senator Robertson entered the Senate Chamber.

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

Senators Hood, Knezek, Hopgood, Ananich, Conyers, Gregory, Bieda, Johnson, Hertel, Warren and Young introduced **Senate Bill No. 531, 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 2016 PA 522.

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

Senators Warren, Knezek, Hopgood, Ananich, Gregory, Conyers, Bieda, Hertel, Johnson and Young introduced **Senate Bill No. 532, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 62 (MCL 421.62), as amended by 2016 PA 522.

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

Senators Warren, Knezek, Hopgood, Ananich, Conyers, Gregory, Bieda, Johnson and Young introduced  
**Senate Bill No. 533, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 62 (MCL 421.62), as amended by 2016 PA 522.

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

Senators Hertel, Knezek, Hopgood, Ananich, Gregory, Conyers, Bieda, Johnson, Warren and Young introduced  
**Senate Bill No. 534, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 2016 PA 228.

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

Senators Gregory, Knezek, Hopgood, Ananich, Conyers, Bieda, Johnson, Hertel, Warren and Young introduced  
**Senate Bill No. 535, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2015 PA 161.

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

Senators Johnson, Knezek, Hopgood, Ananich, Gregory, Conyers, Bieda, Hertel, Warren and Young introduced  
**Senate Bill No. 536, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 287 (MCL 18.1287), as amended by 2001 PA 71.

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

Senators Bieda, Knezek, Hopgood, Ananich, Conyers, Gregory, Johnson, Hertel, Warren and Young introduced  
**Senate Bill No. 537, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5830.

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

Senators Ananich, Knezek, Hopgood, Conyers, Gregory, Bieda, Johnson, Hertel, Warren and Young introduced  
**Senate Bill No. 538, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2016 PA 517.

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

Senators Conyers, Knezek, Hopgood, Ananich, Gregory, Bieda, Johnson, Hertel, Warren and Young introduced  
**Senate Bill No. 539, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 2016 PA 228.

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

Senator Schuitmaker introduced

**Senate Bill No. 540, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2016 PA 375.

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

Senators Shirkey, Hertel, Marleau, Booher and Warren introduced

**Senate Bill No. 541, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16323, 16601, 16605, 16621, and 16626 (MCL 333.16221, 333.16226, 333.16323, 333.16601, 333.16605, 333.16621, and 333.16626),

section 16221 as amended by 2017 PA 75, section 16226 as amended by 2017 PA 81, section 16323 as amended by 2014 PA 305, section 16605 as added by 2006 PA 429, section 16621 as amended by 2002 PA 590, and section 16626 as added by 2012 PA 289, and by adding sections 16651, 16652, 16653, 16654, 16655, 16656, 16657, 16658, 16659, 16660, and 20189.

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

Senator Casperson introduced  
**Senate Bill No. 542, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 8316b.

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

**House Bill No. 4892, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 644f (MCL 168.644f), as amended by 2015 PA 43.

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 Elections and Government Reform.

### Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:16 a.m.

10:38 a.m.

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

### Statements

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

The motion prevailed.

Senator Kowall’s statement is as follows:

With me today are Gary and Stacey Becker, the parents of 33-year-old U.S. Air Force Captain Andrew Christopher Becker. Joining us also are Novi Fire Captain Mark Theisen and Novi Police Officer Bob Manar. I rise to discuss the tragic incident that happened with Andrew Becker who died March 14 when his U-28 aircraft crashed during a training exercise in New Mexico.

Andrew had a distinguished career. After graduating from Embry-Riddle Aeronautical University, Andrew was commissioned as an Air Force officer through the ROTC program and completed pilot training in 2009. Andrew quickly established himself as a skilled pilot and participated in six overseas deployments with the 34th Special Operations Squadron in support of counterterrorism operations. In 2013, Andrew was hand-selected to help reactivate the 318th Special Operations Squadron at Cannon Air Force Base. While there, Andrew participated in three additional overseas deployments and was slated to begin training the next generation of Air Force navigators at Naval Air Station Pensacola.

A devoted husband, son, brother, uncle, and airman, Andrew will be promoted posthumously to major.

A moment of silence was observed in memory of Andrew Becker, U.S. Air Force captain.

### Recess

Senator Kowall moved that the Senate recess until 12:30 p.m.

The motion prevailed, the time being 10:42 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant President pro tempore, Senator O’Brien.

**Committee Reports****COMMITTEE ATTENDANCE REPORT**

The Committee on Oversight submitted the following:

Meeting held on Thursday, September 7, 2017, at 8:30 a.m., Room 1200, Binsfeld Office Building

Present: Senators MacGregor (C), Kowall, Schuitmaker and Stamas

Excused: Senator Gregory

**COMMITTEE ATTENDANCE REPORT**

The Committee on Transportation submitted the following:

Meeting held on Thursday, September 7, 2017, at 8:45 a.m., Room 1100, Binsfeld Office Building

Present: Senators Horn, Pavlov, Marleau and Conyers

Excused: Senator Casperson (C)

**Scheduled Meetings**

**Finance** - Tuesday, September 12, 2:30 p.m., Room 1100, Binsfeld Office Building (373-5312)

**Judiciary** - Tuesday, September 12, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5323)

**Natural Resources** - Wednesday, September 13, 12:30 p.m., Room 1300, Binsfeld Office Building (373-5312)

**Senate Fiscal Agency Board of Governors** - Wednesday, September 20, 10:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Transportation and House Transportation and Infrastructure Committee** - Thursdays, September 14, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building; September 28, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 12:31 p.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Tuesday, September 12, 2017, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate