

No. 34  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
REGULAR SESSION OF 2019

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Senate Chamber, Lansing, Tuesday, April 16, 2019.

10:00 a.m.

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

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

Alexander—present  
Ananich—present  
Barrett—present  
Bayer—present  
Bizon—present  
Brinks—present  
Bullock—present  
Bumstead—present  
Chang—present  
Daley—present  
Geiss—present  
Hertel—present  
Hollier—present

Horn—present  
Irwin—present  
Johnson—excused  
LaSata—present  
Lauwers—present  
Lucido—present  
MacDonald—present  
MacGregor—present  
McBroom—excused  
McCann—present  
McMorrow—present  
Moss—present  
Nesbitt—present

Outman—present  
Polehanki—present  
Runestad—present  
Santana—present  
Schmidt—present  
Shirkey—present  
Stamas—present  
Theis—present  
VanderWall—present  
Victory—present  
Wojno—present  
Zorn—present

Pastor John Kenny of First Reformed Church of Grand Haven offered the following invocation:

Father in heaven, I give You thanks for this day and everyone gathered here. None of us were promised today, so the simple fact that we are here and breathing the air in this room is a gracious and extraordinary gift from You. I pray that none of us would take it for granted, but use it to serve each other and to do Your will. I give thanks that each person here is uniquely made in Your image and is valuable to You beyond measure. Lord, give each person in this Senate the ability to see others not just as allies or adversaries but as fellow humans—as moms and dads, sons and daughters—and as people who need as much grace as we do. I thank You, Lord, for the skill and the intellect and experience gathered in this single room. May they use it well to fulfill the sacred trust we, the citizens of Michigan, have put in them to lead our government. I pray that every Senator would lead with great humility, acknowledging that no man or woman is deserving of such a high calling as to be the voice of 10 million.

We give You thanks, Lord, for the beautiful land that is our home—from the shimmering lakes to the majestic forests, to the sweeping dunes, to the rich farmland. You have blessed us with a place that is abundant in beauty and resources, yet in this great state of Michigan, we have many needs and we put those before You now.

We pray for the many affected by poverty, those who are hungry, those without homes, communities where despair and hopelessness reign. Lord, we pray for Gold Star families who have lost what they love most in defense of this great nation. Lord we pray for all families. We pray for a state filled with strong marriages and children who are deeply loved. Lord, we pray for those without families. We think of all the children in the foster care system, so desperate to find a place to belong. Lord, we pray for the vulnerable and defenseless at every stage of life. May this body of Senators be a voice for all of them.

Lord, we pray for our schools and teachers. We pray that schools may be a safe place and harm would not fall upon a single student. We pray for those who are serving in our armed forces for our nation and for our state. We pray for law enforcement officers who face great danger. Lord we pray for strength, protection, and compassion, and wisdom in split-second decisions.

Lord, we pray for our prison system, those in it, and families affected by those who are in it. Lord, we pray for those inmates that there might be a restoring and a renewing in their life and they may be reintroduced into our society. Lord, we pray for our hospitals and health care system, that a fair solution might be met that meets our needs not just in Michigan but across our nation.

Lord, we pray for social workers and all the nonprofits who are laboring endlessly, seeking to help others. We pray, Lord, that they might have the full measure of resources and support they deserve. Lord, we pray for the economy. We pray for jobs. We ask that every citizen might have the dignity of honest and meaningful work and the opportunity to provide for themselves and those they love.

Lord, these are complex problems and we confess that there is no one in this room who has all the answers or who understands every situation perfectly. It is beyond our ability, and so we turn to You. I pray that You would give this body of leaders wisdom and courage and a spirit of cooperation. May the decisions made by this Senate be responsible, fair, and built upon the foundation of the common good. May they always be led by a sense of what is right and just, and not convenient, easy, or popular. Together, Lord, may we all stand united as one people, bound together not merely by our laws but by our love for our fellow man and the pursuit of a better and brighter tomorrow.

Thank You for being the God who is with us and for hearing our prayer this morning. In Your perfect and holy name. Amen.

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

### **Motions and Communications**

Senator MacGregor moved that Senators Johnson and McBroom be excused from today's session. The motion prevailed.

The following communication was received and read:  
Office of the Auditor General

April 10, 2019

Enclosed is a copy of the following report:

- Performance audit report on the Michigan National Guard State Tuition Assistance Program, Department of Military and Veterans Affairs (511-0400-18).

Sincerely,  
Doug Ringler  
Auditor General

The audit report was referred to the Committee on Oversight.

The following communication was received:  
Office of Senator Rosemary Bayer

April 9, 2019

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to the following bills:

- Senate Bill 217 introduced on March 14, 2019 by Senator Theis.
- Senate Bill 218 introduced on March 14, 2019 by Senator Johnson.
- Senate Bill 219 introduced on March 14, 2019 by Senator Lucido.
- Senate Bill 220 introduced on March 14, 2019 by Senator Geiss.
- Senate Bill 228 introduced on March 19, 2019 by Senator Runestad.
- Senate Bill 248 introduced on March 21, 2019 by Senator Johnson.

Sincerely,  
Rosemary Bayer  
12th Senate District  
State Senator

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Curtis Hertel, Jr.

April 11, 2019

I am writing to request my addition in co-sponsorship of Senate Bill 228, sponsored by Senator Runestad. Please feel free to contact me if you need any further information.

Sincerely,  
Curtis Hertel Jr.  
State Senator  
District 23

The communication was referred to the Secretary for record.

### **Messages from the Governor**

The following message from the Governor was received on April 11, 2019, and read:

#### **EXECUTIVE ORDER No. 2019-08**

#### **Declaration of State of Emergency**

Beginning on March 14, 2019, Newaygo County experienced heavy rainfall and significant snowmelt, which resulted in widespread flooding, damaged homes, displaced residents, and washed out roadways. Due to these conditions, additional actions are necessary to protect public health, safety, and property.

On March 15, 2019, the chief executive official of the Newaygo County Board of Commissioners declared a local state of emergency. Newaygo County has taken several actions to cope with the impacts of the incident, including but not limited to, declaring a local state of emergency, activating the disaster or emergency response and recovery aspects of their emergency operations plan, issuing emergency public information, and providing relief and supplies to flood-stranded individuals. Local resources have been insufficient to address the situation and the assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert the threat of more severe and persisting impacts to the community. Local resources are insufficient to respond to the extreme flooding under the current conditions. State assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of flooding.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4), “[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists.”

Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for the county of Newaygo.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than April 16, 2019, unless extended as provided by the Emergency Management Act.

Date: March 19, 2019

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 11, 2019, and read:

EXECUTIVE ORDER  
No. 2019-09

**The Governor's Educator Advisory Council**

**Department of Education**

A robust and effective public education system is critical to the well-being and success of this state, its residents, and its economy.

The educators who work in the state's public education system, and whose diligence and dedication make the system run every day, are uniquely qualified to provide insight and guidance regarding the system's effectiveness and improvement.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

**1. Creating the Governor's Educator Advisory Council**

(a) The Governor's Educator Advisory Council ("Council") is created as an advisory body within the Department of Education ("Department").

(b) The Council shall consist of 15 voting members appointed by the governor and shall include individuals representing various roles in Michigan's public education system, such as teachers, administrators, counselors, specialists, and support staff.

(c) One of these 15 voting members appointed by the governor shall be the Michigan Teacher of the Year.

(d) Of the members of the Council initially appointed by the governor under section 1(b), 4 members shall be appointed for a term of 4 years; 4 members shall be appointed for a term of 3 years; 3 members shall be appointed for a term of 2 years; and 3 members shall be appointed for a term of 1 year. After these initial appointments, members shall be appointed for a term of 4 years. The member of the Council appointed by the governor under 1(c) shall serve a term of 1 year beginning on September 1 of the year in which the award was announced.

(e) A vacancy on the Council created other than by the expiration of the term of a member of the Council shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the Council may be reappointed for additional terms.

**2. Charge to the Council**

(a) The Council shall act in an advisory capacity to the governor.

(b) The Council shall review and make recommendations regarding legislation relevant to this state's public education system.

(c) In addition, the Council shall do the following at the governor's request:

(1) Identify and analyze issues impacting the effectiveness of Michigan's public education system;

(2) Identify best practices in public education and recommend corresponding changes and improvements to Michigan's public education system; and

(3) Provide other information or advice relevant to public education.

**3. Operations of the Council**

- (a) The Department shall assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the superintendent of public instruction (“Superintendent”).
- (b) The Council shall adopt procedures, consistent with this order and applicable law, governing its organization and operations.
- (c) The Council shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (d) The Council shall comply with the Open Meetings Act, 1976 PA 267, as amended, MCL 16.261 to 15.275.
- (e) The governor shall designate the chairperson or co-chairpersons of the Council.
- (f) The Council may select from among its members a vice chairperson.
- (g) The Council shall meet at the call of its chairperson(s) and as otherwise provided in the procedures adopted by the Council.
- (h) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its serving members.
- (i) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (j) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including experts in the private sector, organized labor, government agencies, and at institutions of higher education.
- (k) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Superintendent deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.
- (l) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be received and used in accordance with law.
- (m) Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (n) Members of the Council shall refer all legal, legislative, and media contacts to the Executive Office of the Governor.

**4. Implementation**

- (a) All departments, committees, commissioners, or officers of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.
  - (b) Nothing in this order shall be construed to diminish the constitutional authority of the State Board of Education pursuant to section 3 of article 8 of the Michigan Constitution of 1963.
  - (c) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
  - (d) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded and the rest of the order should remain in effect as issued.
  - (e) This order is effective upon filing.
- Given under my hand and the great seal of the State of Michigan.

Date: April 11, 2019

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

April 12, 2019

I respectfully submit to the Senate the following appointments to office pursuant to Act 232 of 1965, MCL 290.657:

**Michigan Apple Committee**

Mrs. Kimberly A. Kropf of 12104 4 Mile Road, N.E., Lowell, Michigan 49331, county of Kent, succeeding Tony R. Blattner whose term has expired, appointed to represent District 3 growers for a term commencing April 12, 2019 and expiring April 1, 2022.

Mr. Caleb J. Coulter of 2112 West Grant Road, New Era, Michigan 49446, county of Oceana, succeeding Arthur Lister whose term has expired, appointed to represent District 4 growers for a term commencing April 12, 2019 and expiring April 1, 2022.

April 12, 2019

I respectfully submit to the Senate the following appointment to office pursuant to Executive Order No. 2010-2:

**Michigan Finance Authority Board of Directors**

Mr. Luke A. Forrest, a Democrat, of 229 Crest Avenue, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding Donald H. Gilmer who has resigned, appointed to represent residents of the state with experience in natural resources and environmental issues or relating to public finance for a term commencing April 12, 2019 and expiring September 30, 2020.

Respectfully,  
Gretchen Whitmer  
Governor

The appointments were referred to the Committee on Advice and Consent.

**Messages from the House**

**Senate Bill No. 203, entitled**

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 102 (MCL 333.27102), as amended by 2018 PA 648.

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 Senate agreed to the full title.

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

**Recess**

Senator MacGregor moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:14 a.m.

11:25 a.m.

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator MacGregor 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 Nesbitt, designated Senator Moss as Chairperson.

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

**Senate Bill No. 106, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), as amended by 2006 PA 236, and by adding sections 2b and 2c.

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. 155, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” (MCL 722.641 to 722.645) by adding sections 2b and 2c.

Substitute (S-1)

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

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

Senator MacGregor moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

**Senate Resolution No. 34**

**Senate Resolution No. 35**

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

Senators Schmidt, LaSata, Outman, Santana, Polehanki, Wojno, Victory, Irwin, Lucido, Bizon, Zorn, MacDonald, Runestad, Johnson, Ananich, Hollier, Chang and Horn offered the following resolution:

**Senate Resolution No. 34.**

A resolution to recognize April 24, 2019, as Suits and Sneakers® Day.

Whereas, The Coaches vs. Cancer program is a nationwide collaboration between the American Cancer Society and the National Association of Basketball Coaches, leveraging the personal experiences, community leadership, and professional excellence of coaches nationwide to increase cancer awareness and promote healthy living through year-round awareness efforts, fundraising activities, and advocacy programs; and

Whereas, The American Cancer Society saves lives and creates a world with more birthdays by helping people stay well, get well, find cures, and fight back in partnership with its nonpartisan advocacy affiliate, the American Cancer Society Cancer Action Network; and

Whereas, More than 58,000 Michiganders will be newly-diagnosed with cancer in 2019; and

Whereas, Cancer patients face countless challenges associated with their diagnoses, including physical, emotional, financial, and day-to-day challenges; and

Whereas, Since 1993, coaches and their supporters have raised more than \$87 million for the American Cancer Society to help make the American Cancer Society's services and programs available to those who need them the most; and

Whereas, During January 21-27, 2019, the Coaches vs. Cancer Suits And Sneakers® Awareness nationwide effort united coaches across the country to wear sneakers with their game attire while coaching games. Similarly, it also encouraged lawmakers and others to wear suits and sneakers to raise awareness about the fight against cancer, share the importance of nutrition and physical activity in reducing one's cancer risk, and promote the American Cancer Society as a resource for help and support; and

Whereas, The Coaches vs. Cancer Suits And Sneakers® effort saw Michigan coaches join together with their fellow coaches nationwide, as well as thousands of volunteers for the American Cancer Society and the American Cancer Society Cancer Action Network, to advocate on behalf of cancer patients, survivors, and caregivers so that one day cancer will be eliminated as a major public health issue; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize April 24, 2019, as Suits and Sneakers® Day; and be it further

Resolved, That we urge all Michiganders to use this day as an opportunity to educate themselves about cancer and take proactive steps to reduce their risks and get appropriate screenings.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Brinks, Bullock, Hertel, McCann, McMorrow and Moss were named co-sponsors of the resolution.

Senator Santana offered the following resolution:

**Senate Resolution No. 35.**

A resolution to designate April 2019 as Sexual Assault Awareness Month.

Whereas, Sexual Assault Awareness Month calls attention to widespread sexual violence that impacts women, children, and men of all racial, cultural, and economic backgrounds; and

Whereas, The term sexual assault refers to sexual contact or behavior that occurs without explicit consent of the victim; and

Whereas, According to a survey from the National Institute of Justice (NIJ) and Centers for Disease Control and Prevention entitled, "Prevalence, Incidence, and Consequences of Violence Against Women," one out of every six American women has been the victim of an attempted or completed rape in her lifetime and approximately three percent of American men, or 1 in 33, have experienced an attempted or completed rape in their lifetime; and

Whereas, From 2009-2013, Child Protective Services (CPS) agencies found strong evidence that 63,000 children a year were victims of sexual abuse and a majority of child victims are ages 12-17. Of victims under the age of 18, 34 percent of victims of sexual assault and rape are under the age of 12 and 66 percent of victims of sexual assault and rape are ages 12-17. Child sexual abuse prevention must be a priority to confront this reality; and

Whereas, Michigan State Police statistics also indicate that 11,873 sexual assault related offenses were reported in 2013; and

Whereas, Sexual violence can deeply and enduringly impact survivors on psychological, emotional, and social levels; and

Whereas, Ninety-four percent of women who are raped experience post-traumatic stress disorder (PTSD) symptoms during the two weeks following the rape and approximately 70 percent of rape or sexual assault victims experience moderate to severe distress, a larger percentage than for any other violent crime studied in the “National Crime Victimization” survey by the Bureau of Justice Statistics. Access to informed and supportive services can greatly increase survivors’ ability to heal from sexual assault; and

Whereas, Sexual violence is an intolerable violent crime with public health implications for every person. Our state and individual communities must be committed to holding sexual assault perpetrators accountable for their heinous crimes; and

Whereas, When we actively increase education, awareness, and community involvement, we can help prevent sexual violence and create a safer environment for everyone. We must work together to educate our entire population about what can be done to prevent sexual assault, support survivors, and ensure that all survivors are not re-victimized; now, therefore, be it

Resolved by the Senate, That the members of this legislative body designate April 2019 as Sexual Assault Awareness Month; and be it further

Resolved, That we strongly support the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual violence, while also taking appropriate action and supporting one another to create a safer environment for all.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Alexander, Ananich, Bayer, Brinks, Bullock, Chang, Geiss, Hertel, Hollier, Lucido, MacDonald, McCann, McMorro, Moss, Polehanki, Runestad and Wojno were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Santana’s statement is as follows:

Colleagues, I rise today to express my support for this resolution that recognizes April as Sexual Assault Awareness Month.

This topic is a tough issue, no doubt and I wish that we did not have to be here to recognize it in such a manner. It’s hard and it’s heavy but we must talk about it. Sexual assault and sexual violence are very serious issues prevalent across all of our communities, regardless of your zip code.

In February, the *Detroit Free Press* reported, “across the board, crime in Detroit is down...except for rape.” They also said, “The number of rapes reported to Detroit police in 2018 spiked 28 percent, to 894 last year, from 697 in 2017.”

This isn’t just happening in the big cities. Closer to here, we have a major university just up the road where, tragically, hundreds of young women were abused by a man they thought they could trust—a doctor, no less. The sister survivors are not alone in their struggle—not on my watch while I’m in this chamber. I’ll have their backs on this issue each and every time we have the opportunity not to just talk about this, but to do something.

There’s research data that underscores the importance of all of us raising awareness about sexual assault. The National Sexual Violence Research Center has found that one in five women and one in 16 men reported being sexually assaulted while in college.

As legislators, it is incredibly important that we proactively fight back against sexual assault in our communities. We can pass legislation such as “yes” means “yes” affirmative consent bills introduced by my colleague from the 23rd District.

If we want to end sexual assault, this starts with recognition and education. We simply must do our best to eliminate sexual violence from our society. I hope this resolution continues to be a part of a bigger, more important, and necessary conversation.

### Introduction and Referral of Bills

Senator McBroom introduced

#### **Senate Bill No. 266, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1278a and 1278b (MCL 380.1278a and 380.1278b), section 1278a as amended by 2018 PA 232 and section 1278b as amended by 2018 PA 230.

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



Senator Ananich introduced

**Senate Bill No. 267, entitled**

A bill to establish a tuition assistance program for certain undergraduate students in this state attending certain colleges, universities, and junior and community colleges; to provide for the administration of the tuition assistance program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Senator Horn introduced

**Senate Bill No. 268, entitled**

A bill to establish a financial aid program for certain residents of this state seeking associate degrees or industry-recognized certificates or credentials from certain educational and jobs training programs; to provide for the administration of the financial aid program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Senators Geiss, Hollier, Alexander, Bullock, Lucido, Ananich, Chang and Polehanki introduced

**Senate Bill No. 269, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 4a.

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

**House Bill No. 4121, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78q (MCL 211.78q), as amended by 2016 PA 518.

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 Finance.

**House Bill No. 4224, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7104 (MCL 333.7104), as amended by 2001 PA 233.

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 Health Policy and Human Services.

**House Bill No. 4225, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7303a (MCL 333.7303a), as amended by 2018 PA 101.

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 Health Policy and Human Services.

### Statements

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

The motion prevailed.

Senator Hertel's statement is as follows:

On my desk today I have a blueback for your co-sponsorship. This bill forces us to confront the difficult truth of the sexual assault epidemic we are facing in Michigan.

Every 92 seconds, an American is sexually assaulted. One-fourth of college women and one out of every 20 college men will be a survivor of sexual assault while they are on our college campuses. Last year, the Senate Appropriations Higher Education Subcommittee heard from nearly every Title IX coordinator at our state universities. Each of them said that children are not prepared to go and experience the college experience. The No. 1 thing they're not prepared for is education about consent and that it's at the heart of solving our cultural issues on sexual assault.

College students are most likely to experience sexual assault within their first six months on campus. Women ages 16 to 19 are four times more likely than the general population to experience sexual assault, rape, or attempted rape. In my work over the past five years on this issue, I have worked with countless experts, advocates, and survivors, and every single one of them has agreed that a change will only begin with a change in our education system.

What we need to be teaching is an early introduction to consent. This bill would require the Department of Health and Human Services to consult with the Department of Education to develop age-appropriate curriculum to address the importance of affirmative consent. The bill states the following:

Instruction on consent must include instruction that teaches pupils that in order for consent to be given to sexual activity, it must be affirmative and conscious and involve a freely given agreement to engage in sexual activity.

That it is the responsibility of each individual involved in the sexual activity to ensure that he or she has the consent of the other to engage in the sexual activity.

That an individual's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.

That an individual's manner of dress does not constitute consent.

That an individual's consent to past sexual activity does not constitute consent to future sexual activity.

That an individual's consent to engage in sexual activity with 1 individual does not constitute consent to engage in sexual activity with another individual.

That an individual can withdraw consent at any time during sexual activity.

That an individual cannot consent to sexual activity if that individual is unable to understand the nature of the activity or give knowing consent due to certain circumstances, including, but not limited to, any of the following circumstances:

The individual is incapacitated due to the use or influence of alcohol or drugs.

The individual is asleep or unconscious.

The individual is underage, as defined or determined by state law.

This all sounds like common sense, but the reality on our college campuses shows that common sense is not very common. Polling shows that both men and women are confused on this issue. Oftentimes we hear the phrase, "no means no," but as this bill outlines, so much more than a "no" can also mean "no." We need to instill that anything other than a clear, enthusiastic, verbal "yes" means "no."

Consent is not only about sex. I teach my seven-year-old about personal boundaries and that no one can touch him without his permission. These are simple and age-appropriate examples of how consent can be brought and talked about at any age.

This should not be a partisan issue. Preventing sexual assault is important, I believe, to every member of this chamber, and a change in culture is essential to that. Last session, we passed bipartisan legislation to hold perpetrators and those who hid perpetrators accountable. But, we need to change our laws to make sure we have less perpetrators. We need to change our laws to make sure we have less survivors. Last session, three Republican Senators—Senators Schuitmaker, Emmons, and Jones—all co-sponsored this legislation. Senator Schuitmaker called me and asked me to ask all of you to join me in co-sponsoring this again. Let's change our culture in Michigan. Let's change what's happening on our college campuses. Let's end sexual assault and support consent.

### **Announcements of Printing and Enrollment**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 11:

**House Bill Nos. 4121 4224 4225**

The Secretary announced that the following bills and resolutions were printed and filed on Thursday, April 11, and are available on the Michigan Legislature website:

**Senate Bill Nos.** 258 259 260 261 262 263 264 265  
**Senate Resolution Nos.** 32 33  
**House Bill Nos.** 4447 4448 4449 4450 4451 4452 4453 4454

### Committee Reports

The Committee on Local Government reported

**Senate Bill No. 19, entitled**

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 3a (MCL 15.323a), as amended by 2011 PA 106.

With the recommendation that the bill pass.

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

Dale W. Zorn  
 Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley, and Alexander

Nays: Senator Moss

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

**Senate Bill No. 173, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 676d (MCL 257.676d), as added by 2014 PA 303.

With the recommendation that the bill pass.

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

Dale W. Zorn  
 Chairperson

To Report Out:

Yeas: Senators Zorn, Johnson, Daley, Alexander and Moss

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Thursday, April 11, 2019, at 1:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Zorn (C), Johnson, Daley, Alexander and Moss

### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, April 11, 2019, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Justice and Public Safety submitted the following:

Meeting held on Thursday, April 11, 2019, at 1:30 p.m., Room 1300, Binsfeld Office Building

Present: Senators Barrett (C), Runestad and Hollier

### COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:  
 Meeting held on Thursday, April 11, 2019, at 3:00 p.m., Room 328, House Office Building  
 Present: Senators Lucido (C), Theis, Hollier and Irwin  
 Excused: Senator McBroom

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:  
 Meeting held on Thursday, April 11, 2019, at 3:00 p.m., Room 1300, Binsfeld Office Building  
 Present: Senators Victory (C), Daley and McCann

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submitted the following:  
 Meeting held on Tuesday, April 16, 2019 at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Bumstead (C), Outman, Victory and McCann  
 Excused: Senator Bayer

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture and Rural Development** - Thursday, April 18, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

**Capital Outlay** - Wednesday, April 17, 4:00 p.m. or later after committees are given leave by the House to meet, Room 519, Anderson House Office Building (517) 373-2768

**General Government** - Wednesday, April 17, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

**Justice and Public Safety** - Thursday, April 18, 1:30 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

**K-12 and Michigan Department of Education and Education and Career Readiness** - Thursday, April 18, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

**Licensing and Regulatory Affairs (LARA)/Department of Insurance and Financial Services (DIFS)** - Thursday, April 18, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-2768

**Universities and Community Colleges** - Thursday, April 18, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

**Education and Career Readiness and K-12 and Michigan Department of Education Appropriations Subcommittee** - Thursday, April 18, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5314

**Finance** - Wednesday, April 17, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

**Judiciary and Public Safety** - Thursday, April 18, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

**Transportation and Infrastructure** - Wednesday, April 17, 12:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Senator MacGregor moved that the Senate adjourn.  
 The motion prevailed, the time being 11:45 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, April 17, 2019, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

