

**No. 40**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**99th Legislature**  
**REGULAR SESSION OF 2018**

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Senate Chamber, Lansing, Wednesday, April 25, 2018.

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

Hood—present  
Hopgood—present  
Horn—present  
Hune—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—present  
Zorn—present

Pastor Delrico Loyd of Triumph Church - Flint Campus of Flint offered the following invocation:

Come Thou incarnate Word; gird with Thy mighty sword; let Your words have success. Let Your people be blessed. Holy Spirit, descend.

Gracious, omnipotent, favoring God, we thank You for this day, for Your word declares that this is the day You have made and so we're rejoicing and we are glad in it. We thank You for this day, and not only this day, but we thank you that when we woke up this morning, You gave us the use and activity of our limbs, You gave us concise and clear thought, and we were able to do for ourselves.

Gracious God, understanding that You could have chosen anybody to serve in the roles that we now serve in, we thank You now that You've not only chosen us but, as Dr. King said, we thank You that You have given us hearts full of grace and souls generated by love. We thank You now that You've given us the earnest desire to do what is morally right, just, and fair for all people. We ask now that You would be among us even as we meet in this session. We ask that You would increase our ability to articulate ourselves; and that You increase our desire to achieve commonality, unity, and professional rapport. We thank You now and we ask now that You would give us fresh strategies and that You would give us wisdom and knowledge—that you increase us in those areas—so that we'll be able to provide opportunity to legislate laws that will be a blessing to every corner and creed of this great state of Michigan.

As our families sacrifice for us to serve here, we ask that as You take care of us, that You also are diligent to take care of them. Bless our families in a special way. Bless them for the sacrifice that they make in sharing us with the constituents of our districts in the state of Michigan. We ask that You touch every member of the law enforcement community, that You bless and touch every leader of every agency and every worker of every agency, and that You cause our state to continue to rise to the top and continue to flourish as You have called us to do.

We thank You now for every Senator here. This is our prayer. Amen.

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

### Motions and Communications

The following communication was received:  
Department of State

#### Administrative Rules Notice of Filing

April 19, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2017-093-NR (Secretary of State Filing #18-04-08) on this date at 3:26 p.m. for the Department of Natural Resources entitled, "Special Local Watercraft Controls."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

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

### Messages from the Governor

The following message from the Governor was received:

Date: April 24, 2018  
Time: 10:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 521 (Public Act No. 109), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible

to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 649 (MCL 257.649).

(Filed with the Secretary of State on April 24, 2018, at 10:48 a.m.)

Respectfully,  
Brian Calley  
Acting and Lieutenant Governor

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 Schmidt 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:

**House Bill No. 4768, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 18e of chapter XIIA (MCL 712A.18e), as amended by 2016 PA 337.

**House Bill No. 5531, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311 (MCL 380.1311), as amended by 2016 PA 364.

**House Bill No. 5532, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a), as amended by 2016 PA 296.

**House Bill No. 4410, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending section 2404 (MCL 700.2404), as amended by 2000 PA 177.

**House Bill No. 5234, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding sections 3g and 3h to chapter XI.

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:

**House Bill No. 5530, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 520o. 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 returned to the order of  
**Motions and Communications**

Senator Kowall moved that rule 3.902 be suspended to allow the guest of Senator Stamas admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

Senator Young entered the Senate Chamber.

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

**House Bill No. 4422**

**House Bill No. 5215**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4422, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2015 PA 219.

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. 230**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Assistant President pro tempore, Senator O'Brien, assumed the Chair.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to authorize and make appropriations for the retirement system; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5215, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 185 (MCL 750.185).

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. 231**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**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.

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Concurrent Resolution No. 10**

**Senate Resolution No. 30**

**Senate Resolution No. 105**

**Senate Concurrent Resolution No. 20****Senate Concurrent Resolution No. 21**

The motion prevailed.

Senator Kowall offered the following resolution:

**Senate Resolution No. 155.**

A resolution to recognize April 22-28, 2018, as Michigan Venture Capital and Angel Investment week.

Whereas, The Michigan Venture Capital Association (MVCA), the nonprofit trade association founded in 2002 to increase the amount of capital and talent for Michigan's entrepreneurial and investment community, released its 2018 MVCA Research Report; and

Whereas, The study collects data from all 29 Michigan venture capital firms, and reports information from 11 angel investor groups, which are funding Michigan's most innovative entrepreneurs and working closely with them to transform breakthrough ideas into new companies and industries that drive Michigan job creation and economic growth; and

Whereas, Michigan investors are trailblazers who are vital to building Michigan's entrepreneurial community. Local investors are often the first to identify innovative companies emerging in the state and have the networks necessary to support their growth through deal-leadership and connections to potential out-of-state syndicate partners to help companies stay in Michigan rather than relocate to other areas where they may find greater funding sources; and

Whereas, Every \$1 invested in a Michigan startup by a Michigan-based venture capital firm attracts \$3.83 of investment from outside of Michigan; and

Whereas, Entrepreneurs, powered by the capital, networks, and support of Michigan investors, move Michigan forward by building high-growth, high-potential businesses; and

Whereas, There are currently 134 venture-backed startups in Michigan. To ensure the state's economic health in the long run, increasing capital availability for Michigan entrepreneurs remains a top priority; and

Whereas, MVCA members are working hard to attract more capital to empower entrepreneurs; and

Whereas, According to the 2018 MVCA Research Report, approximately \$627 million of additional venture capital will be required in the next two years to adequately fund the growth of Michigan's 134 venture-backed startups. However, only \$403 million of venture capital is available for existing portfolio companies backed by Michigan venture capitalists, highlighting a significant funding gap that is beginning to impact Michigan startups; and

Whereas, In order to support the demand for capital from high-tech, high-growth companies launching in Michigan, local venture firms are targeting to raise \$657 million in 2018; and

Whereas, The challenge ahead is to make sure we can meet these growing demands. Together with our partners in state government, economic development organizations, higher education institutions, and institutional investors we are ready to continue our commitment to funding the brilliance and talent that resides in Michigan entrepreneurs and making Michigan the state where companies come to grow; now, therefore, be it

Resolved by the Senate, That this legislative body recognize April 22-28, 2018, as Michigan Venture Capital and Angel Investment week.

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 resolution was adopted.

Senators Booher, Brandenburg, Hansen, Hopgood, Knollenberg, MacGregor, Marleau, Proos, Schmidt, Warren and Zorn were named co-sponsors of the resolution.

Senators Schuitmaker and Bieda offered the following resolution:

**Senate Resolution No. 156.**

A resolution to commemorate the week of April 8-14, 2018, as Crime Victims' Rights Week.

Whereas, With the implementation of the Crime Victim's Rights Act in 1985 and the passage of a constitutional amendment in 1988, the state of Michigan has adopted some of the nation's most comprehensive laws to protect the rights of crime victims; and

Whereas, Crime victims possess the right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process. This past year has seen a tremendous upheaval with the prosecution of a sports doctor who sexually assaulted his patients and, far more importantly, victims of his criminal course of conduct finally having a voice of their own; and

Whereas, Though Michigan continues to make strides in reducing the crime rate, there are still far too many victims of crime. Research going back 40 years indicates that less than half of violent crimes, and less than 40 percent of property crimes, are reported. The most recent National Intimate Partner and Sexual Violence Survey results have estimated that today in Michigan, there are over 1,700,000 survivors of sexual violence; and

Whereas, In the six years from 2011-2016, over 2.6 million people reported being the victim of a crime in Michigan. If it is accurate that less than half of crimes are reported, then Michigan residents have actually been the victims of far more than 5 million crimes in those 6 years; and

Whereas, The national theme for 2018 is “Expand the Circle. Reach All Victims.” As we have all seen and heard in the recent sexual assault case, victims need to be believed and services available to assist them in their journey from being a victim to becoming a survivor. Let us focus on the importance of early intervention and victim services in establishing trust with victims, which, in turn, begins to restore their hope for healing and recovery; and

Whereas, In response to the courageous stands and victim impact statements of victims of sexual assault, the Michigan Legislature is working diligently to create a policy and real life environment for victims that is safe, supportive, and effective; and

Whereas, Intervening early with services that support and empower victims provides a pathway to recovery from crime and abuse; and

Whereas, National Crime Victims’ Rights Week is an opportune time to commit to ensuring that all victims of crime are offered accessible and appropriate services in the aftermath of crime; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the week of April 8-14, 2018, as Crime Victims’ Rights Week and express our support of their rights with a vigil on April 25, 2018, at the State Capitol; and be it further

Resolved, That we reaffirm this state’s commitment to protecting the rights of crime victims and addressing their needs.

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 resolution was adopted.

Senators Ananich, Booher, Brandenburg, Casperson, Colbeck, Conyers, Emmons, Green, Gregory, Hertel, Hildenbrand, Hopgood, Horn, Hune, Jones, Knezek, Knollenberg, Kowall, MacGregor, Marleau, Meekhof, Nofs, O’Brien, Pavlov, Proos, Robertson, Rocca, Schmidt, Shirkey, Stamas, Warren, Young, Zorn and Hansen were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Schuitmaker’s statement is as follows:

I rise today in support of Senate Resolution No. 156, which recognizes April 8-14 as Crime Victims’ Rights Week in Michigan. Across the country this week is designated as a week to remember the victims of crime. Michigan families report thousands of new victims of crime each year and research consistently indicates that less than half of all crimes are reported. We recognize that our response to crime victims plays an important role in the efforts to rebuild their lives following their experience. Too often, crime victims are relegated to a footnote in a news report and their stories are never heard. We owe them more. Crime victims possess the right to be treated with fairness and respect for their dignity and privacy. Intervention and victim services are important in establishing trust with victims that is safe, supportive, and effective.

I would also like to take this opportunity to invite everyone here to the annual Crime Victims’ Rights Vigil here in the Capitol, co-hosted by Attorney General Bill Schuette, Senator Bieda, and myself. This will be an occasion to honor and remember the victims and to support the loved ones of victims who are no longer with us. There is strength and peace that comes from shared experiences and we hope that tonight will provide an opportunity for all affected by violence to come together. You are all welcome to join us in the Capitol rotunda tonight at 6:00 p.m.

Victims deserve to be heard and remembered, and I ask that my colleagues support this resolution and give a voice to those who are so often forgotten.

### Introduction and Referral of Bills

Senator Green introduced

#### **Senate Bill No. 963, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 18a.

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

### Statements

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

The motion prevailed.



Senator Warren's statement is as follows:

Madam President and my colleagues, this year more than 57,000 Michiganders will receive the news that they have been diagnosed with cancer. Although cancer has touched nearly everyone's life in some way, there is still a continued need to raise awareness, share information on the ways to reduce the risk, and support efforts to find a cure. For that reason, I encourage you to co-sponsor the resolution that I have available at my desk today to express the Senate's support for the work that is being done to help people stay well and to fight this disease. In addition, I encourage all of those participating in the American Cancer Society's Suits and Sneakers awareness campaign to join me immediately after session, when we adjourn today, for a group photo. Hopefully many of you wore your sneakers today and will participate in that photo. I encourage your co-sponsorship and your participation in the photo.

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

The Secretary announced that the following bills were printed and filed on Tuesday, April 24, and are available at the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>960</b>	<b>961</b>	<b>962</b>											
<b>House Bill Nos.</b>	<b>5853</b>	<b>5854</b>	<b>5855</b>	<b>5856</b>	<b>5857</b>	<b>5859</b>	<b>5860</b>	<b>5861</b>	<b>5862</b>	<b>5863</b>	<b>5864</b>	<b>5865</b>	<b>5866</b>	<b>5867</b>
	<b>5868</b>	<b>5869</b>	<b>5870</b>	<b>5871</b>	<b>5872</b>									

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, April 24, 2018, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, April 24, 2018, at 2:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Booher (C), O'Brien, Nofs, Zorn, MacGregor, Rocca, Hertel and Conyers

### **Scheduled Meetings**

**Criminal Justice Policy Commission** - Wednesday, May 2, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Economic Development and International Investment** - Thursday, April 26, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

**Judiciary** - Tuesday, May 1, 3:00 p.m., Room 1300, Binsfeld Office Building (373-5323)

**Legislative Council** - Wednesday, May 2, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Transportation** - Thursday, April 26, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:32 a.m.



The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, April 26, 2018, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

