

No. 29
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Tuesday, March 24, 2015.

10:00 a.m.

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

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

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

Hopgood—present
Horn—present
Hune—present
Johnson—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
Smith—present
Stamas—present
Warren—present
Young—present
Zorn—present

Senator Wayne A. Schmidt of the 37th District offered the following invocation:

The Boy Scout's Grace:

"Let us be thankful for the food and drinks we are about to receive before us.

Let us be thankful for the shelter that protects us while we sleep at night.

Let us be thankful for the water that rejuvenates our mind, body and soul.

Let us be thankful for the earth we walk on and the air we breathe.

Let us be thankful for the fire that keeps us warm and gives us light.

Let us be thankful for natural surroundings that give the earth beauty and life.

Let us be thankful for the family and friends that are helpful when we need them the most.

Let us be thankful for the staff and leaders that lead us on our way.

Amen."

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

Motions and Communications

Senators Booher, Proos, Emmons, Hertel and Hopgood entered the Senate Chamber.

Senator Kowall moved that Senator Green be temporarily excused from today's session.

The motion prevailed.

Senator Hood moved that Senators Ananich, Johnson, Young and Smith be temporarily excused from today's session.

The motion prevailed.

Senators Ananich, Young, Green and Smith entered the Senate Chamber.

The Secretary announced that the following bills were printed and filed on Thursday, March 19, and are available at the Michigan Legislature website:

Senate Bill Nos. 216 217 218 219 220 221 222 223 224

House Bill Nos. 4353 4354 4355 4356 4357

The Secretary announced that the following bills were printed and filed on Friday, March 20, and are available at the Michigan Legislature website:

House Bill Nos. 4358 4359 4360 4361 4362 4363 4364 4365

Recess

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

The motion prevailed, the time being 10:08 a.m.

10:52 a.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Warren, Hertel, Young, Hopgood, Bieda and Ananich introduced

Senate Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 25 of article I, to allow the recognition of marriage or similar unions of two people.

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

Senator Shirkey introduced
Senate Bill No. 225, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2 and 2a (MCL 28.422 and 28.422a), section 2 as amended by 2014 PA 201 and section 2a as amended by 2013 PA 3, and by adding section 12c.

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

Senator Shirkey introduced
Senate Bill No. 226, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2012 PA 124.

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

Senators Hertel, Warren, Bieda, Ananich and Knezek introduced
Senate Bill No. 227, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 2, 3, and 9 (MCL 551.2, 551.3, and 551.9), sections 2 and 3 as amended by 1996 PA 324; and to repeal acts and parts of acts.

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

Senators Knezek, Warren, Hertel, Bieda and Ananich introduced
Senate Bill No. 228, entitled

A bill to amend 1897 PA 180, entitled "An act to provide for the issuance of marriage licenses and certificates without publicity in certain cases; and to provide criminal and civil penalties for violation of this act," by amending section 1 (MCL 551.201), as amended by 1983 PA 199.

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

Senators Smith, Warren, Hertel, Bieda, Ananich, Knezek and Gregory introduced
Senate Bill No. 229, entitled

A bill to amend 1939 PA 168, entitled "An act to determine whether certain marriages solemnized in another state by individuals authorized to solemnize marriages under the laws of that state are to be recognized in this state," by amending section 1 (MCL 551.271), as amended by 1996 PA 334; and to repeal acts and parts of acts.

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

Senators Ananich and Bieda introduced
Senate Bill No. 230, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 264a.

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

Senators Jones, Schuitmaker, Proos, Marleau, Booher, Smith, Rocca, Emmons, Zorn and Knollenberg introduced
Senate Bill No. 231, 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.

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

Senator Robertson introduced
Senate Bill No. 232, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2013 PA 234.

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

Senator Robertson introduced
Senate Bill No. 233, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2013 PA 160.

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

Senators Booher and Brandenburg introduced
Senate Bill No. 234, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 651, 655, and 657 (MCL 206.651, 206.655, and 206.657), section 651 as amended by 2011 PA 171 and sections 655 and 657 as added by 2011 PA 38.

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received and read:

March 19, 2015

Due to an error on the letter dated March 16, 2015, and filed with your office on March 17, 2015, please be advised of the following correction appearing in **bold print**:

Michigan State Housing Development Authority

Steve Arwood of 5665 S. Forrest Road, St. Johns, Michigan 48879, county of Clinton, as the **Director of the Department of Talent and Economic Development**, succeeding Maura Corrigan, is appointed for a term expiring at the pleasure of the Governor.

Alexander Simpson of 16554 Princeton Street, Detroit, Michigan 48221, county of Wayne, representing Independents, succeeding Robert Sher, is appointed for a term expiring March 10, 2019.

Scott Wierda of 6031 Hillsborough Drive, Georgetown, Michigan 49418, county of Ottawa, representing Republicans, succeeding himself, is reappointed for a term expiring March 10, 2019.

Sincerely,
Rick Snyder
Governor

The message was referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 42, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 7a, 18b, 25, 67a, 212, 259, 306, 307, 309, 310d, 310e, 312e, 312f, 319, 319b, 324, 732, 803b, and 904 (MCL 257.7a, 257.18b, 257.25, 257.67a, 257.212, 257.259, 257.306, 257.307, 257.309, 257.310d, 257.310e, 257.312e, 257.312f, 257.319, 257.319b, 257.324, 257.732, 257.803b, and 257.904), sections 7a and 212 as amended by 2002 PA 534, section 18b as added and section 67a as amended by 1988 PA 346, section 306 as amended by 2014 PA 120, section 307 as amended by 2012 PA 55, section 309 as amended by 2012 PA 355, section 310d as amended by 2004 PA 62, section 310e as amended by 2011 PA 124, sections 312e and 803b as amended by 2011 PA 159, section 312f as amended by 2012 PA 473, section 319 as amended by 2012 PA 306, section 319b as amended by 2012 PA 498, section 324 as amended by 2006 PA 298, section 732 as amended by 2012 PA 592, and section 904 as amended by 2008 PA 461, and by adding section 306a.

The House of Representatives has amended the bill as follows:

1. Amend page 3, following line 19, by inserting:

"Sec. 43a. "Preliminary roadside ~~CHEMICAL BREATH~~ analysis" means the on-site taking of a preliminary breath test from the breath of a person ~~or the performance and observation of a field sobriety test~~ for the purpose of detecting the presence of any of the following within the person's body:

- (a) Alcoholic liquor.
- (b) A controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.
- (c) Any other intoxicating substance, as that term is defined in section 625.
- (d) Any combination of the substances listed in subdivisions (a) to (c)."

2. Amend page 76, following line 10, by inserting:

“Sec. 625a. (1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(b) The person is found in the driver’s seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of them may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person’s blood, breath, or urine contained any measurable amount of alcohol, a controlled substance, or any other intoxicating substance or while the person had any detectable presence of alcoholic liquor, a controlled substance or any other intoxicating substance, or any combination of them, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis. The following provisions apply with respect to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis administered under this subsection:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary ~~roadside-CHEMICAL BREATH~~ analysis.

(b) The results of a preliminary ~~roadside-CHEMICAL BREATH~~ analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes:

(i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(ii) As evidence of the defendant’s breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant’s breath alcohol content was higher at the time of the charged offense than when a chemical test was administered under subsection (6).

(iii) As evidence of the defendant’s breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant’s breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6).

(c) A person who submits to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis remains subject to the requirements of sections 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections.

(d) Except as provided in subsection (5), a person who refuses to submit to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) A peace officer shall use the results of a preliminary ~~roadside-CHEMICAL BREATH~~ analysis conducted under this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d.

(4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis under this section shall be advised that refusing a peace officer’s request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and will result in the issuance of a 24-hour out-of-service order.

(5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary ~~roadside-CHEMICAL BREATH~~ analysis upon a peace officer’s lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(6) The following provisions apply with respect to chemical tests and analysis of a person’s blood, urine, or breath, other than a preliminary ~~roadside-CHEMICAL BREATH~~ analysis:

(a) The amount of alcohol or presence of a controlled substance or other intoxicating substance in a driver’s blood or urine or the amount of alcohol in a person’s breath at the time alleged as shown by chemical analysis of the person’s blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.

(b) A person arrested for a crime described in section 625c(1) shall be advised of all of the following:

(i) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.

(ii) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

(iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request.

(iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain a court order.

(v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record.

(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and shall be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance or other intoxicating substance, or any combination of them, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police.

(g) The department of state police shall promulgate uniform rules in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary roadside ~~CHEMICAL BREATH~~ analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.

(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions:

(a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2018, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, "any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2018, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(8) If a chemical test described in subsection (6) is administered, the test results shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

(9) A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury shall be instructed accordingly.

(10) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625."

3. Amend page 95, line 16, by striking out all of enacting section 1 and inserting:

"Enacting section 1. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect July 8, 2015.

(2) Sections 43a and 625a of the Michigan vehicle code, 1949 PA 300, MCL 257.43a and 257.625a, as amended by this amendatory act, take effect upon enactment of this amendatory act."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill 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 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 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 sections 7a, 18b, 25, 43a, 67a, 212, 259, 306, 307, 309, 310d, 310e, 312e, 312f, 319, 319b, 324, 625a, 732, 803b, and 904 (MCL 257.7a, 257.18b, 257.25, 257.43a, 257.67a, 257.212, 257.259, 257.306, 257.307, 257.309, 257.310d, 257.310e, 257.312e, 257.312f, 257.319, 257.319b, 257.324, 257.625a, 257.732, 257.803b, and 257.904), sections 7a and 212 as amended by 2002 PA 534, section 18b as added and section 67a as amended by 1988 PA 346, section 43a as added and section 625a as amended by 2014 PA 315, section 306 as amended by 2014 PA 120, section 307 as amended by 2012 PA 55, section 309 as amended by 2012 PA 355, section 310d as amended by 2004 PA 62, section 310e as amended by 2011 PA 124, sections 312e and 803b as amended by 2011 PA 159, section 312f as amended by 2012 PA 473, section 319 as amended by 2012 PA 306, section 319b as amended by 2012 PA 498, section 324 as amended by 2006 PA 298, section 732 as amended by 2012 PA 592, and section 904 as amended by 2008 PA 461, and by adding section 306a.

Pursuant to rule 3.202, the bill was laid over one day.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:57 a.m.

11:03 a.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators O'Brien, Nofs, Schuitmaker, Jones, Zorn, Emmons, Colbeck, Knezek and Proos offered the following concurrent resolution:

Senate Concurrent Resolution No. 9.

A concurrent resolution to urge the U.S. Department of Defense, Missile Defense Agency to select the Fort Custer Training Center as the location for a new ground-based interceptor ballistic missile defense mission.

Whereas, The Fort Custer Training Center is one of four sites being considered for a new ground-based interceptor ballistic missile defense mission. Fort Custer is a 7,500-acre Michigan National Guard installation that supports all branches of the Armed Services, as well as law enforcement agencies and federal partners; and

Whereas, The Fort Custer Training Center is nationally recognized by the Department of Defense for its superior environmental stewardship, having won numerous environmental and energy awards from the Department of the Army. The selection of the ground-based interceptor ballistic missile defense mission will rely heavily on the installation's ability to support the mission and protect the environment. Therefore, Fort Custer's respect for the environment makes it a logical choice for the site selection; and

Whereas, The final site selection must be based upon the installation's ability to support the mission of the ground-based interceptor ballistic missile defense mission, but the cost to U.S. taxpayers to complete that mission should be important in the site selection process for the U.S. Department of Defense, Missile Defense Agency. Based upon information and belief, Fort Custer can support the mission and will provide the best value for U.S. taxpayers; and

Whereas, The ground-based interceptor ballistic missile defense system is the key defense tool protecting our state and nation from ballistic missile attacks. The placement of the ballistic missile defense system in Battle Creek will take full advantage of Fort Custer's strategic location and security. Michigan is prepared to support the construction and operation of the new missile defense system, as well as the personnel who will maintain it; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the U.S. Department of Defense, Missile Defense Agency to select the Fort Custer Training Center as the location for a new ground-based interceptor ballistic missile defense mission; and be it further

Resolved, That copies of this resolution be transmitted to the United States Missile Defense Agency, the United States Secretary of Defense, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Kowall moved that the concurrent resolution be referred to the Committee on Veterans, Military Affairs and Homeland Security.

The motion prevailed.

Senators Booher, Brandenburg, Hansen, Horn, Kowall, MacGregor, Robertson, Schmidt and Stamas were named co-sponsors of the concurrent resolution.

Senator Casperson offered the following resolution:

Senate Resolution No. 27.

A resolution designating September 6, 2015, as Michigan Mining Day.

Whereas, Michigan Mining Day is a day which is especially fitting as mining was instrumental in the settling of Michigan's Upper Peninsula and became a way of life dating back more than a century in the Upper Peninsula, which is designated by a single area code that is the numerical equivalent to the date: 9-06; and

Whereas, Michigan is blessed with an abundance of valuable mineral resources. Our state's long and diverse geologic history has produced a wide variety of minerals, notably copper, iron, nickel, salt, sand, gravel, and limestone; and

Whereas, Mining played an integral part of Michigan's history and growth. More native copper ore was mined in Michigan's Keweenaw Peninsula from 1845 to 1887 than any other place in North America. For many years, Michigan produced more than one-half of the nation's supply of copper. In 1844, rich iron ore deposits were discovered in the Upper Peninsula, and from the 1850s to the early 1900s, Michigan was the nation's leader in iron ore production. From 1880 to 1926, Michigan also ranked first or second in the nation in salt production. Michigan's mining industry was a major driver of the state's early economy and growth and attracted immigrants from around the world. So important were the mineral riches of the Upper Peninsula that, in 1855, a remarkable engineering feat was completed. The canal and locks along the St. Mary's River were constructed to help enable the transport of these minerals around the world; and

Whereas, Mining continues to be an important piece of Michigan's economy and economic future, with mineral resources in the Upper Peninsula attracting new interest from a number of national and international companies. These companies are investing in Michigan and creating well-paying jobs, often in areas that are in dire need of economic opportunity. The Eagle Mine has created more than 300 new jobs that support another 1,250 jobs in the community; invested more than \$50 million in public infrastructure; generates new local and state tax revenue; and is providing an estimated 20 percent boost to the local economy. It is a clear example of how the resurgence of mining can play a vital role in Michigan's economic recovery not only in the Upper Peninsula's economy, but for the state as a whole; and

Whereas, Modern-day mining can boost our state and local economies while providing for a balanced use of the natural resources. In the last decade, the Legislature created new laws for nonferrous metallic mineral mining that bolstered our state's already-strong environmental standards and regulations, arguably making them the most stringent standards in the world. This ensures that today's mining is carried out safely and responsibly, without adversely impacting the environment and permitting local communities, families, and institutions to prosper and grow for future generations of Michiganders; and

Whereas, Even in the Information Age, abundant natural resources and their wise use can be the cornerstone of a successful state. Four of the top ten best-run states identified by the financial news publication *24/7 Wall St.*—North Dakota, Wyoming, Texas, and Alaska—have robust mining industries that provide jobs, investments, and tax revenue that fuel these states' economies and high ratings. The expansion of mining in Michigan can provide similar benefits and opportunities, helping build a strong, diverse, and resilient economy across all regions of our state; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby designate September 6, 2015 (9-06), as Michigan Mining Day. We support the continued growth of mining and urge Michigan residents to join in supporting mining in Michigan so that our state may realize the economic opportunity it was naturally afforded.

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 Bieda, Booher, Brandenburg, Colbeck, Hansen, Horn, Kowall, MacGregor, Nofs, O'Brien, Pavlov, Proos, Robertson, Schmidt and Stamas were named co-sponsors of the resolution.

Senator Casperson offered the following resolution:

Senate Resolution No. 28.

A resolution to express support for the renewed growth of mining in Michigan.

Whereas, Michigan is blessed with an abundance of valuable mineral resources. Our state's long and diverse geologic history has produced a wide variety of minerals, notably copper, iron, nickel, salt, sand, gravel, and limestone; and

Whereas, Mining played an integral part of Michigan's history and growth. More native copper ore was mined in Michigan's Keweenaw Peninsula from 1845 to 1887 than any other place in North America. For many years, Michigan produced more than one-half of the nation's supply of copper. In 1844, rich iron ore deposits were discovered in the Upper Peninsula, and from the 1850s to the early 1900s, Michigan was the nation's leader in iron ore production. From 1880 to 1926, Michigan also ranked first or second in the nation in salt production. Michigan's mining industry was a major driver of the state's early economy and growth and attracted immigrants from around the world. So important were the mineral riches of the Upper Peninsula that, in 1855, a remarkable engineering feat was completed. The canal and locks along the St. Mary's River were constructed to enable the transport of these minerals around the world; and

Whereas, Mining continues to be an important piece of Michigan's economy and economic future, with mineral resources in the Upper Peninsula attracting new interest from a number of national and international companies. These companies are investing in Michigan and creating well-paying jobs, often in areas that are in dire need of economic opportunity. The Eagle Mine has created over 300 new jobs that support another 1,250 jobs in the community; invested more than \$50 million in public infrastructure; generates new local and state tax revenue; and is providing a 20 percent boost to the local economy. It is a clear example of how the resurgence of mining can play a vital role in Michigan's economic recovery not only in the Upper Peninsula, but in the state as a whole; and

Whereas, Modern-day mining can boost our state and local economies while providing for a balanced use of natural resources. In the last decade, the Legislature created new laws for nonferrous metallic mineral mining that bolstered our state's already-strong environmental standards and regulations, arguably making them the most stringent standards in the world. These standards ensure that today's mining is carried out safely and responsibly, without adversely impacting the environment and permitting local communities, families, and institutions to prosper and grow for future generations of Michiganders; and

Whereas, Even in the Information Age, abundant natural resources and their wise use can be the cornerstone of a successful state. Four of the top ten best-run states—North Dakota, Wyoming, Texas, and Alaska—identified by the financial news publication *24/7 Wall St.* have robust mining industries that provide jobs, investments, and tax revenue that fuel these states' economies and high ratings. The expansion of mining in Michigan can provide similar benefits, helping build a strong, diverse, and resilient economy across all regions of our state; now, therefore, be it

Resolved by the Senate, That we express support for the renewed growth of mining in Michigan.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Kowall moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Booher, Colbeck, Hansen, Horn, Kowall, MacGregor, Nofs, O'Brien, Pavlov, Proos, Robertson, Schmidt and Stamas were named co-sponsors of the resolution.

Senator Proos offered the following resolution:

Senate Resolution No. 29.

A resolution commemorating the 50th Anniversary of the opening of the Michigan Court of Appeals.

Whereas, The Michigan Court of Appeals was created by Article VI, Section 1, of the Michigan Constitution of 1963; and

Whereas, The Court of Appeals began operating on January 12, 1965, when the Michigan Supreme Court transferred 365 cases to the nine original judges on the bench, including Chief Judge T. John Lesinski, Chief Judge Pro Tempore John W. Fitzgerald, and Judges Robert B. Burns, John H. Gillis, Donald E. Holbrook, Thomas Giles Kavanagh, Louis D. McGregor, Timothy C. Quinn, and John D. Watts; and

Whereas, At its opening, the Court of Appeals had 45 staff members, including Clerk of the Court Robert L. Dzierbicki, and comprised offices located in Lansing, Detroit, and Grand Rapids; and

Whereas, Since its inception, 82 men and women have served on the Court of Appeals bench, 41 of whom have been elected and 41 of whom have been appointed by the Governor. Of these distinguished jurists, 13 judges have gone on to serve on the Michigan Supreme Court, and three others have subsequently been appointed to the federal bench; and

Whereas, Dorothy Comstock Riley became the first female member of the Court of Appeals, when she was appointed to the bench by Governor William G. Milliken in 1976. Since her appointment, 19 more women have served admirably as judges on the Court of Appeals; and

Whereas, The Court of Appeals has a history of lengthy and dedicated service, with current Judge David H. Sawyer representing the longest term of service on the bench at 28 years and three staff members—Elizabeth Pyzik, Annie Madigan, and Barbara Buckley—all serving the Court for more than 40 years; and

Whereas, The esteemed judges of the Court of Appeals have been remarkably productive over the Court's first five decades. During that time, more than 325,000 cases have been filed with the court, resulting in more than 151,700 dispositive opinions, including 28,300 published opinions reported in the 306 volumes of the Michigan Appeals Reports; and

Whereas, Since its beginning, the Michigan Court of Appeals has distinguished itself as an innovative institution, and its centralized research staff was the first of its kind when Chief Judge T. John Lesinski introduced it in 1968. More than 1,000 attorneys have started their careers with the Court and have gone on to prominent careers as practitioners, judges, justices, and court administrators, making a remarkable impact on Michigan jurisprudence; and

Whereas, The Appeals Court has also historically embraced technology, implementing a program to accept electronic case records from lower courts in 2010 and executing a voluntary electronic filing system in 2006, through which over 206,000 documents have been filed in approximately 17,500 cases; and

Whereas, In a 2014 report, the Court was recognized by the National Center for State Courts "as fine an example as we have found of business process discipline in the judicial branch ... It is a well-organized, well-run operation that is, to an outsider, quite extraordinary"; and

Whereas, In its first 50 years, the Michigan Court of Appeals has proven to be an august and innovative body comprised of fair-minded and thoughtful jurists who have served the people of the state of Michigan capably and admirably; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby recognize the 50th Anniversary of the opening of the Michigan Court of Appeals and honor the contributions that the Court has made to the state of Michigan and its jurisprudence.

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 Bieda, Booher, Brandenburg, Colbeck, Emmons, Hansen, Horn, Kowall, Nofs, Robertson and Schmidt were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Proos 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. 85, entitled

A bill to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms," by amending the title and sections 1, 2, 3, and 4 (MCL 123.1101, 123.1102, 123.1103, and 123.1104).

House Bill No. 4051, 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," by amending section 28 (MCL 205.28), as amended by 2014 PA 240.

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. 173, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11r, 20, 20g, and 22a (MCL 388.1611, 388.1611r, 388.1620, 388.1620g, and 388.1622a), sections 11, 20, 20g, and 22a as amended and section 11r as added by 2014 PA 196.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 26, line 18, after "at" by striking out "\$12,062,887,900.00" and inserting \$11,879,522,400.00".
2. Amend page 26, line 20, after "at" by striking out "\$11,906,502,600.00" and inserting \$11,720,874,600.00".

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, March 19, 2015, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Stamas (C), Nofs, Booher and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Thursday, March 19, 2015, at 1:30 p.m., Room 210, Farnum Building

Present: Senators Horn (C), Schmidt, Brandenburg, Stamas, Smith and Bieda

Excused: Senator Emmons

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Thursday, March 19, 2015, at 2:00 p.m., Room 110, Farnum Building

Present: Senators O'Brien (C), Emmons, Zorn, Colbeck and Knezek

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, March 24, 2015, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Nofs (C), Colbeck and Knezek

Scheduled Meetings

Appropriations - Wednesday, March 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1801)

Subcommittees -

Community Colleges - Wednesday, March 25, 9:00 a.m., Room 405, Capitol Building (373-2768)

Corrections - Thursday, March 26, 9:00 a.m., Room 405, Capitol Building (373-2768)

General Government - Thursday, March 26, 9:00 a.m., Room 100, Farnum Building (373-2768)

Higher Education - Thursday, March 26, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services - Thursday, March 26, 2:00 p.m., Room 100, Farnum Building (373-2768)

Judiciary - Wednesday, March 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

K-12, School Aid, Education - Wednesday, March 25, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Licensing and Regulatory Affairs - Wednesday, March 25, 8:30 a.m., Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Thursday, March 26, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768) (CANCELED)

Transportation - Thursday, March 26, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Thursday, March 26, 1:30 p.m., Room 210, Farnum Building (373-5312)

Families, Seniors and Human Services - Wednesday, March 25, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Natural Resources - Wednesday, March 25, 12:30 p.m., Room 210, Farnum Building (373-5314)

Regulatory Reform - Wednesday, March 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-5323)

Transportation - Thursday, March 26, 8:30 a.m., Room 210, Farnum Building (373-5323)

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

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, March 25, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate