

No. 6
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, February 1, 2007.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—excused
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—excused
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Patricia L. Birkholz of the 24th District offered the following invocation:

Dear Lord, as we begin our session here today, let us open and invite You into our hearts. Guide us as we move forward at an extremely challenging time for our state, an extremely challenging time for our communities, an extremely challenging time for families, and for the future of our great state.

Help us to be ever mindful of You in all that we do. Help us as legislators to be patient with all of our colleagues. Help us to listen to each other. Help us to learn from each other. Help us to do Your will.

On this snowy day in beautiful Michigan, we ask that You guide and keep the safety of our members and their families; that You comfort and assist all our men and women serving overseas and serving here in our great United States, and be with their families. Wrap Your arms around those families who need You.

In Your name we pray. Amen.

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

Motions and Communications

Senator Gleason entered the Senate Chamber.

Senator Cropsey moved that Senator Stamas be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that rule 3.901 be suspended to allow videotaping to be taken from the Gallery.
The motion prevailed, a majority of the members serving voting therefor.

Senator Thomas moved that Senators Clarke and Cherry be temporarily excused from today's session.
The motion prevailed.

Senator Thomas moved that Senators Barcia and Hunter be excused from today's session.
The motion prevailed.

The following communication was received:
Automobile Theft Prevention Authority

January 30, 2007

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2006 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATP at (517) 336-6197.

Sincerely,
Peter C. Munoz, Director
Michigan State Police

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Wednesday, January 31, and are available at the legislative website:

Senate Bill Nos.	100	101	102	103	104	105	106	107	108	109	110	111	112	113
	114	115	116	117	118	119	120	121	122	123	124	125	126	127
	128	129	130	131	132	133	134	135	136	137	138	139	140	141
	142	143	144	145	146	147	148	149	150					
House Bill Nos.	4145	4146	4147	4148	4149	4150	4151	4152	4153	4154	4155	4156	4157	4158
	4159	4160	4161	4162	4163	4164	4165	4166	4167	4168	4169	4170	4171	4172
	4173	4174	4175	4176	4177	4178	4179	4180	4181	4182				

Resolutions

Senator Basham offered the following resolution:

Senate Resolution No. 8.

A resolution to memorialize the United States Congress, the Department of Energy, and the Nuclear Regulatory Commission to work diligently to open the Yucca Mountain Federal Repository for high-level radioactive waste so that the Michigan Department of Natural Resources can acquire and use the former site of the Big Rock Point nuclear power plant for park and recreation purposes in a safe manner.

Whereas, The Big Rock Point nuclear power plant located in Charlevoix County was the nation's oldest nuclear power plant, operating for 35 years before it was shut down and decommissioned in 1997. The power plant no longer exists; and

Whereas, Consumers Energy power company, the owner of Big Rock Point, is offering to sell 435 acres of land surrounding the site of the former plant to the state of Michigan. The land, which is along the shores of beautiful Lake Michigan, abounds with habitat for deer, porcupines, bears, bald eagles, and endangered plant species; and

Whereas, The land being offered for sale surrounds, but does not include a one hundred-acre buffer zone encircling a one-acre high-security storage site that contains 441 bundles of spent nuclear fuel rods. This spent nuclear fuel is characterized as high-level radioactive waste and is stored in steel reinforced concrete casks as regulated under federal law; and

Whereas, As mandated in the Nuclear Waste Policy Act of 1982, the Department of Energy has been working to open a federal high-level nuclear waste repository. However, they are seriously behind schedule and have had to abandon several proposed timelines; and

Whereas, In 2002, the President of the United States and the United States Congress enacted the Yucca Mountain Development Act, which completed the site selection process mandated by the Nuclear Waste Policy Act and paved the way for the Department of Energy to seek licenses from the Nuclear Regulatory Commission to build and operate a repository at Yucca Mountain; and

Whereas, Until Yucca Mountain is open, high-level radioactive waste must be stored on-site at power plants across the nation, including the site of the former Big Rock Point nuclear power plant. In this day and age, with the threat of terrorism always looming, it is most prudent to keep high-level radioactive waste in one safe and secure central location, rather than at sites scattered across the nation; and

Whereas, The land surrounding the high-security nuclear waste storage site at Big Rock Point has been deemed safe by the Nuclear Regulatory Commission and they have approved its release for other uses such as for recreation. However, the removal of the high-level radioactive waste stored at Big Rock Point would make this land even more attractive and safe; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress, the Department of Energy, and the Nuclear Regulatory Commission to work diligently to open the Yucca Mountain Federal Repository for high-level radioactive waste so that the Michigan Department of Natural Resources can acquire and use the former site of the Big Rock Point nuclear power plant for park and recreation purposes in a safe manner; and be it further

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

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

Senator Cropsey 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 Cropsey moved that the resolution be referred to the Committee on Energy Policy.

The motion prevailed.

Senators Clark-Coleman, Gleason, Prusi, Schauer and Switalski were named co-sponsors of the resolution.

Senators Stamas, Clarke and Cherry entered the Senate Chamber.

Introduction and Referral of Bills

Senator Gilbert introduced

Senate Bill No. 151, entitled

A bill to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of certain public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and

penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.

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

Senators Brater, Schauer, Jacobs, Whitmer, Gleason, Olshove, Basham and Prusi introduced

Senate Bill No. 152, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3902 (MCL 324.3902).

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

Senators Gleason, Cherry, Prusi, Switalski, Clarke, Basham, Brater, Schauer, Whitmer, Barcia, Scott, Clark-Coleman, Hunter, Anderson, Jacobs and Olshove introduced

Senate Bill No. 153, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11514a.

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

Senators Gleason, Cherry, Prusi, Switalski, Clarke, Basham, Whitmer, Schauer, Brater, Scott, Clark-Coleman, Hunter, Anderson, Jacobs and Olshove introduced

Senate Bill No. 154, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2002 PA 192.

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

Senators Brown, Jelinek, Hardiman, Jansen and Pappageorge introduced

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2005 PA 134.

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

Senators Hardiman and Jansen introduced

Senate Bill No. 156, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

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

Senators McManus, Pappageorge, Cropsey, Kahn and Kuipers introduced

Senate Bill No. 157, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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

Statements

Senator Scott and Basham asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I just want to continue to remind my colleagues, as we all know, the state is in a deficit, and so is a number of our communities. Some of these have to do with the high costs of living that it takes. I just want to remind my colleagues

that we need to take up this task force so that we can begin to talk about issues of insurance, and that is homeowners and car insurance. You have to know that it is really costing people a lot of money. I really would like to purchase a new car. My car is six years old, but even if I purchase a new car, it's just how much my insurance would cost me. Right now it is costing me over \$3,000 for just one six-year-old car. I have a decent salary, but there are those who live in poverty who need to get a job. These jobs are in the suburban areas, and they need to be able to drive. So some of them break the laws by driving anyway; then they are caught and have to pay this fee. You know, we put fees on bad drivers almost four years ago now. These are the people who are paying these fees along with all the other costs of living.

So I would hope that we would soon set up this task force. I am asking the chair of the committee where this bill is to please take it up, so that we can discuss it and come up with a bill that is going to be equitable for everyone. We have to remember that all of these people all over this state are our constituents and we must treat them all alike. So I am asking you again. I have been asking for a number of years, but this is a new session, and I would hope that we would take up these bills immediately. So I am asking all my colleagues to think about it. It is because when you do it to the least of these, you have done it unto Thee. I know my colleagues are better than that, so let's get busy and get some affordable insurance rates.

I'd like everyone to wear their red heart—well, this red dress—and it is because we have had so many women who are dying, and I am also finding out that there are a lot of men who are dying of a heart attack. My superintendent of schools, Dr. Arthur Carter, just had a heart attack the other day. He is in Beaumont Hospital. I ask you for your prayers for him. It touches all of us. I know tomorrow is Wear Red Day. I am asking my colleagues today to wear this little heart.

Senator Basham's statement is as follows:

You know, I've sponsored some legislation with my colleague across the aisle, Senator George. We would hope that colleagues would pay attention to that also. Michigan is truly a peninsula, but unfortunately, Michigan is truly a smoking peninsula or an island, if you will. Every state around us, including the province of Ontario, has gone smoke-free. Ontario recently did it on a ballot initiative this last election.

So, colleagues, we are losing billions of dollars a year related to health care costs as a result of not addressing this issue. This is an important issue. It has been a priority of mine and others and will continue to be. This is the session that we can get this done.

There are 4,000 chemicals in secondhand smoke; 200 are poisonous and 43 are cancer-causing. We have an obligation to workers across this state to make sure that the indoor air quality is of a good nature and we haven't dealt with that. The closest thing we got is a clean indoor act from 1978, which is not being enforced. So it is time to deal with this, I think, this most important issue, especially when we are dealing with budgets. We need to look at the merits of it. The United States Surgeon General has said there is no safe amount of secondhand smoke. That is zero. We can continue to be this smoky island or smoky peninsula or smoky mitt, but all the states around us, including the province of Ontario, have gone smoke-free.

I would encourage my colleagues to take a look at this bipartisan, two-piece legislation and move it out of the Senate. This is the time to do it.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:
Meeting held on Wednesday, January 31, 2007, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Wednesday, January 31, 2007 at 12:30 p.m., Room 100, Farnum Building
Present: Senators Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, January 31, 2007, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Prusi

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, January 31, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, January 31, 2007, at 3:06 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Patterson, Sanborn, Clarke, Gleason and Jacobs

Excused: Senator Allen

Scheduled Meetings**Appropriations -****Subcommittees -**

Economic Development - Wednesdays, February 7 and February 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Thursdays, February 15, February 22, March 1 and March 8, 1:00 p.m., Room 405, Capitol Building (373-2768)

Families and Human Services - Tuesday, February 6, 2:30 p.m., Room 210, Farnum Building (373-0797)

Homeland Security and Emerging Technologies - Tuesday, February 6, 12:30 p.m., Room 100, Farnum Building (373-5932)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 10:20 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, February 6, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate