

No. 24
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, March 25, 2009.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Anderson—present
Barcia—present
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—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present

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

Senator Samuel Buzz Thomas III of the 4th District offered the following invocation:

Father God, we come to You today humbly to ask for Your wisdom to succeed and assist those who need our help the most. We know that You do not look at us as Democrats or Republicans, liberals or conservatives, but as people—everyday people who are asked to do good work and to represent others in this great state. We realize the heavy burden and also realize we can't do it alone, whether it is here in session, at quiet time in our own homes, or with our families. We need to ask for Your guidance and the wisdom to do what is best for all.

We are blessed with all that You have given us, and we thank You for Your patience and Your generosity. Humbly in Your name, we pray. Amen.

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

Motions and Communications

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

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 399

Senate Bill No. 400

Senate Bill No. 401

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 24:
House Bill Nos. 4166 4313 4479 4507 4607

Senators Barcia, Cassis, Pappageorge, Richardville and Jelinek entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Cropsey 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 Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 400, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 20 (MCL 421.20), as amended by 2008 PA 479.

Senate Bill No. 401, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 17 (MCL 421.17), as amended by 2003 PA 174.

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. 399, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 64 (MCL 421.64), as amended by 2003 PA 174.

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.

During the Committee of the Whole, Senators Garcia and Clarke entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 399

Senate Bill No. 400

Senate Bill No. 401

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

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

Senate Bill No. 280

Senate Bill No. 399

Senate Bill No. 400

Senate Bill No. 401

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and 41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311, 324.41313, and 324.41323), section 41301 as amended by 2005 PA 77, section 41305 as amended and section 41306 as added by 2005 PA 79, section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and to repeal acts and parts of acts.

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. 77

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 399, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 64 (MCL 421.64), as amended by 2003 PA 174.

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. 78

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 400, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 20 (MCL 421.20), as amended by 2008 PA 479.

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. 79

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 401, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 17 (MCL 421.17), as amended by 2003 PA 174.

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. 80

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator McManus introduced

Senate Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to limit the increase in taxable value of real property under certain circumstances.

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

Senator Hunter introduced

Senate Bill No. 403, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 273. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Gilbert, Cassis, George and Switalski introduced

Senate Bill No. 404, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

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

Senators Cassis, Gilbert, George and Switalski introduced

Senate Bill No. 405, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 457 (MCL 208.1457), as added by 2008 PA 86.

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

Senator McManus introduced

Senate Bill No. 406, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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

Senator McManus introduced

Senate Bill No. 407, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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

Senators Brater, Jacobs, Clark-Coleman, Switalski and Garcia introduced

Senate Bill No. 408, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2006 PA 443.

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

House Bill No. 4166, entitled

A bill to require disclosure of certain information in connection with refund anticipation loans; and to prescribe penalties.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4479, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 37 (MCL 211.37), as amended by 1994 PA 415.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4507, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81131 (MCL 324.81131), as amended by 2008 PA 240.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4607, entitled

A bill to prescribe certain duties and obligations of the parties to a refund anticipation loan; and to prescribe penalties. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

Senators Scott, Jacobs and Allen 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:

Ida B. Wells once said, "There must always be a remedy for wrong and injustice." I have seen injustice over the years, and I have seen how an injustice can be confronted and dealt with. We don't have to live with an injustice.

That is why I stand here every day talking about the injustice of high auto insurance rates in Detroit and every other community across this state. People throughout Michigan are suffering with high auto insurance bills. Those bills are adding to the financial pain they are already feeling because of the tough economy we are all dealing with here in Michigan and across the country.

These are pressing problems we must deal with, such as home foreclosures and health care costs. I also put auto insurance rates on that list of pressing problems that we must deal with now. We should not ignore this problem any longer. We should act today and discuss this issue and agree on a solution that will give relief from high rates to all Michigan citizens. It is in our power to do something about the injustice. We should not wait any longer.

Let's give the people the relief that they are calling for.

Senator Jacobs' statement is as follows:

I rise today to express my extreme disappointment with the decision that the Republican members of the Supreme Court made yesterday when they refused to take up the issue of a local clerk proactively sending absentee voter applications to citizens 60 years and older.

You know, these clerks are not just sending out absentee ballots to any voter. They are sending them out to senior citizens, disabled voters, people who might not be able to get to their clerk's office, or who may be unaware of voting options to snow birds. It is so frustrating when we talk so much about accessibility and transparency, that we are discouraging people from taking part in something that is their right as a citizen.

Well, I would like to publicly say I want to work with the Senator from the 28th who is sponsoring Senate Bill No. 6. In a bipartisan way, I think that we can move together to change this law that makes no sense that we have in Michigan. That Senator was a clerk, and he understands how important this is not only for clerks, but for everybody in all of our districts.

I know that this was an issue also for our beloved Aldo Vagnozzi, who, you know, passed away March 22, and peacefully with his family by his side. I would like to take a moment to speak about Aldo, although I will be having a more formal resolution prepared within the next several days.

You know, when I talked to his son-in-law over the weekend, I went to visit Aldo in his home on Saturday. His son-in-law and I spoke and we talked about that, despite Aldo's failing health, he really willed himself to live through the end of last term. If there was one thing that Aldo was not, he was not a quitter.

Aldo was so good-natured. I don't think that there was a person in this building whom he did not know or a woman he did not kiss. I don't think that there was ever an acquaintance, friend, or visitor to the Capitol whom he did not say hello to. Colleagues, staff members, Capitol employees, and visiting schoolchildren were always greeted enthusiastically and sincerely by this little diminutive Italian. In spite of his recent health issues, Aldo was always here in Lansing doing his job.

If you ever walked along side of him, you know that it was you who was trying to keep up with him, rather than him trying to keep up with his younger colleagues. I think he knocked on more doors than all of us collectively in this chamber. He was a great door knocker.

One of my fondest memories of him was when he first ran for office and some people wanted to say that Aldo was too old to run. Well, he walked 70 miles from Farmington Hills to Lansing. He ran up the steps of the Capitol to the sounds to the theme of "Rocky" while all of his admirers were there with the Aldo T-shirts on. I mean, it was just such an incredible day on the Capitol steps.

Well, those qualities made him a great elected official during his time as mayor of Farmington Hills and made him a great Representative for the 37th District. I am not going to go through all the things that he did; you will hear that when we do the resolution.

You know, it is so interesting, one of the things that Aldo did was he delivered Meals on Wheels. He didn't have Meals on Wheels delivered to him. He was 83 years old. He delivered Meals on Wheels. As I said, Aldo was a force of nature.

It was such a privilege to serve with him and share a part of his district. He always knew what needed to be done. He did it. He worked well with everybody just to make his district in Michigan better for everybody. It's a work ethic that, I think, we can all learn from and aspire to.

He was a beloved husband of over fifty years to his late wife Lois, who passed away in 1999, and he always spoke of her.

Well, today, Mr. President, I am proud to have been here to speak in honor of my colleague Representative Vagnozzi.

A moment of silence was observed in memory of former Representative Aldo Vagnozzi.

Senator Allen's statement is as follows:

I would also like to pay tribute to a Northern Michigan leader. It was a special moment at the Breslin Center last night as the Michigan State University Women's Basketball Team beat the mighty Duke team and now advancing to the Sweet 16 in the NCAA Tournament. We congratulate the team for the great game. The team played with skill, courage, and a commitment to play like winners and nothing like the underdog that the media said they were against Duke.

We especially want to congratulate Suzy Merchant, the great coach of the Michigan State Women's Basketball Team. Coach Merchant is a native of Traverse City, where she was an honor student and played all-state basketball and volleyball for Traverse City Central High School. We are certain that the lessons she learned back in Traverse City about team work, loyalty, and faith gave her the courage and wisdom to help her succeed as a foundation for the basis of her coaching success.

Congratulations to Coach Merchant and the Michigan State University Women's Basketball Team. We wish continued success to the pride of Traverse City as she leads her team to Berkeley. Congratulations.

By unanimous consent the Senate returned to the order of

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 26

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 26.

A resolution commemorating March 26, 2009, as Support Our Troops Day.

Whereas, Our troops who are currently serving our country deserve to have a day where they can be honored and recognized for the service they continue to provide for us; and

Whereas, Alexandra Lynn McGregor, a former senior at Waterford Kettering High School and currently attending college at Rensselaer Polytechnic Institute (RPI), is to be commended for seeking out this day in remembrance of her grandfather and to pay tribute to our troops around the world; and

Whereas, We need to have a day that shows the support of the present-day soldiers; and

Whereas, It is important for the men and women who serve this country to know that we respect them and thank them for their tireless, and sometimes thankless, service to all of us; and

Whereas, We would like to honor our troops as six o'clock Eastern Standard Time that evening by taking a moment of silence for our thoughts and prayers; now, therefore, be it

Resolved by the Senate, That we hereby commemorate March 26, 2009, as Support Our Troops Day in Michigan and urge the appropriate observance thereof.

Senators Barcia, Basham, Brater, Clark-Coleman, Cropsey, Gleason, Hunter, Jacobs, Olshove, Pappageorge, Prusi, Richardville, Scott and Switalski were named co-sponsors of the resolution.

Senators Clark-Coleman and Hardiman offered the following resolution:

Senate Resolution No. 27.

A resolution to urge Congress to take certain actions with regard to the federal guardianship assistance program.

Whereas, On August 4, 2008, Governor Granholm signed and enacted into law 2008 PA 260, known as the Michigan Subsidized Guardianship Assistance Act, which provided for the development of a state-funded guardianship assistance program to assist related and unrelated foster parents in providing permanent homes for children; and

Whereas, On October 7, 2008, President Bush signed and enacted into law Public Law 110-351, the Fostering Connections to Success and Increasing Adoptions Act, which included provisions for federally-funded guardianship assistance to licensed relative foster parents; and

Whereas, These guardianship assistance programs are essential to providing an alternative permanency option for children who cannot be reunified with birth parents and where an obstacle to adoption exists; and

Whereas, The federal law requires that certain requirements be met in state guardianship assistance programs in order to be entitled to the federal funding, including a requirement that children must have resided in an already-licensed relative foster care provider's home for six consecutive months before such funding will be available; and

Whereas, Legislation has passed the Michigan Senate and is currently being considered in the House of Representatives which would make changes to the Michigan program to bring it into compliance with federal law. But it has been determined that requiring prospective guardians to meet the licensing requirement prior to triggering the beginning of the six-month residency period will unreasonably and unnecessarily delay establishing a permanent placement for the child and may result in overly burdensome increased cost to counties; and

Whereas, State experts have determined that the purpose of the residency requirement would still be served by allowing the six-month period to begin to run prior to licensing of the prospective guardians and have, therefore, decided to waive the requirement of prior licensing for state-funded guardians despite the critical need to draw on federal funding to expand the number of permanent homes available to disadvantaged children through guardianship; now, therefore, be it

Resolved by the Senate, That we urge Congress to revise the requirements for federal guardianship assistance funding to allow the six-month residency requirement to begin to run prior to licensing of the home, provided that both the home is licensed and the residency requirement is met before federal funding begins; and be it further

Resolved, That copies of this resolution be transmitted to 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 Families and Human Services.

The motion prevailed.

Senators Barcia, Brater, Gleason, Hunter, Jacobs, Prusi and Scott were named co-sponsors of the resolution.

Senators Patterson, Jelinek, Olshove, Van Woerkom and Cropsey offered the following resolution:

Senate Resolution No. 28.

A resolution to urge the Michigan Public Service Commission to establish a nuclear waste escrow account to receive funds collected from Michigan's electric utility customers.

Whereas, High-level radioactive waste is the spent, or used, uranium fuel from nuclear power plants. A typical nuclear power plant in a year generates 20 metric tons of used nuclear fuel. The nuclear industry generates a total of about 2,000 metric tons of used fuel per year. Over the past four decades, the entire industry has produced about 58,000 metric tons of used nuclear fuel. This high-level and dangerous spent nuclear fuel is currently scattered at relatively unprotected sites all over the United States; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act (NWPA) to establish a national repository to handle the ever-increasing amount of spent nuclear fuel from power plants. The NWPA authorized the U.S. Department of Energy (DOE) to enter into contracts with persons who generate or hold title to high-level radioactive waste or spent nuclear fuel for the DOE's acceptance of title, transportation, and disposal of the waste or fuel. Persons generating or holding title to the waste or fuel who enter into such contracts are required to pay certain fees in exchange for the transfer of title and responsibility of the spent fuel. Under the contracts, the DOE is to build a national nuclear waste repository and begin accepting nuclear waste beginning not later than January 31, 1998; and

Whereas, In accordance with the NWPA, customers of Michigan's electric utilities have paid over \$656 million through March 31, 2008, into the Nuclear Waste Fund for construction of the federal nuclear waste repository. All total, across the country electric ratepayers have contributed nearly \$30 billion to the Nuclear Waste Fund; and

Whereas, The DOE has not acted in accordance with the NWPA, continues to miss important milestones, and is not managing the money in the Nuclear Waste Fund appropriately. More than ten years past the deadline established in the NWPA, the DOE has still not accepted any nuclear waste, and the status of Yucca Mountain, the site chosen for the national repository, is in question. Recently, the DOE cut funding to the program managing the national repository, making it even more difficult for Yucca Mountain ever to begin operation; and

Whereas, Michigan's rate-payers have faithfully paid hundreds of millions into the Nuclear Waste Fund, while the DOE has not upheld its end of the bargain. Until the DOE begins accepting nuclear waste and managing the money in the Nuclear Waste Fund appropriately, the money collected from Michigan's electric ratepayers should be withheld from the DOE and placed in a separate account; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Public Service Commission to establish a nuclear waste escrow account to receive the funds collected from Michigan's electric utility customers, which are intended to fund a national nuclear waste repository under the Nuclear Waste Policy Act of 1982; and be it further

Resolved, That copies of this resolution be transmitted to chairman of the Michigan Public Service Commission.
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 and Public Utilities.

The motion prevailed.

Senators Barcia, Basham, Gleason, Kuipers, Pappageorge and Prusi were named co-sponsors of the resolution.

Senators Patterson, Jelinek, Birkholz, Olshove, Van Woerkom and Cropsey offered the following resolution:

Senate Resolution No. 29.

A resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste.

Whereas, Nuclear power has been, and likely will continue to be, a significant source for the nation's electricity. There are 104 operating nuclear power reactors in the United States, providing about a fifth of the nation's electricity generation. Nuclear power provided nearly 26 percent of the electricity generated in Michigan in 2006. Many electricity markets across the nation are, or will soon be, in need of new baseload generating capacity. Nuclear power provides large amounts of reliable, emission-free electricity at stable prices. Many policymakers recognize the need to construct new nuclear power plants; and

Whereas, In order to realize the many benefits of nuclear power, the nation must address the issue of high-level nuclear waste. Currently, approximately 60,000 metric tons of spent nuclear fuel are stored in pools or casks at temporary sites around the country, including in Michigan. More nuclear waste is generated every day; and

Whereas, In 2002, Congress and President Bush approved Yucca Mountain in Nevada as the site of a federal geologic repository for spent nuclear fuel and high-level radioactive defense waste. In 2008, the Nuclear Regulatory Commission (NRC) accepted an application by the Department of Energy (DOE) to construct and operate the Yucca Mountain repository. The application is currently under technical review by the NRC; and

Whereas, The establishment of a national repository is more than ten years overdue. Under the Nuclear Waste Policy Act of 1982, the DOE was supposed to begin accepting and storing the nation's nuclear waste by January 31, 1998. Electric rate-payers in Michigan and across the country have paid billions into the nuclear waste fund, which the DOE is supposed to use to open the repository; and

Whereas, The construction of new nuclear power plants, which are needed to provide clean and reliable baseload power, is being hampered by the unresolved issue of spent nuclear fuel. The NRC must work diligently to move the Yucca Mountain approval process along. The DOE must begin constructing and operating Yucca Mountain and begin accepting nuclear waste without further delay; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste; 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 and Public Utilities.

The motion prevailed.

Senators Barcia, Basham, Kuipers, Pappageorge and Prusi were named co-sponsors of the resolution.

Senators Patterson, Jelinek, Birkholz, Olshove, Van Woerkom and Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 8.

A concurrent resolution to urge the Michigan Public Service Commission to establish a nuclear waste escrow account to receive funds collected from Michigan's electric utility customers.

Whereas, High-level radioactive waste is the spent, or used, uranium fuel from nuclear power plants. A typical nuclear power plant in a year generates 20 metric tons of used nuclear fuel. The nuclear industry generates a total of about 2,000 metric tons of used fuel per year. Over the past four decades, the entire industry has produced about 58,000 metric tons of used nuclear fuel. This high-level and dangerous spent nuclear fuel is currently scattered at relatively unprotected sites all over the United States; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act (NWPA) to establish a national repository to handle the ever-increasing amount of spent nuclear fuel from power plants. The NWPA authorized the U.S. Department of Energy (DOE) to enter into contracts with persons who generate or hold title to high-level radioactive waste or spent nuclear fuel for the DOE's acceptance of title, transportation, and disposal of the waste or fuel. Persons generating or holding title to the waste or fuel who enter into such contracts are required to pay certain fees in exchange for the transfer of title and responsibility of the spent fuel. Under the contracts, the DOE is to build a national nuclear waste repository and begin accepting nuclear waste beginning not later than January 31, 1998; and

Whereas, In accordance with the NWPA, customers of Michigan's electric utilities have paid over \$656 million through March 31, 2008, into the Nuclear Waste Fund for construction of the federal nuclear waste repository. All total, across the country electric ratepayers have contributed nearly \$30 billion to the Nuclear Waste Fund; and

Whereas, The DOE has not acted in accordance with the NWPA, continues to miss important milestones, and is not managing the money in the Nuclear Waste Fund appropriately. More than ten years past the deadline established in the NWPA, the DOE has still not accepted any nuclear waste, and the status of Yucca Mountain, the site chosen for the national repository, is in question. Recently, the DOE cut funding to the program managing the national repository, making it even more difficult for Yucca Mountain ever to begin operation; and

Whereas, Michigan's rate-payers have faithfully paid hundreds of millions into the Nuclear Waste Fund, while the DOE has not upheld its end of the bargain. Until the DOE begins accepting nuclear waste and managing the money in the Nuclear Waste Fund appropriately, the money collected from Michigan's electric ratepayers should be withheld from the DOE and placed in a separate account; now, therefore, be it

Resolved by the Senate (the House of Representatives Concurring), That we urge the Michigan Public Service Commission to establish a nuclear waste escrow account to receive the funds collected from Michigan's electric utility customers, which are intended to fund a national nuclear waste repository under the Nuclear Waste Policy Act of 1982; and be it further

Resolved, That copies of this resolution be transmitted to chairman of the Michigan Public Service Commission.

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

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Energy Policy and Public Utilities.

The motion prevailed.

Senators Barcia, Basham, Gleason, Kuipers, Pappageorge and Prusi were named co-sponsors of the concurrent resolution.

Senators Patterson, Jelinek, Birkholz, Olshove, Van Woerkom and Cropsey offered the following concurrent resolution:
Senate Concurrent Resolution No. 9.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste.

Whereas, Nuclear power has been, and likely will continue to be, a significant source for the nation's electricity. There are 104 operating nuclear power reactors in the United States, providing about a fifth of the nation's electricity generation. Nuclear power provided nearly 26 percent of the electricity generated in Michigan in 2006. Many electricity markets across the nation are, or will soon be, in need of new baseload generating capacity. Nuclear power provides large amounts of reliable, emission-free electricity at stable prices. Many policymakers recognize the need to construct new nuclear power plants; and

Whereas, In order to realize the many benefits of nuclear power, the nation must address the issue of high-level nuclear waste. Currently, approximately 60,000 metric tons of spent nuclear fuel are stored in pools or casks at temporary sites around the country, including in Michigan. More nuclear waste is generated every day; and

Whereas, In 2002, Congress and President Bush approved Yucca Mountain in Nevada as the site of a federal geologic repository for spent nuclear fuel and high-level radioactive defense waste. In 2008, the Nuclear Regulatory Commission (NRC) accepted an application by the Department of Energy (DOE) to construct and operate the Yucca Mountain repository. The application is currently under technical review by the NRC; and

Whereas, The establishment of a national repository is more than ten years overdue. Under the Nuclear Waste Policy Act of 1982, the DOE was supposed to begin accepting and storing the nation's nuclear waste by January 31, 1998. Electric rate-payers in Michigan and across the country have paid billions into the nuclear waste fund, which the DOE is supposed to use to open the repository; and

Whereas, The construction of new nuclear power plants, which are needed to provide clean and reliable baseload power, is being hampered by the unresolved issue of spent nuclear fuel. The NRC must work diligently to move the Yucca Mountain approval process along. The DOE must begin constructing and operating Yucca Mountain and begin accepting nuclear waste without further delay; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste; 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 concurrent 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Energy Policy and Public Utilities.

The motion prevailed.

Senators Barcia, Basham, Kuipers, Pappageorge and Prusi were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 7.

A concurrent resolution to honor the memory of Harmon G. Cropsey, former member of the Michigan House of Representatives and Senate.

(For text of resolution, see Senate Journal No. 23, p. 392.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 149, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 3, 7, and 9 (MCL 445.63, 445.67, and 445.69), section 3 as amended by 2006 PA 566, and by adding section 7a.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 150, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 386.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 24, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

The Committee on Commerce and Tourism reported

Senate Bill No. 399, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 64 (MCL 421.64), as amended by 2003 PA 174.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

Senate Bill No. 400, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 20 (MCL 421.20), as amended by 2008 PA 479.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

Senate Bill No. 401, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 17 (MCL 421.17), as amended by 2003 PA 174.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Wednesday, March 25, 2009, at 9:07 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas and Clarke

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Tuesday, March 24, 2009, at 8:30 a.m., Room 405, Capitol Building

Present: Senators Hardiman (C), Cropsey and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Tuesday, March 24, 2009, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 24, 2009, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kahn, Van Woerkom and Gleason

Excused: Senator Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Federal Stimulus Oversight submitted the following:

Meeting held on Tuesday, March 24, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Gilbert, Pappageorge, Kahn, Jansen, Switalski, Cherry and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Wednesday, March 25, 2009, at 8:30 a.m., Room 405, Capitol Building

Present: Senators Hardiman (C), Cropsey and Anderson

Scheduled Meetings

Administrative Rules - Tuesday, March 31, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-6476)

Appropriations - Thursday, March 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay - Thursday, April 2, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Tuesday, March 31 and Wednesdays, May 6, May 13 and May 20, 3:00 p.m., Room 405, Capitol Building (373-2768)

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

Higher Education - Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources Department - Tuesday, April 28, 12:00 noon or later immediately following session, Room 405, Capitol Building; Tuesday, May 5, 12:00 noon or later immediately following session, Rooms 402 and 403, Capitol Building; and Tuesday, May 19, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, March 26, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Education - Thursday, March 26, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, March 26, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, March 26, 11:00 a.m., Room 110, Farnum Building (373-1758)

Hunting, Fishing and Outdoor Recreation - Thursday, March 26, 1:00 p.m., Room 100, Farnum Building (373-1777)

Legislative Commission on Government Efficiency - Thursday, April 2, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Legislative Retirement Board of Trustees - Thursday, March 26, 2:00 p.m., Room H-65, Capitol Building (373-0575)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 26, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

