

No. 9
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, February 11, 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—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
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Reverend Chico Daniels of Mel Trotter Ministries of Grand Rapids offered the following invocation:

Praise the Lord, all ye servants of the Lord who minister by night in the house of the Lord. Lift up Your hands in the sanctuary and praise the Lord. May the Lord bless You from Zion, He who is the Maker of heaven and earth.

Father, we just thank You again for those who are gathered here today to conduct Your work. We pray, Father, for wisdom from You for each one today that they would have godly counsel; that we would defend religious liberty; that each one would love truth and hate lies; that we would promote today godliness and reverence; that we would execute and administer justice.

We pray for peace in our state and our nation, at home and abroad. We pray for protection and safety and, most of all, that we would fear You and that we would lift up the needs of the poor, the hurting, the hungry, and those who are without hope today—those who are jobless, those who need sustenance and support.

We ask You to bless this assembly today that we might strengthen the citizens of this city and this state. We ask all of these blessings today in the wonderful name of Jesus. Amen.

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

Motions and Communications

Senator Jelinek entered the Senate Chamber.

Senator Cropsey moved that Senators Allen, Kahn and Birkholz be temporarily excused from today's session. The motion prevailed.

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

Senators Allen, Clarke, Kahn, Birkholz and Barcia entered the Senate Chamber.

The following communication was received:
Department of State

February 2, 2009

Pursuant to the provisions of the Campaign Finance Act, 1976 PA 388, as amended, MCL 169.1 et seq, (the "Act"), the various dollar figures specified in section 46 have been reviewed in light of the changes in the Consumer Price Index compiled by the United States Department of Labor and the number of registered voters in the state. By this letter I am transmitting the results of that review in accordance with the provisions of section 46. These figures are not recommendations for legislative changes.

The Consumer Price Index for August 2008 was 209.5, which represents an increase in prices of 5.49% since August 2006. Since October of 2006 there has been a 4.04% increase in the number of registered voters in the state from 7,180,778 to 7,470,764.

The first column of figures (Current) is the dollar amounts included in current law. The second column (CPI) reflects the current amounts as adjusted by the Consumer Price Index. The third column (CPI and Voters) is adjusted to show the change in the number of registered voters as well as the change in the CPI.

Sincerely,
Terri Lynn Land
Secretary of State

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jelinek introduced
Senate Bill No. 210, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2008 PA 268 and section 17b as amended by 2007 PA 137.

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

Senators Olshove, Cherry, Scott and Birkholz introduced

Senate Bill No. 211, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2002 PA 472.

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

Senators Kahn, Cropsey and Kuipers introduced

Senate Bill No. 212, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 section 14 (MCL 28.434), as amended by 2000 PA 381.

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

Senators Richardville and Gleason introduced

Senate Bill No. 213, entitled

A bill to regulate persons engaged in commercial carpentry; to create a board of carpentry; to provide for powers and duties of certain state agencies and departments; to establish standards; to provide for the licensing of carpenter contractors and journey carpenters; to register apprentices; to prescribe fees; to provide for the promulgation of rules; and to prescribe remedies and penalties.

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

Senators Gleason and Richardville introduced

Senate Bill No. 214, entitled

A bill to regulate certain individuals engaged in residential carpentry; to provide for certain powers and duties of certain state departments and agencies; to impose fees and provide for remedies and penalties; and to promulgate rules.

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

Senators Garcia, Hardiman, Cropsey, Jansen, Van Woerkom and Kahn introduced

Senate Bill No. 215, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 18.301, 18.302, 18.303, 18.304, 18.305, and 18.306), sections 2 and 4 as amended by 2004 PA 94.

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

Senators Allen, Jacobs, Hunter, Kahn, Gleason, Cherry, Garcia, Thomas and Gilbert introduced

Senate Bill No. 216, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 537 (MCL 436.1525 and 436.1537), as amended by 2008 PA 218, and by adding section 545.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Allen, Pappageorge, Hardiman, Barcia, Kahn and Jacobs introduced

Senate Bill No. 217, entitled

A bill to identify commerce centers; to target state funding; and to prescribe the powers and duties of certain state agencies and officials.

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

By unanimous consent the Senate returned to the order of
Resolutions

Senator Thomas offered the following resolution:

Senate Resolution No. 9.

A resolution urging the United States Congress to support President Barack Obama's American Recovery and Reinvestment Plan.

Whereas, President Barack Obama truly recognizes that the United States is experiencing its worst economic condition since the Great Depression of the 1930s, according to many respected economists; and

Whereas, Our state's unemployment rate has soared above 10 percent (10.6 percent) for the first time since December 1984, according to recently released Department of Energy, Labor, and Economic Growth report; and

Whereas, President Obama's plan, the 2009 economic stimulus package, is designed to help pull our country out of a serious recession by investing approximately \$800 billion into several facets of our economy; and

Whereas, About 40 percent of the plan's overall investment includes a tax cut for approximately 95 percent of America's working families; and

Whereas, The plan also calls for doubling the production of alternative energy in the next three years; modernizing more than 75 percent of federal buildings and improving the energy efficiency of 2 million American homes, saving consumers and taxpayers billions on our energy bills; equipping tens of thousands of schools, community colleges, and public universities with 21st century classrooms, labs, and libraries; expanding broadband across America, so that a small business in a rural town can connect and compete with its counterparts anywhere in the world; and investing in the science, research, and technology that will lead to new medical breakthroughs, new discoveries, and entire new industries; now, therefore, be it

Resolved by the Senate, That we hereby urge the United States Congress to support President Barack Obama's American Recovery and Reinvestment Plan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor of Michigan, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations and Reform.

Senators Anderson, Barcia, Basham, Brater, Cherry, Clark-Coleman, Clarke, Gleason, Jacobs, Prusi, Scott and Switalski were named co-sponsors of the resolution.

Senator Richardville offered the following resolution:

Senate Resolution No. 10.

A resolution of tribute offered to the Honorable John D. Dingell, Congressman for Michigan's 15th District.

Whereas, John D. Dingell, born in Colorado Springs, Colorado, in 1926 is the son of the late Congressman John D. Dingell, Sr., and Grace Bigler Dingell; and

Whereas, Having developed a strong interest in public service thanks to his father's honorable service in the U.S. Congress for 12 terms, John D. Dingell began his long and storied career as a House page at the age of 12; and

Whereas, Prior to his election to Congress, John D. Dingell had already served his country admirably as a second lieutenant in the United States Army during World War II; and

Whereas, John D. Dingell was sworn in as a member of Congress in 1955 after winning a special election to replace his late father; and

Whereas, Congressman Dingell has authored or been a key player in the passage of some of our nation's most important laws, including the Civil Rights Act of 1964, the National Environmental Policy Act, and the Clean Air Act Amendments of 1990; and

Whereas, John D. Dingell has been a tireless advocate on behalf of working Americans for his entire career and has served as the Dean of the U.S. House of Representatives since 1995.

Whereas, Mr. Dingell is widely respected by local, state, and national leaders of all political persuasions for his honorable service and firm adherence to the ethics and traditions of a true public servant; and

Whereas, On February 11, 2009, John D. Dingell will become the longest-serving member of the U.S. House of Representatives in the history of this great nation; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest praise and honor to Congressman John D. Dingell for his enduring commitment to his constituents, the state of Michigan, and the United States in the past, present, and future; and be it further

Resolved, That a copy of this resolution be transmitted to Congressman John D. Dingell as evidence of our high esteem.

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 resolution was adopted by a unanimous standing vote of the Senate.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Richardville, Brater, Basham, Barcia, Clark-Coleman, Cassis and Prusi asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Richardville's statement is as follows:

Today is an historic day not only in the state of Michigan, but in the United States Congress because today John Dingell, Congressman from the 15th District, will become the longest-serving member of the House of Representatives in the history of this country. His father was elected to that seat in 1933, and Congressman Dingell took over in 1955.

In a bipartisan way, I would like to note that Congressman Dingell has been both a role model and a statesman for a number of years. I would request that all members please help support us in recognizing the dean of the United States House of Representatives.

Senator Brater's statement is as follows:

Today Congressman John D. Dingell makes history, becoming the longest-serving member in history of the United States House of Representatives. For over 53 years, serving since 1955 under 11 Presidents, Congressman John Dingell has been at the center of public policymaking in the United States of America. He has diligently served the people of his district, his state, and his country.

The people of the 15th District, in particular, have been extremely well served by this hardworking and talented member of Congress. We are very grateful for all of his hard work and his efforts and his always going the extra mile to serve his constituents.

Congressman Dingell has been, and is, a true statesman, keeping the future of our state and our nation at the heart of his legislative efforts. He has remained committed throughout his tenure to protecting consumers, holding government accountable for its actions, and fighting for health care for all American citizens. He has spent years working to preserve Michigan's natural resources, while at the same time fighting for our economy and our manufacturing industry.

For his many years of service to both our state and our country, I'd like to thank Congressman Dingell and congratulate him on his many achievements.

Senator Basham's statement is as follows:

I rise in support of Senate Resolution No. 10, and if I could, make a couple of comments about John Dingell. He is known Downriver as "Big John." Before he was known as "Big John," he used to actually serve the 16th Congressional District, and he used to serve with Congressman Bill Ford. They used to work a lot together in the halls of Congress, and because John Dingell was tall in stature and Bill Ford short, they used to call them "Mutt and Jeff."

When it came time for redistricting, they had to make a tough decision as to whether we went with Bill Ford or John Dingell Downriver. We have always been able to work things out. Bill Ford moved aside, and John Dingell has continued to serve without any opposition since 1955. The reason he serves without opposition and people move aside is John Dingell—when you have issues, whether it is his district, Downriver, the state of Michigan, or the country—he cares about the environment, he cares about the autos, and he is able to do the dance. Maybe that is why he wore out his hip. He is able to protect the manufacturers and still protect the environment and at the same time. A lot of people in the Congress need to come to Michigan and see what the autos are about and how it affects this whole country. John Dingell knows the autos, he knows Downriver, and he knows the state of Michigan.

I have tried to emulate both John and Chris Dingell. They have a great work ethic; it is hard to match. I have four congressional seats in my Senate district, but the one I go to consistently with federal issues that we need help on is John Dingell. He has a great staff, a great family with Chris and Cindy, a great wife Deborah, and he has folks who are very loyal to him because he has been loyal to us.

I would certainly ask members maybe even to stand because it is not often that somebody breaks a record in the U.S. Congress. He breaks it from Michigan, but he also breaks it from Downriver. We would encourage all members to support Senate Resolution No. 10.

Senator Barcia's statement is as follows:

I also would reiterate the comments of the previous speakers in asking for a unanimous show of support from the Michigan Senate relative to this tremendous milestone for a member of the Michigan delegation. John Dingell, a great congressman, is not only a person who has served longer than any member of the United States House of Representatives,

but an individual who has probably had a greater impact on passing legislation important to protecting our national treasures, national park system, and landmark environmental law, as well as the interest of working families and seniors.

John Dingell is truly a giant in the Congress. I have many, many fond recollections during the five terms that I was blessed to serve in the Congress with John Dingell. I just want to say that every member, whether that member be a Republican or a Democrat, was taken under John Dingell's wing and tutored in terms of which were the best, most influential committees to seek assignments to; where that person could be effective not only for their district, but, of course, for Michigan and the nation.

He truly is someone who is admired, as you might have noted in the article in the *Detroit Free Press* yesterday, from the broad political spectrum—from Republican leaders and Democratic leaders who have served and are currently serving—in terms of his tremendous contributions to our nation, especially, as a strong and effective voice not only for all people in the state of Michigan, but for our seniors, veterans, working families, and so many other constituencies across our great nation.

I also am proud to co-sponsor Senate Resolution No. 10 and would hope that the Senate would give a unanimous adoption of this resolution as an appropriate accolade to the ultimate statesman and a guy who is recognized as such not only throughout the country, but internationally.

Senator Clark-Coleman's statement is as follows:

My colleagues have all talked about all the wonderful contributions that John Dingell has made to this area, the state of Michigan. John Dingell lives in my district, so I have a very personal relationship with John Dingell, and he is the kind of person who is a people person. He is always out in his community, no matter if he is having problems with his knee or problems with his hip. He is out there on his crutches or his walker. He is a people person who is in his community, who works his community, and who you are able to approach. Any little person is able to approach and ask anything.

He is also a very strong supporter of the military and veterans. He is at most all of the veteran events, and he is a person who is admired by both sides of the aisle. He certainly is one who supports this state of Michigan and has worked tirelessly to that end.

I am joining the chorus of others who say to you that we should cast a unanimous vote for John Dingell, for his accomplishments that he has made in being the longest-serving congressman. Certainly, I feel very personal about that since he lives in my district.

Senator Cassis' statement is as follows:

I rise today to congratulate our longest-serving congressman, John Dingell—a true, true gentleman. We honor today his service and his record to our country and our state. My husband and myself, as well as so many of us here in the Senate Chamber today, want to wish him, his wonderful wife Debbie, and his entire family the very best wishes. As they say in my church, may God grant you, John, many, many years.

Senator Prusi's statement is as follows:

I was a six-year-old boy when John Dingell first went to Congress. As soon as I became involved in politics and government in the '60s, I learned the name of John Dingell and learned of his reputation. It wasn't until about eight years ago when I actually had the opportunity to meet John Dingell and to see what character and what strength he brought to our Congress. Eight years ago, I was the coordinator for the stand-up-for-iron-ore effort on Marquette Iron Range in the Upper Peninsula and in Minnesota. We were working with the steel mills in Downriver and we had a large rally and a meeting, and Congressman Dingell sort of chaired that meeting and he listened to all of our comments, even those of us who had come all the way from the Upper Peninsula. He not only listened, but he took our message back to Washington, and in a few short months, we, indeed, did have some of the relief we sought for the steel and iron ore industry in America.

I would like to believe that it was Congressman Dingell's strong voice and his support for working families and for the people in this steel industry that helped us gain that relief that allowed the steel industry to get back on its feet and allowed the people I represent on the Marquette Iron Range to resume mining their valuable mineral and commodities.

So I just wanted to add a voice from the Upper Peninsula Iron Range to the accolades and the tributes offered up for Congressman Dingell. I wish him many more years of strong service for our state and our nation and to congratulate him and urge a unanimous adoption of this resolution.

Senator Thomas offered the following resolution:

Senate Resolution No. 11.

A resolution maximizing the state's ability to affect the terms and conditions of gaming operations under federal law by concurring in the tribal-state gaming compact negotiated between the Governor and the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the state of Michigan and executed on May 9, 2007.

Whereas, The United States Congress enacted the Indian Gaming Regulatory Act of 1988 (IGRA) to provide a statutory framework for the establishment of regulatory roles for the states, the federal government, and Indian tribes in tribal Class III gaming operations; and

Whereas, Federally recognized Indian tribes have a right under this federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The state of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, Under federal law, states have limited ability to affect the terms and conditions of tribal Class III gaming by entering into a compact between the state and a federally recognized Indian tribe; and

Whereas, The state of Michigan has entered into tribal-state gaming compacts with 11 of Michigan's 12 federally recognized Indian tribes; the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal-state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, which is also known as the Gun Lake Band, became a federally recognized Indian tribe in 1998; and

Whereas, A new tribal-state gaming compact between the state of Michigan and the Gun Lake Band (the "Gun Lake Compact") has been negotiated by the Governor and the Gun Lake Band and signed on May 9, 2007. This compact has been filed with the Secretary of the Michigan Senate and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the state of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band's proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the state of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the state of Michigan when compared to the prior 11 compacts. It also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the state of Michigan as reimbursement for regulatory costs; and

Whereas, The Gun Lake Compact also contains terms and conditions more beneficial to the state than the March 2008 settlement between the Governor and the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians regarding the tribes' Club Keno lawsuit that challenged their obligation to pay a portion of their tribal casino revenue to the Michigan Strategic Fund; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; and

Whereas, In the case of *Michigan Gambling Opposition v. United States Department of Interior, et al*, Case No. 07-5092, the United States Court of Appeals for the District of Columbia Circuit ruled in favor of the Gun Lake Band on April 29, 2008, on the issue of the Secretary of the Interior taking land into trust for the tribe for the purpose of conducting Class III gaming. On January 21, 2009, the United States Supreme Court denied a writ of certiorari, thereby ending further appellate action in this case. Other actions may occur regarding this issue, and the Senate takes no position regarding these matters. Approving this resolution neither condones nor encourages the expansion of casino gaming; and

Whereas, On January 30, 2009, the United States Secretary of the Interior acquired title to approximately 147 acres of land in Wayland Township, taking it into trust for the benefit of the Gun Lake Band; and

Whereas, Because the Secretary's decision to take the land into trust is not subject to further legal challenge, it appears that Class II gaming by the Gun Lake Band on the trust property is inevitable, with or without a gaming compact; and

Whereas, In order to preserve the favorable terms of the current compact negotiated with the Gun Lake Band and to avoid showing a lack of good faith in negotiations, it is in the state's best interest to approve the tribe's request for Class III gaming; now, therefore, be it

Resolved by the Senate, That we affirm the state's ability to impact the terms and conditions of Indian gaming under federal law by concurring in a tribal-state compact; and be it further

Resolved, That pursuant to requirements of the IGRA and pursuant to section 10 of the proposed compact, we concur in the tribal-state gaming compact signed on May 9, 2007, by the Governor and the chairperson of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and on file with the Secretary of the Senate, providing for and governing the conduct of tribal Class III gaming by the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band); and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, and the United States Secretary of the Interior.

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 resolution was adopted.

Protests

Senators Birkholz, Stamas, George, Jansen, Hardiman, Brown, Kuipers and Cassis, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 11.

Senator Birkholz moved that the statement she made during the discussion of the resolution be printed as her reasons for voting “no.”

The motion prevailed.

Senator Birkholz’s statement, in which Senators Stamas, George, Jansen, Hardiman, Brown and Kuipers concurred, is as follows:

Today, ladies and gentlemen of this body, is a very sad day for the state of Michigan, and it is sadder still for the people of the greater west Michigan area. Another casino in Michigan has just been approved with a simple voice vote and not even time for us to get our “no” votes out there.

The casino is in Allegan County and comes on a day when, as I was driving in this morning, the Detroit casinos are just reporting a large decline in business; on a morning when I met with one of my judges, Judge Harvey Hoffman from Eaton County and Judge Williams May from Kalamazoo, two of the best and most reputable judges in our state—actually in the nation—on drug courts and the effects of crime in communities. They are very concerned about the costs of prisons; the probable lowering of income for the local court systems to deal with drug courts to deal with the crimes that result from the people who go to and frequent casinos. They are concerned about the cost of local jails. We have plenty of studies, ladies and gentlemen. I have piles of them in my office, numerous studies that have shown that casino gambling causes great harm to the communities in and around the casinos. Studies have found that a casino can double the number of problem and pathological gamblers within a 50-mile radius of that casino.

Problem gamblers are three to five times more likely to be arrested for criminal activities, and often they have a very negative impact on the local economy. They are three to five times more likely to be arrested, but who cares. We have lots of money to spend on jails and prisons in this state.

So here we are adopting a negative business model; not a positive business model but a negative model in the name of economic development. Unfortunately, this negative business model will cannibalize many communities in the greater west Michigan area, thus the state of Michigan, over the next several years.

Senator Cassis’ statement is as follows:

While consistently opposed to the proliferation of casinos in our state, sadly to say, the federal government has consistently overridden states’ rights on this matter. It is no question that our hands are tied. Let me just say, sadly, Michigan’s designation as second only to Las Vegas in the number of casinos is not how we want to be recognized or remembered.

By unanimous consent the Senate returned 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 Scott 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 with a substitute therefor, the following bill:

Senate Bill No. 70, 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 2003 PA 114.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 71, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 10 (MCL 207.810), as amended by 2006 PA 283.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 72, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 513 (MCL 208.1513).

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Cropsey, Scott, Switalski, Cherry, Pappageorge, Van Woerkom 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 Cropsey’s statement is as follows:

In front of the United States Congress—the United States House and United States Senate—is a massive so-called stimulus legislation to try and help our country come out of its economic doldrums. There are very real concerns now coming to light in this package, and I would urge our United States Senators and congressional delegation to take a look at this 700-page bill. We’ve been told that this is for economic development; that this is for infrastructure improvement and that nothing is perfect, but it needs to be done.

One of the things that I am very concerned about—I have two elderly parents who are increasingly in need of medical care. Something that really concerns me is what has been coming to light as far as what this so-called stimulus package will be doing when it comes to medical care. Bloomberg.com has issued a report with the headlines, “Ruin Your Health with the Obama Stimulus Plan.” They go into some detail on different parts of the stimulus bill talking about what is going to be happening to health care in the United States under this. They state that Senators should read these provisions and vote against them because they are dangerous to your health. The bill’s health rules will affect every individual in the United States—that means you, me, and everyone else.

The stimulus bill will affect every part of health care; the medical and nursing education, how patients are treated, and how hospitals get paid. The bill allocates more funding for this bureaucracy than for the Army, Navy, Marines, and Air Force bureaucracies combined.

Yesterday by e-mail I heard from a good friend of mine who used to work in the White House. He is a former White House advisor on family issues. He is now heading up the campaign for working families, and in his end-of-the-day report, he gave me a report that says, “If you are elderly, be afraid, be very afraid.” He goes on to talk about who would have guessed that the administration would hide in a must-pass piece of legislation a provision that rations health care, making it more likely that our senior citizens would be left to suffer or die.

The legislation sets up a new bureaucracy, the National Coordinator of Information Health Technology. This office will monitor the medical treatment that your doctor is providing you to make sure that Washington agrees that those treatments are appropriate and cost-effective. Another office, the Coordination Council of Comparative Effectiveness Research will slow down and use the new medication and technologies because the new treatments drive up costs.

This sounds complicated, but we shouldn't be confused. Europe already has those offices and former South Dakota Senator Tom Daschle wrote about them in a book last year. This was a man who was scheduled to become head of the health area under President Obama. It was because of his expertise that the President nominated him to be the Secretary of Health and Human Services, so he could serve as the architect of the planned nationalized health care scheme. What is very interesting about this is that this would take us to a Canadian or British model.

In 2006, in England, the health care board there ruled that elderly citizens with macular degeneration could not receive treatment with a new drug until they were blind in one eye. It took them three years of public protests to reverse the policy, but that was just the tip of the iceberg. Last year, 1,000 British doctors were fighting hard to reform Britain's health care system because that progressive nation has one of the highest cancer mortality rates in Europe. Why? Because some bean-counting bureaucrats in the basement of the British health department decided it isn't cost-effective to treat cancer patients. Like Nancy Pelosi trying to justify birth control in the stimulus bill, the current administration sees people as a burden to big government's bottom line.

I would hope that our United States congressional delegation will tell us plainly and clearly as to what this stimulus package is going to do to health care in the United States. What I see I don't like. I would ask for them to clarify what is going on and to clarify to my senior citizens what they will be doing.

Senator Scott's statement is as follows:

H. Rap Brown was a pretty controversial guy by anyone's standards. He came to prominence in the 1960s as chairman of the Student Nonviolent Coordinating Committee and the justice minister of the Black Panther Party. He is probably most famous for his proclamation during that period that "violence is as American as cherry pie," as well as once stating that "If America doesn't come around, we're gonna burn it down." He is currently serving a life sentence for homicide.

He's certainly not the typical role model from whom I often quote. But even the most controversial characters occasionally speak the truth. H. Rap Brown once wisely said, "You cannot legislate an attitude." I'm sure that every one of you in your current role has learned the truth in that.

That's why I stand before you every day, appealing to you, hoping to change your attitude because I know until you change your attitude, there will be no legislation on my bills. I fervently hope that, at some point, you will reconsider the facts, revise your attitudes, and then legislate to move my bills.

Senator Switalski's statement is as follows:

I would like to offer some of my own principles on the federal stimulus spending. Tomorrow the Governor will propose a budget for fiscal year 2010. What does 2010 look like? It was the best of times, and it was the worst of times. It will be months of struggling over painful cuts to excise a \$1.3 billion deficit. It will also be a hurried scramble to spend the staggering riches of \$800 billion in federal stimulus money.

We will master these contradictory currents if two principles govern our use of the stimulus dollars. No. 1, our first priority must be to create jobs that put unemployed people back to work. No. 2, don't spend one-time stimulus dollars on programs that will create a new structural deficit.

Stimulus dollars should be invested in projects that will improve efficiency and productivity. Capital projects should be sustainable. If projects require additional operating dollars, those must be identified from ongoing revenues or the project is unsustainable. Approved projects should actually reduce future operating expenses below the current baseline.

Let's not build new buildings or transit systems or fund programs that are not supported by ongoing operating revenues. Instead, we should make one-time investments in energy-efficiency projects that lower future utility costs. Let's invest in new technology that reduces future information, communications, and data costs. Let's share data centers and networks between different layers of government and public institutions like schools and hospitals. I listened carefully to my colleague the Majority Floor Leader on hospitals. I would say that there are efficiencies to be gained in this area, lowering our bills and eliminating duplication. All these decisions should be driven by data.

We should apply these principles to every proposal. The recent proposal to offer an early-out pension enhancement to teachers, for instance, violates these principles by creating a significant structural deficit for this state. Early-out pension sweeteners only succeed if the goal is to humanely downsize the workforce, yet the stated intention of the proposal is to replace on a one-for-one basis all the retired members of MPERS. Consequently, this proposal would add costs, both the annual costs of the \$500 per month pension enhancement and the cost of carrying two employees' health insurances instead of one. The short-term savings of lower-salaried new hires would evaporate every year and be gone in a decade, leaving the state to continue to pay higher pension and health care base costs for a far longer period. Nor would the state benefit from these transitory salary savings; those savings would accrue to the districts.

Likewise, I believe the state should end the DROP program, which allows employees to collect pension payments in addition to their salaries. This program is doing the exact opposite of the aforementioned early-out proposal, by providing a bonus to retirement-eligible employees to delay their retirement, which then keeps us from filling open jobs with new employees.

Mr. President, these times call for bold action. I call on all members to review state budgets for opportunities for savings and efficiencies and to evaluate proposals for stimulus spending in terms of their job creation potential and sustainability.

Senator Cherry's statement is as follows:

I rise today to talk about this stimulus package and as it relates to health care in this state. I appreciate the remarks of the Majority Floor Leader. I just wanted to let members know that as chair of the Greater Flint Health Coalition, I have not read the bill, but I have spent a lot of time working with the community and with what the bill intends for the stimulus package. From what I can tell, there are probably three major issues that deal with health care within the stimulus package. One is Medicaid to help us at a time when our economy is in great need for assistance and making sure that the poor get the health care that they need. The biggest portions of those dollars are being used to supplement Medicaid.

In addition, there are a lot of infrastructure funds for improvements in health care delivery. One that I am specifically excited about is the investment in health information technology, which includes medical records sharing information that has a great impact not just in economic development, but also can help us cut costs and reduce the duplicative nature of some medical services that are necessary. So I think that is also very important.

In addition, there are special dollars for Federally Qualified Health Centers and making sure that there are dollars for community projects, again for medically-underserved areas. All those, to me, are very important and need to be provided at a time when our economy is in such dire straits in which people need health care.

I worked in the field of elderly care and developing programs to keep people independent before I ran for office. I am convinced that whatever health plans come across during the next few years that the needs of the elderly will be identified and cared for within that package.

The economic stimulus package does not deal with health care or the universal health care package. That is not what this is intended to do. I am anxious, like all of us, to see what Congress and what the President comes up with in terms of universal health care. I hope that we have a package in which every citizen in this United States gets the health care that he or she needs. I am hopeful that that will occur within the next few years.

So I look forward to the economic stimulus package. I hope it gets passed soon so that we can see the benefits of not just health care, but all of the economic stimulus packages that we need within this community. I also look forward to a good bipartisan debate on health care and the health care needs of this country.

Senator Pappageorge's statement is as follows:

Sort of a sideline to what we have been talking about with respect to stimulus, I need all of your help. You have all heard that banks are not lending. Let me tell you why I think that is happening. There is a thing called mark-to-market that was instituted after the Enron scandal. Now, as you know, banks rent money; that is what they do. Now the banks are not lending because what happens when you go in and say I want to refinance my mortgage, normally, the banks look at your credit rating and they say we will make less money, but in the long-run it is worth it. So they let you refinance, and they make less money.

However, with mark-to-market, the instant they lend you the money, it is tougher to lend anybody else money. Let's say your house was worth \$200,000; now it is worth \$150,000. The instant they refinance your mortgage, they have to reduce their capital another \$50,000. Now they have less money to lend out to the next guy. That is absolutely counterproductive.

Please talk to your local bankers to make sure what I am telling you is right. If, in fact, we have an executive thing that can be fixed called mark-to-market, we ought to put a resolution into the feds saying let's do that tomorrow. The banks can lend 12.25 percent of whatever their reserves are, and every time they lend, those reserves are going to go down because of mark-to-market. That seems so counterproductive.

I welcome your help on this. If, in fact, what I am saying is the truth, we ought to be doing something about it right away.

Senator Van Woerkom's statement is as follows:

Slot machines—many people think that slot machines are the answer to all of our problems. I was recently in Florida and there was an article in the *Miami Herald* about the jai alai industry. Jai alai is a gambling game that is similar to handball, I guess, but they were decrying the fact that jai alai is declining and they need slot machines in the jai alai buildings so that they can turn their industry around. It's kind of similar to the arguments that we heard earlier about the horse racing industry and that we need slot machines to turn around the horse racing industry.

The state of Nevada has slot machines just about everywhere you turn. They think it is the answer for everybody. It makes me wonder if maybe our auto dealers should have had slot machines in their showrooms to turn things around for them. New Buffalo just recently opened and they brag that they have the biggest floor outside of the city of Las Vegas—slot machines everywhere there.

Now we can expect to see maybe two more casinos in the next year and a half in the state of Michigan. After that, I expect we will have three more coming in, and one of them will be in my hometown, Muskegon. There are other towns already lining up so that they can have their casino as well.

My concern is for the discretionary income of the individuals in those communities. They just run it away into those slot machines that are sitting out there. I know that when we argue for casinos, we often talk about tourism—how we are

going to bring more people to the state of Michigan; it's a destination point. But when it gets to be February 10 in the middle of winter, most of the people sitting in those casinos are people from your hometown. Their discretionary income is going into those machines, coming out of your hometown.

It creates other problems. People get over their heads. We've had some high-profile embezzlements in our community, high-profile robberies in our community. Some of them are drug-related, but a lot are people with gambling debts. Both of them, the drugs and the gambling, have become an addiction. You ride through some of the communities and see pawn shops, more so there than in other communities. Check'n Go is doing very well in many of those communities because people need money to feed the machines once again. People are getting over their heads and paying a price for it in their personal lives. Local businesses pay a price, too, because the people of their community don't have the discretionary income that they used to have. So there are not as many people going to restaurants, not as many people going to places of business in those communities.

There was an organization that opposes these casinos called 23 is Enough. I spoke with one of the members last week and said maybe you should change the name to 23 was Enough because there are going to be many more coming here in the state of Michigan. We have to analyze how many is enough. When will we reach the saturation point in Michigan? We have to think about what we are becoming as a state. We have more casinos than any other state besides Nevada. What does that mean for the next generation that so much of our economy could be based on gambling? It is time to take a hard look at gambling here in the state of Michigan, and I hope that we are able to do that.

Senator Basham's statement is as follows:

I would hope that if we are going to have more slot machines and more casinos in Michigan that they would at least be smoke-free. You take a gamble every time you go into a casino. People know that; they are adults. But, certainly, if they were smoke-free, those folks going in there wouldn't have to pay the \$2.05-a-pack tax on cigarettes.

Certainly, employees who work in those casinos, and regardless of which side you are on in the debate on casinos, there is nothing debatable about secondhand smoke. Those employees who work in those casinos—currently there are over 10,000 employees who work in current casinos—are subject to secondhand smoke. I would hope that this Legislature, if you want to have this debate about casinos, certainly, we would encourage folks to have an equal debate about the quality of indoor health and the quality of the work environment for those employees who work in these type of facilities.

Michigan is a tourism state. Maybe one of those reasons that they come to Michigan, maybe it is not just for the lakes; maybe it is not just for going up to nice places like Traverse City or Mackinac Island or Henry Ford Museum; maybe it is to go to the casinos in Detroit or other places. But, certainly, if you look at the thirty-some other states and look at their casinos, thirty-some other states have gone smoke-free. A number of other states are starting to have their casinos go smoke-free. The casino in Ontario, in Windsor, the Caesar's Casino, it's smoke-free. Niagara Falls, their casinos are smoke-free also. If we are going to talk about casinos, certainly, it should go hand-in-hand with secondhand smoke.

This issue won't go away. When we want to stand up again and talk about casinos, there are jobs to be had. Some folks would say that a new casino would create jobs; some folks see the different side of the argument. There is no argument about secondhand smoke. The U.S. Surgeon General said there are thousands of chemicals in secondhand smoke; 200 are poisonous, 43 are cancer-causing. Certainly, we should address that issue with the same vigor that we are addressing the casino issue.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, February 10, 2009, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hardiman (C), Kahn, Jansen and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, February 10, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert and Hunter

Excused: Senators Stamas and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:
Meeting held on Tuesday, February 10, 2009, at 2:30 p.m., Room 210, Farnum Building
Present: Senators Jansen (C), Hardiman and Jacobs

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Tuesday, February 10, 2009, at 3:00 p.m., Room 405, Capitol Building
Present: Senators Garcia (C), Cropsey and Barcia

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, February 12, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Human Services Department - Tuesdays, February 17, February 24 and March 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Thursday, February 19, 3:00 p.m.; Tuesday, February 24, 10:00 a.m.; Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Wednesday, February 18, 8:30 a.m., Room 405, Capitol Building; Friday, February 27, 10:30 a.m., Grand Rapids, meeting place to be determined; and Wednesdays, March 4, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Appropriations, Senate/House - Thursday, February 12, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Energy Policy and Public Utilities - Thursday, February 12, 1:00 p.m., Room 210, Farnum Building (373-7350)

Legislative Commission on Government Efficiency - Monday, March 2, 2:00 p.m., Room 428, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Friday, February 27, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:17 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 12, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

