

No. 33
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Thursday, April 23, 2009.

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore Espinoza.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agema—present	Durhal—present	Lahti—present	Proos—present
Amash—present	Ebli—present	LeBlanc—present	Roberts—present
Angerer—present	Elsenheimer—present	Leland—present	Rocca—present
Ball—present	Espinoza—present	Lemmons—present	Rogers—present
Barnett—present	Geiss—present	Lindberg—present	Schmidt, R.—present
Bauer—present	Genetski—present	Lipton—present	Schmidt, W.—present
Bennett—present	Gonzales—present	Liss—present	Schuitmaker—present
Bledsoe—present	Green—present	Lori—present	Scott, B.—present
Bolger—present	Gregory—present	Lund—present	Scott, P.—present
Booher—present	Griffin—present	Marleau—present	Scripps—present
Brown, L.—present	Haase—present	Mayes—present	Segal—present
Brown, T.—present	Haines—present	McDowell—present	Sheltrown—present
Byrnes—present	Hammel—present	McMillin—present	Simpson—present
Byrum—present	Hansen—present	Meadows—present	Slavens—present
Calley—present	Haugh—present	Meekhof—present	Slezak—present
Caul—present	Haveman—present	Melton—present	Smith—present
Clemente—present	Hildenbrand—present	Meltzer—present	Spade—present
Constan—present	Horn—present	Miller—excused	Stamas—present
Corriveau—present	Huckleberry—present	Moore—present	Stanley—present
Coulouris—excused	Jackson—excused	Moss—present	Switalski—present
Crawford—present	Johnson—present	Nathan—present	Tlaib—present
Cushingberry—present	Jones, Rick—present	Nerat—present	Tyler—present
Daley—present	Jones, Robert—present	Neumann—excused	Valentine—present
Dean—present	Kandrevas—present	Opsommer—present	Walsh—present
Denby—present	Kennedy—present	Pavlov—present	Warren—present
DeShazor—present	Knollenberg—present	Pearce—present	Womack—e/d/s
Dillon—excused	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Harold L. Haugh, from the 42nd District, offered the following invocation:

“I greet you today with a spirit of prayer and hope for our communities. This prayer embodies the hope that all may become unified as our God has intended for all humankind. In Psalms 133:1 it says, ‘it is good and pleasant when brethren dwell together in unity.’

In this prayer I pray that we may comfort each other every day regardless of what a day may bring. I pray that God guide each of use to make the best decisions for Michigan, and specifically for the constituents we represent. I ask for individual wisdom to be imparted as we make important decisions week-to-week. I pray that we will discern when a neighbor’s hope is gone and that we all join hands to reach out and help that individual make it through that situation for whatever our neighbor’s need. Finally, I pray for the people of Michigan, that they know that we are doing our best and will continue to do whatever we can do to help during a very tough economic time in our state.

In closing, I pray that God will show us in His divine manner how to be strong in all things. I pray for our communities to press on in prayer. And I pray for us to join together in faith, hope, peace and blessed assurance that as long as life dwells within us and we march towards the call that we are assigned in the moment as well as the future, that we maintain unity and a commitment to our communities with faith that God will do the rest. Amen.”

Rep. Angerer moved that Reps. Coulouris, Dillon, Jackson, Miller and Neumann be excused from today’s session. The motion prevailed.

Second Reading of Bills

House Bill No. 4781, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

The bill was read a second time.

Rep. Sheltroun moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Sheltroun moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

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

Rep. Meekhof moved that Rep. Elsenheimer be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4781, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 170**Yeas—98**

Angerer	Ebli	LeBlanc	Rocca
Ball	Espinoza	Leland	Rogers
Barnett	Geiss	Lemmons	Schmidt, R.
Bauer	Gonzales	Lindberg	Schmidt, W.
Bennett	Green	Lipton	Schuitmaker
Bledsoe	Gregory	Liss	Scott, B.
Bolger	Griffin	Lori	Scott, P.
Booher	Haase	Marleau	Scripps
Brown, L.	Haines	Mayes	Segal
Brown, T.	Hammel	McDowell	Sheltrown
Byrnes	Hansen	Meadows	Simpson
Byrum	Haugh	Meekhof	Slavens
Calley	Haveman	Melton	Slezak
Caul	Hildenbrand	Meltzer	Smith
Clemente	Horn	Moore	Spade
Constan	Huckleberry	Moss	Stamas
Corriveau	Johnson	Nathan	Stanley
Crawford	Jones, Rick	Nerat	Switalski
Cushingberry	Jones, Robert	Opsommer	Tlaib
Daley	Kandrevas	Pavlov	Tyler
Dean	Kennedy	Pearce	Valentine
Denby	Knollenberg	Polidori	Walsh
DeShazor	Kowall	Proos	Warren
Donigan	Kurtz	Roberts	Young
Durhal	Lahti		

Nays—5

Agema	Genetski	Lund	McMillin
Amash			

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills**House Bill No. 4782, entitled**

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

The bill was read a second time.

Rep. Sheltrown moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

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

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

House Bill No. 4782, entitled

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 171

Yeas—98

Angerer	Ebli	LeBlanc	Rocca
Ball	Espinoza	Leland	Rogers
Barnett	Geiss	Lemmons	Schmidt, R.
Bauer	Gonzales	Lindberg	Schmidt, W.
Bennett	Green	Lipton	Schuitmaker
Bledsoe	Gregory	Liss	Scott, B.
Bolger	Griffin	Lori	Scott, P.
Booher	Haase	Marleau	Scripps
Brown, L.	Haines	Mayer	Segal
Brown, T.	Hammel	McDowell	Sheltrown
Byrnes	Hansen	Meadows	Simpson
Byrum	Haugh	Meekhof	Slavens
Calley	Haveman	Melton	Slezak
Caul	Hildenbrand	Meltzer	Smith
Clemente	Horn	Moore	Spade
Constan	Huckleberry	Moss	Stamas
Corriveau	Johnson	Nathan	Stanley
Crawford	Jones, Rick	Nerat	Switalski
Cushingberry	Jones, Robert	Opsommer	Tlaib
Daley	Kandrevas	Pavlov	Tyler
Dean	Kennedy	Pearce	Valentine
Denby	Knollenberg	Polidori	Walsh
DeShazor	Kowall	Proos	Warren
Donigan	Kurtz	Roberts	Young
Durhal	Lahti		

Nays—5

Agema	Genetski	Lund	McMillin
Amash			

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 363, entitled

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

The bill was read a second time.

Rep. Sheltroun moved to amend the bill as follows:

1. Amend page 25, line 15, by striking out “Senate Bill No. 362” and inserting “House Bill No. 4781”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Angerer moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 363, entitled

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 172

Yeas—99

Angerer	Ebli	Lahti	Rocca
Ball	Elsenheimer	LeBlanc	Rogers
Barnett	Espinoza	Leland	Schmidt, R.
Bauer	Geiss	Lemmons	Schmidt, W.
Bennett	Gonzales	Lindberg	Schuitmaker
Bledsoe	Green	Lipton	Scott, B.
Bolger	Gregory	Liss	Scott, P.
Booher	Griffin	Lori	Scripps
Brown, L.	Haase	Marleau	Segal
Brown, T.	Haines	Mayes	Sheltroun
Byrnes	Hammel	McDowell	Simpson
Byrum	Hansen	Meadows	Slavens
Calley	Haugh	Meekhof	Slezak
Caul	Haveman	Melton	Smith
Clemente	Hildenbrand	Meltzer	Spade
Constan	Horn	Moore	Stamas
Corriveau	Huckleberry	Moss	Stanley
Crawford	Johnson	Nathan	Switalski
Cushingberry	Jones, Rick	Nerat	Tlaib
Daley	Jones, Robert	Opsommer	Tyler
Dean	Kandrevas	Pavlov	Valentine
Denby	Kennedy	Pearce	Walsh
DeShazor	Knollenberg	Polidori	Warren
Donigan	Kowall	Proos	Young
Durhal	Kurtz	Roberts	

Nays—5

Agema
Amash

Genetski

Lund

McMillin

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills**House Bill No. 4565, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1029.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Regulatory Reform,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Meadows moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Meadows moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

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

—————

Rep. Angerer moved that Rep. Tlaib be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4565, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1029.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 173**Yeas—61**

Angerer
Ball
Barnett
Bauer
Bledsoe
Booher
Brown, L.

Ebli
Espinoza
Geiss
Gonzales
Green
Gregory
Haase

Kennedy
Kowall
Leland
Lemmons
Lindberg
Lipton
Liss

Pearce
Polidori
Roberts
Schmidt, R.
Schmidt, W.
Scott, B.
Scott, P.

Brown, T.	Haines	Lori	Segal
Byrnes	Hansen	Marleau	Slavens
Byrum	Haugh	McDowell	Slezak
Calley	Huckleberry	McMillin	Spade
Caul	Johnson	Meadows	Stamas
Constan	Jones, Rick	Melton	Stanley
Corriveau	Jones, Robert	Nathan	Switalski
Crawford	Kandrevas	Nerat	Valentine
Dean			

Nays—42

Agema	Elsenheimer	Lund	Rogers
Amash	Genetski	Mayes	Schuitmaker
Bennett	Griffin	Meekhof	Scripps
Bolger	Hammel	Meltzer	Sheltrown
Clemente	Haveman	Moore	Simpson
Cushingberry	Hildenbrand	Moss	Smith
Daley	Horn	Opsommer	Tyler
Denby	Knollenberg	Pavlov	Walsh
DeShazor	Kurtz	Proos	Warren
Donigan	Lahti	Rocca	Young
Durhal	LeBlanc		

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 4715, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 41 (MCL 432.41), as amended by 2008 PA 274.

The bill was read a second time.

Rep. Johnson moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

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

Rep. Womack entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4715, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 41 (MCL 432.41), as amended by 2008 PA 274.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 174**Yeas—104**

Agema	Durhal	Kurtz	Proos
Amash	Ebli	Lahti	Roberts
Angerer	Elsenheimer	LeBlanc	Rocca
Ball	Espinoza	Leland	Rogers
Barnett	Geiss	Lemmons	Schmidt, R.
Bauer	Genetski	Lindberg	Schmidt, W.
Bennett	Gonzales	Lipton	Schuitmaker
Bledsoe	Green	Liss	Scott, B.
Bolger	Gregory	Lori	Scott, P.
Booher	Griffin	Lund	Scripps
Brown, L.	Haase	Marleau	Segal
Brown, T.	Haines	Mayes	Sheltrown
Byrnes	Hammel	McDowell	Simpson
Byrum	Hansen	McMillin	Slavens
Calley	Haugh	Meadows	Slezak
Caul	Haveman	Meekhof	Smith
Clemente	Hildenbrand	Melton	Spade
Constan	Horn	Meltzer	Stamas
Corriveau	Huckleberry	Moore	Stanley
Crawford	Johnson	Moss	Switalski
Cushingberry	Jones, Rick	Nathan	Tyler
Daley	Jones, Robert	Nerat	Valentine
Dean	Kandreas	Opsommer	Walsh
Denby	Kennedy	Pavlov	Warren
DeShazor	Knollenberg	Pearce	Womack
Donigan	Kowall	Polidori	Young

Nays—0

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, 3/5 of the members present voting therefor.

Reps. McDowell, Meadows, Robert Jones, Cushingberry, Bauer, Booher, Terry Brown, Byrnes, Constan, Dean, Durhal, Elsenheimer, Geiss, Gonzales, Hammel, Rick Jones, Lahti, Lemmons, Liss, Lori, Marleau, Mayes, Polidori, Scripps, Slavens, Smith, Spade, Valentine and Leland offered the following resolution:

House Resolution No. 80.

A resolution to memorialize the U.S. Army Corps of Engineers to allocate federal stimulus package funds for the construction of a new Soo Lock at Sault Ste. Marie, Michigan.

Whereas, The Soo Locks are integral to the commercial and recreational navigation of the Great Lakes. Each year, 10,000 vessels transporting shipments totaling approximately \$4 billion pass through the Soo Locks. The Soo Locks represent an enormous investment that must be preserved; and

Whereas, Only one of the current Soo Locks is capable of accommodating the 1,000-foot cargo vessels operating on the Great Lakes, known as “lakers.” The U.S. Congress authorized the building of a similarly-sized new Soo Lock over 20 years ago, but the lock has not yet been built; and

Whereas, The American Recovery and Reinvestment Act allocates \$2 billion to the U.S. Army Corps of Engineers for construction projects, such as navigation infrastructure, to stimulate quickly the economy. Contracts worth approximately \$100 million could be in place this year for the initial phases of construction of a new Soo Lock; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the U.S. Army Corps of Engineers to allocate a portion of the American Recovery and Reinvestment Act funding appropriated to the U.S. Army Corps of Engineers for the construction of a new Soo Lock; and be it further

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

The resolution was referred to the Committee on Commerce.

Reps. McDowell, Meadows, Bauer, Booher, Terry Brown, Byrnes, Constan, Cushingberry, Dean, Durhal, Geiss, Genetski, Gonzales, Gregory, Hammel, Rick Jones, Robert Jones, Lahti, LeBlanc, Lemmons, Liss, Marleau, Mayes, Opsommer, Pearce, Polidori, Proos, Roberts, Segal, Slavens, Smith, Spade, Tyler, Valentine, Leland and Lipton offered the following resolution:

House Resolution No. 81.

A resolution to urge Michigan’s public institutions of higher education to adopt veteran-friendly policies.

Whereas, Beginning in the Fall 2009 semester, veterans of the United States military will have at their disposal education resources under the 21st Century GI Bill. This new educational program will cover the entire cost of in-state tuition as well as educational and living expenses of veterans seeking a college degree. This new program is a well-deserved benefit for the members of our volunteer military who have shouldered the burden of defending our country; and

Whereas, Our higher education institutions could implement a number of policies that would make Michigan a leading candidate for veterans seeking a college education. Offering in-state tuition rates to all veterans who have not been dishonorably discharged, regardless of their state of residence, would be a tremendous incentive. Other policies and programs that would assist veterans with their unique needs and background include the establishment of Veteran Syndicate Offices to assist veterans in utilizing their federal benefits, help students who continue to serve in the Guard or Reserves balance school and military obligations, and provide resources and a social network for adjusting to civilian college life. Other policies that would facilitate enrollment in Michigan colleges and universities include participating in the Servicemembers Opportunity Colleges system to ensure that credit transfer opportunities are not lost, establishing an extended application deadline, and waiving application fees. Such policies would help veterans better coordinate their end of active duty service with the college year to avoid losing time and opportunities; and

Whereas, Veterans have a tremendous variety of options in programs and educational settings offered by Michigan’s public colleges and universities. However, if coming to a Michigan college or university will leave veteran students with student loan debts disproportionate to what they would have in other states, or if the application process is too difficult to navigate in a timely fashion, many will not choose Michigan as their post-military service destination. Already, just among the Big Ten schools, Michigan ranks at the bottom for veterans on campus. And Ohio is offering in-state tuition rates for veterans. A comprehensive approach to welcoming and retaining veterans as students on our campuses is needed to ensure that Michigan benefits from the 21st Century GI Bill and to make sure veterans benefit from our world-class educational institutions. In an era when Michigan seeks a better educated workforce for the new knowledge-based economy, attracting motivated, patriotic, and talented military veterans to our state will pay dividends to Michigan tomorrow and for decades to come; now, therefore, be it

Resolved by the House of Representatives, That we urge Michigan’s public institutions of higher education to adopt veteran-friendly policies; and be it further

Resolved, That copies of this resolution be transmitted to the presidents and boards of control of Michigan’s public institutions of higher education.

The resolution was referred to the Committee on Education.

Reps. Terry Brown, Booher, Byrnes, Constan, Cushingberry, Dean, Durhal, Geiss, Gonzales, Gregory, Hammel, Robert Jones, Lahti, Lemmons, Liss, Lori, Marleau, Mayes, Meltzer, Opsommer, Pearce, Polidori, Proos, Slavens, Smith, Spade, Valentine and Leland offered the following resolution:

House Resolution No. 82.

A resolution commemorating May 2009 as Dandy-Walker Syndrome and Hydrocephalus Awareness Month in the state of Michigan.

Whereas, The Dandy Walker Alliance, Inc. is the only national organization focusing on promoting the public good and supporting education, informational activities and non-partisan research that increases public awareness of the congenital birth defect known as Dandy-Walker Syndrome; and

Whereas, Dandy-Walker Syndrome is the most common congenital malformation of the cerebellum and its causes are largely unknown; and

Whereas, Between 10,000 and 40,000 people have Dandy-Walker Syndrome in the United States; and

Whereas, The incidence of Dandy-Walker Syndrome is at least one case per every 25,000 to 35,000 live births, however this is likely a significant underestimate because of difficulties diagnosing this syndrome; and

Whereas, The Metropolitan Atlanta Congenital Defects Program, Centers for Disease Control and Prevention reports that Dandy-Walker Syndrome may affect as many as 1 in 5,000 live births; and

Whereas, Patients with Dandy-Walker Syndrome present with developmental delay, enlarged head circumference, or signs and symptoms of hydrocephalus; and

Whereas, Dandy-Walker Syndrome affects males and females approximately equally; and

Whereas, Seizures occur in 15 to 30 percent of patients with Dandy-Walker Syndrome; and

Whereas, Subnormal intelligence is manifested in 41 to 71 percent of patients with Dandy-Walker Syndrome; and

Whereas, Failure to diagnose Dandy-Walker Syndrome with hydrocephalus in a Neonate or child can cause serious neurologic complications; and

Whereas, Approximately 70 to 90 percent of patients with Dandy-Walker Syndrome have hydrocephalus; and

Whereas, Dandy-Walker Syndrome accounts for approximately 1 to 4 percent of hydrocephalus cases; and

Whereas, Hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain; and

Whereas, There is no known cure for hydrocephalus; and

Whereas, Hydrocephalus affects an estimated one million Americans; and

Whereas, Over 375,000 older Americans have hydrocephalus, which often goes undetected or is misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease; and

Whereas, With appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives; and

Whereas, The standard treatment for hydrocephalus was developed in 1952, and carries multiple risks including shunt failure, infection, and over drainage; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body commemorate the month of May 2009 as the Dandy-Walker Syndrome and Hydrocephalus Awareness Month the state of in Michigan; and be it further

Resolved, All Americans should learn about Dandy-Walker Syndrome and hydrocephalus and recognize the achievements of all disabled Americans, the important role that disabled Americans played throughout the entire history of the United States, and the scientific, literary, and social impact of disabled Americans on our world today; and be it further

Resolved, That a copy of this resolution be transmitted to Dandy-Walker Alliance, Inc. and Ms. Katelyn Dekoski.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Hammel, Bauer, Terry Brown, Byrnes, Constan, Cushingberry, Dean, Durhal, Geiss, Gonzales, Gregory, Robert Jones, Lahti, LeBlanc, Lemmons, Liss, Marleau, Mayes, McDowell, Pearce, Polidori, Segal, Slavens, Smith, Spade, Tyler, Valentine, Leland and Lipton offered the following resolution:

House Resolution No. 83.

A resolution designating April 1, 2010, as Census Day in Michigan and appointing a complete count committee.

Whereas, The kick off day for the 2010 Census is April 1, 2010; and

Whereas, An accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs; and

Whereas, More than \$300 billion per year in federal and state funding is allocated to states and communities based on census data; and

Whereas, Census data ensures fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and

Whereas, The 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community; and

Whereas, The information collected by the census is protected by law and remains confidential for 72 years; and

Whereas, As a 2010 Census partner, Michigan will support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage community participation: encourage people in Michigan to place an emphasis on the 2010 Census and to participate in events that will raise overall awareness of the 2010 Census to ensure

a full and accurate count; support census takes as they help our community complete an accurate count; and appoint a Complete Count Committee to seek opportunities to collaborate with other like-minded groups in our community, to utilize high-profile, trusted people to advocate on behalf of the 2010 Census; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 1, 2010 as Census Day in Michigan and joins the rest of the nation as a 2010 Census Partner.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Kennedy, Liss, Haase, Haugh, Simpson, Barnett, Slezak, Slavens, Lisa Brown, Tlaib, Nathan, Roberts, Scripps, Switalski, Donigan, Smith, Segal, Bauer, Warren, Byrum, Griffin, Robert Jones, Stanley, Bledsoe, Young, Geiss, Byrnes, Ebli and Valentine offered the following resolution:

House Resolution No. 84.

A resolution recognizing April 28, 2009, as Equal Pay Day in the state of Michigan.

Whereas, On Tuesday, April 28, 2009, women from across the United States will join in a national day of action against inequitable pay called Equal Pay Day; and

Whereas, April 28, 2009, is symbolic of the point into this year that a woman must work in order to earn the wages paid to a man in the previous year; and

Whereas, Nationally women are paid only 78 cents for every dollar a man is paid, according to the U.S. Census Bureau; and

Whereas, According to a study by the AFL-CIO, Michigan is ranked 45th in the United States for wage parity with Michigan women paid only 72 cents for every dollar a man is paid; and

Whereas, The wage gap is even greater for most women of color; and

Whereas, The WAGE Project estimates that the wage gap costs the average American full-time woman worker between \$700,000 and \$2 million over the course of her lifetime which also impacts her Social Security benefits and pension; and

Whereas, Fair pay equity policies can be implemented simply and without undue costs while enhancing the American economy; and

Whereas, Fair pay strengthens the security of families today and eases future retirement costs while enhancing the American economy; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim April 28, 2009, as Equal Pay Day in the state of Michigan and urge the citizens to recognize the full value of women's skills and significant contributions to the labor force. We further encourage businesses to conduct an internal pay evaluation to ensure women are being paid fairly.

The resolution was referred to the Committee on Labor.

Reps. Opsommer, Meadows, McDowell, Cushingberry, Bolger, Booher, Terry Brown, Byrnes, Constan, Crawford, Dean, Durhal, Geiss, Genetski, Green, Haines, Hammel, Rick Jones, Robert Jones, Lahti, LeBlanc, Lemmons, Liss, Lori, Marleau, Mayes, Meltzer, Pearce, Proos, Rogers, Wayne Schmidt, Slavens, Spade, Tyler and Valentine offered the following concurrent resolution:

House Concurrent Resolution No. 17.

A concurrent resolution to urge Michigan's public institutions of higher education to adopt veteran-friendly policies.

Whereas, Beginning in the Fall 2009 semester, veterans of the United States military will have at their disposal education resources under the 21st Century GI Bill. This new educational program will cover the entire cost of in-state tuition as well as educational and living expenses of veterans seeking a college degree. This new program is a well-deserved benefit for the members of our volunteer military who have shouldered the burden of defending our country; and

Whereas, Our higher education institutions could implement a number of policies that would make Michigan a leading candidate for veterans seeking a college education. Offering in-state tuition rates to all veterans who have not been dishonorably discharged, regardless of their state of residence, would be a tremendous incentive. Other policies and programs that would assist veterans with their unique needs and background include the establishment of Veteran Syndicate Offices to assist veterans in utilizing their federal benefits, help students who continue to serve in the Guard or Reserves balance school and military obligations, and provide resources and a social network for adjusting to civilian college life. Other policies that would facilitate enrollment in Michigan colleges and universities include participating in the Servicemembers Opportunity Colleges system to ensure that credit transfer opportunities are not lost, establishing an extended application deadline, and waiving application fees. Such policies would help veterans better coordinate their end of active duty service with the college year to avoid losing time and opportunities; and

Whereas, Veterans have a tremendous variety of options in programs and educational settings offered by Michigan's public colleges and universities. However, if coming to a Michigan college or university will leave veteran students with

student loan debts disproportionate to what they would have in other states, or if the application process is too difficult to navigate in a timely fashion, many will not choose Michigan as their post-military service destination. Already, just among the Big Ten schools, Michigan ranks at the bottom for veterans on campus. And Ohio is offering in-state tuition rates for veterans. A comprehensive approach to welcoming and retaining veterans as students on our campuses is needed to ensure that Michigan benefits from the 21st Century GI Bill and to make sure veterans benefit from our world-class educational institutions. In an era when Michigan seeks a better educated workforce for the new knowledge-based economy, attracting motivated, patriotic, and talented military veterans to our state will pay dividends to Michigan tomorrow and for decades to come; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge Michigan's public institutions of higher education to adopt veteran-friendly policies; and be it further

Resolved, That copies of this resolution be transmitted to the presidents and boards of control of Michigan's public institutions of higher education.

The concurrent resolution was referred to the Committee on Education.

Representative Kurtz offered the following concurrent resolution:

House Concurrent Resolution No. 18.

A concurrent resolution to urge Congress to enact a waiver or exclusion for youth motorcycles, all-terrain vehicles, and snowmobiles from the lead requirements of the Consumer Product Safety Improvement Act and to encourage the Consumer Product Safety Commission to exclude those products under their regulatory authority.

Whereas, In the aftermath of highly publicized recalls of children's toys and products containing toxic substances, most notably lead, Congress enacted H.R. 4040 in 2008 to reform and strengthen the authority of the U.S. Consumer Product Safety Commission to monitor the safety of goods sold in the global marketplace. The act prohibits the manufacture and sale of children's products containing lead. "Containing lead" is considered as more than 600 parts per million (ppm) by February 10, 2009, whether the lead is in the paint or content of the product; and

Whereas, Under the newly enacted law, "children's product" means a consumer product designed or intended primarily for children 12 years of age or younger. This law has had the unintended consequence of halting nationwide sales of off-road motorcycles, all-terrain vehicles (ATV), and after market parts manufactured for young riders; and

Whereas, Off-road cycling and power sports involving youths is a multi-million dollar industry. An estimated 100,000 youth bikes were sold in the United States in 2008 and current inventory aimed at children under the age of 12 is valued at \$100 million; and

Whereas, Under the doctrine enunciated in *Chevron, U.S.A., Inc. v. Natural Res. Def. Council*, 467 U.S. 837, 842-45 (1984), a regulatory agency is permitted to adopt a reasonable interpretation of a statute that Congress entrusts that agency to administer. In choosing among reasonable interpretations, an agency may consider their policy implications. (*Chevron*, 467 U.S. at 843.) Here, substantial policy implications point in favor of staying the effective date of Section 101(a)(2) until the final substantive rules and interpretative regulations can be established and regulated entities can, as a practical matter, determine whether particular new and existing products are in compliance with the lead content requirements; and

Whereas, The components, parts, and accessories of the youth motor vehicles that have been targeted by the lead law include lead battery terminals, fittings and connectors, engine housings, chassis parts, tire valve stems, brake levers, clutch levers, and many others. Yet the industry points out that lead-containing parts and accessories are highly unlikely to be touched by children, and any contact that may occur poses no risk to children ages 12 and younger; now, therefore, be it

Resolved by the House (the Senate concurring), That we urge Congress to enact a waiver or exclusion for youth motorcycles and all-terrain vehicles from the lead requirements of the Consumer Product Safety Improvement Act; and be it further

Resolved, That we also urge the Consumer Products Safety Commission under the doctrine enunciated in *Chevron, U.S.A., Inc. v. Natural Res. Def. Council*, 467 U.S. 837, 842-45 (1984), to issue a regulation exempting youth motorcycles, all-terrain vehicles, and snowmobiles from the lead requirements of the Consumer Product Safety Improvement Act; and be it further

Resolved, That copies of this resolution be transmitted to the Consumer Product Safety 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.

The concurrent resolution was referred to the Committee on Great Lakes and Environment.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Thursday, April 23:

House Bill Nos. 4821 4822 4823 4824 4825 4826

House Joint Resolution	S							
Senate Bill Nos.	451	452	453	454	455	456	457	458
Senate Joint Resolution	J							

The Clerk announced that the following Senate bills had been received on Thursday, April 23:

Senate Bill Nos. 149 150

Reports of Standing Committees

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Resolution No. 74.

A resolution to memorialize Congress to rewrite the Toxic Substances Control Act (TSCA).

(For text of resolution, see House Journal No. 32, p. 667.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Nerat, Bledsoe, Ebli, Kennedy, Meadows, Roberts, Scripps, Meekhof, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Thursday, April 23, 2009

Present: Reps. Warren, Nerat, Bledsoe, Ebli, Kennedy, Meadows, Roberts, Scripps, Meekhof, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

Absent: Rep. Leland

The Committee on Education, by Rep. Melton, Chair, reported

House Bill No. 4700, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 3 (MCL 123.1133), as amended by 2003 PA 135.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Corriveau, Geiss, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine and DeShazor

Nays: Reps. Pavlov, Amash, McMillin, Paul Scott, Tyler and Walsh

The Committee on Education, by Rep. Melton, Chair, reported

Senate Bill No. 222, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 3 (MCL 123.1133), as amended by 2003 PA 135.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Corriveau, Geiss, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun and Valentine

Nays: Reps. Pavlov, Amash, DeShazor, McMillin, Paul Scott, Tyler and Walsh

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Melton, Chair, of the Committee on Education, was received and read:

Meeting held on: Thursday, April 23, 2009

Present: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Corriveau, Geiss, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Pavlov, Amash, Ball, DeShazor, McMillin, Pearce, Paul Scott, Tyler and Walsh

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrnes, Chair, of the Committee on Transportation, was received and read:

Meeting held on: Thursday, April 23, 2009

Present: Reps. Byrnes, Kandrevas, Donigan, Geiss, Griffin, Haugh, Leland, Nerat, Roy Schmidt, Young, Opsommer, Bolger, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Messages from the Senate

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

The Senate has appointed Senators Richardville, Sanborn and Hunter as conferees to join with Representatives Coulouris, Johnson and Calley.

The bill was referred to the Conference Committee.

House Bill No. 4454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

The Senate has appointed Senators Richardville, Sanborn and Hunter as conferees to join with Representatives Coulouris, Johnson and Calley.

The bill was referred to the Conference Committee.

House Bill No. 4455, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

The Senate has appointed Senators Richardville, Sanborn and Hunter as conferees to join with Representatives Coulouris, Johnson and Calley.

The bill was referred to the Conference Committee.

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.

The Senate has passed the bill.

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

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 430.

The Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Judiciary from further consideration of **House Bill No. 4189**.

Rep. Agema

Waiver
Of Remaining Session Days

TO: Peter L. Plummer, Executive Director, State Office of Administrative Hearing & Rules
Norene Lind, Administrative Rules Manager, State Office of Administrative Hearings & Rules
Secretary of the Senate
Clerk of the House

FROM: Representative Dudley Spade, Chair, Joint Committee on Administrative Rules

DATE: April 23, 2009

The Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days, pursuant to MCL 24.245a(1), for the proposed rule set dated March 16, 2009 as follows: Department of Energy, Labor and Economic Growth—Director's Office—Unarmed Combat (2008-008 LG).

According to MCL 24.245a(2), if the Committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,
Representative Dudley Spade
Chair
Joint Committee on Administrative Rules

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Labor from further consideration of **House Resolution No. 84**.

Rep. Angerer

Explanation of "No" Votes

Rep. Kowall, having reserved the right to explain her protest against the passage of **House Bill No. 4436**, made the following statement:

"Mr. Speaker and members of the House:

While I support many programs in this budget, I cannot support it because it is based on numbers we already know are faulty.

We are facing a \$1.6 billion budget shortfall next year and a nearly \$800 million shortfall this year, and the problem is growing larger all the time because the state is taking in \$5 million-a-day less than expected.

This budget not only fails to address our structural budget shortfall, it actually adds to it by spending nearly \$300 million more than the governor's recommendation for new and expanded programs.

There are many lawmakers who want to take the easy way out by using federal stimulus funds to fill our budget hole, but this is a bad idea because a year or two from now when the money is gone, all we will have to show for it is another budget deficit and more national debt. Stimulus funds must be used to create jobs.

We need to make real reforms now and reduce spending now. If we don't get our budget mess under control, we can't do the things we need to do to attract jobs to our state and fix our economy.

For these reasons, I cannot support this bill at this time."

Introduction of Bills

Rep. Hildenbrand introduced

House Bill No. 4827, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Polidori, Spade, Lahti, Gonzales, LeBlanc, Lemmons, Constan, Terry Brown, Espinoza, Hammel, Bennett, Leland, Clemente, Kandreas, Gregory, Tlaib, Lipton, Walsh, Sheltroun, Neumann, Melton, Young and Meadows introduced

House Bill No. 4828, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

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

Reps. Pearce, Rick Jones, Lori, Tyler, Kowall, Rogers, Agema, Ball, Opsommer, Walsh, DeShazor, Horn, Roy Schmidt and Dean introduced

House Bill No. 4829, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16185 (MCL 333.16185), as added by 2006 PA 25.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Miller, Switalski, Liss, Haase, Lund, Haugh and Roberts introduced

House Bill No. 4830, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 2006 PA 598.

The bill was read a first time by its title and referred to the Committee on Intergovernmental and Regional Affairs.

Reps. McDowell, Haugh, Polidori, Smith, Jackson, Sheltroun, Lahti, Liss, Roy Schmidt, Barnett, Miller, Neumann and Haines introduced

House Bill No. 4831, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2006 PA 576.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Young, Tlaib, Calley, Durhal, Geiss, Donigan and Nathan introduced

House Bill No. 4832, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 435.

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

Reps. Hildenbrand, Elsenheimer, Schuitmaker, Mayes, Hansen, Booher, Crawford, Moore, Stamas, Daley, Calley, Kurtz, Agema and Sheltroun introduced

House Joint Resolution T, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 27 to article I, to recognize a right to hunt, trap, or fish for, and to harvest, game or fish.

The joint resolution was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Rep. Pavlov moved that the House adjourn.
The motion prevailed, the time being 1:45 p.m.

Associate Speaker Pro Tempore Espinoza declared the House adjourned until Tuesday, April 28, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

