

No. 71
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House of Representatives
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House Chamber, Lansing, Thursday, July 19, 2007.

10:00 a.m.

The House was called to order by the Speaker Pro Tempore.

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

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—excused	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—excused
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—excused	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—excused	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—excused	Mayes—present	Sheen—excused
Brandenburg—excused	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—excused
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—excused	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—e/d/s	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—excused	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—excused	Ward—present
Corriveau—present	Jackson—e/d/s	Palmer—excused	Warren—excused
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Gino H. Polidori, from the 15th District, offered the following invocation:

“We come to You today, O Lord, grateful for the chance to serve our fellow citizens. Grant us the judgment to do what is right, and the strength to act with courage and resolve.

As the Legislature convenes today, we pray for Your wisdom to guide us, both today and in the future. Give us the foresight and the compassion to do what is just for the state of Michigan.

We also offer a special prayer for the service men and women, police, and firefighters who keep our neighbors safe, and who serve and protect our state and our nation. In Your name, we pray. Amen.”

Rep. Booher moved that Reps. Acciavatti, Brandenburg, Gaffney, Huizenga, Meltzer, Opsommer, Palmer, Proos and Sheen be excused from today’s session.

The motion prevailed.

Rep. Tobocman moved that Reps. Farrah, Gillard, Virgil Smith and Warren be excused from today’s session.

The motion prevailed.

Third Reading of Bills

House Bill No. 4979, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 1g and 9a (MCL 247.651g and 247.659a), section 1g as added by 1997 PA 79 and section 9a as amended by 2002 PA 499.

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

Roll Call No. 260

Yeas—95

Accavitti
Agema
Amos
Angerer
Ball

DeRoche
Dillon
Donigan
Ebli
Elsenheimer

Lahti
LaJoy
Law, David
Law, Kathleen
LeBlanc

Pearce
Polidori
Robertson
Rocca
Sak

Bauer	Emmons	Leland	Schuitmaker
Bennett	Espinoza	Lemmons	Scott
Bieda	Garfield	Lindberg	Shaffer
Booher	Gonzales	Marleau	Sheltrown
Brown	Green	Mayes	Simpson
Byrnes	Griffin	McDowell	Smith, Alma
Byrum	Hammel	Meadows	Spade
Calley	Hammon	Meekhof	Stahl
Casperson	Hansen	Meisner	Stakoe
Caswell	Hildenbrand	Melton	Steil
Caul	Hood	Miller	Tobocman
Clack	Hoogendyk	Moolenaar	Vagnozzi
Clemente	Hopgood	Moore	Valentine
Condino	Horn	Moss	Walker
Constan	Hune	Nitz	Ward
Corriveau	Johnson	Nofs	Wenke
Coulouris	Jones, Rick	Palsrok	Wojno
Cushingberry	Jones, Robert	Pastor	Young
Dean	Knollenberg	Pavlov	

Nays—0

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Tobocman moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, July 24, at 10:00 a.m.
The motion prevailed.

Reps. Jackson and Cheeks entered the House Chambers.

Reps. Sak, Accavitti, Bauer, Bieda, Brown, Byrnes, Caul, Clack, Condino, Constan, Cushingberry, Dean, DeRoche, Gonzales, Green, Hammel, Hammon, Hopgood, Johnson, Robert Jones, Knollenberg, LeBlanc, Leland, Lemmons, Marleau, Mayes, McDowell, Meisner, Melton, Pearce, Polidori, Shaffer, Sheltrown, Spade, Steil, Vagnozzi and Stahl offered the following resolution:

House Resolution No. 155.

A resolution to memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act.

Whereas, Hearing is clearly one of our most essential senses. It is often taken for granted, unfortunately, until the time one begins to experience hearing loss. At this point it is too late to reverse the damage. Hearing aids are the ready

solution to the problems associated with hearing loss, but the costs associated with good quality equipment is expensive, is not always covered by one's insurance or Medicaid, and is too often foregone for more immediate needs. A federal tax credit would provide immediate and necessary relief for tens of thousands; and

Whereas, Indeed, it has been estimated that hearing aids would help ninety-five percent of those suffering from hearing loss. Only twenty-two percent of the population, however, currently uses a hearing device, because the average out-of-pocket costs associated with hearing aids is over \$2,800. Thousands upon thousands of individuals and family members are impacted by these soaring costs. It is estimated that close to 2 million people are affected by untreated hearing loss; and

Whereas, In Michigan, legislation was enacted in 1978 to exempt hearing aids from the state sales tax. This initiative was a clear recognition of the importance of cost savings to those in need of hearing aids. The Congress should follow this stellar example and enact similar tax incentives in the U.S. Tax Code; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; and be it further

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

The resolution was referred to the Committee on Health Policy.

Reps. Kathleen Law, Valentine, Hopgood, Stahl, Gonzales, Polidori, Byrnes, Mayes, Sak, Accavitti, Bauer, Bieda, Brown, Caul, Clack, Condino, Cushingberry, Dean, Hammel, Hammon, Johnson, Robert Jones, LeBlanc, Leland, Lemmons, McDowell, Meisner, Melton, Sheltroun, Spade, Tobocman Vagnozzi and Stahl offered the following resolution:

House Resolution No. 156.

A resolution to encourage Congress and the United States Department of Agriculture to implement food policies that promote healthy food, farms, and communities by encouraging local production of fruits and vegetables by specialty crop farmers.

Whereas, The federal Farm Bill traditionally provides crop subsidies to corn, wheat, soybean, and cotton farmers, and less than 40 percent of all United States farmers and ranchers actually receive any kind of subsidy from the federal government. However, there are many different kinds of farmers, both in Michigan and nationwide, growing nutritious and affordable fruits and vegetables that are vital to the health and well-being of Americans. The real price of fruits and vegetables has increased by 40 percent since 1985, while the cost of junk food and sodas has declined by as much as 20 percent. Government support must emphasize nutritious, affordable, and locally available foods; and

Whereas, The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) encourages institutions participating in the school lunch program to purchase locally produced foods for school meals. Purchasing locally grown produce and other foods supports local farmers and benefits students in need of high quality, nutritious food products. However, the USDA continues to discourage efforts by schools and other institutions to develop these important programs. The USDA claims that 7 CFR 3016.60(c) clearly prohibits the use of state or local geographic preferences and that all purchases are to be made competitively; and

Whereas, The Community Food Projects, a federally funded program designed to fight food insecurity through development of local food projects, promotes self-sufficiency of low-income communities. Grants from this program support Detroit-area nonprofits and Detroit residents in growing fresh vegetables in their neighborhoods. Funding is also used to provide entrepreneurship training to urban farmers, again encouraging local specialty crop farmers in Michigan. However, an increase in funding for the Community Food Projects would have even a greater impact on efforts to promote healthy, locally grown foods in low-income communities; and

Whereas, The emphasis on traditional crops in the allocation of farm subsidies has resulted in a loss of fruit and vegetable farmers as well as a decrease in the acreage of prime farmland used for farming nationwide. At the current rate, Michigan will lose 15 percent of its agricultural land by 2040, including 25 percent of the acreage used to grow fruit and 36 percent of the acreage used to grow dry beans; now, therefore, be it

Resolved by the House of Representatives, That we encourage Congress and the United States Department of Agriculture to implement food policies that promote healthy food, farms, and communities by encouraging local production of fruits and vegetables by specialty crop farmers; and be it further

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

The resolution was referred to the Committee on Agriculture.

Reps. Stahl, Gaffney, Nofs, Rick Jones, Polidori, Hildenbrand, Shaffer, Proos, Green, Huizenga, LaJoy, David Law, Hopgood, Virgil Smith, Moss, Spade, Lemmons, Espinoza, Gonzales, Caul, Palmer, Amos, Hune, Angerer, Stakoe, Garfield, Moore, Leland, Scott, Sheen, Clack, Pearce, Cheeks, Donigan, Opsommer, Emmons, Booher, Caswell, Robertson,

Pavlov, Coulouris, Casperson, Pastor, Sheltroun, Steil, Mayes, Brown, Vagnozzi, Constan, Alma Smith, Clemente, Young, Byrum, Wenke, Dean, Farrah, Warren, Schuitmaker, McDowell, Bieda, Hammon, Palsrok, Marleau, Bauer, Meisner, LeBlanc, Calley, Kathleen Law, Elsenheimer, Lahti, Sak, Meekhof, Ward, Nitz, Accavitti, Knollenberg, Ball, Simpson, Ebli, Meltzer, Robert Jones, Agema, Valentine, Walker, Hammel, Byrnes, Moolenaar, Hood and Hansen offered the following resolution:

House Resolution No. 157.

A resolution commemorating August 4, 2007, as Michigan Airborne Day.

Whereas, The 82nd Infantry Division was formed August 25, 1917, in Camp Gordon, Georgia with members from 48 states. They were nicknamed "All-Americans." The "All-Americans" fought three major campaigns during World War I and helped to break the fighting spirit of the German Imperial Army; and

Whereas, On August 16, 1940, the U.S. Army's Parachute Test Platoon executed the first parachute jump from an aircraft while in flight. This then grew into the U.S. Army's 82nd, 101st, 11th, 13th, and 17th Airborne Divisions, Glider Troops, and a Battalion of Marines of WW2, and followed by Airborne Army Rangers, Army Special Forces, Marine Force Recon, Navy Seals, Air Force Special Ops, and Coast Guard Para Rescue Units; and

Whereas, On August 15, 1942, The 82nd Infantry Division became the 82nd Airborne Division, the first airborne division in the U.S. Army. Today, no other military unit can respond more rapidly and effectively to conflict anywhere in the world than the 82nd. Known as "America's Guard of Honor," the 82nd is widely recognized as one of the most powerful forces in America's military arsenal; and

Whereas, The 82nd Airborne Division commenced the largest airborne assault in history on June 5, 1944, among the first soldiers to fight in Normandy, France. The 82nd Airborne Division saw 33 days of action without relief or replacements and accomplished every assigned mission without relinquishment of any ground taken; and

Whereas, In 1965, The 82nd Airborne Division was deployed in Operation Power Pack in response to the civil war raging in the Dominican Republic to restore peace and stability. They served 22 months on the battlefield in Vietnam in the beginning of January 1968 with deployments throughout the 1970s in Korea, Turkey and Greece, and in 1983, were deployed for Operation Urgent Fury in Grenada; and

Whereas, In 1988, The 82nd Airborne Division conducted an air-land operation into Honduras as part of Operation Golden Pheasant, the deployment of armed and willing paratroopers to the Honduran countryside caused the Sandinistas to withdraw back to Nicaragua and in December 1989 seized the Torrijos International Airport in Panama as part of Operation Just Cause; and

Whereas, Six days after the Iraqi invasion of Kuwait on August 2, 1990, the 82nd Airborne Division became the vanguard of the largest deployment of American troops since Vietnam in Operation Desert Shield and subsequently led in Operation Desert Storm; and

Whereas, The 82nd Airborne Division's paratroopers were among the first ground troops sent into the war-torn Kosovo region of the Balkans in the summer of 1999; and

Whereas, The 82nd Airborne Division is currently deployed in Afghanistan and Operation Iraqi Freedom, as well as being deployed in times of need to hurricane-ravaged areas, proving both its ability to deploy on short notice for military action as well as conduct humanitarian missions; and

Whereas, It is only fitting and proper to honor the bravery and valor of American paratroopers in each branch of the United States Armed Services, including approximately 500 members of the 82nd Airborne Division Association currently living in Michigan. We give public honor and gratitude toward veteran and current members of the Armed Forces who have always been ready and willing to drive on until the mission was accomplished; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate August 4, 2007, as Michigan Airborne Day.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, July 19:

House Bill Nos.	5029	5030	5031	5032	5033	5034	5035	5036
Senate Bill Nos.	639	640						

Reports of Standing Committees

The Committee on Agriculture, by Rep. Mayes, Chair, reported

House Bill No. 4956, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4103, 4105, 4107, 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129, 289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, 289.4107, 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 1109, 3119, 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140 and 7106; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-1) 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. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball and Meekhof

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, July 18, 2007

Present: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball and Meekhof

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Thursday, July 19, 2007

Present: Reps. Clemente, Leland, Clack, Griffin, Meadows, Meisner, Melton, Hildenbrand and Garfield

Absent: Reps. Huizenga and Pastor

Excused: Reps. Huizenga and Pastor

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing Administrative Rules

July 17, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:36 P.M. this date, administrative rule (07-07-04) for the Department of Transportation, Bureau of Highway Development, Entitled "*Local Bridge Control*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Terri Lynn Land

Secretary of State

Robin Houston, Office Supervisor

Office of the Great Seal

The communication was referred to the Clerk.

Introduction of Bills

Reps. Agema, Opsommer, Shaffer, Pearce, Caswell, Nitz, Moss, Hoogendyk, Calley, Meekhof, Meltzer, Steil, Moolenaar, Caul, Rocca, Marleau, Pavlov, Knollenberg, Stahl, Acciavatti, Garfield, LaJoy, Green, Palmer and Hildenbrand introduced

House Bill No. 5037, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1106.

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

Reps. Agema, Opsommer, Shaffer, LeBlanc, Pearce, Nitz, Hoogendyk, Moss, Calley, Proos, Meekhof, Meltzer, Steil, Nofs, Moolenaar, Caul, Rocca, Gaffney, Elsenheimer, Marleau, Pavlov, Knollenberg, Stahl, Acciavatti, Garfield, LaJoy, Green, Palmer and Hildenbrand introduced

House Bill No. 5038, entitled

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

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

Reps. Rick Jones, Nofs, Polidori, Steil, Wojno, Meekhof, Calley, LeBlanc, Miller, Stahl, Hansen, Sheltroun, Alma Smith, Moss, Pearce, Bieda, Mayes, Casperson, Espinoza, LaJoy, Dean and Hammon introduced

House Bill No. 5039, 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 sections 2, 9, and 14 (MCL 28.422, 28.429, and 28.434), section 2 as amended by 2004 PA 101, section 9 as amended by 2004 PA 100, and section 14 as amended by 2000 PA 381.

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

Reps. Mayes, Nofs, Polidori, Steil, Wojno, Meekhof, Calley, LeBlanc, Miller, Stahl, Hansen, Sheltroun, Alma Smith, Moss, Pearce, Bieda, Rick Jones, Casperson, Espinoza, LaJoy, Dean and Hammon introduced

House Bill No. 5040, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a), as amended by 2002 PA 82.

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

Reps. Meadows, Alma Smith, Corriveau, LeBlanc and Hammel introduced

House Bill No. 5041, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520c (MCL 750.520c), as amended by 2006 PA 171.

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

Rep. David Law introduced

House Bill No. 5042, entitled

A bill to amend 1933 PA 99, entitled "An act to authorize villages, townships, cities, and school districts to enter into contracts and agreements for the purchase of real or personal property for public purposes; to provide for the payment of the purchase price thereof; to authorize school districts to enter into certain other contracts; and to prescribe the use of the real or personal property," by amending section 1 (MCL 123.721), as amended by 2002 PA 545.

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

Rep. David Law introduced

House Bill No. 5043, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4o (MCL 205.54o), as amended by 2004 PA 173.

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

Rep. Hammel moved that the House adjourn.

The motion prevailed, the time being 11:10 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, July 24, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives