

No. 6
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House of Representatives
90th Legislature
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House Chamber, Lansing, Wednesday, February 3, 1999.

2:00 p.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.

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—excused	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnack—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—excused	Prusi—present	Van Woerkom—present
DeHart—excused	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rep. Douglas Bovin, from the 108th District, offered the following invocation:

“Dear Lord, look with favor on this legislative body as we continue with our new year. Guide us as we work together, and enlighten us as to the needs of those we represent. Give us the wisdom to view all issues that come before us in a fair, compassionate, and unbiased manner. May the laws passed in this Chamber, reflect our personal commitment to the people of this state, a state You have so wondrously blessed. We humbly beg Your blessing as we seek a more prosperous future for all. Amen.”

Rep. Scott moved that Rep. DeHart be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Wojno, Kelly, Rocca, Tesanovich, Richner and Green offered the following resolution:

House Resolution No. 11.

A resolution to urge the Michigan Aeronautics Commission to oppose a proposal to expand the Detroit City Airport.

Whereas, The Michigan Aeronautics Commission is presently considering a proposal to expand the Detroit City Airport. The expansion includes a planned runway lengthening to increase the traffic capacity available through the facility; and

Whereas, Individually and collectively through a study committee, several local communities and groups have expressed their opposition to the proposed airport expansion. Compelling arguments against expanding the airport include legitimate concerns over the increased noise in the area, little need for the increased capacity, and taxpayer costs that cannot be justified; and

Whereas, With Detroit Metropolitan Airport’s expansion, the Detroit area is well served with airport capacity. Increases proposed at City Airport will not be significant enough to warrant the expenditure of somewhere between \$100 and \$145 million, as estimates indicate; and

Whereas, The plans for Detroit City Airport are ambitious and a major commitment for the area. In addition to the financial commitment, which would include the costs for relocating a portion of Van Dyke Avenue, the proposal entails environmental issues, especially increased noise. To take on a task like this, it must be clear that the benefits are worth the expenditures and the impact on the community. In this instance, with ample airport resources in the area, the project should not be undertaken; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Aeronautics Commission to oppose a proposal to expand the Detroit City Airport; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Aeronautics Commission.

The resolution was referred to the Committee on Transportation.

Reps. Wojno, Kelly, Rocca, Tesanovich, Richner and Green offered the following concurrent resolution:

House Concurrent Resolution No. 8.

A concurrent resolution to urge the Michigan Aeronautics Commission to oppose a proposal to expand the Detroit City Airport.

Whereas, The Michigan Aeronautics Commission is presently considering a proposal to expand the Detroit City Airport. The expansion includes a planned runway lengthening to increase the traffic capacity available through the facility; and

Whereas, Individually and collectively through a study committee, several local communities and groups have expressed their opposition to the proposed airport expansion. Compelling arguments against expanding the airport include legitimate concerns over the increased noise in the area, little need for the increased capacity, and taxpayer costs that cannot be justified; and

Whereas, With Detroit Metropolitan Airport’s expansion, the Detroit area is well served with airport capacity. Increases proposed at City Airport will not be significant enough to warrant the expenditure of somewhere between \$100 and \$145 million, as estimates indicate; and

Whereas, The plans for Detroit City Airport are ambitious and a major commitment for the area. In addition to the financial commitment, which would include the costs for relocating a portion of Van Dyke Avenue, the proposal entails environmental issues, especially increased noise. To take on a task like this, it must be clear that the benefits are worth the expenditures and the impact on the community. In this instance, with ample airport resources in the area, the project should not be undertaken; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Michigan Aeronautics Commission to oppose a proposal to expand the Detroit City Airport; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Aeronautics Commission.

The concurrent resolution was referred to the Committee on Transportation.

Reports of Standing Committees

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 37a and 57l.

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

HB 4090 To Report Out:

Yeas: Reps. Hart, DeRossett, Cassis, Law, Shulman,

Nays: Reps. Gielegheem, Hardman, Jacobs.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

House Bill No. 4091, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as added by 1995 PA 223.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4091 To Report Out:

Yeas: Reps. Hart, DeRossett, Cassis, Law, Shulman,

Nays: Reps. Gielegheem, Hardman, Jacobs.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hart, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, February 3, 1999, at 11:30 a.m.,

Present: Reps. Hart, DeRossett, Cassis, Law, Shulman, LaForge, Gielegheem, Hardman, Jacobs.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, February 3, 1999, at 9:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gosselin, Chair of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Wednesday, February 3, 1999, at 10:30 a.m.,

Present: Reps. Gosselin, Kuipers, DeWeese, Raczkowski, Dennis, LaForge, Switalski.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 3, 1999, at 10:30 a.m.,

Present: Reps. Shackleton, Van Woerkom, Allen, Birkholz, Bisbee, Hager, Gilbert, Kowall, Middaugh, Woronchak, Neumann, Clark, Hale, Lockwood, Rivet, Sheltroun, Woodward.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Middaugh, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, February 3, 1999, at 12:30 p.m.,

Present: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman, Thomas, Bob Brown, Daniels, Hansen, Lemmons, Neumann, Quarles, Schauer, Woodward.

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, Monday, February 1:

Senate Bill Nos.	33	34	35	36	37	38	39	40	41	42	43	44	45	46
	47	48	49	50	51	52	53	54	55	56	57	58	59	61
	62	63	64	65	66	68	69	70	71	72	73	74	75	76
	77	78	79	80	81	82	83	84	85	86	87	88	89	90
	91	92	93	94	95	96	97	98	99	100	101	102	103	104
	105	106	107	108	109	110	111	112	113	114	115	116	117	118
	119	120	121	122	123	124	125	127	128	129	130	131	132	133
	134	135	136	137	138	139	140	141	142	143	144	145	146	147
	148	149	150	151	152	153	154	155	156	157	158	159		
Senate Joint Resolutions	A	B	C											

The Clerk announced that the following Senate bills had been received on Wednesday, February 3:

Senate Bill Nos.	1	2	3	4	5
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By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 1, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

The Senate has passed the bill.

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

Senate Bill No. 2, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51c.

The Senate has passed the bill.

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

Senate Bill No. 3, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51d.

The Senate has passed the bill.

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

Senate Bill No. 4, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51e. The Senate has passed the bill.

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

Senate Bill No. 5, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f. The Senate has passed the bill.

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

House Concurrent Resolution No. 7.

A concurrent resolution prescribing the Joint Rules of the House of Representatives and the Senate.

(For text of resolution, see House Journal No. 5, p. 72.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

Communications from State Officers

The following communication from the Department of Transportation was received and read:

January 29, 1999

Public Act 1993, Number 69 titled "Michigan Heritage Routes," requires the Michigan Department of Transportation (MDOT) to report to the Governor those routes designated as Michigan Heritage Routes during the preceding year. We are pleased to report that M-15 (Miles of Smiles) from Ortonville to Bay City, and M-79 (Chief Noonday Trail) from US-131 to M-43 west of Hastings have been designated as Michigan Heritage Routes.

Sincerely,
James R. DeSana
Director

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

February 2, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the
Riverside Correctional Institutions
Department of Corrections
February 1999

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Operations.

Introduction of Bills

Reps. Ruth Johnson, DeVuyst, Woronchak, Neumann, Pappageorge, Richner, Gilbert, Bishop, Green, Schauer, Sheltroun, Allen, Mortimer, Faunce, Kowall, Bovin, Garcia, Gosselin, Patterson, Scott, Clarke, Bisbee, Rick Johnson, Birkholz, Jansen, Godchaux, Shulman, Lockwood, Quarles, Van Woerkom, Bradstreet and Toy introduced

House Bill No. 4138, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 73 (MCL 208.73), as amended by 1995 PA 80.

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

Reps. LaSata, Lockwood, Jelinek, Birkholz, Julian, DeWeese, Pumford and Mortimer introduced

House Bill No. 4139, entitled

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by amending sections 2 and 3 (MCL 15.442 and 15.443).

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

Reps. DeVuyst, Mortimer, Birkholz, Mead, Geiger, Van Woerkom and Pumford introduced

House Bill No. 4140, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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

Reps. DeVuyst, Mead, Birkholz and Geiger introduced

House Bill No. 4141, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20104 and 20106 (MCL 333.20104 and 333.20106), section 20106 as amended by 1996 PA 267, and by adding part 204.

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

Rep. Jamnick introduced

House Bill No. 4142, entitled

A bill to authorize governing bodies located within certain counties to levy and collect impact fees on developers to defray the cost of certain improvements required by land development; to provide for certain credits and exemptions; to allow the governing bodies to enter into agreements relating to impact fees; to prescribe powers and duties of the governing bodies; to prescribe the powers and duties of certain state agencies and officers; to create certain funds; and to prescribe remedies.

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

Rep. Jamnick introduced

House Bill No. 4143, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 47 (MCL 211.47), as amended by 1994 PA 253.

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

Rep. Jamnick introduced

House Bill No. 4144, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5101 and 5111 (MCL 333.5101 and 333.5111), as amended by 1994 PA 200.

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

Rep. Jamnick introduced

House Bill No. 4145, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11521a.

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

Rep. Jamnick introduced

House Bill No. 4146, entitled

A bill to amend 1984 PA 118, entitled "The prisoner reimbursement to the county act," by amending section 7 (MCL 801.87), as amended by 1996 PA 544.

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

Rep. Jamnick introduced

House Bill No. 4147, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

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

Rep. Jamnick introduced

House Bill No. 4148, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 3 (MCL 125.2303) and by adding section 7a.

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

Rep. Jamnick introduced

House Bill No. 4149, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

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

Rep. Jamnick introduced

House Bill No. 4150, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

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

Rep. Jamnick introduced

House Bill No. 4151, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

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

Rep. Jamnick introduced

House Bill No. 4152, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 2 of chapter VI (MCL 66.2), as amended by 1996 PA 41.

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

Reps. Spade, Neumann, Pestka, Quarles, Hanley, Jacobs, Garza, Rison, Stallworth, Schauer, Wojno, Lemmons, Brewer, Gielegem, Sheltroun, Dennis, Hardman, Woodward, Hale, Callahan, Lockwood, Bob Brown, Switalski, Basham, O'Neil, Reeves, Minore, Kelly, Jamnick, Mans, LaForge, Bovin, Schermesser, Prusi, Cherry, Tesanovich, Clarke, DeHart and Thomas introduced

House Bill No. 4153, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; and to repeal acts and parts of acts.

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

Reps. Bradstreet, Mead, Allen, Kukuk, DeRossett, Pappageorge, Garcia, Van Woerkom, Ehardt, Mortimer, Sheltroun, Clarke, Pumford, DeWeese, Neumann, Vear, Shackleton and Rick Johnson introduced

House Bill No. 4154, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," by amending section 14 (MCL 205.314), as amended by 1994 PA 307.

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

Reps. Mead, Bradstreet, Allen, DeRossett, Pappageorge, Hart, Garcia, Pumford, Ehardt, Mortimer, Sheltroun, Clarke, DeWeese, Neumann, Vear, DeVuyst, Kukuk, Shackleton and Rick Johnson introduced

House Bill No. 4155, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," by amending section 14 (MCL 205.314), as amended by 1994 PA 307.

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

Reps. Thomas, DeWeese, Schauer, Cherry, Bob Brown, Prusi, Hale, Garza, Kelly, Tesanovich, Vaughn, Rivet, Kukuk, Bogardus, Dennis, Green and Kilpatrick introduced

House Bill No. 4156, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 32.

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

Reps. Cherry, DeHart and Schermesser introduced

House Bill No. 4157, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261c.

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

Reps. Cherry, Spade, Julian, DeHart and Schermesser introduced

House Bill No. 4158, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 355b. The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. LaForge, Cherry, Schauer, Bogardus and DeHart introduced

House Bill No. 4159, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21766 (MCL 333.21766), as amended by 1994 PA 73, and by adding section 21766a.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. LaForge, Schauer, Bogardus and DeHart introduced

House Bill No. 4160, entitled

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," (MCL 722.921 to 722.935) by adding section 6a.

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

Reps. LaForge, Schauer, Bogardus and DeHart introduced

House Bill No. 4161, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 1993 PA 141.

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

Rep. Callahan introduced

House Bill No. 4162, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 1998 PA 117.

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

Rep. Callahan introduced

House Bill No. 4163, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811d. The bill was read a first time by its title and referred to the Committee on Great Lakes and Tourism.

Rep. Callahan introduced

House Bill No. 4164, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30113 (MCL 324.30113), as amended by 1995 PA 171.

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

Rep. Callahan introduced

House Bill No. 4165, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2946 and 5827 (MCL 600.2946 and 600.5827), section 2946 as amended by 1995 PA 249, and by adding section 5828.

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

Rep. Callahan introduced

House Bill No. 4166, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82108, 82118, and 82120 (MCL 324.82108, 324.82118, and 324.82120), sections 82108 and 82120 as added by 1995 PA 58 and section 82118 as amended by 1996 PA 183, and by adding sections 82107a and 82123a.

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

Rep. Toy moved that the House adjourn.

The motion prevailed, the time being 4:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 4, at 12:00 Noon.

GARY L. RANDALL

Clerk of the House of Representatives.

