No. 87 STATE OF MICHIGAN

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House of Representatives

94th Legislature REGULAR SESSION OF 2007

House Chamber, Lansing, Saturday, September 15, 2007.

12:01 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 Acciavatti-present Agema—excused Amos—present Angerer—present Ball-present Bauer—present Bennett—present Bieda—present Booher—present Brandenburg—present Brown—present Byrnes—present Byrum—present Calley—present Casperson—present Caswell—present Caul—present Cheeks—present Clack—present Clemente—present Condino—present Constan—present Corriveau—present Coulouris—present Cushingberry—present Dean—present DeRoche—present

Dillon—present Donigan—present Ebli—present Elsenheimer—present Emmons—present Espinoza—present Farrah—present Gaffney—present Garfield—present Gillard—present Gonzales—present Green-excused Griffin—present Hammel—present Hammon—present Hansen—present Hildenbrand—present Hood—present Hoogendyk—present Hopgood—present Horn-present Huizenga—present Hune—present Jackson—present Johnson—present Jones, Rick—present Jones, Robert—present Knollenberg—present

LaJoy—present Law, David—present Law, Kathleen—present LeBlanc—present Leland—present Lemmons—present Lindberg—present Marleau-present Mayes—present McDowell—present Meadows—present Meekhof—present Meisner—present Melton—present Meltzer—present Miller—present Moolenaar—present Moore—present Moss—present Nitz—present Nofs-present Opsommer—present Palmer—present Palsrok-present Pastor—present

Pavlov-present

Lahti—present

Polidori—present Proos—present Robertson—present Rocca—present Sak—present Schuitmaker—present Scott—present Shaffer—present Sheen—present Sheltrown—present Simpson—present Smith, Alma—present Smith, Virgil—present Spade—present Stahl-present Stakoe—present Steil—present Tobocman—present Vagnozzi—present Valentine—present Walker—present Ward—present Warren-present Wenke-present Wojno—present Young-present

Pearce—present

Rep. Robert Dean, from the 75th District, offered the following invocation:

"Our Father Who Art in Heaven, we are once again together here at the beginning of a new day. We are here to give You thanks for blessing us in days past and asking Your blessing in days to come. We ask that You were to look on us even now as we wait before Thee as Thy stewards to learn Thy will for us this day. Give us understanding minds that shall find opportunities for service, loving hearts that shall rejoice in being brothers and sisters to all who are in need, unselfish spirits shall find their deepest joy in sharing our blessings with others. Help us so to live this day at its close when we can come again to Thee and give an account of our stewardship of time, of talent and of possessions, that shall win from Thee those gracious words that were spoken long ago to the faithful steward: 'Well done...enter thou into the joy of Thy Lord.' Hear our prayer, we beseech Thee and send us O God Thine blessings as we go forth from this moment into this new day. We ask in Jesus name, Amen."

Rep. Booher moved that Reps. Agema and Green be excused from today's session. The motion prevailed.

Third Reading of Bills

House Bill No. 5194, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

(The bill was read a third time and postponed temporarily on September 14, see House Journal No. 86, p. 1442.) The question being on the passage of the bill,

Rep. Tobocman moved that consideration of the bill be postponed temporarily. The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman moved that there be a Call of the House. The motion prevailed, a majority of the members present voting therefor.

Proceedings Under the Call

The roll of the House was called by the Clerk and Reps. Agema, Caul, Garfield, Green and Palmer were reported absent.

Rep. Dillon moved that Reps. Caul and Green be excused from today's session. The motion prevailed.

Rep. Tobocman moved that the Sergeant at Arms be dispatched after the absentees. The motion prevailed.

Rep. Tobocman moved that the House proceed with the business under the Call. The motion prevailed.

Second Reading of Bills

Senate Bill No. 229, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

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

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

The motion prevailed.

Rep. Tobocman 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. 229, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Acciavatti moved to substitute (H-7) the bill.

The motion was seconded.

The question being on the adoption of the substitute (H-7) offered by Rep. Acciavatti,

Rep. Tobocman moved that consideration of the substitute be postponed temporarily.

The motion prevailed.

The question being on the passage of the bill,

Rep. Tobocman moved to substitute (H-10) the bill.

The motion was seconded.

The question being on the adoption of the substitute (H-10) offered by Rep. Tobocman,

Point of Order

Rep. Ward requested a ruling from the Chair regarding the germaneness of the substitute offered by Rep. Tobocman. The Chair ruled that the substitute is germane pursuant to House Rule 60.

Rep. Ward appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 368

Yeas—58

Accavitti Polidori Cushingberry Johnson Angerer Dean Jones, Robert Sak Bauer Dillon Lahti Scott Law, Kathleen Donigan Sheltrown Bennett Bieda Ebli LeBlanc Simpson Espinoza Leland Smith, Alma Brown Farrah Smith, Virgil **Byrnes** Lemmons Byrum Gillard Lindberg Spade Cheeks Gonzales Mayes Tobocman Clack Griffin McDowell Vagnozzi Clemente Hammel Meadows Valentine Condino Hammon Meisner Warren Constan Hood Melton Wojno Hopgood Young Corriveau Miller Coulouris Jackson

Nays-47

Acciavatti Hansen Meltzer Robertson Amos Hildenbrand Moolenaar Rocca Schuitmaker Ball Hoogendyk Moore Horn Booher Moss Shaffer Brandenburg Huizenga Nitz Sheen Calley Hune Nofs Stahl Casperson Jones, Rick Opsommer Stakoe Caswell Knollenberg Palsrok Steil DeRoche LaJoy Pastor Walker Elsenheimer Law, David Pavlov Ward **Emmons** Marleau Pearce Wenke Gaffney Meekhof Proos

In The Chair: Sak

The question being on the adoption of the substitute (H-10) offered by Rep. Tobocman,

Rep. Tobocman demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-10) offered by Rep. Tobocman,

The substitute (H-10) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 369

Yeas—0

Nays-105

Donigan	LaJoy	Polidori
Ebli	Law, David	Proos
Elsenheimer	Law, Kathleen	Robertson
Emmons	LeBlanc	Rocca
Espinoza	Leland	Sak
	Ebli Elsenheimer Emmons	Ebli Law, David Elsenheimer Law, Kathleen Emmons LeBlanc

Bauer Bennett Bieda Booher Brandenburg Brown **Byrnes Byrum** Calley Casperson Caswell Cheeks Clack Clemente Condino Constan Corriveau Coulouris Cushingberry Dean DeRoche Dillon

Farrah Gaffnev Gillard Gonzales Griffin Hammel Hammon Hansen Hildenbrand Hood Hoogendyk Hopgood Horn Huizenga Hune Jackson Johnson Jones, Rick Jones, Robert Knollenberg

Lemmons Lindberg Marleau Mayes McDowell Meadows Meekhof Meisner Melton Meltzer Miller Moolenaar Moore Moss Nitz Nofs Opsommer Palsrok Pastor Pavlov Pearce

Scott Shaffer Sheen Sheltrown Simpson Smith, Alma Smith, Virgil Spade Stahl Stakoe Steil Tobocman Vagnozzi Valentine Walker Ward Warren Wenke Wojno Young

Schuitmaker

In The Chair: Sak

Lahti

Rep. Sheen, having reserved the right to explain his nay vote, made the following statement:

Again the Democratic Party subverts the legislative process by not even recognizing the Republicans to speak even though they can out vote us at any moment. They substitute bills and give us 5 minutes to read 31 pages of the bill and expect us to vote. The Democratic majority has made a mockery of this institution and the legislative process."

Rep. Stahl, having reserved the right to explain his nay vote, made the following statement:

This is another disappointment with substitute legislation that was not previously put before a committee nor was there time to review before voting. This is nothing less than reckless and irresponsible abuse of the people's authority entrusted to the legislature. This was the work of one man without review."

The question being on the passage of the bill,

Rep. Tobocman moved that consideration of the bill be postponed temporarily.

The motion prevailed.

The House returned to the consideration of

House Bill No. 5194, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

(The bill was considered earlier today, see today's Journal, p. 1450.)

The question being on the passage of the bill,

Rep. Tobocman moved that consideration of the bill be postponed temporarily. The motion prevailed.

[&]quot;Mr. Speaker and members of the House:

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Introduction of Bills

Reps. Meltzer, Moss, Brandenburg, Calley, Agema, Nofs, Sheen, Stahl, Elsenheimer, Meekhof, Gaffney, Hune, Ward and Garfield introduced

House Bill No. 5211, entitled

A bill to prohibit local units of government from enacting or enforcing any law, ordinance, policy, or rule that limits local officials, officers, or employees from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals; to prescribe the powers and duties of certain

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

Reps. Tobocman, Sak, Condino, Coulouris, Johnson, Melton, Donigan and Constan introduced

House Bill No. 5212, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending sections 2 and 8b (MCL 432.202 and 432.208b), section 2 as amended and section 8b as added by 1997 PA 69.

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

Reps. Coulouris, Johnson, Constan, Alma Smith, Byrnes, Melton, Meadows, Condino, Bieda, Virgil Smith, Meisner, Tobocman and Robert Jones introduced

House Bill No. 5213, entitled

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

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

Reps. Coulouris, Miller, Constan, Alma Smith, Byrnes, Calley, Tobocman and Wojno introduced

House Bill No. 5214, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1315. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Sak, Polidori, Emmons, Huizenga, Vagnozzi, Young, Agema, Brown, Espinoza, Lemmons, Ebli, Bauer, Angerer, Sheltrown, Garfield and Dean introduced

House Bill No. 5215, entitled

A bill to establish a board for the post-posthumous funds of the Michigan veterans' facilities; and to provide for the administration of the assets in the post-posthumous funds.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Rep. David Law introduced

House Bill No. 5216, entitled

A bill to amend 1977 PA 72, entitled "The medicaid false claim act," by amending sections 7 and 12 (MCL 400.607 and 400.612), section 7 as amended by 1984 PA 333.

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

Rep. Tobocman introduced

House Bill No. 5217, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2006 PA 437.

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

Rep. Kathleen Law introduced

House Bill No. 5218, entitled

A bill to require certain providers of electric service to purchase electricity from eligible electric generators; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Rep. Cheeks introduced

House Bill No. 5219, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Rep. Cheeks introduced

House Bill No. 5220, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

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

Rep. Hood introduced

House Bill No. 5221, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Rep. Vagnozzi introduced

House Bill No. 5222, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Bauer introduced

House Bill No. 5223, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Spade introduced

House Bill No. 5224, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Byrnes introduced

House Bill No. 5225, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2008; and to provide for the expenditures of the appropriations.

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

Rep. Byrnes introduced

House Bill No. 5226, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2008; and to provide for the expenditures of the appropriations.

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

Rep. Bennett introduced

House Bill No. 5227, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Espinoza introduced

House Bill No. 5228, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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

Rep. Gonzales introduced

House Bill No. 5229, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Alma Smith introduced

House Bill No. 5230, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Rep. Hammel introduced

House Bill No. 5231, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Lahti introduced

House Bill No. 5232, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. LeBlanc introduced

House Bill No. 5233, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. LeBlanc introduced

House Bill No. 5234, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. McDowell introduced

House Bill No. 5235, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Gillard introduced

House Bill No. 5236, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Rep. Gillard introduced

House Bill No. 5237, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Gillard introduced

House Bill No. 5238, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2007 PA 6.

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

Reps. Sheltrown, Rick Jones, Agema, Stahl, Sak and Mayes introduced

House Bill No. 5239, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

By unanimous consent the House returned to the order of

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 Saturday, September 15:

House Bill Nos. 5219 5220 5221 5222 5223 5224 5225 5226 5227 5228 5229 5230 5231 5232 5233 5234 5235 5236 5237 5238

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4797**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4798**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 546**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 547**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4975**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4976**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 5167**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5006**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4600**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4601**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Military and Veterans Affairs and Homeland Security from further consideration of **House Bill No. 4977**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5005**.

Rep. Tobocman

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 Sunday, September 16, at 12:01 a.m.

The motion prevailed.

Rep. DeRoche moved that the House adjourn. The motion prevailed, the time being 11:59 p.m.

The Speaker Pro Tempore declared the House adjourned until Sunday, September 16, at 12:01 a.m.

RICHARD J. BROWN Clerk of the House of Representatives