

ERIE COUNTY LEGISLATURE
BUDGET OVERRIDE SESSION
MEETING NO. 27
DECEMBER 9, 2008

The Legislature was called to order by Chair Marinelli.

All members present, except Mr. Ranzenhofer.

An Invocation was held, led by Ms. Konst, who requested a moment of silence, and asked that those in attendance remember the Serenity Prayer.

The Pledge of Allegiance was led by Mr. Mills.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 1 – (COMM. 27E-1) County Executive's Vetoes to the 2009 Erie County Budget

MS. WHYTE moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
173	Youth Bureau	110	12530	516010	Operation Prime Time	\$100,000

MS. WHYTE moved the adoption. MS. IANNELLO seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund	Account	Account	Amount
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			Center		Name	
174	Youth	110	12530	516010	CEPA Gallery	\$9,000

MS. WHYTE moved the adoption. MS. MILLER-WILLIAMS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
174	Youth	110	12530	516010	Hasek's Heroes	\$7,613.50

MS. WHYTE moved the adoption. MS. GRANT seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
174	Youth	110	12530	516010	Refuge Temple	\$7,613.50

MS. WHYTE moved the adoption. MR. MAZUR seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
174	Youth	110	12530	516010	Schiller Park Community Center	\$9,000

MS. WHYTE moved the adoption. MR. KOZUB seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	African American Cultural Center	\$72,411

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
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344	Cultural Resource Advisory Board	110	1333020	516000	Albright Knox Art Gallery	\$4,257
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MS. WHYTE moved the adoption. MR. RATH seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	American Legion Band Tonawanda's	\$443

MS. WHYTE moved the adoption. MS. IANNELLO seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Arts Council in Buffalo and Erie County	\$1,400

MS. WHYTE moved the adoption. MS. GRANT seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Buffalo Arts Studio	\$3,498

MS. WHYTE moved the adoption. MR. KOZUB seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Buffalo City Ballet	\$2,441

MS. WHYTE moved the adoption. MS. MILLER-WILLIAMS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
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344	Cultural Resource Advisory Board	110	1333020	516000	Buffalo Naval & Serviceman's Park	\$17,000
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MS. WHYTE moved the adoption. MR. MAZUR seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Buffalo Olmsted Parks Conservancy	\$4,443

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Buffalo Philharmonic Orchestra	\$14,243

MS. WHYTE moved the adoption. MS. IANNELLO seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Burchfield Penney	\$471

MS. WHYTE moved the adoption. MS. KONST seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	CEPA Gallery	\$4,783

MS. WHYTE moved the adoption. MS. MILLER-WILLIAMS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
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344	Cultural Resource Advisory Board	110	1333020	516000	Community Music School of Buffalo	\$2,310
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MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	El Museo Gallery	\$6,221

MS. WHYTE moved the adoption. MS. MILLER-WILLIAMS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Explore & More	\$2,618

MS. WHYTE moved the adoption. MR. MILLS seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Folkloric Dance	\$777

MS. WHYTE moved the adoption. MS. GRANT seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Hallwalls	\$3,855

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural	110	1333020	516000	Irish	\$25.00

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Shakespeare in the Park	\$41,425

MS. WHYTE moved the adoption. MR. RATH seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Springville Center for the Arts	\$6,330

MS. WHYTE moved the adoption. MS. GRANT seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource	110	1333020	516000	Squeaky Wheel	\$3,028

Advisory Board

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Theatre of Youth	\$4,110

MS. WHYTE moved the adoption. MS. IANNELLO seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Theodore Roosevelt Inaugural Site	\$357

MS. WHYTE moved the adoption. MR. WROBLEWSKI seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Ujima Company	\$13,623

MS. WHYTE moved the adoption. MR. MAZUR seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Cultural Resource Advisory Board	110	1333020	516000	Western New York Artists Group	\$3,555

MS. WHYTE moved the adoption. MR. KOZUB seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Account Name	Amount
344	Parks	110	16410	598910	Reserve for Olmsted Parks	\$360,000

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

RESOLVED, that the County Legislature does hereby move to reconsider or act to override the County Executive's veto of the following line item to the 2009 Budget:

Page	Dept.	Fund	Fund Center	Account	Position	Amount
315	Probation	110	12610		Sr. Budget- Examiner-Probation JG 13	\$72,817

MS. WHYTE moved the adoption. MR. KOZUB seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the account adjustment detailed on page 2 of 9 of the Amendment approved by the Legislature which increases the savings in the personal services account to be null and void; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's declaration that this item is null and void:

Dept.	Fund	Fund Center	Account Name	Account	Legislature Adopted
County Wide Budget	110	1410	Reductions from Personal SVS Account	504990	2,805,000

MS. WHYTE moved the adoption. MR. REYNOLDS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the transfer of \$5.2 million derived from the Vehicle Use Tax from one revenue account to another as detailed on page 2 of 9 and on page 8 of 9 in the Amendment approved by the Legislature to be null and void; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby move to reconsider or act to override the County Executive's declaration that the transfer of the Vehicle Use tax revenue from one account to another is null and void

MS. WHYTE moved the adoption. MS. KONST seconded.

MR. LOUGHRAN voted in the negative.

CARRIED. (13-1)

WHEREAS, the County Executive has declared that the reduction in the fringe benefit account in DISS by \$17,734 as detailed on page 2 of 9 of the Amendment approved by the Legislature to be invalid; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid.

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the training and education account in DISS by \$20,000 as detailed on page 2 of 9 of the Amendment approved by the Legislature to be invalid; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid.

MS. WHYTE moved the adoption. MS. KONST seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the out of area travel account in DISS by \$26,000 as detailed on page 2 of 9 of the Amendment approved by the Legislature to be invalid; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid.

MS. WHYTE moved the adoption. MS. MILLER-WILLIAMS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the professional service contracts and fees account in DISS by \$64,000 as detailed on page 2 of 9 of the Amendment approved by the Legislature to be invalid; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid.

MS. WHYTE moved the adoption. MS. REYNOLDS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the automotive supplies account in DPW Fleet Services by \$400,000 as detailed on page 8 of 9 of the Amendment approved by the Legislature to be invalid; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid.

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the auto supplies account in DPW Highway by \$100,000 as detailed on page 8 of 9 of the Amendment approved by the Legislature to be invalid, null and void; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid, null and void.

MS. WHYTE moved the adoption. MR. KOZUB seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the highway supplies account in DPW Highway by \$2,329,588 as detailed on page 8 of 9 of the Amendment approved by the Legislature to be invalid, null and void; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid, null and void.

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive has declared that the reduction in the training and education account in DPW Highway by \$5,000 as detailed on page 8 of 9 of the Amendment approved by the Legislature to be invalid, null and void; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration that this reduction is invalid, null and void.

MS. WHYTE moved the adoption. MS. GRANT seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

WHEREAS, the County Executive alleges certain reductions made by the Legislature in the Department of Social Services, the Department of Mental Health and the Department of Public Works – Weights and Measures have resulted in reductions of either state or federal aid; and

WHEREAS, the Erie County Legislature has reviewed this determination as required by Section 2608 (C) of the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby move to override, object and disapprove the County Executive's declaration contained in Section III of the veto message dated December 8, 2008.

MS. WHYTE moved the adoption. MR. REYNOLDS seconded.

MR. MILLS, MR. RATH and MR. LOUGHRAN voted in the negative.

CARRIED. (11-3)

ANNOUNCEMENTS

Item 2 – MS. KONST thanked the participants who worked on the 2009 Erie County Budget. She also announced that there will be a Public Hearing held on Wednesday, December 10, 2008 at 10:00 A.M. in the Chambers of the Legislature to hear public comment on Local Law Intro. 9-1 (2008), "A LOCAL LAW entitled Erie County Clerk's Office Increase in Per Page Fee."

Item 3 – MR. REYNOLDS announced that there will be a meeting of the Distressed Real Property Task Force on Wednesday, December 10, 2008 at 9:00 A.M. in the Legislative Conference Room.

MEMORIAL RESOLUTIONS

Item 4 – Mr. Rath requested that when the Legislature adjourns, it do so in memory of Geve Littlefield, who he described as a "pillar of the Amherst and Western New York community," and a close family friend of the Rath family.

Item 5 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Audrey Carberry.

Item 6 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Dorothy (Farrell) Finnegan and Richard F. Mariani, Sr.

Item 7 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Jeffrey L. Brooks, brother of 3rd District Legislative Assistant Rebecca Brooks.

ADJOURNMENT

Item 8 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, December 11, 2008 at 2:00 p.m. Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, December 11, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE