OHIO House of Representatives JOURNAL

WEDNESDAY, APRIL 2, 2003

THIRTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio Wednesday, April 2, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Bishop Jerome H. Ross, Sr. of the Triedstone Baptist Church in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Householder prior to the commencement of business:

Charlotte Davidson, Tricia Louis, and Claudette Coleman, guests of Representative Schmidt-66th district.

Shelia Perkins, Jeff Scaggs, Carol Heavilin, Mary Stroud, and Sandi Thompson, guests of Representative Wilson-96th district.

Joe Schock, a guest of Representative Wagner-81st district.

Matt Miller, a guest of Representative Gibbs-97th district.

Julie Winguard, a guest of Representative Perry-47th district, Representative Brown-48th district, and Representative Ujvagi-49th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 153-Representatives Harwood, Willamowski, S. Patton, Fessler, Hartnett, Kearns, McGregor, Redfern, Allen.

To amend sections 109.572, 173.41, 2151.414, 2151.419, 2151.86, 2152.74, 2152.81, 2901.07, 2905.05, 2907.06, 2907.27, 2907.28, 2907.30, 2921.38, 2929.13, 2935.03, 2937.11, 2945.481, 2945.49, 2950.01, 3301.32, 3301.541, 3313.662, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5103.0319, 5104.012, 5104.013, 5104.09, 5123.081, 5126.28, and 5153.111 of the Revised Code to expand "harassment by an inmate" to apply to all persons and rename the expanded offense "harassment with a bodily substance"; to designate the expanded offense a sexually oriented offense when the offense involves semen; to include the expanded offense when it involves semen within the laws dealing with criminal records checks for certain applicants, placement of children with parents who commit certain offenses, DNA specimens of offenders, child victim testimony, criminal child enticement and sexual imposition penalties, venereal disease and HIV testing of offenders, communicable disease notification of certain victims, prison terms for certain fifth degree felonies, warrantless arrests, permanent exclusion from public school attendance, and foster caregivers' notice of a child being found delinquent; and to amend the versions of sections 2929.13, 2935.03, and

2950.01 of the Revised Code that are scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

H. B. No. 154-Representative Redfern.

To amend section 4303.181 of the Revised Code to reduce from 100,000 to 20,000 the minimum population of a municipal corporation required for issuance of a D-5j liquor permit to a premises located within a community entertainment district located in that municipal corporation.

H. B. No. 155-Representative Brinkman.

To amend sections 9.81, 4113.02, 4117.03, 4117.05, 4117.09, and 4117.11; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4113.02 (4119.04); and to enact sections 4117.031, 4117.081, 4119.01, 4119.02, 4119.03, 4119.05, 4119.06, 4119.07, and 4119.99 of the Revised Code to remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to expand the scope of unfair labor practices under that law, to make other changes in the Public Employees Collective Bargaining Law, to prohibit any requirement that employees of private employers join or pay dues to any employee organization and to require public and private employers to post notices to that effect, to prohibit certain actions by private employers relative to employee organization membership, and to establish civil and criminal penalties against private employers who violate those prohibitions.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

H. C. R. No. 13-Representatives Young, Brinkman, Fessler, Callender, Gilb. Reidelbach.

To urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

To the committee on State Government.

LARRY HOUSEHOLDER, Chair.

Representative Cates moved that the Rules and Reference committee report on resolutions be agreed to and that the concurrent resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Representative Wilson reported for the Rules and Reference Committee, recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

H. B. No. 148-Representative Grendell.

To amend sections 507.03 and 507.04 of the Revised Code to require that the township clerk personally attend meetings of the board of township trustees, to set a minimum amount for the township clerk's bond, and to require that township records be kept at the township hall or the board's meeting place.

To the committee on County and Township Government.

H. B. No. 149-Representatives Fessler, Seitz, Williams, Gilb, Brinkman, Perry, Reidelbach.

To amend sections 3119.60, 3119.61, 3119.68, 3119.74, and 3119.79 and to enact sections 3119.77 and 3119.771 of the Revised Code to provide for the modification of a child support order at the request of a member of the uniformed services called to emergency military service.

To the committee on Juvenile and Family Law.

H. B. No. 150-Representatives Fessler, Callender, Webster, Gilb, Reinhard, Reidelbach, McGregor, Jolivette.

To amend sections 2901.01, 2903.13, 2907.03, 2907.08, 2917.31, 2923.122, 2925.01, 3301.07, 3301.071, 3301.0722, 3301.16, 3313.671, 3313.94, 3319.22, 3319.32, 3327.01, 3332.02, 3333.21, 3333.37, 3365.01, 3781.11, 4117.10, 4732.15, 4732.22, 4743.03, 4757.41, 5104.01, and 5107.62 and to enact section 3301.0723 of the Revised Code to modify the powers of the State Board of Education, and to amend the versions of sections 2923.122 and 2925.01 of the Revised Code that are scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

To the committee on Education.

Sub. S. B. No. 9-Senators Coughlin, Hottinger, Harris, Mumper, Carnes, Randy Gardner, Goodman, Amstutz, Carey.

To amend section 325.32 and to enact section 311.171 of the Revised Code to permit a sheriff to charge a fee to register, register a change of residence address of, or verify a residence address of an adult offender who is required to register under the Sex Offender Registration and Notification Law.

To the committee on Criminal Justice.

Sub. S. B. No. 35-Senators Nein, Mumper, Spada, Blessing, Miller, Dann, Fingerhut, Prentiss, Robert Gardner.

To amend sections 4755.40 and 4755.48 and to enact section 4755.481 of the Revised Code to permit, under certain circumstances, the practice of physical therapy other than pursuant to the prescription or referral of a physician, dentist, podiatrist, or chiropractor.

To the committee on Health.

LARRY HOUSEHOLDER GARY W. CATES STEPHEN BUEHRER CHARLES CALVERT JIM CARMICHAEL PATRICIA M. CLANCY LARRY L. FLOWERS JIM HUGHES THOMAS F. PATTON JON M. PETERSON JOHN SCHLICHTER JAMES PETER TRAKAS DIXIE J. ALLEN JOYCE BEATTY KENNETH A. CARANO STEVE L. DRIEHAUS CHARLES A. WILSON ROBERT J. OTTERMAN

Representative Cates moved that the House and constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and Senate Bills contained in the report of the committee on Rules and Reference. The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H. R. No. 47-Representative Hughes.

HONORING FRANK BROWN AS A 2003 DIVISION II STATE WRESTLING CHAMPION

Add the names: "Flowers, Carmichael, Beatty, Allen, Wilson, Carano."

H. R. No. 48-Representative Hughes.

HONORING CHELSEA DAVIS AS A 2003 DIVISION I STATE DIVING CHAMPION

Add the names: "Flowers, Carmichael, Beatty, Allen, Wilson, Carano."

H. R. No. 49-Representative Hughes.

HONORING BURKLEY SHOWE AS A 2003 DIVISION I STATE DIVING CHAMPION

Add the names: "Flowers, Carmichael, Beatty, Allen, Wilson, Carano."

LARRY HOUSEHOLDER,

Chair.

Representative Cates moved that rules and reference committee report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Cates moved that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

H. R. No. 51-Speaker Householder, et al.

IN MEMORY OF ARCHER E. REILLY

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 51 -Speaker Householder Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Jolivette, Kearns, Key, Kilbane, Koziura, Latta, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schllichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.

In memory of Archer E. Reilly.

WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio were deeply saddened to learn of the death of Archer E. Reilly and extend our heartfelt condolences to his family and friends; and

WHEREAS, Archer Reilly left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A practicing attorney, he served as a judge of the Tenth District Court of Appeals and the Franklin County Common Pleas Court and as a member of the Ohio House of Representatives, and he also taught at Franklin University, Capital University,

The Ohio State University, and Ohio Dominican College. In addition, he managed several youth baseball teams, and he was active with St. Agatha Catholic Church, Rosemont Center, the Kiwanis Club, the Agonis Club, and the boards of trustees of the Franklin County Mental Health Association, the Ralph W. Alvis House, the Franklin County Legal Aide and Defender Society, Blue Cross of Central Ohio, the Isabelle Ridgeway Senior Citizens Home, the Ohio Judicial Conference, Catholic Social Services, and the Better Business Bureau; and

WHEREAS, Archer Reilly's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A loving husband to his wife, Jean, a devoted father to his two sons, Steve and Tom, and the proud grandfather of four grandchildren, Archer Reilly always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him, but also to those he left behind. Although the void which his death has created can never be filled, the legacy of care and commitment which he established will surely live on. The world is a richer place for his having been in it, and he will be truly missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, wish to express a profound sense of loss and sincere regret at the death of Archer E. Reilly and, in so doing, pay tribute to the memory of a truly unique individual; and be it further;

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Archer E. Reilly.

The resolution was adopted.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, April 1, 2003, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, April 1, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 7-Representatives Taylor, Seitz, Harwood, Willamowski, Schlichter.

To amend sections 111.16, 1701.01, 1701.831, 1707.01, 1707.02, 1707.08,

1707.09, 1707.11, 1707.16, 1707.23, 1707.28, 1707.40, 1707.41, 1707.42, 1707.43, 1707.44, and 2913.02 and to enact sections 1707.131 and 1707.261 of the Revised Code to modify the Corporation Law regarding special meetings of shareholders in connection with tender offer, control share acquisition bids; to modify the Securities Law with respect to securities to which it applies, requirements for registration of securities, the designation of the Secretary of State to receive service of process, the application of remedies under the Securities Law, the Attorney General's enforcement authority on behalf of persons injured by a violation, the statutes of limitations governing an action for specified violations, and the prohibitions against certain misleading actions; to increase the criminal penalty for certain theft offenses and create a new criminal aggravated theft offense; and to specify a fee for filing a service of process with the Secretary of State, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Taylor moved to amend as follows:

In line 1732, delete the second "of" and insert "with".

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

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The bill passed.

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Representative Taylor moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Buehrer, Calvert, Carmichael, Cates, Cirelli, Clancy, Core, Daniels, DeBose, DePiero, Distel, Domenick, C. Evans, Flowers, Gibbs, Gilb, Hagan, Hartnett, Hollister, Hoops, Hughes, Kearns, Key, Kilbane, Latta, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Peterson, Price, Raussen, Reidelbach, Schmidt, Schneider, G. Smith, D. Stewart, J. Stewart, Strahorn, Widener, Widowfield, Wilson, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 72-Representatives Oelslager, C. Evans, Hartnett, Hollister, Miller, Olman, Seitz, Ujvagi, Latta, Book, Harwood, Core, Willamowski, Schlichter, Beatty.

To amend sections 1337.11 and 1337.14 and to enact sections 2135.01 to 2135.14 of the Revised Code to permit the execution of a Declaration for Mental Health Treatment, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

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Those who voted in the affirmative were: Representatives Aclanidae

Allen	Asianides	Barrett	веану
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The bill passed.

Representative Oelslager moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Brown, Buehrer, Calvert, Carmichael, Cirelli, Collier, Daniels, DeBose, DePiero, Domenick, Driehaus, Flowers, Gibbs, Hagan, Hoops, Hughes, Jolivette, Kearns, Key, Kilbane, Koziura, Niehaus, S. Patton, T. Patton, Perry, Price, Redfern, Schmidt, Schneider, Setzer, Sferra, Skindell, J. Stewart, Taylor, Walcher, Widener, Widowfield, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. C. R. No. 6-Representatives Reidelbach, Raga, Fessler, Gilb, Flowers, Hoops, Niehaus, Wolpert, Seaver, Williams, Young, McGregor, Brinkman, Schmidt, Boccieri, Grendell, Driehaus, Callender, Willamowski, C. Evans, Cates, T. Patton, Aslanides, Jerse, Clancy, Hagan, Hughes, Collier, Oelslager, Gibbs, Schlichter, Kearns, Cirelli, Hollister, Schneider, Harwood, Taylor, White, Jolivette.

To memorialize Congress to enact the Human Cloning Prohibition Act of 2003, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Reidelbach moved to amend the title as follows:

Add the names: "Buehrer, Carmichael, Core, Daniels, DeBose, DePiero, Distel, Faber, Kilbane, Latta, Olman, Price, Raussen, Reinhard, Schaffer, Seitz, Setzer, G. Smith, D. Stewart, Trakas, Wagner, Widener, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The yeas and nays were taken and resulted - yeas 91, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty
Book	Brinkman	Brown
Callender	Calvert	Carmichael
Chandler	Cirelli	Clancy
Core	Daniels	DeBose
DeWine	Distel	Domenick
C. Evans	D. Evans	Faber
Flowers	Gibbs	Gilb
Hagan	Hartnett	Harwood
Hoops	Hughes	Husted
Jolivette	Kearns	Key
Koziura	Latta	Mason
Miller	Niehaus	Oelslager
Otterman	S. Patton	T. Patton
Peterson	Price	Raga
Reidelbach	Reinhard	Schaffer
	Book Callender Chandler Core DeWine C. Evans Flowers Hagan Hoops Jolivette Koziura Miller Otterman Peterson	Book Brinkman Callender Calvert Chandler Cirelli Core Daniels DeWine Distel C. Evans D. Evans Flowers Gibbs Hagan Hartnett Hoops Hughes Jolivette Kearns Koziura Latta Miller Niehaus Otterman S. Patton Peterson Price

Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	J. Stewart	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Williams	Wilson	Wolpert	Woodard
Yates	Young	•	Householder-91.

Representatives Carano, Redfern, D. Stewart, Strahorn, and Sykes voted in the negative-5.

The concurrent resolution was adopted.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Am. Sub. S. B. No. 7 - Senators Coughlin, Harris, Goodman, Amstutz, Mumper, Jacobson, DiDonato, Stivers, Hottinger, Wachtmann, Randy Gardner, Herington, Schuring, Spada.

To amend sections 111.16, 1701.01, 1701.831, 1707.01, 1707.02, 1707.08, 1707.09, 1707.11, 1707.16, 1707.23, 1707.28, 1707.40, 1707.41, 1707.42, 1707.43, 1707.44, and 2913.02 and to enact sections 1707.131 and 1707.261 of the Revised Code to modify the Corporation Law regarding special meetings of shareholders in connection with tender offer, control share acquisition bids; to modify the Securities Law with respect to securities to which it applies, requirements for registration of securities, the designation of the Secretary of State to receive service of process, the application of remedies under the Securities Law, the Attorney General's enforcement authority on behalf of persons injured by a violation, the statutes of limitations governing an action for specified violations, and the prohibitions against certain misleading actions; to increase the criminal penalty for certain theft offenses and create a new criminal aggravated theft offense; and to specify a fee for filing a service of process with the Secretary of State.

Sub. S. B. No. 18 - Senator Coughlin.

To amend section 3735.27 of the Revised Code to change the composition of certain metropolitan housing authorities.

Attest:	Matthew T. Schuler,
	Clerk

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 4 - Senators Spada, Amstutz, Goodman, Jacobson, Harris, Austria, Blessing, Schuring, Stivers, Herington, Fedor, Dann, Armbruster, Brady, Carey, Carnes, Coughlin, DiDonato, Fingerhut, Randy Gardner, Robert Gardner, Hagan, Hottinger, Jordan, Mallory, Miller, Mumper, Nein, Prentiss, Roberts, Schuler, Wachtmann, White.

To amend sections 109.572, 313.12, 2108.50, 2151.421, 2311.14, 2930.03, 5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.032, 5123.541, and 5126.058 of the Revised Code to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to provide a mechanism for the closing of developmental centers of the Department of Mental Retardation and Developmental Disabilities that involves independent studies and public hearings, and to amend the version of section 5123.50 of the Revised Code that is scheduled to take effect December 31, 2003, to continue the provisions of this act on and after that effective date.

Sub. S. B. No. 50 - Senators Schuring, Stivers, Austria, Schuler, Coughlin, Fedor, Miller, Brady, Jacobson, Goodman, Harris, Randy Gardner, Robert Gardner, Hagan, Amstutz, Fingerhut, Dann, Spada, Roberts.

To amend sections 109.42, 2919.25, 2919.251, 2919.26, and 2919.27 of the Revised Code to enhance the penalty for domestic violence for certain repeat offenders, to expand the authority for the issuance of a criminal domestic violence temporary protection order, to make other changes regarding criminal domestic violence temporary protection orders and victims' bill of rights, and to enhance the penalty for violating a protection order while committing a felony offense.

Attest:	Matthew T. Schuler,
	Clerk

Said bills were considered the first time.

On motion of Representative Cates, the House adjourned until Thursday, April 3, 2003 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,

Clerk.