

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, FEBRUARY 8, 2005

FOURTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, February 8, 2005, 11:30 a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Richard Burnett, Trinity Episcopal Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 41**-Senators Clancy, Prentiss, Fedor, Cates, Spada, Wilson, Wachtmann, Mumper, Armbruster, Jacobson, Austria, Coughlin, Goodman, Gardner, Brady, Hagan, Miller.

To enact section 3781.55 of the Revised Code to require any place of public accommodation to allow a mother to breast-feed within the place of public accommodation.

To the Committee on Health, Human Services and Aging.

**S. B. No. 42**-Senators Zurz, Prentiss, Mallory, Fedor, Hagan, Brady, Dann, Fingerhut, Miller, Roberts, Wilson.

To enact section 126.051 of the Revised Code to exempt a state university from reductions in per pupil funding if the university does not increase instructional and general fees for Ohio residents by more than the rate of inflation.

To the Committee on Finance and Financial Institutions.

**S. B. No. 43**-Senators Miller, Brady, Dann, Fedor, Fingerhut, Hagan, Mallory, Prentiss, Roberts, Wilson, Zurz.

To amend section 5747.054 of the Revised Code to increase the child and dependent care credit for some taxpayers and to increase the income eligibility limit for the credit.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 44**-Senators Fedor, Roberts, Armbruster, Gardner, Miller, Austria, Hagan, Brady, Prentiss, Spada, Zurz, Fingerhut.

To amend section 3301.0718 of the Revised Code to require the State Board of Education to adopt the National Association for Sport and Physical Education standards for physical education in grades kindergarten through twelve and to remove the requirement that standards and model curricula for physical education are subject to approval by concurrent resolution of the General Assembly.

To the Committee on Education.

**S. B. No. 45**-Senators Brady, Miller, Roberts, Hagan, Fingerhut, Dann, Zurz.

To enact section 3501.052 of the Revised Code to prohibit the Secretary of State from serving in specified capacities for committees of candidates for federal, state, or local office and committees for ballot issues and questions.

To the Committee on State and Local Government and Veterans' Affairs.

**S. B. No. 46**-Senator Mallory.

To amend section 3311.71 of the Revised Code to require that management and control of any school district that has an average daily membership exceeding forty thousand students, has a relatively high poverty index, and has been in academic emergency at least one of the four previous school years be assumed by a nine-member board of education appointed by the mayor of the municipal corporation containing the greatest portion of the district's territory.

To the Committee on Education.

**S. B. No. 47**-Senators Grendell, Padgett, Fingerhut, Brady, Dann, Fedor, Jordan, Mumper, Schuring, Wilson.

To amend section 1541.03 of the Revised Code to prohibit the Division of Parks and Recreation in the Department of Natural Resources from adopting rules establishing a fee for parking a motor vehicle in a state park or for admission to a state park and to declare an emergency.

To the Committee on Finance and Financial Institutions.

**S. B. No. 48**-Senators Coughlin, Clancy.

To enact section 3345.02 of the Revised Code to establish a limit on the annual increase in undergraduate in-state instructional and general fees that a state university board of trustees may charge.

To the Committee on Finance and Financial Institutions.

YES - 4: MARK MALLORY, BILL HARRIS, C. J. PRENTISS, J. KIRK SCHURING.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

#### **MOTIONS**

Senator Hottinger moved that Senators absent the week of Sunday, February 6, 2005, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

#### **MESSAGE FROM THE PRESIDENT**

Pursuant to H. C. R. No. 4, the President of the Senate appoints the following senators to serve on the Committee to Wait Upon the Governor:

Senator Gardner  
Senator Spada  
Senator Austria  
Senator Hottinger  
Senator Goodman  
Senator Carey  
Senator Dann  
Senator Zurz

On the motion of Senator Jacobson the Senate recessed to meet in Joint Convention.

The Senate met pursuant to recess.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 49**-Senators Fedor, Dann, Miller, Hagan, Clancy, Zurz, Fingerhut, Wilson, Roberts.

To amend sections 4723.28, 4729.16, 4730.25, and 4731.22 and to enact section 3701.135 of the Revised Code to limit the use of vaccines containing mercury.

**S. B. No. 50**-Senators Fingerhut, Carey, Miller, Fedor.

To enact sections 5111.86, 5111.861, and 5111.862 of the Revised Code to require the Department of Job and Family Services to seek a federal waiver to establish an assisted living Medicaid waiver component and to make an appropriation.

**S. B. No. 51**-Senators Fingerhut, Dann.

To amend sections 133.01, 319.29, 321.24, 323.152, 3317.028, 3318.011, 3318.42, 5701.08, 5703.80, 5705.34, 5709.01, 5709.61, 5709.62, 5709.63, 5709.64, 5709.88, 5711.01, 5711.02, 5711.13, 5711.22, 5727.06, 5727.12, 5727.15, 5739.02, 5739.025, 5739.10, 5739.21, 5741.02, and 5741.03 and to enact sections 5719.20, 5719.21, and 5719.22 of the Revised Code to eliminate the tangible personal property tax beginning in tax year 2006; to create the Tangible Personal Property Tax Replacement Fund from which taxing units are reimbursed for tax revenue forgone as a result of the elimination of the tangible personal property tax; to make permanent the one per cent increase in the sales and use tax currently scheduled to expire on July 1, 2005; to credit one-sixth of the tax revenue collected from the sales and use taxes to the Tangible Personal Property Tax Replacement Fund beginning July 1, 2005; and to authorize the use of any excess money in the Tangible Personal Property Tax Replacement Fund to finance a temporary increase in the existing 2.5% real property tax reduction on homesteads.

**S. B. No. 52**-Senators Roberts, Brady, Fedor.

To amend section 5709.17 of the Revised Code to exempt from taxation real property held or occupied by fraternal organizations that qualify for tax exemption under the Internal Revenue Code.

**OFFERING OF RESOLUTIONS**

Senator Niehaus offered the following resolution:

**S. R. No. 20**-Senators Niehaus, Harris, Coughlin.

To urge the Congress of the United States to enact the Clear Skies Act of 2005.

The question being, "Shall the resolution, **S. R. No. 20**, be adopted?"

On motion of Senator Gardner, **S. R. No. 20**, was referred to the Committee on Reference.

Senator Coughlin offered the following resolution:

**S. R. No. 21**-Senator Coughlin.

Honoring the Walsh Jesuit High School women's soccer team on winning the 2004 Division I State Championship.

The question being, "Shall the resolution, **S. R. No. 21**, be adopted?"

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following concurrent resolutions:

**H. C. R. No. 3** - Representative Husted - et al.

**H. C. R. No. 4** - Representative Husted - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said concurrent resolutions.

On the motion of Senator Gardner, the Senate adjourned until Wednesday, February 9, 2005 at 11:15 a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.