

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, FEBRUARY 9, 2005**

FIFTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 9, 2005, 11:15 a.m.**

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Schuring was selected to preside according to the rule.

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 and resolution, standing in order for second consideration, be referred to committee as recommended:

**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.

To the Committee on Health, Human Services and Aging.

**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.

To the Committee on Finance and Financial Institutions.

**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.

To the Committee on Ways and Means and Economic Development.

**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.

To the Committee on Ways and Means and Economic Development.

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

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

To the Committee on Environment and Natural Resources.

YES - 4: MARK MALLORY, C. J. PRENTISS, BILL HARRIS, 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 and resolution were considered a second time and referred to committee as recommended.

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

The following bill was introduced and considered the first time:

**S. B. No. 53**-Senators Carey, Zurz, Harris, Jacobson, Padgett, Clancy, Grendell, Fedor, Miller.

To amend section 3734.28 and to enact sections 2927.30 and 3719.47 of the Revised Code to govern pseudoephedrine sales in Ohio and to allow Hazardous Waste Clean-up Fund moneys to be used to address contamination caused by the operation of illegal methamphetamine manufacturing laboratories.

### **OFFERING OF RESOLUTIONS**

Senator Padgett offered the following resolution:

**S. R. No. 22**-Senator Padgett.

Honoring Emily Bonnette as the 2004 Female World Jump Rope Champion.

The question being, "Shall the resolution, **S. R. No. 22**, be adopted?"

So the resolution was adopted.

### **COMMUNICATIONS FROM THE GOVERNOR**

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, John R. Beagle, Independent, from Monroe, Butler County, Ohio, as Member of the Financial Planning and Supervision Commission for the City of Monroe for a term beginning January 28, 2005, and continuing at the pleasure of the Governor, replacing Charles Gall, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of February in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Bob Gardner, Republican, from Madison, Lake County, Ohio, as Member of the Liquor Control Commission for a term beginning February 8, 2005, and ending at the close of business February 8, 2011, replacing Janet C. Howard, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of February in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Darlene R. Ondercin, Republican, from Sheffield Village, Lorain County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Sheffield-Sheffield Lake School District for a term beginning January 26, 2005 and continuing at the pleasure of the Governor.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of February in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,  
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Mallory, the Senate adjourned until Thursday, February 10, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.