

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, SEPTEMBER 23, 2009**

NINETY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, September 23, 2009, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, St. Matthews the Apostle Church, Gahanna, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. C. R. No. 13**-Senators Grendell, Faber, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 4: JIM HUGHES, JIMMY STEWART, TIMOTHY J. GRENDALL, BILL SEITZ.

NO - 3: RAY MILLER, NINA TURNER, TERESA FEDOR.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. J. R. No. 5**-Senator Husted, et al., having had the same under consideration, reports back a substitute resolution and recommends its adoption.

YES - 6: JIM HUGHES, JIMMY STEWART, JOHN A. CAREY, TIMOTHY J. GRENDALL, BILL SEITZ, MARK D. WAGONER.

NO - 3: RAY MILLER, NINA TURNER, TERESA FEDOR.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

The standing committee on Agriculture, to which was referred **S. B. No. 131**-Senators Gillmor, Cafaro, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuring, Gibbs, Carey, Faber, Morano.

YES - 9: J. KIRK SCHURING, BOB GIBBS, JOHN A. CAREY,  
KEITH L. FABER, KAREN GILLMOR, FRED  
STRAHORN, JASON H. WILSON, TIMOTHY J.  
GRENDALL, SUSAN L. MORANO.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**Rhonda L. Border-Boose**, from Canal Winchester, Franklin County, Ohio, as a Member of the Clean Ohio Council for a term beginning March 26, 2009 and ending at the close of business November 23, 2009, replacing William DeMora, who resigned.

**Paul M. Burens**, republican, from Bay Village, Cuyahoga County, Ohio, as a Member of the State Lottery Commission for a term beginning February 20, 2009 and ending at the close of business October 1, 2011, replacing Jerry Y. Seaman, whose term expired.

**Heather A. Corbin**, Democrat, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a term beginning November 30, 2008 and ending at the close of business November 30, 2014, replacing Than Johnson, whose term expired.

**Steven P. Cress**, from Canton, Stark County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2009.

**Sara Jane DeHoff**, Democrat, from Perrysburg, Lucas County, Ohio, as a Member of the Ohio Arts Council for a term beginning April 16, 2009 and ending at the close of business July 1, 2013, replacing Steve Allen, who resigned.

**Jurldine Hicks**, Democrat, from North Canton, Stark County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term

beginning January 12, 2009 and ending at the close of business December 23, 2011, replacing Carolyn S. Ireland, whose term expired.

**Eric Kodish**, Democrat, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2013.

**Ashley Lynne Kopaniasz**, from Toledo, Lucas County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning January 13, 2009 and ending at the close of business December 23, 2011.

**Judith E. Barnes Lancaster**, Democrat, from Massillon, Stark County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2011.

**Dennis A. Lieberman**, Democrat, from Clayton, Montgomery County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning April 16, 2009 and ending at the close of business February 28, 2018, replacing Lolita McDavid, whose term expired.

**Kenneth C. Lumpkin**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning March 26, 2009 and ending at the close of business June 30, 2010, replacing Estus Smith, who resigned.

**Roger E. Luring**, Democrat, from Troy, Miami County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning April 20, 2009 and ending at the close of business January 18, 2015, replacing Richard Adams, whose term expired.

**John J. Lynch**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning March 26, 2009 and ending at the close of business January 31, 2015.

**Joel D. Marx**, Democrat, from Pepper Pike, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning March 14, 2009 and ending at the close of business March 14, 2012.

**Gwen McFarlin**, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Clean Ohio Council for a term beginning March 13, 2009 and ending at the close of business November 23, 2010, replacing Christopher Nichols, whose term expired.

**Gwen McFarlin**, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning December 8, 2008 and ending at the close of business September 30, 2014, replacing Ashish Badjatia, who resigned.

**Dianne Bitonte Miladore**, Democrat, from Canfield, Mahoning County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2013.

**Sharon J. Mitchell**, Democrat, from West Chester, Butler County, Ohio, as a

Member of the Miami University Board of Trustees for a term beginning April 16, 2009 and ending at the close of business February 28, 2016, replacing Peter Lawson Jones, who resigned.

**William Napier, Ph.D**, from Cleveland, Cuyahoga County, Ohio, as a Member of the Midwestern Higher Education Compact Commission for a new term April 29, 2009 and ending at the close of business January 9, 2013.

**Jill Ann Neff**, Democrat, from Jackson, Jackson County, Ohio, as a Member of the Rio Grande Community College Board of Trustees for a term beginning January 23, 2009 and ending at the close of business October 10, 2010, replacing Jason Snider, who resigned.

**Anil M. Parikh**, from Fairlawn, Summit County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2014.

**Christopher J. Royer**, Republican, from North Canton, Stark County, Ohio, as a Member of the Self-Insuring Employers Evaluation Board for a term beginning March 10, 2009 and ending at the close of business August 22, 2012, replacing William D. Holt, who resigned.

**Charles J. Ruma**, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning March 26, 2009 and ending at the close of business January 31, 2015.

**Steven Paul Schmidt**, Democrat, from Akron, Summit County, Ohio, as a Member the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2010.

**Gary S. Shamis**, Democrat, from Solon, Cuyahoga County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning January 5, 2009 and ending at the close of business September 22, 2016.

**Glenn Mitchell Stanton**, Republican, from Englewood, Montgomery County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning January 13, 2009 and ending at the close of business December 23, 2011, replacing Jessica B. Horne, whose term expired.

**William E. Takacs**, Democrat, from Toledo, Lucas County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning October 23, 2008 and ending at the close of business September 22, 2014, replacing Jack T. Sculfort, whose term expired.

**James W. Thompson, Jr.**, Democrat, from Botkins, Shelby County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning April 20, 2009 and ending at the close of business January 18, 2015.

**Jeffrey T. Tilman**, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 12, 2009 and ending at the close of business January 14, 2012.

**Robert E. True**, Republican, from Warren, Trumbull County, Ohio, as a Member of the Savings and Loan Associations and Saving Banks for a term beginning December 8, 2008 and ending at the close of business January 31, 2010, replacing Robert Bollin, who resigned.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 11: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, MARK D. WAGONER, JON A. HUSTED, JOHN A. CAREY, KEVIN J. COUGHLIN, JASON H. WILSON, SHIRLEY A. SMITH, CAPRI S. CAFARO, RAY MILLER.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Grendell	Hughes
Husted	Jones	Kearney	Miller D
Miller R	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Smith	Stewart	Strahorn
Turner	Wagoner	Widener	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

### **RESOLUTIONS REPORTED BY COMMITTEE**

**Sub. S. J. R. No. 5**-Senator Husted.

Cosponsors: Senators Patton, Niehaus, Wagoner, Goodman, Widener, Schuring, Stewart, Schaffer, Seitz, Grendell.

Proposing to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (11), 13 (12), and 15 (13) of Article XI, to enact new Section 10 of Article XI, and to repeal Sections 4, 9, and 14 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly and Congressional districts.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at a special election to be held on May 4, 2010, a proposal to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (11), 13 (12), and 15 (13) of Article XI, and to enact new Section 10 of Article XI of the Constitution of the State of Ohio to read as follows:

## ARTICLE XI

**Section 1.** ~~The governor, auditor of state, secretary of state, one person chosen by the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member, and one person chosen by the legislative leaders in the two houses of the major political party of which the speaker is not a member shall be the persons responsible for the apportionment of this state for members of the general assembly.~~

~~Such persons, or a majority of their number, shall meet and establish in the manner prescribed in this Article the boundaries for each of ninety-nine house of representatives districts and thirty-three senate districts. Such meeting shall convene on a date designated by the governor between August 1 and October 1 in the year one thousand nine hundred seventy-one and every tenth year thereafter. (A) The Ohio redistricting commission shall consist of the following seven members and shall be responsible for the redistricting of this state for congress and the general assembly:~~

~~(1) The governor;~~

~~(2) The auditor of state;~~

~~(3) The secretary of state;~~

~~(4) The speaker of the house of representatives;~~

~~(5) The legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;~~

~~(6) The president of the senate; and~~

~~(7) The legislative leader of the largest political party in the senate of which the president of the senate is not a member.~~

~~(B) All meetings of the Ohio redistricting commission shall be open to the public. The governor shall give such persons the commission members and the public at least two weeks advance notice of the date, time, and place of such the first meeting :~~

~~The governor of the commission, which shall be held after the first day of~~

March but before the sixteenth day of March of the year ending in the numeral one. At that first meeting, the members shall convene, select co-chairpersons, at least one of whom shall be a member of a political party other than the largest one represented on the commission, and adopt procedural rules for the operation of the commission.

(C) Not later than the first day of May of a year ending in the numeral one, the Ohio redistricting commission shall convene, public notice being given, to establish a schedule that it determines appropriate to carry out the duties set forth in this article. Not later than the first day of October of a year ending in the numeral one, the commission shall adopt, in the manner prescribed in this article, the boundaries for each of the ninety-nine house of representatives districts, thirty-three senate districts, and the prescribed number of congressional districts as apportioned to the state pursuant to Section 2 of Article 1 of the Constitution of the United States. After the commission adopts each plan, the commission shall file that plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Immediately after the adoption of a plan under this division, the commission shall prepare a report that explains the basis on which the commission made its decisions to achieve the districting criteria specified in this article.

(D) Unless otherwise specified in this article, a simple majority of its members shall be required for any action by the Ohio redistricting commission. The affirmative vote of five members of the commission, including votes from at least two members of the commission who are members of a political party other than the largest one represented on the commission, shall be required to adopt any plan.

(E) The Ohio redistricting commission shall make the necessary provisions to allow for public comment at public hearings and in writing and to allow for any resident of Ohio to submit a congressional plan or a general assembly plan for consideration. The commission shall develop and implement a plan to make available to the public all relevant data and information necessary for the submission of a potential congressional plan and a potential general assembly plan by any resident of Ohio.

(F) The attorney general shall be responsible for defending a plan adopted by the members of the Ohio redistricting commission in any legal action arising from the process described in this article.

(G) The general assembly shall be responsible for making the appropriations it determines necessary in order for the Ohio redistricting commission to perform its duties under this article and to defend against any lawsuit arising from the performance of the duties set forth in this article.

(H) After the adoption of a congressional plan and a general assembly plan and the completion of any necessary administrative functions, the co-chairpersons of the Ohio redistricting commission shall jointly dissolve the



commission. Upon the dissolution of the commission, the co-chairs shall arrange for all records of the commission to be delivered to the Ohio historical society for preservation.

(I) The secretary of state shall cause the ~~apportionment~~ redistricting plans to be published no later than the fifth day of October 5 of the year in which ~~it is~~ they are made, in such manner as provided by law.

**Section 2.** The ~~apportionment~~ redistricting of this state for members of congress and the general assembly shall be made in the following manner: ~~The~~

(A) The whole population of the state, as determined by the federal decennial census, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the ratio of representation in the congress for ten years next succeeding such apportionment.

(B) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and the quotient shall be the ratio of representation in the house of representatives for ten years next succeeding such ~~apportionment~~ redistricting. ~~The~~

(C) The whole population of the state as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "thirty-three" and the quotient shall be the ratio of representation in the senate for ten years next succeeding such ~~apportionment~~ redistricting.

**Section 3.** (A) The population of each congressional district shall be as equal to the ratio of representation in the congress as practicable, as provided in Section 2 of this article.

(B) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, as provided in ~~section~~ Section 2 of this ~~Article~~ article, and in no event shall any house of representatives district contain a population of less than ninety-five ~~percent~~ per cent nor more than one hundred five ~~percent~~ per cent of the ratio of representation in the house of representatives, except ~~in those instances where reasonable effort is made to avoid dividing a county in accordance with section 9~~ as otherwise provided in division (B) of Section 8 of this ~~Article~~ article.

(C) The population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in Section 2 of this article, and in no event shall any senate district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the ratio of representation in the senate as determined pursuant to this article.

**Section 5 4.** ~~Each~~ (A) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(B) Each house of representatives district shall be entitled to a single representative in each ~~General Assembly~~ general assembly. Every

(C) Each senate district shall be entitled to a single senator in each ~~General Assembly~~ general assembly.

**Section 6 5.** District boundaries established pursuant to this ~~Article~~ article shall not be changed until the ensuing federal decennial census and the ensuing ~~apportionment~~ redistricting or as provided in ~~section 13~~ this section and Section 12 of this ~~Article~~ article, notwithstanding the fact that boundaries of political subdivisions or ~~city~~ municipal wards within the district may be changed during that time. District boundaries shall be created by using the boundaries of political subdivisions and ~~city~~ municipal wards as they exist at the time of the federal decennial census on which the ~~apportionment~~ redistricting is based, or , if unavailable, on such other basis as the general assembly has directed.

If the currently applicable redistricting plan is determined to be invalid by an unappealed final order of a court of competent jurisdiction, the court shall convene the Ohio redistricting commission to adopt a new plan that is in compliance with the law, including the provisions of this article. In convening the commission under this section, the court may adjust the timelines established in this article as necessary for the timely adoption of a new plan.

No court shall, in any circumstance, order the implementation or enforcement of any plan that has not been approved by the Ohio redistricting commission in the manner prescribed by this article.

**Section 7 6.** (A) Any plan adopted by the Ohio redistricting commission shall comply with all applicable Ohio and federal constitutional provisions and all applicable federal statutory provisions, including, but not limited to, those dealing specifically with the protection of minority voting rights.

(B) Every ~~house of representatives~~ congressional and general assembly district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. To the extent consistent with the requirements of ~~section 3~~ of this ~~Article~~ article, the boundary lines of districts shall be ~~so~~ drawn as to delineate an area containing one or more whole counties.

~~(B)~~ (C) Where the requirements of ~~section 3~~ of this ~~Article~~ article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the whole areas of governmental units giving preference in the order named to counties, townships, municipalities, and ~~city~~ municipal wards.

~~(C)~~ (D) Where the requirements of ~~section 3~~ of this ~~Article~~ article cannot feasibly be attained by combining the areas of governmental units as prescribed in division ~~(B)~~ (C) of this section, only ~~one~~ two such ~~unit~~ units may be divided ~~between two districts, giving preference in per house of representatives district.~~ In the case of congressional districts, the number of units divided per district

may be more than two, but not more than necessary to achieve the ratio of representation in the congress as required by this article. In the selection of a unit for division under division (D) of this section, preference shall be given to a contiguous township, a city ward, a city contiguous municipality, and a village in the order named.

~~(D) In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of section 3 of this Article.~~

(E) When the formation of competitive districts does not conflict with the other principles established by this article, the Ohio redistricting commission shall make its best efforts to maximize the number of competitive districts using the following criteria:

(1) The commission shall determine the three most competitive general elections by percentage for nonjudicial statewide state or federal office, including the elections of a president and vice president of the United States, in which the candidates receiving the highest and second highest number of votes were the nominees of political parties, held in the three previous even-numbered years immediately preceding the year in which the commission meets to adopt new plans, provided that the two partisan candidates combined received at least ninety-five per cent of the total votes cast.

(2) Using the three most competitive elections selected under division (E)(1) of this section, the commission shall determine the average partisan indexes for each proposed district by doing the following:

(a) Taking the percentage of the vote received in the district for each of the two partisan candidates who received the highest vote totals counting only the votes cast for those two partisan candidates, then

(b) Averaging together the three voting percentages for the candidates with the same partisan affiliation by dividing the sum of the percentages by the number three to yield the average partisan indexes for that district.

(3) A "competitive district" is a district where the average partisan indexes determined by this section are not more than five per cent apart.

**Section 8 7.** A county having at least one house of representatives ratio of representation shall have as many house of representatives districts wholly within the boundaries of the county as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation for the house of representatives determined under ~~section~~ Section 2 of this ~~Article~~ article.

**Section 10 8.** The standards prescribed in ~~sections~~ this section and Sections 3, 6, and 7 ,8, and 9 of this ~~Article~~ article shall govern the

establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in ~~section~~ Section 2 of this ~~Article~~ article, but in no event less than ninety-five ~~percent~~ per cent of the ratio nor more than one hundred five ~~percent~~ per cent of the ratio shall be designated a representative district.

(B) Each county containing population between ninety and ninety-five ~~percent~~ per cent of the ratio or between one hundred five and one hundred ten ~~percent~~ per cent of the ratio may be designated a representative district.

(C) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

(D) The remaining territory of the state shall be combined into representative districts.

**Section 11 9.** Senate districts shall be composed of three contiguous house of representatives districts. A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district. Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation shall be part of only one senate district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under ~~section~~ Section 2 of this ~~Article~~ article.

Senate districts shall be numbered from one through thirty-three and as provided in ~~section 12~~ Section 11 of this ~~Article~~ article.

**Section 10.** The standards prescribed in this section and Sections 3 and 6 of this article shall govern the establishment of congressional districts, which shall be created in the following order to the extent that such order is consistent with the foregoing standards:

(A) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the congress determined under Section 2 of this article.

(B) Proceeding in succession from the largest to the smallest, each county containing more than one whole ratio of representation shall be divided into the

appropriate number of congressional districts. Any fraction of the county population in excess of a whole ratio of representation shall be included in one congressional district by combining it with adjoining territory outside the county.

(C) The remaining territory of the state shall be combined into congressional districts.

**Section 12 11.** At any time the boundaries of senate districts are changed in any plan of ~~apportionment~~ redistricting made pursuant to any provision of this ~~Article~~ article, a senator whose term will not expire within two years of the time the plan of ~~apportionment~~ redistricting is made shall represent, for the remainder of the term for which ~~he~~ the senator was elected, the senate district which contains the largest portion of the population of the district from which ~~he~~ the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the ~~persons responsible for apportionment, by a majority of their number,~~ Ohio redistricting commission shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

**Section 13 12.** The supreme court of Ohio or an applicable federal court shall have exclusive, original jurisdiction in all cases arising under this ~~Article~~ article. In the event that any section of this Constitution relating to ~~apportionment~~ redistricting or any plan of ~~apportionment~~ redistricting made by the ~~persons responsible for apportionment, by a majority of their number,~~ Ohio redistricting commission is determined to be invalid by ~~either the supreme court of Ohio, or the supreme court of the United States~~ an unappealed final order of a court of competent jurisdiction, then notwithstanding any other provisions of this Constitution, the ~~persons responsible for apportionment by a majority of their number~~ Ohio redistricting commission shall ascertain and determine a plan of ~~apportionment~~ redistricting in conformity with such provisions of this Constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next regular ~~apportionment~~ redistricting in conformity with such provisions of this Constitution as are then valid.

Notwithstanding any provision of this Constitution or any law regarding the residence of senators and representatives, a plan of ~~apportionment~~ redistricting made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

~~The governor shall give the persons responsible for apportionment two weeks advance written notice of the date, time, and place of any meeting held pursuant to this section.~~

**Section 15 13.** The various provisions of this ~~Article XI~~ article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Sections 1, 2, 3, 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (11), 13 (12), and 15 (13) of Article XI amended or amended and renumbered by this proposal and new Section 10 of Article XI enacted by this proposal shall take effect on January 1, 2011, and existing Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI and Sections **Section 4.** , **Section 9.** , and **Section 14.** of Article XI of the Constitution of the State of Ohio are repealed from that effective date.

SCHEDULE

The amendments to Section 12 (11) of Article XI of the Ohio Constitution in part substitute gender neutral for gender specific language. These gender neutralizing amendments are not intended to make a substantive change in the Ohio Constitution. The gender neutral language is to be construed as a restatement of, and substituted in a continuing way for, the corresponding gender specific language existing prior to adoption of the gender neutralizing amendments.

The question being, "Shall the joint resolution, **Sub. S. J. R. No. 5**, be adopted?"

Senator Miller, R. moved to amend as follows:

Delete lines 221 through 250

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 13, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Hughes	Husted	Jones	Niehaus
Patton	Schaffer	Schuring	Seitz
Stewart	Wagoner	Widener	Harris-20.

Those who voted in the negative were: Senators

Cafaro	Fedor	Grendell	Kearney
Miller D	Miller R	Morano	Sawyer
Schiavoni	Smith	Strahorn	Turner
			Wilson-13.

The amendment was laid on the table.

The question recurred, "Shall the joint resolution, **Sub. S. J. R. No. 5**, be adopted?"

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Jones
Niehaus	Patton	Schaffer	Schuring
Seitz	Stewart	Wagoner	Widener
			Harris-21.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn	Turner	Wilson-12.

So the joint resolution was adopted.

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

Senator Husted moved to amend the title as follows:

Add the names: "Faber, Jones."

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

The motion was agreed to and the title so amended.

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

Pursuant to Section 701.05 (A) (1) of the H. B. No. 1 of the 128th General Assembly, the President of the Senate appoints the following senators to serve on Ohio Legislative Commission on the Education and Preservation of State History:

Senator Seitz  
Senator Hughes  
Senator Turner

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

Pursuant to Section 701.05 (B) (1) of the H. B. No. 1 of the 128th General Assembly, the President of the Senate appoints Senator Seitz to serve as Chairman of the Ohio Legislative Commission on the Education and Preservation of State History.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, September 24, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.