

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**THURSDAY, SEPTEMBER 15, 2011**

EIGHTY-FOURTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Thursday, September 15, 2011, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Timothy Derickson-53rd district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 318**-Representatives Blessing, O'Brien, having had the same under consideration, reports it back and recommends its passage.

RE: ELIMINATE MARCH PRIMARY ELECTIONS IN  
PRESIDENTIAL ELECTION YEARS AND REQUIRE PRIMARY  
ELECTIONS BE CONDUCTED FIRST TUESDAY AFTER FIRST  
MONDAY IN MAY

MATT HUFFMAN  
LOUIS W. BLESSING  
COURTNEY COMBS  
MIKE DOVILLA  
CHERYL GROSSMAN  
RON MAAG  
LOUIS TERHAR

JOHN ADAMS  
JIM BUCHY  
REX DAMSCHRODER  
RANDY GARDNER  
RICHARD HOLLINGTON  
ROBERT COLE SPRAGUE  
RON YOUNG

The following members voted "NO"

RON GERBERRY  
KATHLEEN CLYDE  
TOM LETSON  
MICHAEL STINZIANO

TED CELESTE  
TERESA FEDOR  
MATT LUNDY  
VERNON SYKES

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 319**-Representative Huffman, having had the same under consideration, reports it back and recommends its passage.

RE: ESTABLISH CONGRESSIONAL DISTRICT BOUNDARIES  
BASED ON 2010 DECENNIAL CENSUS OF OHIO

Representative Huffman moved to amend the title as follows:

Add the name: "Maag."

MATT HUFFMAN	JOHN ADAMS
LOUIS W. BLESSING	JIM BUCHY
COURTNEY COMBS	REX DAMSCHRODER
MIKE DOVILLA	RANDY GARDNER
CHERYL GROSSMAN	RICHARD HOLLINGTON
RON MAAG	ROBERT COLE SPRAGUE
LOUIS TERHAR	RON YOUNG

The following members voted "NO"

RON GERBERRY	TED CELESTE
KATHLEEN CLYDE	TERESA FEDOR
TOM LETSON	MATT LUNDY
MICHAEL STINZIANO	VERNON SYKES

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. C. R. No. 7**-Representative Letson, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: TURKEY - RESPECT RIGHTS/RELIGIOUS FREEDOMS OF  
ECUMENICAL PATRIARCHATE

DANNY R. BUBP	TODD MCKENNEY
DENNIS MURRAY	JIM BUTLER
MARGARET CONDITT	TOM LETSON
MARK D. OKEY	LYNN SLABY
GERALD L. STEBELTON	MICHAEL STINZIANO
MATT SZOLLOSI	LOUIS TERHAR

The report was agreed to.

The concurrent resolution was ordered to be engrossed and placed on the calendar.

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration.

**H.B. No. 320 - Representatives Johnson and Bubb, et al**

TO CREATE "MILITARY SACRIFICE" LICENSE PLATES.

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 321 - Representative Peterson, Carey**

TO DESIGNATE A PORTION OF STATE ROUTE 772 WITHIN ROSS COUNTY THE "STAFF SERGEANT JOSHUA GIRE MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 322 - Representative Brenner, et al**

TO PERMIT OHIO BANKS, SAVINGS AND LOAN ASSOCIATIONS, SAVINGS BANKS, AND CREDIT UNIONS TO CHARGE THE SAME INTEREST RATE AND OTHER CHARGES THAT OUT-OF-STATE BANKS MAY CHARGE OHIO CUSTOMERS.

To the committee on Financial Institutions, Housing, and Urban Development

**H.B. No. 323 - Representatives Dovilla and Anielski, et al**

TO ADD EXTORTION AND PERJURY TO THE FELONIES COMMITTED BY A PUBLIC RETIREMENT SYSTEM MEMBER WHILE SERVING IN A POSITION OF HONOR, TRUST, OR PROFIT UNDER THE LAW GOVERNING THE FORFEITURE OF RETIREMENT SYSTEM BENEFITS AND THE TERMINATION OF RETIREMENT SYSTEM DISABILITY BENEFITS.

To the committee on Criminal Justice

**H.B. No. 324 - Representatives Clyde and Letson, et al**

TO SPECIFY THAT PLANS OF APPORTIONMENT FOR MEMBERS OF THE GENERAL ASSEMBLY MUST INCLUDE OR BE ACCOMPANIED BY A DISTRICT MAP AND CORRESPONDING LIST OF CENSUS BLOCKS, TO SPECIFY A TIME BY WHICH PLANS OF APPORTIONMENT MUST BE READY, TO SPECIFY THAT THE PLANS OF APPORTIONMENT MUST RECEIVE A PUBLIC HEARING AT FOUR LOCATIONS THROUGHOUT THE STATE, AND TO DECLARE AN EMERGENCY.

To the committee on State Government and Elections

LOUIS W. BLESSING  
ANDREW BRENNER  
CHERYL GROSSMAN  
ARMOND BUDISH  
DEBBIE PHILLIPS

JOHN ADAMS  
ANNE GONZALES  
DOROTHY PELANDA  
TRACY HEARD  
MATT SZOLLOSI

Representative Blessing 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 House 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 were considered the second time and referred as recommended.

**MOTIONS AND RESOLUTIONS**

Representative Phillips reported for the Rules and Reference Committee recommending that the following Senate Concurrent Resolution be introduced and referred to the following committee for consideration:

**S.C.R. No. 7 - Senator Seitz, et al**

TO HONOR OHIO ANCESTORS FOR THE UNRIVALED CONTRIBUTION THEY MADE TO WINNING THE AMERICAN CIVIL WAR AND, IN OBSERVING THE SESQUICENTENNIAL YEARS OF THE WAR, 2011 THROUGH 2015, TO URGE OHIOANS TO DRAW INSPIRATION FROM THE COURAGE, COOPERATION, AND PERSISTENCE THAT WERE DISPLAYED BY THEIR OHIO ANCESTORS DURING THE AMERICAN CIVIL WAR.

To the committee on Veterans Affairs

/s/ LOUIS BLESSING  
Louis Blessing, Chair

Representative Blessing moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

**BILLS FOR THIRD CONSIDERATION**

**H. B. No. 318**-Representatives Blessing, O'Brien.

To amend sections 511.27, 1545.21, 3501.01, 3513.12, and 3513.262 of the Revised Code to eliminate March primary elections in presidential election years by requiring all primary elections to be conducted on the first Tuesday after the first Monday in May, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 60, nays 32, as follows:

Those who voted in the affirmative were: Representatives

- |          |          |         |          |
|----------|----------|---------|----------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker    | Beck     | Blair   | Blessing |
| Boose    | Brenner  | Bubp    | Buchy    |

Butler	Carey	Combs	Conditt
Damschroder	Derickson	Dovilla	Duffey
Gardner	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Maag
Martin	McClain	McGregor	McKenney
Newbold	O'Brien	Patmon	Pelanda
Peterson	Roegner	Rosenberger	Ruhl
Schuring	Sears	Slaby	Sprague
Stautberg	Stebelton	Terhar	Thompson
Uecker	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Budish
Carney	Celeste	Clyde	DeGeeter
Driehaus	Fedor	Foley	Gentile
Gerberry	Goyal	Hagan, R.	Letson
Lundy	Milkovich	Murray	Okey
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollosi
Weddington	Williams	Winburn	Yuko-32.

Not having received a constitutional majority, the emergency clause failed of passage.

The question being, "Shall the bill pass?"

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

The question being, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 445, after the period delete the balance of the line

Delete lines 446 through 451 and insert "(A) Notwithstanding any provision of the Revised Code to the contrary, any person who, prior to the effective date of this act, filed a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition seeking nomination at the March 6, 2012, primary election shall be deemed to have filed those papers for nomination to the same office for the primary election scheduled to be held, pursuant to this act, on May 8, 2012. If the district boundaries for the office for which the candidate is seeking nomination change after those papers were filed, the candidate shall be deemed to have filed the necessary paperwork to become a candidate in the new district that comprises the largest portion of the territory of the district for which the candidate originally filed nominating papers.

(B) Notwithstanding any provision of the Revised Code to the contrary, a person who wishes to seek nomination at the primary election scheduled to be held, under this act, on May 8, 2012, may file the appropriate declaration of candidacy and petition, declaration of intent to be a write-in candidate, or nominating petition for that election not later than ninety days prior to the day of that election, in the manner specified under Title XXXV of the Revised Code.

(C) If a person filed a declaration of candidacy and petition, declaration of intent to be a write-in candidate, or nominating petition to become a candidate for nomination at the 2012 primary election prior to the filing deadline for that election as it existed before the effective date of Sections 1 and 2 of this act and files again to become a candidate for nomination at that election for the same office prior to the new filing deadline that will occur after those sections take effect, the person is not disqualified as a candidate under section 3513.052 of the Revised Code and, if the person otherwise qualifies as a candidate, shall be placed on the ballot for nomination for that office at that election.

For the purpose of this division, a person who filed a declaration of candidacy and petition, declaration of intent to be a write-in candidate, or nominating petition to become a candidate for nomination for the office of congressional representative at the 2012 primary election prior to the effective date of Sections 1 and 2 of this act and who files those documents for a different congressional district for the same election after that effective date shall be deemed to have filed to become a candidate for nomination to the same office. If the person otherwise qualifies to become a candidate, the person's name shall be placed on the ballot for the congressional district for which the person most recently filed nominating papers.

(D) It is the purpose of this section to ensure that persons who otherwise would be qualified candidates for the 2012 primary election, and who have properly filed the necessary paperwork to become candidates for that election, are not inadvertently disqualified due to changes in the filing deadline for that election."

In line 6 of the title, delete "and"; delete "declare an emergency" and insert "specify that individuals who have already filed nominating papers for the 2012 primary election prior to the bill's effective date shall be deemed to have filed those papers for the May 8, 2012, primary election, and to specify that a candidate who files for a district whose boundary changes after filing shall be deemed a candidate in the new district that comprises the largest portion of the territory of the district for which the candidate originally filed"

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

The yeas and nays were taken and resulted - yeas 63, nays 29, as follows:

Those who voted in the affirmative were: Representatives

- |          |          |         |          |
|----------|----------|---------|----------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker    | Barnes   | Beck    | Blair    |
| Blessing | Boose    | Brenner | Bubp     |

Buchy	Butler	Carey	Combs
Conditt	Damschroder	Derickson	Dovilla
Driehaus	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Maag	Martin	McClain
McGregor	McKenney	Newbold	O'Brien
Patmon	Pelanda	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Terhar	Thompson	Uecker
Wachtmann	Young		Batchelder-63.

Those who voted in the negative were: Representatives

Antonio	Ashford	Budish	Carney
Celeste	Clyde	DeGeeter	Fedor
Foley	Gentile	Gerberry	Goyal
Hagan, R.	Letson	Lundy	Milkovich
Murray	Okey	Phillips	Pillich
Ramos	Reece	Stinziano	Sykes
Szollosi	Weddington	Williams	Winburn
			Yuko-29.

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 63, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Blair
Blessing	Boose	Brenner	Bubp
Buchy	Butler	Carey	Combs
Conditt	Damschroder	Derickson	Dovilla
Driehaus	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Maag	Martin	McClain
McGregor	McKenney	Newbold	O'Brien
Patmon	Pelanda	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Terhar	Thompson	Uecker
Wachtmann	Young		Batchelder-63.

Those who voted in the negative were: Representatives

Antonio	Ashford	Budish	Carney
Celeste	Clyde	DeGeeter	Fedor
Foley	Gentile	Gerberry	Goyal



Hagan, R.	Letson	Lundy	Milkovich
Murray	Okey	Phillips	Pillich
Ramos	Reece	Stinziano	Sykes
Szollosi	Weddington	Williams	Winburn
			Yuko-29.

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Baker, Beck, Blair, Boose, Bubp, Buchy, Combs, Conditt, Grossman, Hackett, Hayes, Henne, Hill, Hollington, Huffman, Maag, McClain, Newbold, Pelanda, Roegner, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker, Wachtmann, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 319**-Representative Huffman.  
Cosponsor: Representative Maag.

To enact new section 3521.01 and to repeal section 3521.01 of the Revised Code to establish Congressional district boundaries for the state based on the 2010 decennial census of Ohio, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Letson moved to amend as follows:

Delete lines 5 through 6939 and insert:

"**Section 1.** That sections 3521.11 and 3521.12 of the Revised Code be enacted to read as follows:

**Sec. 3521.11.** (A) The general assembly shall neither prepare nor accept from another a plan of redistricting the state for congressional districts that does not include or is not accompanied by a map of Ohio outlining the congressional districts and the corresponding list of census block assignments as they would be assigned by the plan.

(B) A redistricting plan and map shall be prepared by the majority caucus of each house of the general assembly not later than three weeks prior to any committee or floor vote on a congressional districting plan. The speaker of the house of representatives and the president of the senate shall announce the date on which the first committee vote on a congressional redistricting plan is intended to occur, which announcement shall be made at least five weeks prior to the date of the intended vote. Plans submitted by members of the public shall be submitted three weeks prior to the date on which the first committee vote is intended to occur.

The general assembly shall make public all plans produced and submitted three weeks before the first scheduled vote on a redistricting plan. In making the plans public, the general assembly shall display images or interactive versions of the maps in a physical location and online through the internet and shall make the data and electronic files that describe each plan available to the public electronically in a format that allows for meaningful analysis with computerized systems.

Sec. 3521.12. The committees in each house of the general assembly responsible for considering the adoption of congressional redistricting plans shall conduct four public hearings, at four different locations in the state, on the proposed plan or plans that the committee has under consideration. The public hearings shall commence not later than two weeks before the date on which the first committee vote is intended to occur. The speaker of the house of representatives and the president of the senate shall select locations for the public hearings so that one is conducted centrally in Columbus, one is conducted in the southwestern quadrant of the state, one is conducted in the northwestern quadrant of the state, and one is conducted in the eastern half of the state. The speaker of the house of representatives and the president of the senate shall select sites for the public hearings that are most convenient to the largest number of residents in the region in which a public hearing is to be conducted.

At a public hearing, any person may appear before the committee and comment orally, in writing, or orally and in writing on the plan or plans the committee has under consideration. The committee members shall receive all relevant comments. A person who desires to offer only written comment is not required actually to appear before the committee, but may do so by transmitting the written comment so that the written comment is received before the public hearings conclude.

The speaker of the house of representatives and president of the senate shall give notice of the public hearings in such a manner that the notice will be reasonably likely to inform all persons residing in the state in a timely fashion of their right to appear and comment on the plan of redistricting at one of the public hearings. The site and the date and time of each public hearing shall be stated in the notice. Instructions for accessing the plan or plans and maps through the web site of the general assembly shall be included in the notice. Instructions for transmitting written comments to the committee shall be included in the notice.

The general assembly shall publish the plan or plans that are under consideration in the house of representatives and senate journals. The map accompanying a redistricting plan shall be appended to the plan as published in the journals.

**Section 2.** This act is an emergency measure that is necessary for the immediate preservation of the public peace, health, and safety. Because this act requires the plan or plans of redistricting for Congress that are under consideration to be given public hearings at four different locations throughout the state, and because a redistricting plan must be established before the 2012

primary election, it is necessary that this act go into effect as soon as possible if the committees responsible for considering the redistricting plan are to have the benefit of the public hearings before enacting a redistricting plan. Therefore, this act goes into immediate effect."

Delete lines 1 through 4 of the title and insert:

"To enact sections 3521.11 and 3521.12 of the Revised Code to specify that plans of redistricting for congressional districts must include or be accompanied by a district map and corresponding list of census blocks, to specify a time by which plans must be ready, to specify that the plans must receive a public hearing at four locations throughout the state, and to declare an emergency."

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

Representative Blessing moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Butler	Carey	Combs	Conditt
Damschroder	Derickson	Dovilla	Duffey
Gardner	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Maag
Martin	McClain	McGregor	McKenney
Newbold	Pelanda	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Sprague	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Budish
Carney	Celeste	Clyde	DeGeeter
Driehaus	Fedor	Foley	Gentile
Gerberry	Goyal	Hagan, R.	Letson
Lundy	Milkovich	Murray	O'Brien
Okey	Patmon	Phillips	Pillich
Ramos	Reece	Slesnick	Stinziano
Sykes	Szollosi	Weddington	Williams
Winburn			Yuko-34.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Fedor moved that **H. B. No. 319**-Representative Huffman, et al., be rereferred to the committee on State Government and Elections.

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

The yeas and nays were taken and resulted - yeas 34, nays 58, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Barnes	Budish
Carney	Celeste	Clyde	DeGeeter
Driehaus	Fedor	Foley	Gentile
Gerberry	Goyal	Hagan, R.	Letson
Lundy	Milkovich	Murray	O'Brien
Okey	Patmon	Phillips	Pillich
Ramos	Reece	Slesnick	Stinziano
Sykes	Szollosi	Weddington	Williams
Winburn			Yuko-34.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Butler	Carey	Combs	Conditt
Damschroder	Derickson	Dovilla	Duffey
Gardner	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Maag
Martin	McClain	McGregor	McKenney
Newbold	Pelanda	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Sprague	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 56, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Blair
Blessing	Boose	Brenner	Bubp
Buchy	Butler	Carey	Combs
Conditt	Derickson	Dovilla	Duffey
Gardner	Gonzales	Grossman	Hagan, C.
Hall	Hayes	Henne	Hill
Hollington	Hottinger	Huffman	Johnson
Kozlowski	Landis	Maag	McClain
McKenney	Newbold	Patmon	Pelanda
Peterson	Roegner	Rosenberger	Ruhl
Sears	Slaby	Sprague	Stautberg

Stebelton	Terhar	Thompson	Uecker
Wachtmann	Williams	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Ashford	Budish	Carney
Celeste	Clyde	Damschroder	DeGeeter
Driehaus	Fedor	Foley	Gentile
Gerberry	Goyal	Hackett	Hagan, R.
Letson	Lundy	Martin	McGregor
Milkovich	Murray	O'Brien	Okey
Phillips	Pillich	Ramos	Reece
Schuring	Slesnick	Stinziano	Sykes
Szollosi	Weddington	Winburn	Yuko-36.

The bill passed.

Representative Huffman moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Blair, Blessing, Buchy, Combs, Grossman, Roegner, Slaby, Stautberg, Terhar, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blessing, the House adjourned until Tuesday, September 20, 2011 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.