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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CITY OF CLEVELAND
Plaintiff

STATE OF OHIO
Defendant

Case No: CV-17-877584

Judge: STEVEN E GALL

JOURNAL ENTRY

JUDGMENT ENTRY. OSJ.

OSJ.

Judge Signature Date

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12/05/2017

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CITY OF CLEVELAND, et al.	)	CASE NO. CV 17 877584
	)	
Plaintiffs	)	JUDGE STEVEN E. GALL
-v-	)	
	)	
STATE OF OHIO	)	
	)	**JUDGMENT ENTRY**
Defendant.	)	

This matter came before the Court on cross-motions for Summary Judgment. The parties agree the issue before the court is whether the enactment of S.B. 331 violated the single-subject (or one-subject) rule in Article II, Section 15(D) of the Ohio Constitution.

S.B. 331 was initially introduced May 17, 2016 and became effective March 21, 2017. The bill contains provisions regarding retail pet sales, animal welfare, local minimum wage, employer work policies, and regulation of micro wireless facilities by municipal corporations. Plaintiffs argue that the bill was initially introduced to regulate the sale of dogs and a series of unrelated amendments were logrolled into the final version in violation of the single-subject rule. Defendants argue that the bill complies with the single-subject requirement because the bill, while addressing several topics, is unified as it standardizes business regulation across Ohio.

The one-subject provision found in Article II, Section 15(D) of the Ohio Constitution, provides in relevant part: "No bill shall contain more than one-subject, which shall be clearly expressed in its title." Courts have held that the mere fact that a bill embraces more than one topic is not fatal as long as a common purpose or relationship exists between the topics. *Hoover v. Franklin Cty. Bd. of Commrs.*, 19 Ohio St. 3d 1, 6, 482 N.E.2d 575, 580 (1985). Only when

there is no practical, rational, or legitimate reason for combining provisions in one act will courts find a one-subject-rule violation. *State ex rel. Ohio Civ. Serv. Emples. Ass'n* v. State, 146 Ohio St. 3d 315, 319, 2016-Ohio-478, 56 N.E.3d 913, 919, ¶17. The primary and universally recognized purpose of such a provision is to prevent logrolling. *State ex rel. Dix v. Celeste*, 11 Ohio St. 3d 141, 142, 464 N.E.2d 153, 155 (1984). Logrolling is the practice by which several matters are consolidated in a single bill for the purpose of obtaining passage for proposals which would never achieve a majority if voted on separately. *Hoover,* 19 Ohio St. 3d at 6.

Upon consideration of this matter, this Court rejects Defendant's broad concept of a single-subject and finds no practical, rational, or legitimate reason for combining these provisions into one act. Prohibitions against pet sales, animal fighting, and sexual acts with animals share nothing in common with small cell wireless facilities and equipment or statewide minimum wage provisions and work condition policies. Such a combination is a classic example of logrolling which is the exact practice the one-subject rule seeks to prevent and is contrary to fair legislative process. Accordingly, Plaintiffs' Motion for Partial Summary Judgment on One-Subject Rule is granted and Defendant's Cross-Motion for Summary Judgment is denied.

This Court hereby declares that the amendments to Chapter 4939 of the Ohio Revised Code included in S.B. 331 are unconstitutional and were enacted in violation of the one-subject rule established by Section 15(D), Article II of the Ohio Constitution. The Court further finds that those provisions relating to the primary subject of animal welfare shall be retained and the amendments to R.C. 4111.02 and Ch. 4939, and the enactment of R.C. 4113.85 shall be severed from S.B. 331. The remainder of S.B. 331 is valid and enforceable, specifically the provisions amending R.C. 956.01-956.99, 959.15, 959.21, 959.99, and 1717.06, as well as the appropriation in Section 3 to the Department of Agriculture and related entities.

Moreover, to the extent certain provisions in S.B. 331 which have been found to be unconstitutional replaced existing Ohio statutes, the Court finds that the repeal of the previous statutes by Section 2 of S.B. 331 is invalid, as it does not clearly appear that the General Assembly meant the repeal to have effect if the newly amended language was held unconstitutional. For this reason, the statutory language in effect on March 20, 2017, as R.C. 4111.02 and within Ch. 4939 all remain in force and their repeal by Section 2 of S.B. 331 is deemed invalid.

There is no just cause for delay pursuant to Civ.R. 54(B).

JUDGE STEVEN E. GALL

Dated: 12/5/17