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March 4, 2017

The Honorable Senator Kevin Bacon
Senate Building
1 Capital Square, Ground Floor
Columbus, OH 43215

The Honorable Representative Anne Gonzales
77 S. High Street, 13th Floor
Columbus, OH 43215

RE: SB 331
Regulate Dog Sales and License Pet Stores

Dear Senator Bacon and Representative Gonzales

I am writing to express my strong dissatisfaction with your support for the subject legislation – now law. Truth be told, I am not overly concerned with the conduct of those involved with dog sales and pet stores. But wait, you say, this is a plain old garden variety law about just that. Ah, but not so fast I say! Here's a portion of the long title: “[T]o regulate the sale of dogs from pet stores and dog retailers ... to govern construction and attachment activities related to micro wireless facilities in the public way.” And, wireless facilities do concern me. And, in a very personal and visceral way. I live in what many would consider a nice neighborhood. Our utilities are buried and we pay a homeowners' association (HOA) fee to keep the neighborhood and the common areas neat and clean. Not only do residents pay an HOA fee, but people pay a premium to purchase homes in our area because the neighborhood is neat and clean. This enhances the value of our properties.

I have several problems with this legislation. First, is the Single Subject Rule embodied in the Ohio Constitution in one form or another since 1851. You may also recall that the original purpose of the Rule was to deter the practice of legislative practice of “logrolling”. Interestingly, there's an Ohio Supreme Court case that I think is directly on point. I would encourage you to review *In re Nowak*, 820 N.E.2d 335, 104 Ohio St.3d 466, 2004-Ohio-6777 (Ohio 2004) (“We hold that a manifestly gross and fraudulent violation of the one-subject provision ... will cause an enactment to be invalidated.”). At issue in *Nowak* was the constitutionality of a law that addressed widely divergent topics and included no other mortgage-related provisions. In *Nowak*, the Ohio Supreme Court reiterated that the Single Subject Rule required “commonality of subject matter” and a “common purpose or relationship”.

This “Dog Sales” law covers everything from the regulation of the sale of dogs from pet stores, licensing of pet stores, revised civil penalties applicable to dog breeders, micro wireless facilities,

minimum wage rates, the authority of employers to establish employment-related policies, provisions for the seizure and impoundment of an animal that is the subject of a violation, and psychological evaluation or counseling related to violations of cockfighting, bearbaiting, or animal pitting. I think you'll agree this is quite a laundry list. Did you catch the wireless facilities item? Well-buried I would say. If the object was to slip one by the electorate and to obfuscate the issue, one couldn't do any better.

Second, by giving such power to utilities promotes a "public-be-damned" attitude and allows large corporations to run roughshod over residents and homeowners. I am picturing my home, which we work hard to keep looking nice and well-groomed. Next, I'm picturing a wireless tower in front of my house. It is not a pretty picture. And, I guess neither of you would like it either. And, I'm guessing such a structure, even if not in front of our house, but in our neighborhood, will lower our property values considerably. This is unacceptable. Now, I know the argument will be that utilities and residents will work together to develop solutions that everyone can live with. Just as I don't believe we will all sit around the campfire and sing Kumbaya, I don't believe, when push comes to shove that the utilities will acquiesce and leave us alone. That just won't happen. You know it and I know it.

In conclusion, I would encourage you to read each piece of proposed legislation carefully and think carefully about the effects on the electorate. After all, it's the electorate that votes, not corporations. Granted, corporations have plenty of money to throw around, but in the long run, it's folks like us that vote on election day. These kinds of things stick in our minds.

I much appreciate your taking the time to read and consider what I've had to say. If you're willing, and I hope you are, I would welcome the opportunity to meet with you in your office at your convenience to discuss this important issue; I would like to hear your views.

Very truly yours,



William B. Richards

c, via email only:

Mr. Thomas R. Kneeland, Mayor, City of Gahanna
Mr. Jamie Leeseberg, Gahanna City Council, Vice President and Ward Four Representative
Ms. Karen J. Angelou, Gahanna City Council, At Large Representative
Mr. Brian Metzbower, Gahanna City Council, At Large Representative
Ms. Nancy McGregor, Gahanna City Council, At Large Representative
Mr. Joseph Stefanov, City Manager, New Albany