



Ohio Legislative Service Commission

Resolution Analysis

Jeff Grim

Am. Sub. S.J.R. 6 128th General Assembly (As Adopted by the Senate)

Sens. Gibbs and Wilson, Faber, Grendell, Morano, Buehrer, Cafaro, Carey, Fedor, Gillmor, Goodman, Harris, Husted, Niehaus, Sawyer, Schaffer, Seitz, Stewart, Strahorn, Wagoner, Widener, Patton

RESOLUTION SUMMARY

- Proposes a constitutional amendment that does all of the following:
 - Creates the Ohio Livestock Care Standards Board for the purpose of establishing standards governing the care and well-being of livestock and poultry, and requires the Board to endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families.
 - Provides that the Board is comprised of the director of the state department that regulates agriculture and specified members appointed by the Governor, Speaker of the House of Representatives, and President of the Senate.
 - Grants exclusive authority to the Board to establish standards governing the care and well-being of livestock in this state, subject only to the authority of the General Assembly, and requires the Board to take into consideration specified factors, including biosecurity and food safety practices, when establishing those standards.
 - Grants authority to the state department that regulates agriculture to administer and enforce the standards established by the Board.
 - Authorizes the General Assembly to enact laws that it deems necessary to carry out the purposes of the proposed constitutional amendment, to facilitate the execution of the duties of the Board and the state department that regulates agriculture under the proposed constitutional amendment, and to set the terms of office of the Board members and conditions for the Board members' service on the Board.

--States that the proposed constitutional amendment must be liberally construed in favor of its purposes and that no other provision of the Ohio Constitution can impair or limit the power granted by the proposed constitutional amendment and further states that if any part of the proposed constitutional amendment is held invalid, the remainder of the amendment cannot be affected by that holding and must continue in full force and effect.

CONTENT AND OPERATION

Ohio Livestock Care Standards Board

(Section 1 of Article XIV, Ohio Constitution)

The resolution proposes enactment of Section 1 of Article XIV of the Ohio Constitution as discussed below.

The proposed constitutional amendment creates the Ohio Livestock Care Standards Board for the purpose of establishing standards governing the care and well-being of livestock and poultry in this state. In carrying out its purpose, the Board must endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families.

The proposed constitutional amendment requires the Board to be comprised of the following 13 members:

(1) The director of the state department that regulates agriculture who must be the chairperson of the Board;

(2) Ten members appointed by the Governor with the advice and consent of the Senate. The ten members must be residents of Ohio and must include all of the following:

(a) One member representing family farms;

(b) One member who is knowledgeable about food safety in this state;

(c) Two members representing statewide organizations that represent farmers;

(d) One member who is a veterinarian who is licensed in this state;

(e) The State Veterinarian in the state department that regulates Agriculture;

(f) The dean of the agriculture department of a college or university located in this state;



- (g) Two members of the public representing Ohio consumers; and
 - (h) One member representing a county humane society that is organized under state law.
- (3) One member appointed by the Speaker of the House of Representatives who must be a family farmer; and
 - (4) One member appointed by the President of the Senate who must be a family farmer.

Not more than seven members appointed to the Board at any given time must be of the same political party.

The proposed constitutional amendment grants exclusive authority to the Board to establish standards governing the care and well-being of livestock and poultry in this state, subject only to the authority of the General Assembly. In establishing those standards, the Board must consider factors that include, but are not limited to, agricultural best management practices for such care and well-being, biosecurity, disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers.

The proposed constitutional amendment grants authority to the state department that regulates agriculture to administer and enforce the standards established by the Board. It authorizes the General Assembly to enact laws that it deems necessary to carry out the purposes of the proposed constitutional amendment, to facilitate the execution of the duties of the Board and the state department that regulates agriculture under the proposed constitutional amendment, and to set the terms of office of the Board members and conditions for the Board members' service on the Board.

The proposed constitutional amendment states that it must be liberally construed in favor of its purposes and that no other provision of the Ohio Constitution can impair or limit the power granted by the proposed constitutional amendment. It further states that if any part of the proposed constitutional amendment is held invalid, the remainder of the amendment cannot be affected by that holding and must continue in full force and effect.

Election and effective date

The resolution provides that the proposed constitutional amendment must be submitted to the electors at the general election to be held on November 3, 2009. If approved by a majority of the electors voting on it, the proposed amendment will take effect immediately.

HISTORY

ACTION

DATE

Introduced

06-18-09

Reported, S. Agriculture

06-25-09

Passed Senate (32-0)

06-25-09

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