

As Passed by the House

**126th General Assembly
Regular Session
2005-2006**

Am. H. B. No. 455

**Representatives Kilbane, Wolpert, Yuko, Fende, Domenick, Combs, Walcher,
Williams, Collier, Chandler, McGregor, J., Fessler, Daniels, Wagner, Cassell,
Distel, Flowers, Martin, Patton, T., Seitz, Taylor**

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A B I L L

To amend section 3313.13 of the Revised Code to allow 1
employees of a city director of law to serve on a 2
board of education for which the city director of 3
law is not the legal adviser, and to declare an 4
emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.13 of the Revised Code be 5
amended to read as follows: 6

Sec. 3313.13. Except as otherwise provided in this section, 7
no prosecuting attorney, city director of law, or other official 8
acting in a similar capacity shall be a member of a board of 9
education. 10

An assistant prosecuting attorney may serve as a member of a 11
board of education of a school district in any county other than 12
the county in which the assistant prosecuting attorney is employed 13
if the board of education's school district is not contiguous to 14
the county in which the assistant prosecuting attorney is 15
employed. 16

A city director of law who was appointed to that position 17

under a city charter, village solicitor, or other chief legal officer of a municipal corporation may serve as a member of a board of education for which the chief legal officer is not the legal adviser and attorney under section 3313.35 of the Revised Code. A city director of law who was appointed to that position under a city charter may serve as a member of a board of education for which the city director of law is the legal adviser and attorney under section 3313.35 of the Revised Code, but only if the board uses no legal services of the office of the city law director or if the legal services of that office that it does use are performed under contract by persons not employed by that office. An employee of an appointed or elected city director of law may serve as a member of a board of education for which the city director of law is not the legal adviser and attorney under section 3313.35 of the Revised Code.

Section 2. That existing section 3313.13 of the Revised Code is hereby repealed.

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that the current service of affected employees on boards of education may continue without interruption because of questions about their qualification to so serve. Therefore, this act shall go into immediate effect.