

As Passed by the Senate

**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
Senators Spada, Amstutz, Armbruster**

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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 18
officer of a municipal corporation may serve as a member of a 19
board of education for which the chief legal officer is not the 20
legal adviser and attorney under section 3313.35 of the Revised 21
Code. A city director of law who was appointed to that position 22
under a city charter may serve as a member of a board of education 23
for which the city director of law is the legal adviser and 24
attorney under section 3313.35 of the Revised Code, but only if 25
the board uses no legal services of the office of the city law 26
director or if the legal services of that office that it does use 27
are performed under contract by persons not employed by that 28
office. An employee of an appointed or elected city director of 29
law may serve as a member of a board of education for which the 30
city director of law is not the legal adviser and attorney under 31
section 3313.35 of the Revised Code. 32

Section 2. That existing section 3313.13 of the Revised Code 33
is hereby repealed. 34

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.