



H.B. 143

124th General Assembly
(As Passed by the General Assembly)

Reps. Young, Calvert, Flowers, Hartnett, Latell, Reinhard, Schaffer, Seitz, Coates, Carano, Sferra, Fessler, Widowfield, Schmidt, Hughes, White, Roman, Wolpert, Carmichael, Distel, Driehaus, Salerno, Setzer, Stapleton, Strahorn, Jolivette, Williams, Grendell, Core, Cates, Faber, Collier, Hagan, Webster, Kearns, Reidelbach, Olman, Lendrum, G. Smith, Niehaus

Sens. Spada, Mumper, Robert Gardner, Austria, Espy, Randy Gardner, Harris, Prentiss, Wachtmann, Blessing

Effective date: *

ACT SUMMARY

- ? Specifies that state *statutory* law does not require a fire chief to be a resident of the political subdivision the chief serves.
- ? Removes the *statutory* directive that requires municipal fire chiefs to be electors of the municipal corporation they serve.

CONTENT AND OPERATION

The act explicitly states, in a general provision of law, that the Revised Code does not require, and must not be construed to require, the fire chief of a "firefighting agency" (a political subdivision that operates a fire department) to reside in the territory of the firefighting agency (sec. 9.61). The act also explicitly states, in relevant Revised Code sections, that the fire chief of a township, joint fire district, fire and ambulance district, or fire district is not required by state statute to be a *resident* of that political subdivision (secs. 505.371(E), 505.375(B), and 505.38(A) and (C)).

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

The act adds similar language to the Municipal Law provisions dealing with city and village fire chiefs (secs. 737.08(A) and 737.22(A)). It also creates an exception to the provision generally requiring officers of a municipal corporation to be electors of the municipal corporation by explicitly stating that city and village fire chiefs are not required by the Revised Code to be *electors* of the municipal corporation, thereby removing the statutory requirement that a fire chief as a municipal "officer" be an elector, and thus a resident, of the municipal corporation (sec. 733.68(B)). (See **COMMENT** for the effects of these changes on municipal corporations.)

COMMENT

Although the act makes changes in statutory law regarding municipal corporations, those changes do not affect a municipal corporation's constitutionally granted "home rule" powers to provide otherwise. If a municipal charter were to adopt the relevant sections of the Revised Code as amended by the act, the charter would in effect (via those statutes) not require the fire chief to be a municipal resident. However, a municipal corporation, with or without a charter, could adopt an ordinance requiring the fire chief to be a resident or elector of the municipal corporation.¹ In that case, these Revised Code sections would have no effect in that municipal corporation.²

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-06-01	p. 212
Reported, H. Local Government and Townships	04-05-01	p. 296
Passed House (91-8)	05-08-01	pp. 407-408

¹ *A municipal charter, instead of an ordinance, could also require the fire chief to be a municipal resident.*

² *Although a noncharter municipal corporation must follow statutes regarding procedural matters dealing with self-government issues, it does not have to follow statutes regarding substantive matters unless the matter is one of statewide concern. To be a matter of statewide concern, the matter must have significant extraterritorial effects or affect the general public of the state as a whole more than it does the local inhabitants. It seems that a residency requirement for officers who serve within a municipal corporation is predominantly a local matter. Thus, statutory changes would not affect a local residency requirement.*

Reported, S. State & Local Gov't & Veterans Affairs	10-04-01	pp.	941-942
Passed Senate (33-0)	10-10-01	pp.	954-955

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