



Sub. H.B. 33

126th General Assembly
(As Passed by the House)

Reps. Wagner, Combs, Allen, Barrett, Hartnett, McGregor, Brown, Reidelbach, Wolpert, C. Evans, Harwood, Taylor, Flowers, Bulp, Carano, Cassell, Chandler, Collier, Daniels, Distel, Dolan, Dominick, D. Evans, Faber, Fende, Fessler, Gibbs, Hagan, Hughes, Kearns, Latta, Law, Reinhard, Schlichter, Schneider, Seaver, Setzer, D. Stewart, Wagoner, Walcher

BILL SUMMARY

- Permits the prosecuting attorney to be the legal adviser to a joint fire district, joint ambulance district, fire and ambulance district, or joint emergency medical services district either at no cost to the district or under a contract with the district.

CONTENT AND OPERATION

Current law

Current law designates the prosecuting attorney of a county as the legal adviser of (1) the board of county commissioners, board of elections, and all other county officers and boards, including all tax-supported libraries, (2) all township officers, boards, and commissions in a township that has not adopted a limited home rule government, and (3) each township that has adopted a limited home rule government and that has entered into a contract to have the prosecuting attorney serve as the township law director (R.C. 309.09(A) and (B)).

Current law also allows the prosecuting attorney, in the prosecuting attorney's discretion, to serve as the legal adviser to a joint fire district, *at no cost* to the district (R.C. 309.09(E)). And, together with the board of county commissioners, the prosecuting attorney may contract with the board of park commissioners of a metropolitan park district to provide the district with legal services. All moneys received pursuant to such a contract must be deposited in *the prosecuting attorney's legal services fund*, which must be established in the county treasury. Money in that fund may be appropriated only to the prosecuting attorney

for the purpose of providing legal services under the contract to the metropolitan park district. (R.C. 309.09(D).)

Changes proposed by the bill

The bill authorizes the prosecuting attorney, in the prosecuting attorney's discretion, to be the legal adviser to any or all of the following special districts, either at no cost to the district or under a contract the prosecuting attorney and the district enter into to authorize the prosecuting attorney to provide legal services to the district: (1) joint ambulance districts, (2) joint emergency medical services districts, (3) fire and ambulance districts, and (4) joint fire districts (R.C. 309.09(E), (F), (G), and (H)).

The bill also requires all money a prosecuting attorney receives under a contract entered into with a board of park commissioners of a metropolitan park district (existing law) or with a joint fire district, joint ambulance district, joint emergency medical services district, or fire and ambulance district (added by the bill) to be paid into the prosecuting attorney's legal services fund that, if one does not exist under existing law, must be established in the county treasury. Money in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a metropolitan park district, joint fire district, joint ambulance district, joint emergency medical services district, or fire and ambulance district, as applicable, under a contract. (R.C. 309.09(D) and (I).)

COMMENT

Current law authorizes specified combinations of counties, municipal corporations, townships, and special districts to form joint fire districts, joint ambulance districts, joint emergency medical services districts, and fire and ambulance districts to carry out the function or functions reflected in their title.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-03-05	p. 183
Reported, H. State Gov't	04-19-05	p. 675
Passed House (96-0)	05-03-05	pp. 737-738

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