

AN ACT

To amend sections 3.15, 3301.01, 3301.02 to 3301.04, 3301.06, and 3501.02 of the Revised Code to enact as a separate act the sections of law adding eight members appointed by the Governor to the State Board of Education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3.15, 3301.01, 3301.02, 3301.03, 3301.04, 3301.06, and 3501.02 of the Revised Code be amended to read as follows:

Sec. 3.15. (A) Except as otherwise provided in division (B) of this section, at all times during ~~his~~ one's term of office:

(1) Each member of the general assembly ~~or~~ and each elected voting member of the state board of education shall be a resident of the district ~~he~~ the member represents.

(2) Each judge and each elected officer of a court shall be a resident of the territory of that court.

(3) Each person holding an elective office of a political subdivision shall be a resident of that political subdivision.

(4) Each member of a municipal legislative authority who represents a ward shall be a resident of the ward ~~he~~ the member represents, and each member of a board of education of a city school district who represents a subdistrict shall be a resident of the subdistrict ~~he~~ the member represents.

(B) Any person who fails to meet any of the requirements of division (A) of this section that apply to ~~him~~ the person shall forfeit ~~his~~ the office. Division (A) of this section applies to persons who have been either elected or appointed to an elective office. Division (A) of this section does not apply to a member of the general assembly or the state board of education, to a member of a municipal legislative authority who represents a ward, or to a member of a board of education of a city school district who represents a subdistrict, during the remainder of ~~his~~ the member's existing term of office after there is a change in ~~his~~ the member's district's, ward's, or subdistrict's boundaries that leaves ~~his~~ the member's permanent residence outside the district, ward, or subdistrict.

Sec. 3301.01. (A) There is hereby created the state board of education consisting of nineteen members with eleven elected members ~~with~~, one ~~member~~ each to be elected in accordance with section 3301.03 of the Revised Code from each of the districts established in accordance with division (B) of this section, and with eight members to be appointed by the governor with the advice and consent of the senate.

In addition to the nineteen elected or appointed members ~~elected in accordance with section 3301.02 of the Revised Code~~, the ~~chairman~~ chairperson of the committee of the senate that primarily deals with education and the ~~chairman~~ chairperson of the committee of the house of representatives that primarily deals with education shall be nonvoting ex officio members of the board.

(B)(1) The territory of each state board of education district for each elected voting member of the board shall consist of the territory of three contiguous senate districts as established in the most recent apportionment for members of the general assembly, but the territory of no senate district shall be part of the territory of more than one state board of education district. Each state board of education district shall be as compact as practicable. The districts shall include, when practicable, some districts that primarily consist of territory in rural areas and some districts that primarily consist of territory in urban areas.

(2) If, after the apportionment for members of the general assembly is made in any year, the general assembly does not during that year enact legislation establishing state board of education districts in accordance with division (B)(1) of this section, the governor shall designate the boundaries of the districts in accordance with division (B)(1) of this section no later than the thirty-first day of January of the year next succeeding such apportionment. Upon making such designation, the governor shall give written notice of the boundaries of the districts to each member of the state board of education, including the nonvoting ex officio members; the superintendent of public instruction; the president of the senate; the speaker of the house of representatives; and the board of elections of each county in each new district. On the first day of February in any year in which the governor designates the boundaries of state board of education districts under this section, the state board of education districts as they existed prior to that date shall cease to exist and the new districts shall be created.

Sec. 3301.02. (A) ~~Members~~ Elected voting members of the state board of education as of the date of a change in district boundaries pursuant to legislation enacted by the general assembly or division (B)(2) of section 3301.01 of the Revised Code shall continue in office until their successors

are elected and qualified for office, at which time the board whose successors have been so qualified shall be dissolved. At the first regular state election that occurs after a change in the boundaries of state board of education districts, in conformity with the general election laws of this state, one board member shall be elected from each state board of education district for a term of office beginning the first day of January immediately following such election. The term of office of each elected member shall be determined by lot at the initial organization meeting of the board. The elected members ~~elected~~ shall by lot select six elected members, each of whom shall serve for a term of four years or until ~~his~~ a successor is elected and qualified, and the remaining elected members shall each serve for a term of two years or until ~~his~~ a successor is elected and qualified.

(B) At each subsequent regular state election, in conformity with the general election laws of this state, the elected members shall be elected as required by expiration of respective terms, each for a term of four years or until ~~his~~ a successor is elected and qualified. One elected member shall be elected from each district respectively in which the term of office of a board member expires on the first day of January following the election except that, when the boundaries of state board of education districts are changed pursuant to legislation enacted by the general assembly or division (B)(2) of section 3301.01 of the Revised Code, division (A) of this section shall govern the election. The term of office of each member so elected shall begin on the first day of January immediately following this election.

(C) Appointed voting members of the board shall serve four-year terms beginning the first day of January and ending on the thirty-first day of December. Except as provided in division (D) of this section, members may be reappointed.

(D) No person, elected or appointed, shall hold the office of member of the state board of education for a period of longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1996, shall be considered in determining an individual's eligibility to hold office.

Sec. 3301.03. Each elected voting member of the state board of education shall be a qualified elector residing in the territory composing the district from which ~~he~~ the member is elected, and shall be nominated and elected to office as provided by Title XXXV of the Revised Code. Each appointed voting member of the board shall be a qualified elector residing in the state. At least four of the appointed voting members shall represent rural school districts in the state, as evidenced by the member's current place of

residence and at least one of the following:

(A) The member's children attend, or at one time attended, school in a rural district;

(B) The member's past or present occupation is associated with rural areas of the state;

(C) The member possesses other credentials or experience demonstrating knowledge and familiarity with rural school districts.

No elected or appointed voting member of the board shall, during the member's term of office, hold any other public position of trust or profit or be an employee or officer of any public or private elementary or secondary school. Before entering on the duties of office, each elected and appointed voting member shall subscribe to the official oath of office.

Each voting member of the state board of education shall be paid a salary fixed pursuant to division (J) of section 124.15 of the Revised Code, together with the member's actual and necessary expenses incurred while engaged in the performance of the member's official duties or in the conduct of authorized board business, and while en route to and from the member's home for such purposes.

Sec. 3301.04. ~~A meeting of the members elected to the state board of education pursuant to division (A) of section 3301.02 of the Revised Code shall be held between the first and fifteenth day of January immediately following the general election at which such members are elected, in Columbus, Ohio, at 1:30 p.m. eastern standard time at the office of the superintendent of public instruction, at which time the board shall organize, select the term of members as provided by section 3301.02 of the Revised Code, adopt rules of procedure, elect a president and a vice-president each of whom shall serve for two years or until his successor is elected and qualified, and transact such other business as the board deems advisable. At such initial organization meeting the state board of education may continue to employ and determine the salary of any person holding any position or office in the department of education as such department was in existence immediately prior to such meeting, until such time as appointments of personnel are made under sections 3301.08 and 3301.13 of the Revised Code. Thereafter, between~~ Between the first and ~~fifteenth~~ thirty-first day of January of each odd-numbered year immediately following the general election at which board members are elected, the state board of education shall hold an organization meeting at which time it shall adopt rules of procedure, elect a president and a vice-president each of whom shall serve for two years or until ~~his~~ the president's or vice-president's successor is elected and qualified, and transact such business as the board deems

advisable.

The state board of education shall hold regular meetings once every three months and at such times as they may be called as provided in this section. Special meetings of the board may be called by the president, and, upon written request signed by at least a majority of the members, the president shall call a special meeting of the board. The president shall give notice through the superintendent of public instruction by registered mail to each member of the board at least ten days prior to the time of any special meeting. The state board of education shall hold its meetings ~~at~~ anywhere in Ohio designated by the board.

Sec. 3301.06. A vacancy in the state board of education may be caused by death, nonresidence, resignation, removal from office, failure of a person elected to qualify within ten days after the organization of the board or of ~~his~~ the person's election, removal from the district of election or from residence in the state, or absence from any two consecutive regular meetings of the board if such absence is caused by reasons declared insufficient by a vote of ~~seven~~ twelve members of the board. When ~~such a~~ such a vacancy occurs in the office of an elected member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified person residing in the district in which ~~such the~~ such the vacancy occurred to fill the vacancy until the next general election at which members of the state board of education are elected, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term. Such member shall assume office at the next succeeding meeting of the board. When a vacancy occurs in the office of an appointed member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified person to serve the remainder of the term.

Sec. 3501.02. General elections in the state and its political subdivisions shall be held as follows:

(A) For the election of electors of president and vice-president of the United States, in the year of 1932 and every four years thereafter;

(B) For the election of a member of the senate of the United States, in the years 1932 and 1934, and every six years after each of such years; except as otherwise provided for filling vacancies;

(C) For the election of representatives in the congress of the United States and of elective state and county officers; including elected members of the state board of education, in the even-numbered years; except as otherwise provided for filling vacancies;

(D) For municipal and township officers, members of boards of

ucation, judges and clerks of municipal courts, in the odd-numbered years;

(E) Proposed constitutional amendments or proposed measures submitted by the general assembly or by initiative or referendum petitions to the voters of the state at large may be submitted to the general election in any year occurring at least sixty days, in case of a referendum, and ninety days, in the case of an initiated measure, subsequent to the filing of the petitions therefor. Proposed constitutional amendments submitted by the general assembly to the voters of the state at large may be submitted at a special election occurring on the day in any year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, when a special election on that date is designated by the general assembly in the resolution adopting the proposed constitutional amendment.

No special election shall be held on a day other than the day of a general election, unless a law or charter provides otherwise, regarding the submission of a question or issue to the voters of a county, township, city, village, or school district.

(F) Any question or issue, except a candidacy, to be voted upon at an election shall be certified, for placement upon the ballot, to the board of elections not later than four p.m. of the seventy-fifth day before the day of the election.

SECTION 2. That existing sections 3.15, 3301.01, 3301.02, 3301.03, 3301.04, 3301.06, and 3501.02 of the Revised Code are hereby repealed.

SECTION 3. The amendments to sections 3.15, 3301.01, 3301.02, 3301.03, 3301.04, 3301.06, and 3501.02 of the Revised Code are virtually identical to amendments made to those sections purpose by Am. Sub. H.B. 117 of the 121st General Assembly, 146 Ohio Laws 900. The original enactment of those amendments in Am. Sub. H.B. 117 has been questioned on grounds it violated the one-subject rule of Ohio Constitution, Article II, Section 15(D). Re-enactment of the amendments and the corresponding partial reconstitution of the State Board of Education by this act are intended to render this question moot. The amendments in this act differ from those in Am. Sub. H.B. 117 only insofar as necessary to conform to changes in sentence structure made by amendments subsequent to Am. Sub. H.B. 117.

SECTION 4. The State Board of Education, as it exists on the effective date of this act, is dissolved insofar as it consists of members appointed to

the board prior to the effective date of this act (other than to fill a vacancy among the elected members). The Governor shall appoint appointive members of the State Board of Education within thirty days of the effective date of this act. Notwithstanding division (C) of section 3301.02 of the Revised Code, the Governor shall appoint four of the appointive members to terms ending on the thirty-first day of December occurring at least two calendar years after the date the appointments are made and four of such members to terms ending on the thirty-first day of December occurring at least four calendar years after the date the appointments are made. Thereafter, terms of office for all appointive members shall be for four years in accordance with division (C) of section 3301.02 of the Revised Code.

SECTION 5. This act does not affect the elected voting members of the State Board of Education who are holding office on its effective date.

SECTION 6. Section 3501.02 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 99 and Am. Sub. H.B. 117 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

H. B. No. 711

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____