

As Introduced

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 55

**Senators Randy Gardner, Stivers, Miller, Mumper, Schuler, Prentiss, Mallory,
Austria, Carey, Dann, Herington, Fedor, Coughlin**

A B I L L

To amend sections 3375.40, 3375.41, and 5705.281 and 1
to enact section 3375.392 of the Revised Code to 2
revise the bidding threshold for public 3
improvements applicable to free public libraries; 4
to eliminate restrictions on group life insurance 5
coverage offered by free public libraries to their 6
employees; to allow a board of library trustees to 7
authorize its employees to use a credit card held 8
by the library to pay for library business 9
expenses; and to allow the county budget 10
commission to waive certain requirements relating 11
to tax budgets or estimates of contemplated 12
revenue and expenditures in any county in which a 13
single library receives all of the county library 14
and local government support fund or receives all 15
of that portion of the fund that is distributed to 16
libraries. 17

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

Section 1. That sections 3375.40, 3375.41, and 5705.281 be 18
amended and section 3375.392 of the Revised Code be enacted to 19
read as follows: 20

Sec. 3375.392. (A) A board of library trustees appointed 21
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 22
or 3375.30 of the Revised Code may authorize an officer, employee, 23
or appointee of the free public library under its jurisdiction to 24
use a credit card that the library holds to pay for expenses 25
related to library business. The debt incurred as a result of the 26
use of the credit card shall be paid from library funds. 27

(B) Misuse of a credit card of a free public library by an 28
officer, employee, or appointee of the library is subject to 29
section 2913.21 of the Revised Code. The officer, employee, or 30
appointee also may be found personally liable to the library in a 31
civil action for the officer's, employee's, or appointee's misuse 32
of the library's credit card. 33

(C) Any officer, employee, or appointee of a free public 34
library who is authorized to use a credit card that the library 35
holds and who suspects the loss, the theft, or another person's 36
possible unauthorized use of the credit card shall notify the 37
board of library trustees immediately in writing of the suspected 38
loss, theft, or possible unauthorized use. The officer, employee, 39
or appointee may be held personally liable to the library for any 40
unauthorized debt resulting from the credit card's loss, theft, or 41
unauthorized use in the amount of fifty dollars or the amount 42
charged to the credit card as a result of the loss, theft, or 43
unauthorized use, whichever is less. 44

Sec. 3375.40. Each board of library trustees appointed 45
pursuant to ~~sections~~ section 3375.06, 3375.10, 3375.12, 3375.15, 46
3375.22, ~~and~~ or 3375.30 of the Revised Code may do the following: 47

(A) Hold title to and have the custody of all real and 48
personal property of the free public library under its 49
jurisdiction; 50

(B) Expend for library purposes, and in the exercise of the power enumerated in this section, all moneys, whether derived from the county library and local government support fund or otherwise, credited to the free public library under its jurisdiction and generally do all things it considers necessary for the establishment, maintenance, and improvement of the free public library under its jurisdiction;

(C) Purchase, lease, construct, remodel, renovate, or otherwise improve, equip, and furnish buildings or parts of buildings and other real property, and purchase, lease, or otherwise acquire motor vehicles and other personal property, necessary for the proper maintenance and operation of the free public ~~libraries~~ library under its jurisdiction, and pay ~~the~~ their costs ~~thereof~~ in installments or otherwise. Financing of these costs may be provided through the issuance of notes, through an installment sale, or through a lease-purchase agreement. Any such notes shall be issued pursuant to section 3375.404 of the Revised Code.

(D) Purchase, lease, lease with an option to purchase, or erect buildings or parts of buildings to be used as main libraries, branch libraries, or library stations pursuant to section 3375.41 of the Revised Code;

(E) Establish and maintain a main library, branches, library stations, and traveling library service within the territorial boundaries of the political subdivision or district over which it has jurisdiction of free public library service;

(F) ~~Establish~~ Except as otherwise provided in this division, establish and maintain branches, library stations, and traveling library service in any school district, outside the territorial boundaries of the political subdivision or district over which it has jurisdiction of free public library service, upon application

to and approval of the state library board, pursuant to section 82
3375.05 of the Revised Code; ~~provided the.~~ The board of library 83
trustees of any free public library maintaining branches, 84
stations, or ~~traveling-book~~ traveling library service, outside the 85
territorial boundaries of the political subdivision or district 86
over which it has jurisdiction of free public library service, on 87
September 4, 1947, may continue to maintain and operate ~~such~~ those 88
branches, those stations, and that traveling library service 89
without the approval of the state library board; . 90

(G) Appoint and fix the compensation of all of the employees 91
of the free public library under its jurisdiction; . pay the 92
reasonable cost of tuition for any of its employees who enroll in 93
a course of study the board considers essential to the duties of 94
the employee or to the improvement of the employee's performance; . 95
and reimburse applicants for employment for any reasonable 96
expenses they incur by appearing for a personal interview; 97

(H) Make and publish rules for the proper operation and 98
management of the free public library and facilities under its 99
jurisdiction, including rules pertaining to the provision of 100
library services to individuals, corporations, or institutions 101
that are not inhabitants of the county; 102

(I) Establish and maintain a museum in connection with and as 103
an adjunct to the free public library under its jurisdiction; 104

(J) By the adoption of a resolution, . accept any bequest, 105
gift, or endowment upon the conditions connected with ~~such~~ the 106
bequest, gift, or endowment; ~~provided no.~~ No such bequest, gift, 107
or endowment shall be accepted by ~~such~~ the board if ~~the~~ its 108
conditions ~~thereof~~ remove any portion of the free public library 109
under ~~its~~ the board's jurisdiction from the control of ~~such~~ the 110
board or if ~~such~~ the conditions, in any manner, limit the free use 111
of ~~such~~ the library or any part ~~thereof~~ of it by the residents of 112
the counties in which ~~such~~ the library is located; . 113

(K) At the end of any fiscal year, by a two-thirds vote of its full membership, set aside any unencumbered surplus remaining in the general fund of the free public library under its jurisdiction for any purpose, including creating or increasing a special building and repair fund, or for operating the library or acquiring equipment and supplies;

(L) Procure and pay all or part of the cost of group life, hospitalization, surgical, major medical, disability benefit, dental care, eye care, hearing aids, or prescription drug insurance or coverage, or a combination of any of ~~the foregoing~~ those types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by the state, covering its employees, and, in the case of group life, hospitalization, surgical, major medical, dental care, eye care, hearing aids, or prescription drug insurance or coverage, also covering the dependents and spouses of ~~such its~~ employees, and, in the case of disability benefits, also covering the spouses of ~~such its~~ employees. ~~With respect to life insurance, coverage for any employee shall not exceed the greater of the sum of ten thousand dollars or the annual salary of the employee, exclusive of any double indemnity clause that is a part of the policy.~~

(M) Pay reasonable dues and expenses for the free public library and library trustees in library associations.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 3375.41. When a board of library trustees appointed pursuant to ~~sections~~ section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, ~~and~~ or 3375.30 of the Revised Code determines to construct, demolish, alter, repair, or reconstruct a library or

make any improvements or repairs, the cost of which will exceed 145
~~fifteen~~ twenty-five thousand dollars, except in cases of urgent 146
necessity or for the security and protection of library property, 147
it shall proceed as follows: 148

(A) The board shall advertise for a period of four weeks for 149
sealed bids in some newspaper of general circulation in the 150
district, ~~and~~ if there are two such ~~papers~~ newspapers, the board 151
shall advertise in both of them. If no newspaper has a general 152
circulation in the district, the board shall ~~advertise by posting~~ 153
~~such~~ post the advertisement in three public places ~~therein~~ in the 154
district. ~~Such~~ The advertisement shall be entered in full by the 155
clerk on the record of proceedings of the board. 156

(B) The sealed bids shall be filed with the clerk by twelve 157
noon of the last day stated in the advertisement. 158

(C) The sealed bids shall be opened at the next meeting of 159
the board, shall be publicly read by the clerk, and shall be 160
entered in full on the records of the board; provided, that the 161
board ~~may~~, by resolution, may provide for the public opening and 162
reading of ~~such~~ the bids by the clerk, immediately after the time 163
for their filing ~~such bids~~ has expired, at the usual place of 164
meeting of the board, and for the tabulation of ~~such~~ the bids and 165
a report of ~~such~~ the tabulation to the board at its next meeting. 166

(D) Each sealed bid shall contain the name of every person 167
interested ~~therein~~, in it and shall meet the requirements of 168
section 153.54 of the Revised Code. 169

(E) When both labor and materials are embraced in the work 170
bid for, the board may require that each be separately stated in 171
the sealed bid, with ~~the~~ their price ~~thereof~~, or may require that 172
bids be submitted without ~~such~~ the separation. 173

(F) None but the lowest responsible bid shall be accepted. 174

The board may reject all the bids or accept any bid for both labor and material for ~~such~~ the improvement or repair which is the lowest in the aggregate.

(G) The contract shall be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.12, 153.13, and 153.14 of the Revised Code.

(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between ~~such~~ these bidders.

(I) When there is reason to believe there is collusion or combination among the bidders, the bids of those concerned in ~~such~~ the collusion or combination shall be rejected.

Sec. 5705.281. (A) Notwithstanding section 5705.28 of the Revised Code, the county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the requirement that the taxing authority of a subdivision or other taxing unit adopt a tax budget as provided under section 5705.28 of the Revised Code, but shall require such a taxing authority to provide such information to the commission as may be required by the commission to perform its duties under this chapter, including dividing the rates of each of the subdivision's or taxing unit's tax levies as provided under section 5705.04 of the Revised Code.

(B)(1) Notwithstanding divisions (B)(1) and (D) of section 5705.28 of the Revised Code, in any county in which a single library receives all of the county library and local government support fund or receives all of that portion of the fund that is distributed to libraries, the county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive any or all of

<u>the following requirements:</u>	206
<u>(a) The requirement that the board of trustees of a school library district entitled to participate in any appropriation or revenue of a school district or to have a tax proposed by the board of education of a school district file with the board of education of the school district a tax budget, and the requirement that the board of education adopt the tax budget on behalf of the library district, as provided in division (B)(1) of section 5705.28 of the Revised Code;</u>	207 208 209 210 211 212 213 214
<u>(b) The requirement that the board of trustees of a public library desiring to participate in the distribution of the county library and local government support fund certify to the taxing authority its estimate of contemplated revenue and expenditures, and the requirement that the taxing authority include in its budget of receipts and budget of expenditures the full amounts specified or requested by the board of trustees, as provided in division (D) of section 5705.28 of the Revised Code.</u>	215 216 217 218 219 220 221 222
<u>(2) If a county budget commission waives the requirements described in division (B)(1)(a) or (b) of this section, the commission shall require the board of trustees of the school library district or the board of trustees of the public library desiring to participate in the distribution of the county library and local government support fund to provide to the commission any information the commission may require from the board in order for the commission to perform its duties under this chapter.</u>	223 224 225 226 227 228 229 230
Section 2. That existing sections 3375.40, 3375.41, and 5705.281 of the Revised Code are hereby repealed.	231 232