

AN ACT

To amend section 3375.49 of the Revised Code and to amend Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly to allow the board of trustees of a law library association to elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library despite the otherwise applicable statutory payment requirements for that compensation, to modify the payment schedule for the board of county commissioners and the board of trustees with regard to the costs of the space in the county courthouse or other building provided for the use of the law library, the utilities for that space, and furniture and fixtures for the law library, to modify the board of county commissioners' obligation to provide space in the county courthouse or any other building in the county seat for the use of the law library and utilities for that space, and to extend the deadline for the report from the Task Force on Law Library Associations to October 31, 2007.

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

SECTION 1. That section 3375.49 of the Revised Code be amended to read as follows:

Sec. 3375.49. (A) Subject to divisions (B) and ~~(C)~~(D) of this section, for the use of the law library referred to in section 3375.48 of the Revised Code, the board of county commissioners shall provide space in the county courthouse or in any other building located in the county seat, and utilities for that space.

(B)(1) Subject to ~~division~~ divisions (C) and (D) of this section, through calendar year 2006, the board of county commissioners shall be responsible

for paying the compensation of the librarian and up to two assistant librarians of the law library appointed by the board of trustees of the law library association under section 3375.48 of the Revised Code and the costs of the space in the county courthouse or other building that the board provides for the use of the law library under division (A) of this section, the utilities for that space, and furniture and fixtures for the law library.

~~(2)(a)~~ In calendar years 2007 through 2010, the board of county commissioners and the board of trustees shall be responsible for paying the compensation of the librarian and up to two assistant librarians appointed under section 3375.48 of the Revised Code ~~and the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and furniture and fixtures for the law library~~ as follows:

~~(a)(i)~~ In calendar year 2007, the board of county commissioners shall pay eighty per cent, and the board of trustees shall pay twenty per cent.

~~(b)(ii)~~ In calendar year 2008, the board of county commissioners shall pay sixty per cent, and the board of trustees shall pay forty per cent.

~~(c)(iii)~~ In calendar year 2009, the board of county commissioners shall pay forty per cent, and the board of trustees shall pay sixty per cent.

~~(d)(iv)~~ In calendar year 2010, the board of county commissioners shall pay twenty per cent, and the board of trustees shall pay eighty per cent.

(b) In calendar years 2008 through 2011, the board of county commissioners and the board of trustees shall be responsible for the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and furniture and fixtures for the law library as follows:

(i) In calendar year 2008, the board of county commissioners shall pay eighty per cent, and the board of trustees shall pay twenty per cent.

(ii) In calendar year 2009, the board of county commissioners shall pay sixty per cent, and the board of trustees shall pay forty per cent.

(iii) In calendar year 2010, the board of county commissioners shall pay forty per cent, and the board of trustees shall pay sixty per cent.

(iv) In calendar year 2011, the board of county commissioners shall pay twenty per cent, and the board of trustees shall pay eighty per cent.

~~(3)(a)~~ Beginning in calendar year 2011 and thereafter, the board of trustees shall be responsible for paying the compensation of the librarian and all assistant librarians appointed under section 3375.48 of the Revised Code ~~as well as the costs of the space in the county courthouse or other building~~

~~that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and the law library's furniture and fixtures.~~

(b) Beginning in calendar year 2012 and thereafter, the board of trustees shall be responsible for the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and the law library's furniture and fixtures.

(C) At any time prior to calendar year 2011, the board of trustees of a law library association referred to in section 3375.48 of the Revised Code may elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library appointed under section 3375.48 of the Revised Code. If the board of trustees elects to assume that responsibility, the board of county commissioners of the county in which the association is located has no further obligation under division (B) of this section to make payments for the compensation of the law librarian and up to two assistant librarians.

(D) If (1) Except as otherwise provided in division (D)(2) of this section, if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code rents, leases, lease-purchases, or otherwise acquires space to expand or enlarge the law library for the use of the law library, or constructs, enlarges, renovates, or otherwise modifies buildings or other structures to provide space for the use of the law library, the board of county commissioners of the county in which the association is located has no further obligation under division (A) of this section to provide space in the county courthouse or any other building located in the county seat for the use of the law library and utilities for that space, and has no further obligation under division (B) of this section to make payments for the compensation of the librarian and up to two assistant librarians of the law library appointed under section 3375.48 of the Revised Code and for the costs of space in the county courthouse or ~~an~~ any other building for the use of the law library, the utilities for that space, and the law library's furniture and fixtures.

(2) Division (D)(1) of this section does not apply if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code modifies the space used by the law library in a manner that results in no change in that space or in a reduction in that space and that results in no additional costs to the board of county commissioners for fixtures or furniture for the law library.

~~(D)~~(E) The librarian of the law library shall receive and safely keep in

the law library the law reports and other books furnished by the state for use of the court and bar.

~~(E)~~(F) The books, computer communications console that is a means of access to a system of computerized legal research, microform materials and equipment, videotape materials and equipment, audio or visual materials and equipment, other materials and equipment utilized in conducting legal research, furniture, and fixtures of the law library association that are owned by, and used exclusively in, the law library are exempt from taxation.

SECTION 2. That existing section 3375.49 of the Revised Code is hereby repealed.

SECTION 3. No board of trustees of a law library association referred to in section 3375.48 of the Revised Code or board of county commissioners shall be required to repay any funds identified in a finding for recovery made by the Auditor of State as the result of such a board of trustees having elected to pay, in violation of current section 3375.49 of the Revised Code or the version of that section in effect before the effective date of the amendments to that section made by Am. Sub. H.B. 66 of the 126th General Assembly, the entire amount of the compensation of the law librarian and any assistant librarians of its law library appointed under section 3375.48 of the Revised Code. Neither the prosecuting attorney of the county in which the violation occurred nor the Attorney General is under any obligation to act, and shall not act, upon the Auditor of State's finding of recovery, and the finding for recovery shall be considered resolved for the purposes of section 9.24 of the Revised Code.

SECTION 4. That Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly be amended to read as follows:

Sec. 503.06. (A) There is hereby created the Task Force on Law Library Associations, consisting of thirteen members. The Speaker and Minority Leader of the House of Representatives shall each appoint one member of the House of Representatives to the Task Force. The President and Minority Leader of the Senate shall each appoint one member of the Senate to the Task Force. The Ohio Judicial Conference shall appoint three members to the Task Force, two of whom shall be judges who are members of the Conference and one of whom shall be a law librarian associated with a law library association. The County Commissioners Association of Ohio shall

appoint three members to the Task Force. The Ohio State Bar Association shall appoint three members to the Task Force, two of whom shall be attorneys licensed to practice law in this state and one of whom shall be a law librarian associated with a law library association. Appointments to the Task Force shall be made by September 1, 2005. Vacancies on the Task Force shall be filled in the manner provided for original appointments.

(B)(1) The Task Force shall do each of the following:

(a) Gather information on and study the current state of the law library associations in this state covered by sections 3375.48 to 3375.56 of the Revised Code, with particular emphasis on the structure, funding, and administration of their law libraries, and on the effect of technology on, and access to, their law libraries;

(b) Make recommendations on the structure, funding, and administration of these law libraries presently and over the next five calendar years;

(c) Make recommendations as to how to ensure that these law libraries remain open and may be made available to members of the public.

(2) The Task Force shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Chief Justice of the Supreme Court by October 31, ~~2006~~ 2007. Upon submission of its report, the Task Force shall cease to exist.

(C) Sections 101.82 to 101.87 of the Revised Code do not apply to the Task Force.

SECTION 5. That existing Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 363

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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 _____