

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 363

**Representatives Wagner, Willamowski, McGregor, Reidelbach, Sayre, Collier,
Brown, Webster, Seitz, Latta, Cassell, Chandler, Coley, Domenick, Evans, C.,
Flowers, Gibbs, Hartnett, Hughes, Redfern, Wagoner, Yuko
Senators Kearney, Clancy, Goodman, Mumper**

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A B I L L

To amend section 3375.49 of the Revised Code and to 1
amend Section 503.06 of Am. Sub. H.B. 66 of the 2
126th General Assembly to allow the board of 3
trustees of a law library association to elect to 4
assume responsibility for paying the entire 5
compensation of the librarian and all assistant 6
librarians of the law library despite the 7
otherwise applicable statutory payment 8
requirements for that compensation, to modify the 9
payment schedule for the board of county 10
commissioners and the board of trustees with 11
regard to the costs of the space in the county 12
courthouse or other building provided for the use 13
of the law library, the utilities for that space, 14
and furniture and fixtures for the law library, to 15
modify the board of county commissioners' 16
obligation to provide space in the county 17
courthouse or any other building in the county 18
seat for the use of the law library and utilities 19
for that space, and to extend the deadline for the 20
report from the Task Force on Law Library 21

Associations to October 31, 2007. 22

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

Section 1. That section 3375.49 of the Revised Code be 23
amended to read as follows: 24

Sec. 3375.49. (A) Subject to divisions (B) and ~~(C)~~(D) of this 25
section, for the use of the law library referred to in section 26
3375.48 of the Revised Code, the board of county commissioners 27
shall provide space in the county courthouse or in any other 28
building located in the county seat, and utilities for that space. 29
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(B)(1) Subject to ~~division~~ divisions (C) and (D) of this 31
section, through calendar year 2006, the board of county 32
commissioners shall be responsible for paying the compensation of 33
the librarian and up to two assistant librarians of the law 34
library appointed by the board of trustees of the law library 35
association under section 3375.48 of the Revised Code and the 36
costs of the space in the county courthouse or other building that 37
the board provides for the use of the law library under division 38
(A) of this section, the utilities for that space, and furniture 39
and fixtures for the law library. 40

(2)(a) In calendar years 2007 through 2010, the board of 41
county commissioners and the board of trustees shall be 42
responsible for paying the compensation of the librarian and up to 43
two assistant librarians appointed under section 3375.48 of the 44
Revised Code ~~and the costs of the space in the county courthouse~~ 45
~~or other building that the board of county commissioners provides~~ 46
~~for the use of the law library under division (A) of this section,~~ 47
~~the utilities for that space, and furniture and fixtures for the~~ 48
~~law library~~ as follows: 49

~~(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. 50
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~~(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. 53
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~~(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. 56
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~~(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. 59
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(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: 62
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(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. 69
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(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. 72
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(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. 75
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(iv) In calendar year 2011, the board of county commissioners shall pay twenty per cent, and the board of trustees shall pay 78
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eighty per cent.

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(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.~~

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(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.

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(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.

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(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~~

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~~buildings or other structures to provide space for the use of the~~ 111
~~law library,~~ the board of county commissioners of the county in 112
which the association is located has no further obligation under 113
division (A) of this section to provide space in the county 114
courthouse or any other building located in the county seat for 115
the use of the law library and utilities for that space, and has 116
no further obligation under division (B) of this section to make 117
payments for the compensation of the librarian and up to two 118
assistant librarians of the law library appointed under section 119
3375.48 of the Revised Code and for the costs of space in the 120
county courthouse or ~~an~~ any other building for the use of the law 121
library, the utilities for that space, and the law library's 122
furniture and fixtures. 123

(2) Division (D)(1) of this section does not apply if the 124
board of trustees of a law library association referred to in 125
section 3375.48 of the Revised Code modifies the space used by the 126
law library in a manner that results in no change in that space or 127
in a reduction in that space and that results in no additional 128
costs to the board of county commissioners for fixtures or 129
furniture for the law library. 130

~~(D)~~(E) The librarian of the law library shall receive and 131
safely keep in the law library the law reports and other books 132
furnished by the state for use of the court and bar. 133

~~(E)~~(F) The books, computer communications console that is a 134
means of access to a system of computerized legal research, 135
microform materials and equipment, videotape materials and 136
equipment, audio or visual materials and equipment, other 137
materials and equipment utilized in conducting legal research, 138
furniture, and fixtures of the law library association that are 139
owned by, and used exclusively in, the law library are exempt from 140
taxation. 141

Section 2. That existing section 3375.49 of the Revised Code 142
is hereby repealed. 143

Section 3. No board of trustees of a law library association 144
referred to in section 3375.48 of the Revised Code or board of 145
county commissioners shall be required to repay any funds 146
identified in a finding for recovery made by the Auditor of State 147
as the result of such a board of trustees having elected to pay, 148
in violation of current section 3375.49 of the Revised Code or the 149
version of that section in effect before the effective date of the 150
amendments to that section made by Am. Sub. H.B. 66 of the 126th 151
General Assembly, the entire amount of the compensation of the law 152
librarian and any assistant librarians of its law library 153
appointed under section 3375.48 of the Revised Code. Neither the 154
prosecuting attorney of the county in which the violation occurred 155
nor the Attorney General is under any obligation to act, and shall 156
not act, upon the Auditor of State's finding of recovery, and the 157
finding for recovery shall be considered resolved for the purposes 158
of section 9.24 of the Revised Code. 159

Section 4. That Section 503.06 of Am. Sub. H.B. 66 of the 160
126th General Assembly be amended to read as follows: 161

Sec. 503.06. (A) There is hereby created the Task Force on 162
Law Library Associations, consisting of thirteen members. The 163
Speaker and Minority Leader of the House of Representatives shall 164
each appoint one member of the House of Representatives to the 165
Task Force. The President and Minority Leader of the Senate shall 166
each appoint one member of the Senate to the Task Force. The Ohio 167
Judicial Conference shall appoint three members to the Task Force, 168
two of whom shall be judges who are members of the Conference and 169
one of whom shall be a law librarian associated with a law library 170

association. The County Commissioners Association of Ohio shall 171
appoint three members to the Task Force. The Ohio State Bar 172
Association shall appoint three members to the Task Force, two of 173
whom shall be attorneys licensed to practice law in this state and 174
one of whom shall be a law librarian associated with a law library 175
association. Appointments to the Task Force shall be made by 176
September 1, 2005. Vacancies on the Task Force shall be filled in 177
the manner provided for original appointments. 178

(B)(1) The Task Force shall do each of the following: 179

(a) Gather information on and study the current state of the 180
law library associations in this state covered by sections 3375.48 181
to 3375.56 of the Revised Code, with particular emphasis on the 182
structure, funding, and administration of their law libraries, and 183
on the effect of technology on, and access to, their law 184
libraries; 185

(b) Make recommendations on the structure, funding, and 186
administration of these law libraries presently and over the next 187
five calendar years; 188

(c) Make recommendations as to how to ensure that these law 189
libraries remain open and may be made available to members of the 190
public. 191

(2) The Task Force shall submit a report of its findings and 192
recommendations to the Speaker and Minority Leader of the House of 193
Representatives, the President and Minority Leader of the Senate, 194
and the Chief Justice of the Supreme Court by October 31, ~~2006~~ 195
2007. Upon submission of its report, the Task Force shall cease to 196
exist. 197

(C) Sections 101.82 to 101.87 of the Revised Code do not 198
apply to the Task Force. 199

Section 5. That existing Section 503.06 of Am. Sub. H.B. 66 200

of the 126th General Assembly is hereby repealed.

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