



H.B. 363

126th General Assembly
(As Passed by the House)

Reps. Wagner, Willamowski, McGregor, Reidelbach, Sayre, Collier, Brown, Webster, Seitz, Latta, Cassell, Chandler, Coley, Domenick, C. Evans, Flowers, Gibbs, Hartnett, Hughes, Redfern, Wagoner, Yuko

BILL SUMMARY

- Authorizes the board of trustees of a county law library association to elect to assume responsibility for paying the entire compensation of the county law librarian and all assistant librarians before 2011, and, if the board of trustees does so, relieves the board of county commissioners from further obligation under existing law to pay the compensation.
- Declares null and void any finding of recovery made by the Auditor of State in favor of a board of trustees of a law library association or against a board of county commissioners as the result of the board of trustees having elected to pay the entire amount of the county law librarians' compensation before being authorized to do so.

CONTENT AND OPERATION

Responsibility for the costs of a county law library and compensation of librarians

Under existing law, a board of county commissioners must provide space in the county courthouse or another building in the county seat for the use of the county law library and must provide utilities for that space (R.C. 3375.49(A)). Generally, through calendar year 2006, the board is responsible for paying the compensation of the law librarian and up to two assistant librarians appointed by the board of trustees of the law library association for that county and the costs of the space provided for the use of the law library, the utilities for that space, and furniture and fixtures for the law library. Beginning in 2011, the board of trustees of the law library association is responsible for those costs pertaining to the library and the librarian's and all assistant librarians' compensation. (R.C. 3375.49(B)(1) and (3).) In calendar years 2007 through 2010, the board of county commissioners

and the board of trustees are responsible for the compensation of the librarian and up to two assistant librarians and the costs of the library space, utilities, furniture, and fixtures in the following proportions (R.C. 3375.49(B)(2)):

(1) In 2007, the board of county commissioners, 80% and the board of trustees, 20%;

(2) In 2008, the board of county commissioners, 60% and the board of trustees, 40%;

(3) In 2009, the board of county commissioners, 40% and the board of trustees, 60%;

(4) In 2010, the board of county commissioners, 20% and the board of trustees, 80%.

However, if the board of trustees of a law library association rents, leases, lease-purchases, or otherwise acquires space 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 in that county has no further obligation to provide space for the library or to contribute to the compensation of the librarians or the costs of space, utilities, furniture, or fixtures of the library (R.C. 3375.49(C)).

The bill authorizes 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 before 2011. If the board does so, the board of county commissioners of that county has no further obligation to pay the compensation of the librarian and up to two assistant librarians as described above. (R.C. 3375.49(C).)

Finding of recovery by Auditor of State for payment of the county law librarians' full compensation by the law library association

In some counties, the law library association has voluntarily assumed the full cost of compensating the librarians of the county law library, even though R.C. 3375.49, before its amendment by Am. Sub. H.B. 66 of the 126th General Assembly and in its current form, places all or part of that responsibility on the board of county commissioners. The bill declares null and void any finding of recovery made by the Auditor of State before, on, or after the bill's effective date in favor of a board of trustees of a law library association or against a board of county commissioners as the result of the board of trustees having elected to pay the entire amount of the compensation of the law librarian and any assistant librarians of the county law library. The bill prohibits the county prosecuting

attorney and the Attorney General from acting upon a finding of recovery by the Auditor. (Section 3 of the bill.)

HISTORY

ACTION	DATE
Introduced	09-29-05
Reported, H. Judiciary	11-16-05
Passed House (94-0)	01-11-06

h0363-ph-126.doc/kl

