



**Sub. H.B. 363\***

126th General Assembly

(As Reported by S. Judiciary on Civil Justice)

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

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**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.
- Modifies 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.
- Modifies 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 by providing that the board of county commissioners has no further obligation 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 if the board of trustees of a law library association rents, leases, lease-purchases, or otherwise acquires space to expand or enlarge the law library but that the board of county commissioners is still obligated to provide space in the county courthouse or any other building in the county seat if the board of trustees modifies the space used by the law library in a manner that

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*\* This analysis was prepared before the report of the Senate Judiciary on Civil Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

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.

- Provides that no board of trustees of a law library association or board of county commissioners is 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 the law, the entire amount of compensation of the law librarian and any assistant librarians of its law library, that neither the prosecuting attorney nor the Attorney General is under any obligation to act, and must not act, upon the Auditor of State's finding for recovery, and that the finding for recovery is considered resolved for the purposes of R.C. 9.24.
- Extends the deadline for the report from the Task Force on Law Library Associations to October 31, 2007.

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## 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 maintains existing law with regards to the board of county commissioners' and board of trustees' responsibilities for paying the compensation of the librarian and up to two assistant librarians for the law library. With regards to 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, for utilities for that space, and furniture and fixtures for the law library, the board of county commissioners' and board of trustees' responsibilities are as follows: (1) in 2008, the board of county commissioners must pay 80%, and the board of trustees must pay 20%, (2) in 2009, the board of county commissioners must pay 60%, and the board of trustees must pay 40%, (3) in 2010, the board of county commissioners must pay 40%, and the board of trustees must pay 60%, and (4) in 2011, the board of county commissioners must pay 20%, and the board of trustees must pay 80%. Beginning in 2012 and thereafter, the board of trustees is 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, the utilities for that space, and the law library's furniture and fixtures. (R.C. 3375.49(B)(2)(b) and (3)(b).)

The bill also 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).)

Under existing law, 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 of the county in which the association is located has no further obligation 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 to make payments for the compensation of the librarian and up to two assistant librarians of the law library and for the costs of space in the county courthouse or any other building for the use of the law library, the utilities for that space, and the law library's furniture and fixtures. The bill modifies this provision by providing that, except as otherwise provided in the next paragraph, if board of trustees of a law library association rents, leases, lease-purchases, or otherwise acquires space *to expand or enlarge the law library* 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 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. The bill maintains existing law regarding the board of county commissioners' obligations for the compensation of the librarian and assistant librarians and the costs of space. (R.C. 3375.49(D).)

The bill states that the above-described provision does not apply if board of trustees of a law library association 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 (R.C. 3375.49(D)(2)).

**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 states that no board of trustees of a law library association or board of county commissioners is 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 R.C. 3375.49 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. Neither the prosecuting attorney of the county in which the violation occurred nor the Attorney General is under any obligation to act, and must not act, upon the Auditor of State's finding of recovery, and the finding for recovery must be considered resolved for the purposes of R.C. 9.24 (law regarding an unresolved finding for recovery issued by the Auditor of State as disqualification for a state or local contract). (Section 3 of the bill.)

**Task Force on Law Library Associations**

Existing law provides that the Task Force on Law Library Associations, created in Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly, must 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. Upon submission of its report, the Task Force will cease to exist. The bill extends this deadline to October 31, 2007. (Section 4 of the bill.)

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**HISTORY**

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

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