



S.B. 185

127th General Assembly
(As Introduced)

Sens. Schuler, Kearney

BILL SUMMARY

- Renames the position of public library "clerk" to "fiscal officer."
- Requires fiscal officers of public libraries to pay library employees by direct deposit.
- Adds school district free public libraries to the specified public libraries that must have a library records commission.
- Shortens, from four to two weeks, the time period required for advertising for sealed bids for library public improvements exceeding a cost of \$25,000.
- Prohibits any private library association from participating in the proceeds of the county library and local government support fund unless the association was organized and operating before January 1, 1968, and participated in the proceeds before December 31, 2005.

CONTENT AND OPERATION

Name change for public library clerks

Current law provides for a variety of free public libraries: county free public libraries, township libraries, municipal free public libraries, school district free public libraries, county district free public libraries, and regional library free public libraries. The board of trustees of each must meet in January of each year to organize, select officers, and elect a clerk who shall serve for one year. The bill renames the position of "clerk" to "fiscal officer." R.C. 131.18, 149.411, 3375.32, 3375.35, 3375.351, 3375.36, 3375.37, 3375.38, 3375.39, 3375.41, 3375.91, and 3375.92.

Library employee compensation by direct deposit

No moneys credited to a free public library can be paid out except on a check signed by the fiscal officer of the board having jurisdiction over the moneys and the president, vice-president, or secretary of the board. R.C. 3375.35. The bill creates an exception to this requirement and requires the fiscal officer of each board of library trustees of a free public library to pay the compensation of each library employee by direct deposit. Each employee must provide the fiscal officer with written authorization for payment by direct deposit. The authorization must include the designation of a financial institution equipped to accept direct deposits and the number of the account into which the deposit is to be made. The authorization will remain in effect until it is withdrawn in writing by the employee or dishonored by the financial institution. Each board of trustees must adopt policies for the direct deposit of compensation of an employee who fails to provide the fiscal officer with the written authorization. R.C. 3375.351.

Library records commissions

Existing law creates a library records commission for each county, municipal, township, county library district, and regional library district free public library.¹ The library records commissions review applications for disposal of obsolete records as well as the records retention schedules of these types of libraries. The bill includes school district free public libraries among those for which the law creates a library records commission. R.C. 149.411.

Advertising time for sealed bids

Free public libraries are required to engage in competitive bidding for any library improvements or repairs that generally will exceed a cost of \$25,000. Currently, boards of trustees must advertise for sealed bids on a project for a period of four weeks in a newspaper of general circulation in the district. The bill reduces that time period to two weeks. R.C. 3375.41.

Library association participation in county library and local government support funds

Under current law, a portion of state income tax revenues are credited to the county library and local government support fund, which is created in the state treasury. Moneys in this fund are distributed by the Tax Commissioner to the various counties and placed in each county's library and local government support fund. R.C. 5747.48--not in the bill. Moneys in the county fund are distributed by

¹ A library records commission is comprised of the members of the board of library trustees and the library fiscal officer.

the county treasurer to the county, boards of public library trustees, municipal corporations, and boards of township park commissioners in proportions fixed by the county budget commission. See R.C. 5705.32 and 5747.48--not in the bill. The county budget commission must consider the requests made by various qualified public libraries and fix the amount to be distributed to each board of public library trustees that has qualified for participation in the funding by providing services to all inhabitants of the county or by adopting rules to extend the services to all inhabitants. See R.C. 5705.28(D) and 5705.32.

For the purpose of receiving moneys from the county library and local government support fund, some libraries established by library associations may be considered to be public libraries. See R.C. 5705.28(D), 5705.32, and 5705.37. Although association libraries are private entities, they are considered public for the purpose of receiving funding if they extend their services to all inhabitants of the county on equal terms. Under existing law, library associations that meet this condition and that were organized and operating before January 1, 1968, are entitled to receive public funding from the county library and local government support fund. The bill adds an additional qualification for receiving this public funding by providing that a library association also must have received the funding before December 31, 2005. R.C. 5705.28(D).

HISTORY

ACTION	DATE
Introduced	06-13-07

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