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Bill Analysis
Legislative Service Commission

Sub. S.B. 185
127th General Assembly
(As Passed by the Senate)

**Sens. Schuler, Kearney, Cates, Grendell, Seitz, Carey, Gardner, Harris,
Sawyer, Wilson, Fedor, Morano, Spada, Boccieri**

BILL SUMMARY

- Renames the position of public library "clerk" to "fiscal officer."
- Changes the name of the Library and Local Government Support Fund to the Public Library Fund.
- Authorizes 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 public library fund unless the association was organized and operating before January 1, 1968, and participated in the proceeds before December 31, 2005.
- Codifies in permanent law the Ohio Public Library Information Network.

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 authorizes 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 if direct deposit is chosen as the desired form of compensation by the board for its employees. In that event, 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. (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.)

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

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 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).)

Name change for the Library and Local Government Support Fund

The bill changes the name of the Library and Local Government Support Fund to the Public Library Fund. (R.C. 127.14, 131.44, 131.51, 133.10, 135.35, 135.352, 321.08, 3375.05, 3375.121, 3375.40, 3375.404, 3375.42, 3375.85, 5705.28, 5705.281, 5705.31, 5705.32, 5705.321, 5705.37, 5715.36, 5719.041, 5747.03, 5747.46, 5747.47, 5747.48, 5747.51, 5747.52, and Section 3)

Codification of the Ohio Public Library Information Network (OPLIN)

Currently, the Ohio Public Library Information Network (OPLIN) exists as an independent agency within the State Library. It receives a biennial appropriation approved by the State Library Board. The State Library acts as fiscal agent for the network and the network's budget requests are maintained as a separate appropriation line item in the State Library Budget. The board of trustees

of OPLIN is required to use its funding for an information telecommunications network linking public libraries in the state and such other libraries as may participate in the network. Of its current appropriation, up to \$100,000 in each fiscal year must be used to help local libraries purchase or maintain filters to screen out obscene and illegal internet materials. (Section 323.10 of H.B. 119 of the 127th General Assembly.)

The bill codifies the establishment of the network and its board of trustees in permanent statutory law, retaining its current 11 members but staggering their terms. Subsequent terms of office will be for three-year terms. The bill states that a board of library trustees participating in the network under the current biennial budget provision is a participant in the network unless participation is otherwise terminated for failure to comply with policies of the network including those designed to protect juveniles from obscene or harmful materials and performances. The bill designates the types of libraries that also may participate in the network by providing written notice to the network board of trustees. (R.C. 3375.64.)

The bill does not change the current make up of the board of trustees. It will continue to consist of the state librarian, as a nonvoting member, and 11 other members selected by the State Library Board from public library staff and former and present members of boards of trustees of public libraries, based on the recommendations of the library community of Ohio.

The bill authorizes the reappointment of a member of the board of trustees, but limits each member's service to not more than two terms. Members receive their actual and necessary expenses incurred in the performance of their duties as board members. The board is required to meet at least quarterly; additional meetings may be called in accordance with bylaws adopted by the board. (R.C. 3375.65.)

The duties and responsibilities of the board are specified: employ and fix compensation of an executive director and other necessary employees; develop plans of service and operation in consultation with the State Library; have exclusive control of the expenditure of all money held in the name of the network; adopt governing bylaws; and appoint the State Library as fiscal agent for the network. The State Library's fiscal agent responsibilities are specified: prepare and process payroll and other personnel documents as the network board of trustees approves; maintain accounting measures and monitor budgets and allotment plans in consultation with the network board of trustees; provide purchasing services; deposit revenues received on behalf of the board of trustees into the accounts maintained by the board; and perform other routine support services. The bill provides that the board of trustees may enter into contracts, receive funding, bequests and gifts, expend money for network purposes, purchase, lease, or otherwise acquire vehicles and other personal property for the

maintenance and operation of the network; purchase, erect, lease, lease with an option to purchase, appropriate, or otherwise improve, equip, and furnish buildings or parts of buildings and other real property for use by the network; and hold title to and have custody of property, both real and personal, of the network. (R.C. 3375.66.)

The bill provides that if the need for OPLIN ceases to exist, the board of trustees, by a two-thirds vote of the members, may declare its intention to dissolve the network and file a plan for effecting the dissolution with the State Library Board. (R.C. 3375.67.)

HISTORY

| ACTION | DATE |
|---|----------|
| Introduced | 06-13-07 |
| Reported, S. State & Local Gov't & Veterans Affairs | 11-15-07 |
| Passed Senate (32-0) | 12-11-07 |

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