



COUNTY ADVISORY BULLETIN

CAB

Published by: County Commissioners Association of Ohio

209 East State Street • Columbus, Ohio 43215-4309

Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

BULLETIN 2009-01

JANUARY 2009

COUNTY LAW LIBRARY REFORM

BILL: Am. Sub. H.B. 420 (127th General Assembly)

REVISED CODE SECTIONS EFFECTED:

ENACTS: 307.51, 307.511, 307.512, 307.513, 307.514, 307.516, and 3375.50

AMENDS immediately and **REPEALS** effective December 31, 2009: **3375.49**

AMENDS effective January 1, 2010 and adopts new section number: **3375.50**
(becomes **307.515**)

REPEALS effective December 31, 2009: **3375.48, 3375.51, 3375.52, 3375.53 & 3375.56**

REPEALS effective March 30, 2009: **3375.54, 3375.55**

LEAD SPONSOR: Representative Brinkman

HOUSE COSPONSORS: Representatives Evans, McGregor, J., Bubb, Raussen, Blessing, Uecker, Batchelder, Adams, Hughes, Collier, Combs, Patton, Yuko, Stebelton, Hite, Gibbs, Stewart, J., Jones, Webster, Bacon, Schindel, Huffman, Daniels, Dolan, Hagan, J., McGregor, R., Wachtmann, Wagner, Skindell, Fessler, Book, Peterson, Stewart, D., Coley, Goodwin, Domenick, Bolon, Boyd, Brown, Celeste, Core, DeBose, Dodd, Dyer, Flowers, Garrison, Gerberry, Goyal, Hagan, R., Letson, Luckie, Lundy, Mallory, Mecklenborg, Newcomb, Oelslager, Schneider, Setzer, Wolpert, Zehringer

SENATE COSPONSORS: Amstutz, Buehrer, Carey, Faber, Goodman, Harris, Padgett, Schaffer, Schuler, Seitz, Stivers

LAW LIBRARY REFORM PROVISIONS: were originally contained in SB 345, sponsored by Senators Goodman and Wagoner, and were amended into HB 420 by the Senate Finance Committee.

HISTORY:

A county law library association is a private non-profit association. If the association elects to receive fine and penalty money to support its operation of a county law library it then subjects itself to the provisions of ORC Sections 3375.48 through 3375.56. Although the association is responsible for the management of the county law library, it operates independently of the county government. The provision of public funding from court fines and penalties is provided by statute in ORC Sections 3375.50 to 3375.53. The non-profit association is obligated to

provide admission to its law library and the use of its books, materials, and equipment free of charge to county offices, courts, municipalities, townships, and members of the General Assembly. Recent changes (HB 66 - 126th General Assembly) authorize the association's board of trustees to both appoint and fix the compensation for a librarian and additional persons to act as assistant librarians.

The county commissioners are also directed by law (ORC 3375.49) to provide the private non-profit association with public support in three ways:

1. To pay a percentage of the compensation of the law library's librarian and up to two assistant librarians.
2. To provide space and utilities in the county courthouse or in any other building located in the county seat for the use of the law library subject to partial reimbursement from the association, and
3. To provide the furniture and fixtures for the law library.

Prior to 2007 the county was totally responsible for paying staff compensation and providing space. HB 66 and HB 363 of the 126th General Assembly established a phase out of the county's responsibility for staff compensation and space over a five year period beginning in calendar year 2007 and ending with the association's acceptance of complete responsibility for compensation in calendar year 2011 and space, utilities and fixtures in calendar year 2012. [NOTE: HB 420 repeals the phase out provisions. For calendar year 2009 only, the county is again totally responsible for paying staff compensation and providing space.]

In response to concerns regarding the phase-out of the county's general fund responsibility to the county law library association HB 66 also created a 13 member task force comprised of legislators and representatives from the bar, law libraries, judges and county commissioners to make recommendations to the legislature regarding the appropriate structure, funding, and administration of county law libraries in the future. This task force, which met over a two year period, provided a forum to challenge the statutory phase out provisions and raise various other issues about the future of law libraries. The recommendations of the final report issued by the task force served as the basis for the provisions of SB 345.

The provisions of HB 420 reform the county law library structure to provide public oversight and management of public dollars directed toward law libraries from fine and penalty moneys imposed by the state. Counties have always expressed a concern that the law library associations, as private non-profit associations, received the fine and penalty money and managed it on their own without any public scrutiny. Beginning in 2010, the County Law Library Resources Board, which is a public agency, will manage the legal resource needs of the county, including the county law library. The board will submit and have its budget approved by the commissioners. A component of this budget will be the appropriation of the fine and penalty money which will be deposited in the county law library resources fund which is established as a special revenue fund within the county treasury.

IMPORTANT DATES – TIME LINE:

January 1, 2009 through December 31, 2009 – county pays the full compensation [set by the County Law Library Association board of trustees] of the law librarian and up to two assistants and pays the cost of space and utilities for the law library [furniture and fixtures are responsibility of County Law Library Association]

January 1, 2009 – county contribution phase out provisions of HB 66 are repealed

July 1, 2009 – the 5 members of the County Law Library Resources Board must be appointed by this date – county commissioners have two appointments

July 1, 2009 through December 31, 2010

- Two additional persons appointed by the County Law Library Association Board of Trustees serve as members of the County Law Library Resources Board [the Board is comprised of seven members during this time]
- Transition Advisory Council exists– members are the board of trustees of the County Law Library Association

July 15, 2009 – County Law Library Resources Board must hold its initial meeting on or before this date

County Commissioner’s budget process for calendar year 2010 - County Law Library Resources Board submits budget request and has its 2010 budget approved by the board of county commissioners

December 31, 2009

- County Law Library Association’s responsibility for management of the county law library ends.
- Last day County Law Library Association receives fine and penalty money.
- County obligations to County law Library Association end.

January 1, 2010

- County Law Library Resources Board begins management of legal resources needs of the county and the county law library.
- County Law Library Resources Fund is effective – exists as a special revenue fund within the county treasury into which is deposited all fine and penalty money allocated to the County Law Library Resources Board and any appropriations permissively made to the Law Library Resources Fund from the general fund by the commissioners.
- Fine and penalty money now directed to the county

On or before January 1, 2010 - County Law Library Association is to transfer to the county both of the following:

- All unspent fines and penalties in the law library's general fund and retained moneys collected pursuant to ORC Sections 3375.50 to 3375.53

- All personal property that the association can reasonably identify as having been purchased by the fines and penalties in the law library's general fund or retained moneys fund collected pursuant to ORC Sections 3375.50 to 3375.53

July 1, 2010 – CCAO must make initial appoints of two members to the Statewide Consortium of County Law Library Resources Boards by this date – one appointment must be a chief administrator of a County Law Library Resources Board

January 1, 2011

- Statewide Consortium of County Law Library Resources Boards is effective.
- Statewide Consortium of County Law Library Resources Boards Fund is established within the state treasury – the annual county assessments for the Statewide Consortium are deposited into this fund.
- County Law Library Resources Board may, at their discretion, create and appoint an Advisory Council – members appointed to the Advisory Council must be persons engaged in the private practice of law and have experience in the operation and funding of law libraries

On or before February 15, 2011 and each year thereafter – county treasurers' are to have deposited their County Law Library Resources Board's annual assessment for the Statewide Consortium

WHAT HAPPENS IN 2009:

2009 is envisioned to be a year of transition culminating in the transfer of management of the law library from the private nonprofit County Law Library Association [LLA] to the County Law Library Resources Board [LLRB] on January 1, 2010.

HB 420 repealed the 5 year phase out schedules for county obligations to the LLA regarding the payment of compensation and provision of space. During calendar year 2009 the county is again totally responsible for paying staff compensation for the law librarian and up to two assistants and providing space and utilities for the LLA for what is the association's final year of operating the county law library. Also during 2009 the LLA becomes responsible for the costs of any furniture or fixtures they acquire. [ORC 3375.49. as amended by the Act]

Although the LLRB does not assume management of the county law library until January 1, 2010, the board appointments are to be completed by July 1st, and its first meeting must be held by July 15th. It is expected that the LLRB will be actively engaged with the LLA in learning about the law library's operation, budget and services and effectuating a smooth transition of management over the course of 2009. To further promote cooperation and coordination the LLA Board of Trustees will also serve as a "Transition Advisory Board" to the LLRB and the LLRB will initially be comprised of seven members - the 5 appointed members and 2 additional members appointed by the LLA Board of Trustees.

The following subjects, each discussed more thoroughly below, should be addressed during the 2009 transition year:

1. Appointment of the LLRB members – commissioners are urged to discuss the consideration of appointees and appointments with the other appointing authorities to the LLRB with the view to appointing individuals who understand the new system and have a management philosophy that is consistent with the goals the commissioners, judges and prosecutor want to achieve. While the appointments must be made prior to July 1, the sooner the members are appointed the sooner they can begin to work together toward a successful transition.
2. Development of the calendar year 2010 LLRB budget which must be submitted to and approved by the commissioners as any other county department, agency, board or office budget.
3. Consideration of the staffing desired by the LLRB which should include determining whether current LLA employees will be retained and the transfer of their accrued benefits earned as LLA employees.
4. Negotiations and agreements regarding the identification of personal property of the LLA that should be or that might be transferred to the county and accounting procedures to identify the appropriate amount of cash from the LLA's general fund which ought to be transferred to the county.
5. The appropriate role for the Transition Advisory Board and the relationship between it and the LLRB.

COUNTY LAW LIBRARY RESOURCES BOARD:

New ORC Sections **307.51, 307.511, 307.512, 307.513, 307.514, 307.515, and 307.516** govern the organization, operation and responsibilities of a County Law Library Resources Board [LLRB] in each county. The LLRB begins its work toward transition not later than July 15, 2009, and assumes responsibility for the management of the legal resources for the county effective January 1, 2010. The new LLRB consists of five members who are appointed by the commissioners, judges and prosecutor. The LLRB budget is subject to appropriations made by the board of county commissioners.

Mission of the County Law Library Resources Board:

The LLRB is charged with the responsibility of providing legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county and managing the coordination, acquisition, and utilization of legal resources. [ORC 307.51(B)]

County Law Library Resources Board membership:

The LLRB is comprised of five members who must be residents of the county, must be appointed by July 1, 2009 [ORC 307.511(D)], and are appointed as follows [ORC 307.511(A)]:

The prosecuting attorney of the county appoints one member [initial term expires December 31, 2010]

1. The administrative judges or presiding judges of all municipal courts and county courts within the county shall meet to appoint one member. The person must be an attorney

licensed to practice law in the state and in good standing before the Supreme Court of Ohio [initial term expires December 31, 2011]

2. The administrative judge or presiding judge of the court of common pleas of the county shall appoint one member. The person must be an attorney licensed to practice law in the state and in good standing before the Supreme Court of Ohio [initial term expires December 31, 2012]
3. The board of county commissioners appoints two members. There are no restrictions placed upon who may be appointed. The one member's initial term expires December 31, 2013. The second member's initial term expires December 31, 2014 and this member shall be the chairperson of the LLRB board until December 31, 2010 after which time the LLRB shall select a chairperson from among its members.

After the expiration of the initial terms all members shall serve five year terms, with each term ending on the same day and month as the term it succeeds [ORC 307.511(D)]. A vacancy is to be filled within sixty days after the vacancy occurs and in the same manner as provided for by the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. [ORC 307.511(E)].

NOTE: During the period of July 1, 2009, through December 31, 2010, the LLRB consists of seven members – the five appointed members and two members who are residents of the county appointed by the board of trustees of the LLA [ORC 307.511(C)]

NOTE: A member of the board of trustees of an LLA may serve as a member of the LLRB if they disclose each membership to both the board of trustees of the LLA and the LLRB [ORC 307.511(F)]

LLRB meetings:

The LLRB shall hold its first meeting on or before July 15, 2009. This initial meeting shall be held at the office of the board of county commissioners at a time that the chairperson of the LLRB determines. Thereafter, the LLRB shall meet at least four times a year, as determined by the chairperson or at any other time as determined by a majority of the members of the LLRB. A majority of the members of the LLRB constitutes a quorum at any regular or special meeting. [ORC 307.512]

Employees of the LLRB:

The LLRB must employ a county law librarian who is the chief administrator of the County Law Library Resources Board. The LLRB, at its discretion, may also employ any additional staff to perform any functions the LLRB describes. The LLRB establishes the compensation for all of its employees who shall all be in the unclassified civil service of the county [ORC 307.51(C)]

POWERS AND DUTIES OF THE LLRB:

Rule making authority:

Rule making authority is conferred on the LLRB by ORC Section 307.51(D)

The LLRB is required to adopt rules regarding the following matters:

1. The expenditure of funds that are appropriated for its use pursuant to Division (B) of ORC Section 307.513
2. Public access and hours of operation of the law library;
3. Fees for services [which do not include fees for access to the law library]. Any fees collected are to be deposited by the LLRB employees into the County Law Library Resources Fund;
4. The receipt of gifts to the County Law Library Resources Fund.

The board may also adopt any other rules it considers necessary for its operation.

The LLRB is specifically precluded from charging any fee for access to the law library or for any service provided to any member of the general assembly or to any officer or employee of a county, municipal, or township government or court located within that county when the officer or employee is acting within the scope of the officer's or employee's employment.

Contracting authority:

Subject to the approval of the board of county commissioners, the LLRB may contract with other county LLRBs, the Statewide Consortium of Law Library Resources Boards, private entities, or public agencies for the provision of any services that the LLRB considers necessary. [ORC 307.51(F)]

Recommendation of a multi-county commission:

The LLRBs of two or more adjacent counties may recommend to their respective boards of county commissioners that their counties form a Multi-county Law Library Resources Commission for the purpose of collaborating on behalf of the member counties in carrying out any or all of the duties and responsibilities conferred upon a County Law Library Resources Board by ORC Sections 307.51 to 307.516. Upon receiving such recommendation from their LLRB's the boards of county commissioners of those counties may then enter into a contract to form a Multi-county Law Library Resources Commission. [ORC 307.516]

FISCAL MATTERS:

The financial matters of the LLRB are governed by ORC Sections **307.513** and **307.514**.

County Law Library Resources Fund:

Effective January 1, 2010, the County Law Library Resources Fund is created in the county treasury. All fine and penalty money received by the county pursuant to ORC Section 307.515 and any fees for services charged pursuant to Division (D)(1) of ORC Section 307.51 are by law deposited into this special fund within the county treasury. This fund also receives general funds appropriated to it by the board of commissioners and any money designated for deposit into the fund by gift or bequest from any person, firm, or corporation. All expenditures of the LLRB are made by warrant against this specific County Law Library Resources Fund and are subject to appropriation by the board of county commissioners.

LLRB Budget and Appropriation:

The LLRB as a county agency is subject to the general county budgeting process and pursuant to ORC Section 307.513 is required to prepare an annual estimate of the revenue and expenditures it anticipates for the LLRB for the calendar year and submit this estimate to the board of county commissioners as provided in ORC Section 5705.28. The estimate of expenses shall be sufficient to provide for the operation of the LLRB for that calendar year. The estimate of revenue shall clearly specify the source of the revenue and shall include a specific request for monies to be appropriated to the County Law Library Resources Fund from the county general fund for the ensuing fiscal year.

The board of county commissioners may chose, but is not obligated, to appropriate funds from the county general fund to the County Law Library Resources Fund for the use of the LLRB.

Within fifteen days after the adoption of the annual appropriation measure pursuant to ORC Section 5705.38, the board of county commissioners is to transfer fifty per cent of the annual general fund appropriation, if any, to the County Law Library Resources Fund. The board then transfers the remaining fifty per cent of the annual general fund appropriation to the Fund not later than July 15 of each year.

Fiscal management procedures:

The funds appropriated by the board of county commissioners from the County Law Library Resources Fund shall be disbursed by the county auditor's warrant drawn on the county treasury within five days after receipt of a voucher approved by the county law librarian pursuant to procedures established by the LLRB under their mandatory rule making authority provided for in ORC Section 307.51(D)

Fine and penalty money remain as revenue source for LLRB:

The current provisions of law allocating fine and penalty money collected by the various courts within the county to fund the county law library are not altered by HB 420. The funding scheme remains the same. However, on January 1, 2010 the LLA will stop receiving this funding and the LLRB will begin to receive this funding as it will be deposited into the County Law Library Resources Fund. The only change made in HB 420 was to consolidate the several current sections [ORC 3375.50, 3375.51, 3375.52 and 3375.53] regarding the allocation of fine and penalty money to a new single new section, ORC Section 307.515.

LLRB TO ACT A CLEARING HOUSE FOR LEGAL RESOURCES:

One of the primary purposes for reform of the county law library system is to bring greater coordination and cooperation to the acquisition of legal resources for the entire county. This goal is facilitated to some extent by ORC Section 307.51(G) which requires all county offices to first consult with and seek the approval of the LLRB before any legal resource material is purchased or contracted for. The language provides that after January 1, 2010, no county office is to purchase, lease, rent, operate, or contract for the use of any legal research or reference materials available in print, audio, visual, or other medium or, any equipment necessary to support the utilization of that medium without prior approval of the LLRB. However, if the LLRB denies approval the county office, none the less may proceed with its purchase or contract. This language is not nearly as strong as the CCAO would have liked and it also does not apply to the judges or courts. It is, however, a step in the right direction at an attempt to facilitate cooperation and coordination in the acquisition of legal resources for the benefit of the entire county.

EMPLOYMENT BY LLRB OF FORMER LLA EMPLOYEES:

Significant concern and attention was directed towards the status of LLA employees who, in essence, will lose their jobs and be employed as new hires by the county. **SECTION 311** of the Act addresses this issue. With respect to a person employed by a law library association referred to in ORC Section 3375.48, as repealed by this act, immediately preceding the effective date of this section and upon that person's employment by a County Law Library Resources Board, with regard to these individuals the LLRB board is to use the following methods for determining the employee's vacation accrual rate and credit for accrued but unused vacation leave and sick leave:

1. For an LLA employee whose compensation was paid by the county upon warrant of the county auditor, the county LLRB is to do all of the following:
 - a. Credit to the employee accrued but unused sick leave acquired during service with the LLA as if the employee were transferring from one public agency to another public agency pursuant to ORC Section 124.38;
 - b. Consider all of the employee's prior service with the LLA as service with the county for purposes of determining years of service pursuant to ORC Section 325.19;
 - c. One of the following:
 - 1) Compensate the employee for accrued but unused vacation leave acquired during service with the LLA at the employee's final rate of pay while employed by the LLA, except that this compensation of vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under ORC Section 325.19;
 - 2) Credit to the employee accrued but unused vacation leave acquired during service with the LLA, except that this credited vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under ORC Section 325.19

2. For those employees of the LLA whose compensation was paid by the LLA, the LLRB may do either of the following by adopting a resolution. This resolution shall not be effective if the board of county commissioners rejects the resolution within thirty days after receiving the resolution from the LLRB:
 - a. Credit to the employee all or any part of accrued but unused sick leave acquired during service with the LLA as if the employee were transferring from one public agency to another public agency pursuant to ORC Section 124.38
 - b. Consider all or any part of the employee's prior service with the LLA as service with the county for purposes of determining years of service pursuant to ORC Section 325.19

TRANSFER OF ASSETS FROM LLA TO LLRB:

SECTION 309 of the Act concerns the transfer of assets and cash of the LLA that can be readily traced as originating from fine and penalty money which the LLA received. On or before January 1, 2010, the LLA is to transfer both of the following to the county's LLRB:

1. All unspent fines and penalties in the law library's general fund and retained moneys fund collected pursuant to ORC Sections 3375.50 to 3375.53 which direct certain portions of the fine and penalty money assessed by the county's courts to the use of the LLA
2. All personal property that the law library association can reasonably identify as having been purchased by the fines and penalties in the law library's general fund or retained moneys fund collected pursuant to ORC Sections 3375.50 to 3375.53, as amended or repealed by this Act.

The LLA is allowed to keep all dedicated moneys or personal property that was not purchased with fine and penalty money in the law library's general revenue fund. Although the LLA will no longer manage the county law library its status as a private nonprofit association is not affected by the legislation and the LLA may continue as a nonprofit association if it chooses to do so.

TRANSITION ADVISORY COUNCIL:

The Act in new Section **307.51(E)** mandates the establishment of a Transition Advisory Council but provides no stated purpose or charge for this Council. It is assumed that the Transition Advisory Council will help assist and advise the LLRB regarding issues that are considered during the transition year and the initial operation of the law library during the first year that it is managed by the LLRB. The Act also specifies that the Transition Advisory Council members shall be the members of the board of trustees of the LLA. The Transition Advisory Council exists from the period of July 1, 2009 to December 31, 2010. After that time the LLRB is given the discretion to create an advisory council that is comprised of persons engaged in the private practice of law and with expertise in the operation and funding of law libraries.

MULTI-COUNTY LAW LIBRARY RESOURCES COMMISSION:

Under new ORC Section **307.516** two or more LLRBs from adjacent counties may recommend to their boards of county commissioners that those counties form a Multi-county Law Library Resources Commission. That board of commissioners may then enter into a contract to create a Multi-county Law Library Resources Commission. The Commission may be given the power

to manage any or all of the duties and responsibilities conferred upon a LLRB for the benefit of the member counties.

The contract entered into by the boards of county commissioners shall be for a period of not less than three nor more than 5 calendar years and shall contain provisions regarding all of the following:

1. The structure, management, and responsibilities of the Commission;
2. A process to establish the annual budget for the Commission that includes a requirement that the annual budget be approved by all of the boards of county commissioners of the member counties;
3. Apportioning of the annual operating costs of the Commission to each member county;
4. Designation of the expenditure of funds from the county law library resources fund of each member county;
5. Amendments to the contract.

The members of the Multi-county Law library Resources Commission shall be the chairperson and one other member from each of the participating LLRBs. The LLRB member is to be designated by the members other than the chairman of their respective LLRB.

STATEWIDE CONSORTIUM OF COUNTY LAW LIBRARY RESOURCES BOARDS

ORC Section **3375.481** of the Act creates a Statewide Consortium of County Law Library Resources Boards which is comprised of the County Law Library Resources Board of each county. Although appointments of the members of the consortium board are to be made prior to July 1, 2010, the Consortium begins operation on January 1, 2011.

Statewide Consortium Board membership:

The Statewide Consortium Board is comprised of five members who must be appointed by July 1, 2010 and are appointed as follows:

1. The Librarian of the Supreme Court of Ohio or an individual designated by the Chief Justice
2. A member appointed by the Ohio Judicial Conference [initial term ending December 31, 2014]
3. A chief administrator of a County Law Library Resources Board appointed by the CCAO [initial term ending December 31, 2016]
4. A member appointed by the CCAO [initial term ending December 31, 2014]
5. A member appointed by the Ohio State Bar Association [initial term ending December 31, 2016]

After the expiration of the initial terms all members shall serve five year terms, with each term ending on the same day and month as the term it succeeds. A vacancy is to be filled within sixty days after the vacancy occurs and in the same manner as provided for by the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

Consortium Board meetings:

The Statewide Consortium Board shall meet at least four times per year. It is to keep a record of its proceedings which shall be open to the public for inspection. The Board shall select one of its members as chairperson. The chairperson or the chairperson's designee shall send a written notice of the time and place of each meeting to each member. A majority of the members of the Statewide Consortium Board shall constitute a quorum.

Consortium Board management:

The Board is responsible for establishing the necessary qualifications for and hiring of staff and securing the facilities and equipment necessary for the operation of the Statewide Consortium. Expenses of the Board shall be funded from the Statewide Consortium of County Law Library Resources Boards Fund established in the state treasury. The Board, at its discretion, may also create an advisory council that is comprised of persons with expertise in the operation and funding of law libraries.

Designated Responsibilities for the Consortium Board:

The Board is specifically tasked to do all of the following:

1. Negotiate contracts that each LLRB may use for purchasing or obtaining access to legal research and reference materials available in any medium;
2. Catalogue existing resources held by county law library resources boards and facilitate the sharing of those resources by the county law library resources boards;
3. Develop and recommend guidelines for the collection of or access to legal resources that ought to be provided by a county law library resources board;
4. Provide consultation and assistance to County Law Library Resources Boards;
5. Issue an annual report of its activities to each County Law Library Resources Board.

The Board may also spend money deposited in the Statewide Consortium of County Law Library Resources Boards Fund to provide grants to County Law Library Resources Boards.

Funding the Statewide Consortium:

The Statewide Consortium of County Law Library Resources Boards Fund is established in the state treasury beginning as of January 1, 2011. All counties are assessed a certain percentage of their fine and penalty money receipts from the previous calendar year which are paid over for deposit into this Fund. Initially, the assessment is two percent. Each county treasurer shall transfer their county's assessment to the Statewide Consortium of County Law Library Resources Boards Fund on or before February 15th of each calendar year.

The Consortium Board may recommend in writing and submit to each county LLRB a proposed increase or decrease in the annual percentage of funds that must be deposited into the statewide consortium fund. The Consortium Board shall make a recommendation not later than the first day of April for the proceeding fiscal year and the vote of a county LLRB shall be certified to the Consortium Board not later than June 1 of that year. If the recommendation of the Consortium Board receives the written approval of a majority of the county it shall become effective on January 1 of the succeeding year.

TASK FORCE ON LAW LIBRARY ASSOCIATIONS REESTABLISHED:

SECTION 307 of the Act reestablishes the Task Force on Law Library Associations which was initially created pursuant to Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly. The task Force is comprised of 13 members. CCAO has three members on the Task Force.

It is expected that it will be beneficial to reengage those individuals who spent almost two years evaluating the status of county law libraries and then making the recommendations that were followed in the development of the provisions of SB 345 and eventually incorporated into HB 420. The Task Force is charged with the responsibility of helping to educate the County Law Library Resources Boards with regards to the new structure and organization of county law libraries; facilitating the establishment of the County Law Library Resources Boards; offering advice regarding the transition of the management of county law libraries from the law library associations to the County Law Library Resources Boards; and monitoring the expenditure by counties of their county law library resources funds.

The Task Force is again asked to make and submit a final report. The report is to review and comment on the transition from private nonprofit association to county management of the law library resources. The report is to be made to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate by December 31, 2011.

APPENDIX

RELEVANT STATUTORY PROVISIONS AS ADOPTED IN HB 420

Sec. 307.51. (A) As used in this section, "county office" means any officer, department, board, commission, or agency of a county.

(B) There is hereby created in each county a county law library resources board. The board shall consist of five members who shall be appointed and hold office as provided in section 307.511 of the Revised Code. Beginning on January 1, 2010, subject to appropriation pursuant

to section 307.513 of the Revised Code, the board shall provide legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county and shall manage the coordination, acquisition, and utilization of legal resources.

(C) The board shall employ a county law librarian who shall be the chief administrator of the county law library resources board and may employ additional staff to perform any functions as determined by the board. The board shall fix the compensation of the county law librarian and any additional employees. All employees of the county law library resources board shall be in the unclassified civil service of the county.

(D)(1) The board may adopt any rules it considers necessary for its operation and shall adopt rules for the following:

(a) The expenditure of funds that are appropriated for its use pursuant to division (B) of section 307.513 of the Revised Code;

(b) Public access and hours of operation of the law library;

(c) Fees for services;

(d) The receipt of gifts to the county law library resources fund.

(2) The board shall not charge any fee for any service provided to any member of the general assembly or to any officer or employee of a county, municipal, or township government or court located within that county when the officer or employee is acting within the scope of the officer's or employee's employment.

(3) Fees for services do not include fees for access to the law library. The board shall not charge a fee for access to the law library.

(4) The county law librarian or the librarian's designee shall deposit all fees collected pursuant to this section by any employee of the county law library resources board into the county law library resources fund established pursuant to section 307.514 of the Revised Code.

(E) There is hereby established a transition advisory council that shall consist of those individuals serving as members of the board of trustees of the law library association of the county that, as of the effective date of this section, received fines, penalties, and moneys arising from forfeited bail under sections 3375.50 to 3375.53 of the Revised Code, as amended and repealed by this act. The transition advisory council shall exist from July 1, 2009 to December 31, 2010. After December 31, 2010, the board may create an advisory council that is comprised of persons engaged in the private practice of law and with expertise in the operation and funding of law libraries.

(F) Subject to the approval of the board of county commissioners of the county, the county law library resources board may contract with other county law library resources boards, the statewide consortium of law library resources boards, private entities, or public agencies for the provision of any services that the county law library resources board considers necessary.

(G) After January 1, 2010, no county office shall purchase, lease, rent, operate, or contract for the use of any legal research or reference materials available in print, audio, visual, or other medium or, notwithstanding section 307.842 of the Revised Code, any equipment necessary to support the utilization of that medium without prior approval of the board. If such approval is denied, the county office, notwithstanding section 307.842 of the Revised Code, may purchase, lease, rent, operate, or contract for the use of any legal research or reference materials available in print, audio, visual, or other medium at its own expense.

Sec. 307.511. (A) The five members of the county law library resources board shall be residents of the county and shall be appointed as follows:

(1) The prosecuting attorney of the county shall appoint one member whose initial term shall expire on December 31, 2010.

(2) The administrative judges or presiding judges of all municipal courts and county courts within the county shall meet to appoint one member who is an attorney licensed to practice law in the state and in good standing before the supreme court of Ohio and whose initial term shall expire on December 31, 2011.

(3) The administrative judge or presiding judge of the court of common pleas of the county shall appoint one member who is an attorney licensed to practice law in the state and in good standing before the supreme court of Ohio and whose initial term shall expire on December 31, 2012.

(4) The board of county commissioners shall appoint one member whose initial term shall expire on December 31, 2013.

(5) The board of county commissioners shall appoint one member whose initial term shall expire on December 31, 2014.

(B) The member appointed pursuant to division (A)(5) of this section shall serve as the chairperson of the county law library resources board until December 31, 2010. After that date, the board shall select a chairperson from among the members of the board.

(C) During the period of July 1, 2009, through December 31, 2010, the county law library resources board shall consist of seven members and shall include members appointed pursuant to division (A) of this section and two members who are residents of the county appointed for this period by the board of trustees of the law library association within the county that, prior to the effective date of this section, receives fines, penalties, and moneys arising from forfeited bail pursuant to sections 3375.50 to 3375.53 of the Revised Code, as amended and repealed by this act.

(D) The initial appointments to the county law library resources board as provided in divisions (A) and (B) of this section shall be made on or before July 1, 2009, and for the term specified. Thereafter, terms for all members appointed pursuant to division (A) of this section shall be for five years, with each term ending on the same day of the same month as did the term that it succeeds.

(E) Each member of the board shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Vacancies shall be filled within sixty

days after the vacancy occurs and shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(F) A member of the board of trustees of a law library association may serve as a member of a county law library resources board if the member discloses each membership to the board of trustees of the law library association and the county law library resources board.

Sec. 307.512. Within fifteen days after July 1, 2009, the county law library resources board shall hold its initial meeting at the office of the board of county commissioners at a time that the chairperson of the county law library resources board determines. Thereafter, the board shall meet at least four times a year, as determined by the chairperson or at any other time as determined by a majority of the board. A majority of the members of the county law library resources board constitutes a quorum at any regular or special meeting.

Sec. 307.513. (A) The county law library resources board shall prepare an annual estimate of the revenue and expenditures of the board for the calendar year commencing January 1, 2010, and for each year thereafter, and shall submit that estimate to the board of county commissioners as provided in section 5705.28 of the Revised Code. The estimate of expenses shall be sufficient to provide for the operation of the county law library resources board. The estimate of revenue shall clearly specify the source of the revenue and shall include a specific request for monies to be appropriated to the county law library resources fund established pursuant to section 307.514 of the Revised Code from the county general fund for the ensuing fiscal year.

(B) The board of county commissioners may appropriate funds from the county general fund for the use of the county law library resources board. Within fifteen days after the adoption of the annual appropriation measure pursuant to section 5705.38 of the Revised Code, the board of county commissioners shall transfer fifty per cent of the annual general fund appropriation to the county law library resources fund and shall transfer the remaining fifty per cent of the annual general fund appropriation not later than July 15 of each year. The funds appropriated by the board of county commissioners from the county law library resources fund shall be disbursed by the county auditor's warrant drawn on the county treasury five days after receipt of a voucher approved by the county law librarian pursuant to procedures established by the county law library resources board.

Sec. 307.514. There is hereby created in each county treasury a county law library resources fund, effective January 1, 2010. The fund shall receive all revenue that is required to be deposited into the fund pursuant to division (D)(1) of section 307.51 and section 307.515 of the Revised Code, appropriated to the fund from the general fund by the board of county commissioners pursuant to section 307.513 of the Revised Code, or designated for deposit into the fund by gift or bequest from any person, firm, or corporation. Expenditures from the fund shall be made pursuant to the annual appropriation measure adopted by the board of county commissioners under section 5705.38 of the Revised Code.

Sec. 307.515. [As of January 1, 2010] (A) All fines and penalties collected by, and moneys arising from forfeited bail in, a municipal court for offenses and misdemeanors brought for

prosecution in the name of a municipal corporation under one of its penal ordinances, where there is in force a state statute under which the offense might be prosecuted, or brought for prosecution in the name of the state, except a portion of those fines, penalties, and moneys that, plus all costs collected monthly in those state cases, equal the compensation allowed by the board of county commissioners to the judges of the municipal court, its clerk, and the prosecuting attorney of that court in state cases, shall be retained by the clerk of that municipal court and shall be deposited by the clerk each month in the county law library resources fund that is created under section 307.514 of the Revised Code in the county in which that municipal corporation is located. The sum that the clerk of the municipal court deposits in the county law library resources fund shall, in no month, be less than twenty-five per cent of the amount of such fines, penalties, and moneys received in that month, without deducting the amount of the allowance of the board of county commissioners to the judges, clerk, and prosecuting attorney.

The total amount paid under this section in any one calendar year by the clerks of all municipal courts in any one county to the county law library resources fund shall in no event exceed the following amounts:

(1) In counties having a population of fifty thousand or less, seventy-five hundred dollars and the maximum amount paid by any of such courts shall not exceed four thousand dollars in any calendar year.

(2) In counties having a population in excess of fifty thousand but not in excess of one hundred thousand, eight thousand dollars and the maximum amount paid by any of such courts shall not exceed five thousand five hundred dollars in any calendar year.

(3) In counties having a population in excess of one hundred thousand but not in excess of one hundred fifty thousand, ten thousand dollars and the maximum amount paid by any of such courts shall not exceed seven thousand dollars in any calendar year.

(4) In counties having a population of in excess of one hundred fifty thousand, fifteen thousand dollars in any calendar year. The maximum amount to be paid by each clerk shall be determined by the county auditor in December of each year for the next succeeding calendar year and shall bear the same ratio to the total amount payable under this section from the clerks of all municipal courts in such county as the total fines, costs, and forfeitures received by the corresponding municipal court, bear to the total fines, costs, and forfeitures received by all the municipal courts in the county, as shown for the last complete year of actual receipts, on the latest available budgets of such municipal courts. Payments in the full amounts provided in this section shall be made monthly by each clerk in each calendar year until the maximum amount for such year has been paid. When that amount, so determined by the auditor, has been paid to the county law library resources fund, then no further payments shall be required in that calendar year from the clerk of that court.

(5) This section does not apply to fines collected by a municipal court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code.

(B) The county treasurer, upon the voucher of the county auditor, shall deposit fifty per cent of all moneys collected by a county court accruing from fines, penalties, and forfeited bail, unless otherwise distributed by law, in the county law library resources fund in that county that is

created under section 307.514 of the Revised Code. The county treasurer shall deposit those moneys into that fund within thirty days after those moneys have been paid into the county treasury by the clerk of the county court.

This section does not apply to fines collected by a county court for violations of division (B) of section 4513.263 of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code.

(C) In each county of the state, the clerk of the court of common pleas and the clerk of the probate court shall retain all fines and penalties collected by, and moneys arising from forfeited bail in, the court of common pleas and the probate court of that county for offenses and misdemeanors brought for prosecution in those courts in the name of the state and monthly shall deposit those moneys in the county law library resources fund in that county that is created under section 307.514 of the Revised Code. The total sums so deposited shall not exceed twelve hundred fifty dollars per annum, and when that amount has been deposited in the fund in accordance with this section then no further payments shall be required under this section in that calendar year from the clerks of those respective courts.

This section does not apply to fines collected by a court of common pleas for violations of division (B) of section 4513.263 of the Revised Code, all of which shall be forwarded to the treasurer of state as provided in division (E) of that section.

(D) In each county, the treasurer of the county or the treasurer of the municipal corporation shall deposit monthly fifty per cent of all fines and penalties collected by, and fifty per cent of moneys arising from forfeited bail in, any court in that county for offenses brought for prosecution under Chapters 4301. and 4303. of the Revised Code and the state traffic laws in the county legal resources fund in that county that is created under section 307.514 of the Revised Code. The sum so deposited in that fund by each treasurer shall not exceed twelve hundred dollars per annum under Chapters 4301. and 4303. of the Revised Code, and when that amount has been deposited in that fund in accordance with this section, then no further deposits shall be required under this section in that calendar year from those treasurers.

As used in this section, "state traffic laws" does not include division (B) of section 4513.263 of the Revised Code.

Sec. 307.516. (A) Upon the recommendation of the county law library resources boards of two or more adjacent counties, the boards of county commissioners of those counties may enter into a contract to form a multi-county law library resources commission for the purpose of collaborating on behalf of the member counties in carrying out any or all of the duties and responsibilities conferred upon a county law library resources board by sections 307.51 to 307.516 of the Revised Code. The commission shall administer the contract. Members of the commission shall consist of the chairperson of each participating county law library resources board and one member from each of the county law library resources boards, who shall be designated by the members of each of the county law library resources boards.

(B) The contract shall do all of the following:

(1) Prescribe the structure, management, and responsibilities of the commission;

(2) Provide for a process to establish the annual budget for the commission that includes a requirement that the annual budget be approved by all of the boards of county commissioners of the member counties;

(3) Apportion the annual operating costs of the commission to each member county;

(4) Designate the expenditure of funds from the county law library resources fund of each member county;

(5) Address amendments to the contract.

(C) The contract shall be for a period of not less than three calendar years and not more than five calendar years.

Sec. 3375.49. [as amended and effective during calendar year 2009 – this section as presented here is REPEALED on December 31, 2009] (A) Subject to divisions ~~(B) and (D)~~ of this section, for For the use of the law library referred to in section 3375.48 of the Revised Code as repealed by this act, the board of county commissioners shall provide space in the county courthouse or in any other building located in the county seat, and utilities for that space.

~~(B)(1) Subject to divisions (C) and (D) of this section, through During calendar year 2006 2009, the board of county commissioners shall be responsible for paying the compensation of the librarian and up to two assistant librarians of the law library appointed by the board of trustees of the law library association under section 3375.48 of the Revised Code as repealed by this act and the costs of the space in the county courthouse or other building that the board provides for the use of the law library under division (A) of this section, and the utilities for that space, and furniture and fixtures for the law library.~~

~~(2)(a) In calendar years 2007 through 2010, the board of county commissioners and the board of trustees shall be responsible for paying the compensation of the librarian and up to two assistant librarians appointed under section 3375.48 of the Revised Code as follows:~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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:

~~(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.~~

~~(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.~~

~~(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.~~

~~(iv) In calendar year 2011, the board of county commissioners shall pay twenty per cent, and the board of trustees shall pay eighty per cent.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(D)(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, the board of county commissioners of the county in which the association is located has no further obligation under division (A) of this section 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 under division (B) of this section to make payments for the compensation of the librarian and up to two assistant librarians of the law library appointed under section 3375.48 of the Revised Code 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.~~

~~(2) Division (D)(1) of this section does not apply if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code 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.~~

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

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

SECTION 307. (A) The Task Force on Law Library Associations created pursuant to Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby reconstituted. The appointing authority shall fill any vacancies on the reconstituted Task Force.

(B) The Task Force shall help educate the county law library resources boards with regards to the new structure and organization of county law libraries, facilitate the establishment of the county law library resources boards, including the transition of the management of county law libraries from the law library associations to the county law library resources boards, and monitor the necessary and proper expenditure of the county law library resources fund, as provided for in section 307.514 of the Revised Code.

(C) The Task Force shall submit a final report to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate by December 31, 2011. Upon submission of its report, the Task Force shall cease to exist.

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

SECTION 309. (A) On or before January 1, 2010, a law library association shall transfer both of the following to the county law library resources board in the county in which the law library association is located:

(1) All unspent fines and penalties in the law library's general fund and retained moneys fund collected pursuant to sections 3375.50 to 3375.53 of the Revised Code, as amended or repealed by this act;

(2) All personal property that the law library association can reasonably identify as having been purchased by the fines and penalties in the law library's general fund or retained moneys fund collected pursuant to sections 3375.50 to 3375.53 of the Revised Code, as amended or repealed by this act.

(B) The law library association shall retain all dedicated moneys or personal property that were not purchased with the fines and penalties in the law library's general revenue fund or retained moneys fund.

SECTION 311. With respect to a person employed by a law library association referred to in section 3375.48 of the Revised Code, as repealed by this act, immediately preceding the effective date of this section and upon that person's employment by a county law library resources board, the board shall use the following methods for determining the employee's vacation accrual rate and credit for accrued but unused vacation leave and sick leave:

(A) For the librarian and assistant librarians who received compensation pursuant to section 3375.49 of the Revised Code, as amended and repealed by this act, and were paid upon warrant of the county auditor, the county law library resources board shall do all of the following:

(1) Credit to the employee accrued but unused sick leave acquired during service with the law library association as if the employee were transferring from one public agency to another public agency pursuant to section 124.38 of the Revised Code;

(2) Consider all of the employee's prior service with the law library association as service with the county for purposes of determining years of service pursuant to section 325.19 of the Revised Code;

(3) One of the following:

(a) Compensate the employee for accrued but unused vacation leave acquired during service with the law library association at the employee's final rate of pay while employed by the association, except that this compensation of vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under section 325.19 of the Revised Code;

(b) Credit to the employee accrued but unused vacation leave acquired during service with the law library association, except that this credited vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under section 325.19 of the Revised Code.

(B) For all employees of the law library association not specified in division (A) of this section, the county law library resources board may do either of the following by resolution:

(1) Credit to the employee all or any part of accrued but unused sick leave acquired during service with the law library association as if the employee were transferring from one public agency to another public agency pursuant to section 124.38 of the Revised Code;

(2) Consider all or any part of the employee's prior service with the law library association as service with the county for purposes of determining years of service pursuant to section 325.19 of the Revised Code.

(C) Any resolution the law library resources board adopts pursuant to division (B) of this section shall not be effective if the board of county commissioners rejects the resolution within thirty days of receiving the resolution.