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Final Analysis
Legislative Service Commission

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

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

Reps. Daniels, Brown, Collier, Domenick, Flowers, Lundy, Reinhard, Schneider, Skindell, Bacon, Batchelder, Bolon, Budish, Carmichael, Celeste, Chandler, DeBose, Dyer, Evans, Gardner, Gerberry, Gibbs, Goodwin, Goyal, Hughes, Koziura, Letson, Luckie, Mecklenborg, Patton, Schindel, Setzer, D. Stewart, Ujvagi, Yates, Yuko, Zehringer

Effective date: *

ACT 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 and the name of county library and local government support funds to county public library funds.
- Authorizes fiscal officers of public libraries to pay library employees by direct deposit.
- Adds school district free public libraries to the 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 a private library association from participating in the proceeds of the county public library fund unless the association was organized

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

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

Public library clerks renamed fiscal officers

Continuing 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 free public library must meet in January of each year to elect a clerk, who serves for a term of one year. The act renames the position of the "clerk" as the "fiscal officer." (R.C. 131.18, 149.411, 3375.32, 3375.35, 3375.36, 3375.37, 3375.38, 3375.39, 3375.41, 3375.91, and 3375.92.)

Library employee compensation by direct deposit

Under continuing law, moneys credited to a free public library cannot 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 act creates an exception to this requirement by authorizing 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 a written authorization for payment by direct deposit. The authorization must include the designation of a financial institution that is equipped to accept direct deposits and the number of the account into which the deposit is to be made. The authorization remains in effect until it is withdrawn in writing by the employee or dishonored by the financial institution. (R.C. 3375.351.)

Library records commissions

Continuing law creates a library records commission for each county, municipal, township, county library district, and regional library district free public library.¹ A library records commission reviews applications for disposal of obsolete records and the records retention schedules of these libraries. The act

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

includes school district free public libraries among those for which the law creates a library records commission. (R.C. 149.411.)

Advertising time for competitive bids reduced

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. Formerly, free public library boards of trustees had to advertise for sealed bids on a project for a period of four weeks in a newspaper of general circulation in the district. The act reduces the time period to two weeks. (R.C. 3375.41.)

Library association participation in county library and local government support funds

Under continuing law, a portion of state income tax revenues are credited to the Library and Local Government Support Fund, which is created in the state treasury. Moneys in the fund are distributed by the Tax Commissioner to the several counties and placed in each county's library and local government support fund. (R.C. 5747.47 and 5747.48.) 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.) The county budget commission must consider the requests made by 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 on equal terms. (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 to be public libraries for the purpose of receiving funding if they extend their services to all inhabitants of the county on equal terms. 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 act 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 act changes the name of the Library and Local Government Support Fund to the Public Library Fund and the name of county library and local government support funds to county public library funds. (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 OPLIN and OPLIN's budget is 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 choose to 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 act codifies the establishment of OPLIN for the purpose of ensuring equity of access to electronic information for all residents of Ohio. A board of library trustees participating in OPLIN under the current biennial budget provision continues to be a participant in OPLIN unless its participation is otherwise terminated for failure to comply with policies of OPLIN, including those designed to keep juveniles who use the participant's services from having access to materials or performances that may be obscene or harmful to juveniles and to keep persons who are not juveniles and who use the participant's services from having access to materials or performances that may be obscene. A board of library trustees that is not currently participating in OPLIN may do so by providing written notice to the OPLIN Board of Trustees. (R.C. 3375.64 and Section 4.)

The act does not change the current make up of the OPLIN Board of Trustees. It will continue to consist of the state librarian, as a nonvoting member, and 11 other voting members selected by the State Library Board from among 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. (R.C. 3375.65(A)(1) and (2).)

Under the act, the 11 voting members of the OPLIN Board of Trustees will serve overlapping terms. At the first meeting after the effective date of the act, the current voting members are to draw lots to determine when their terms will end, on June 30, 2008 (three members), June 30, 2009 (four members), or June 30, 2010 (four members). Thereafter, the terms will be for three years. (R.C. 3375.65(A)(2).)

The act authorizes a member of the OPLIN Board of Trustees to be reappointed, 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(B) and (C).)

The duties and responsibilities of the OPLIN Board of Trustees are as follows: (1) employ and fix compensation of an executive director and other necessary employees and designate unclassified positions, (2) develop plans of service and operation for OPLIN in consultation with the State Library, (3) have exclusive control of the expenditure of all money held in the name of OPLIN, (4) adopt bylaws for the governance of OPLIN and for calling and conducting board meetings, and (5) appoint the State Library as fiscal agent for the board. The State Library's fiscal agent responsibilities are as follows: (1) prepare and process payroll and other personnel documents that the board approves, (2) maintain ledgers of accounts and reports of account balances and monitor budgets and allotment plans in consultation with the board, (3) provide purchasing services to facilitate the purchase of property approved by the board, (4) deposit revenues received on behalf of the board into the accounts maintained by the board, and (5) perform other routine support services that the State Librarian or the State Librarian's designee and the board or the board's designee consider appropriate to achieve efficiency. The act provides that the board of trustees may (1) enter into contracts for the purposes of OPLIN and for carrying out its duties and responsibilities, (2) receive grants, payments, bequests, and gifts on behalf of OPLIN, (3) expend money for purposes of OPLIN and in the exercise of its duties and responsibilities, (4) purchase, lease, or otherwise acquire vehicles and other personal property for the maintenance and operation of OPLIN, (5) 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 OPLIN, (6) hold title to and have custody of property, both real and personal, of OPLIN, and (7) generally do all things the board determines necessary to establish, maintain, and improve OPLIN. (R.C. 3375.66.)

The act provides that if the need for OPLIN ceases to exist, the OPLIN Board of Trustees, by a two-thirds vote of its 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
Reported, H. State Gov't & Elections	02-19-08
Passed House (94-0)	03-12-08

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