



# Ohio Legislative Service Commission

## Final Analysis

Bethany Boyd

### S.B. 120

129th General Assembly  
(As Passed by the General Assembly)

- Sens.** Beagle, Seitz, Schaffer, Wagoner, Tavares, Brown, Hite, Hughes, Jones, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Stewart, Wilson
- Reps.** Brenner, Ruhl, Lundy, R. Adams, Anielski, Antonio, Barnes, Beck, Blair, Blessing, Boose, Bubp, Buchy, Carey, Carney, Celeste, Clyde, Conditt, Damschroder, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Goodwin, Goyal, Hackett, Henne, Huffman, Johnson, Kozlowski, Letson, Luckie, Mallory, Martin, McClain, Milkovich, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Pillich, Ramos, Roegner, Schuring, Slaby, Slesnick, Stebelton, Szollosi, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Yuko, Batchelder

**Effective date:** September 30, 2011

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## ACT SUMMARY

- Clarifies that the prosecuting attorney of a county is the legal adviser of all tax-supported public libraries in the county and must prosecute and defend all suits and actions that any tax-supported public library directs or to which it is a party.

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## CONTENT AND OPERATION

### Prosecuting attorney as legal adviser of tax-supported libraries

The act clarifies that the prosecuting attorney of a county is the legal adviser of all tax-supported public libraries in the county and must prosecute and defend all suits and actions that any tax-supported public library directs, or to which it is a party.

Under law retained in part by the act, the prosecuting attorney of a county was the legal adviser of "the board of county commissioners, board of elections, and all other county officers and boards, *including* all tax-supported public libraries," and had to prosecute and defend all suits and actions that "any such *officer or board* directs or to

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\* This version updates the effective date of the act.

which it is a party."<sup>1</sup> *Pietrangelo v. Sandusky Library*, a federal case in the United States District Court for the Northern District of Ohio,<sup>2</sup> disqualified the Erie County Prosecuting Attorney from representing the Sandusky Library because the court decided that the library was not a county board under that language.

Under the act, the prosecuting attorney is the legal adviser of "the board of county commissioners, board of elections, all other county officers and boards, *and* all tax-supported public libraries," and must prosecute and defend all suits and actions that "any such officer, board, *or tax-supported public library* directs or to which it is a party."<sup>3</sup>

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## HISTORY

ACTION	DATE
Introduced	03-15-11
Reported, S. State & Local Government & Veterans Affairs	04-07-11
Passed Senate (32-0)	04-13-11
Reported, H. Local Gov't	05-25-11
Passed House (95-0)	06-14-11

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<sup>1</sup> R.C. 309.09(A).

<sup>2</sup> Case No. 3:09CV2560, 2010 U.S. Dist. LEXIS 58747 (2010).

<sup>3</sup> R.C. 309.09(A).

