



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

S.B. 120

129th General Assembly
(As Passed by the Senate)

Sens. Beagle, Seitz, Schaffer, Wagoner, Tavares, Brown, Hite, Hughes, Jones, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Stewart, Wilson

BILL 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.

CONTENT AND OPERATION

Prosecuting attorney as legal adviser of tax-supported libraries

The bill 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 existing law, the prosecuting attorney of a county is 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 must prosecute and defend all suits and actions that "any such *officer or board* directs or to which it is a party."¹ *Pietrangelo v. Sandusky Library*, a federal case in the United States District Court for the Northern District of Ohio,² disqualified the Erie County Prosecuting Attorney from representing the Sandusky Library because the library was not a county board under this language.

Under the bill, the prosecuting attorney is the legal adviser of "the board of county commissioners, board of elections, all other county officers and boards, *and* all

¹ R.C. 309.09(A).

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

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."³

HISTORY

ACTION	DATE
Introduced	03-15-11
Reported, S. State & Local Government & Veterans Affairs	04-07-11
Passed Senate (32-0)	04-13-11

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³ R.C. 309.09(A).

