



This is intended only as a guide. Readers are encouraged to meet with all interested parties in making the transition from law library association to county law library resources board a successful one for everyone.

Table of Contents

Section One:	Overview	Page 3
Section Two:	Timeline	Page 6
Section Three:	Action Items Prior to July 1, 2009	Page 10
Section Four:	Action Items Prior to January 1, 2010	Page 12
Section Five:	Analysis of HB 420	Page 14
Section Six:	Appendices	Page 27

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Section One: Overview

County law libraries under House Bill 66 (2005-2008)

With the passage of House Bill 66 the statute maintained that the board of county commissioners must 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. Through calendar year 2006, the board of county commissioners was responsible for paying the compensation of the law library's librarian and up to two assistant librarians; the costs of the space in the county courthouse or other building that the board provides for the use of the law library; the utilities for that space; and furniture and fixtures for the law library.

The Revised Code also allocated the responsibility for compensating the librarian and up to two assistant librarians between the board of county commissioners and the board of trustees in calendar years 2007 through 2010 as follows:

Calendar year	Board of county commissioners	Board of trustees of the law library association
2007	80%	20%
2008	60%	40%
2009	40%	60%
2010	20%	80%

Beginning in calendar year 2011, and thereafter, the board of trustees would be responsible for paying the compensation of the librarian and all assistant librarians.

In calendar years 2008 through 2011, the board of county commissioners and the board of trustees were to be responsible for the costs of the space in the county courthouse or other building that the board of county commissioners provided for the use of the law library, the utilities for that space, and the furniture and fixtures for the law library as follows:

Calendar year	Board of county commissioners	Board of trustees of the law library association
2008	80%	20%
2009	60%	40%
2010	40%	60%
2011	20%	80%

Beginning in calendar year 2012, and thereafter, the board of trustees was to 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, the utilities for that space, and the law library's furniture and fixtures.

The law also provided that at any time prior to calendar year 2011, the board of trustees of a law library association may elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians. However, if the board of trustees elects to assume this responsibility, the board of county commissioners of the county in which the association is located has no further obligation to pay the compensation of the law librarian and up to two assistant librarians.

Generally, the law provided that if the board of trustees of a law library association rents, leases, lease purchases, or otherwise acquires space to expand or enlarge the law library, the board of county commissioners of the county in which the association is located is no longer obligated to provide space and utilities for the use of the law library. In such case the board of county commissioners was not obligated to make payments for the compensation of the librarian and up to two assistant librarians and for the costs of space and utilities of the law library and its furniture and fixtures. This provision did not apply, however, if the board of trustees of a law library association 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.

County law libraries under House Bill 420 (December 2008-present)

The bill reverses provisions contained in House Bill 66 and continues to require the board of county commissioners to provide space in the county courthouse or other building located in the county seat, and utilities for that space, for the county law library. The bill also provides that during calendar year 2009 only the board of county commissioners is responsible for paying the compensation of the librarian and up to two assistant librarians appointed by the board of trustees and the costs of the space and utilities for the use of the law library (but not the furniture and fixtures for the law library). The bill repeals all of the other current law provisions described above regarding the payment for the cost of the space for the library, payment of utilities for that space, compensation for librarians and assistant librarians, and costs of furniture and fixtures.

The bill provides that the changes to Ohio Revised Code § 3375.49 took effect December 31, 2008, and outright repeals that section effective December 31, 2009. The bill also requires the county law library resources board to employ a county law librarian as its chief administrator and may employ additional staff to perform any functions as determined by the county law library resources board. The county law library resources board must fix the compensation of the county law librarian and any additional employees, and all employees of the library resources board are in the unclassified civil service of the county.

House Bill 420 creates in each county a county law library resources board to provide legal research, reference, and a library to the county and its municipal corporations, townships, and courts, and sets forth the board's membership and requirements. The county law library resources fund is established in each county treasury to receive all revenue required to be deposited into the fund from various sources.

The county law library resources board is required to prepare an annual estimate of revenue and expenditures of the board beginning with calendar year 2010 that must clearly state the course of the revenue and include a specific request for moneys to be appropriated for the ensuing fiscal year.

The boards of county commissioners of two or more adjacent counties are permitted to form a multi-county law library resources commission to carry out any or all of the duties and responsibilities conferred upon a county law library resources board.

During calendar year 2009 the board of county commissioners must compensate the librarian and up to two assistant librarians and pay for the space and utilities in the county courthouse or other building that the board of trustees of the law library association provides for the use of the law library, and repeals the law establishing those responsibilities in other years effective December 31, 2009.

Beginning January 1, 2010, there is a requirement for the allowance to law libraries from fines and penalties collected in municipal courts, county courts, courts of common pleas, and probate courts and from fines and penalties for violations of liquor laws and state traffic laws be deposited in the county law library resources fund.

The bill establishes a statewide consortium of county law library resources boards comprised of the county law library resources boards of each county, creates a consortium board, specifies its membership and responsibilities, and creates a fund for the board.

The task force on law library associations is reestablished to facilitate the changes in county law library management under the bill.

The act requires a law library association, on or before January 1, 2010, to transfer all unspent fines and penalties in the law library's general fund, retained moneys, and all personal property purchased with such funds to the county law library resources board in the county where the law library association is located. Additionally, a law library association is obligated to 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 Two: Timeline

January 1, 2009: HB 420 takes effect

Laws governing Ohio county law libraries are transferred from Ohio Revised Code chapter 33 (Libraries and Education) of the Ohio Revised Code to chapter 3 (Counties).

- § 307.51 Establishment
- § 307.511 Appointment
- § 307.512 Meetings of boards
- § 307.513 Budget estimates
- § 307.514 County law library resource funds
- § 307.515 Allowance to law libraries from fines and penalties of municipals courts
- § 307.516 Multi-county law library resources commissions

Laws governing the fines and penalties structure are updated to reflect new Ohio county law library resources board.

- § 733.40 Disposition of fines, forfeitures, and costs
- § 1901.31 Clerks; deputy clerks; powers and duties
- § 1907.20 Clerks; bond; compensation; powers and duties; deputies; branch offices
- § 2949.111 Priority of assignment of payments to satisfaction of costs, restitution, fines, and probations fees
- § 4513.35 Disposition of moneys collected

Law creating the consortium of county law libraries takes effect.

- § 3375.481 Consortium of county law library resources board

Task force on law library association is reconstituted to help educate the county law library resources boards with regard to the new structure and organization of county law libraries, facilitate the establishment of the county law library resources boards and monitor the necessary and proper expenditures of the county law library resources funds. The task force will hold its initial meeting prior to July 1, 2009

The proportional transfer of responsibility for salaries and rent is repealed. The county commissioners are responsible for the salaries and benefits of the librarian and up to two employees from the county general fund. The law library associations are no long required to pay for the rent and utilities on their space.

July 1, 2009: Creation of Ohio county law library resources boards

The seven initial members (who shall be residents of the county) of the county law library resources board shall be appointed on or before this date.

- § 307.511(A)(1) The prosecuting attorney shall appoint one members whose term shall expire December 31, 2010

- § 307.511(A)(2) The administrative or presiding judges of all municipal courts shall appoint one members who is a licensed attorney whose term shall expire December 31, 2011
- § 307.511(A)(3) The administrative or presiding judge of the court of common pleas shall appoint one members who is a licensed attorney whose term shall expire December 31, 2012
- § 307.511(A)(4) The board of county commissioners shall appoint one members whose term shall expire December 31, 2013
- § 307.511(A)(5) The board of county commissioners shall appoint one members whose term shall expire December 31, 2014 and who will serve as chairperson of the county law library resource board until December 31, 2010
- § 307.51(C) The county law library resource board shall include two temporary members who are appointed by the board of trustees of the law library association whose terms will end December 31, 2010

July 15, 2009: County law library resource boards shall meet

- § 307.515 On or before this date the county law library resources board shall hold their initial meetings at the office of the board of county commissioners

Between July 15, 2009 and January 1, 2010 (date will vary by county): Budget process

- § 307.513 County law library resources board shall prepare an annual estimate of revenue and expenditures for calendar year 2010 and submit it to the board of county commissioners

January 1, 2010: County law library resources board assumes power

- § 307.51(B) County law library resources board shall provide legal research, reference, and library services to the county and municipal corporations, townships, and courts
- §307.51(B) County law library resources board shall manage the coordination, acquisition, and utilization of legal resources
- §307.5(C) County law library resources board shall employ a county law librarian and fix their compensation, said employees are unclassified civil servants of the county

- §307.51(D) County law library resources board may adopt rules necessary for operation, however no fees shall be charged for services provided to the general assembly or any county, municipal, or township government employee; nor shall there be fees for access to the law library
- §307.51(E) Transition advisory council is established consisting of the members of the board of trustees of the law library association and is in effect until December 31, 2010
- §307.51(G) No county office shall purchase, lease, rent, operate, or contract for the use of legal research or reference materials without prior approval of the county law library resources board
- § 307.514 County law library resources fund is created in each county treasury to receive all revenue required to be deposited by statute, funds appropriated from the county general fund by the county commissioners, and gifts or bequests from any person, firm, or corporation

July 1, 2010: Consortium of county law library resources boards

The five initial members of the consortium of county law library resources boards shall be appointed on or by this date.

- § 3375.481(B) One member shall be the librarian of the supreme court of Ohio or the chief justice's designee
- § 3375.481(B)(1) One member shall be appointed by the Ohio judicial conference
- § 3375.481(B)(2) Two members shall be appointed by the county commissioners association of Ohio, one of whom will be the chief administrator of a county law library resources board
- § 3375.481(B)(3) One member shall be appointed by the Ohio state bar association

December 31, 2010: End of advisory board

- § 307.51(E) Transition advisory council consisting of the members of the board of trustees of the law library association is terminated. The board of trustees of the law library association may continue to exist to manage any private funds belonging to the association
- § 307.511(A)(1) Term of the county law library resources board member appointed by the prosecuting attorney expires

§ 307.51(C) Term of the two temporary members appointed by the board of trustees of the law library association expires

January 1, 2011: Consortium of county law library resources boards fund

§ 3375.481(E) Consortium of county law library resources boards fund is established in the state treasury into which each county treasury shall deposit on or before the fifteenth (15th) day of February each calendar year two percent (2%) of the funds deposited into the county law library resources fund from the immediate preceding calendar year

Section Three: Action Items Prior to July 1, 2009

The following are suggestions of actions to be taken prior to July 1, 2009 when the new county law library resources board must be seated. Not all of these items will pertain to every county.

County Law Library Association

Determine whether any of the board of trustees of the law library association are interested in being appointed to the county law library resources board and if so contact appointing authorities to let that be known. Select two members of the law library association board of trustees to serve as the temporary members of the county law library resources board until December 31, 2010. Arrange for an independent CPA to certify which of the funds are statutory and which are private. Determine board counsel and meet with them to establish preliminary guidelines.

Office of Management and Budget

Meet with county finance manager to discuss budget process and what will be expected in the annual budget including a list of line items. Discuss how county departments pay bills and the steps necessary to make the transition from the law library association's current bill paying methods.

Prosecuting Attorney

Discuss potential county law library resources board member appointments. Remind prosecuting attorney that the chosen board member must be a resident of the county and their term will expire on December 31, 2010.

Administrative or Presiding Judge of the Court of Common Pleas

Discuss potential county law library resources board member appointments. Remind judge that the chosen board member must be a resident of the county, an attorney licensed to practice law in the state, and their term will expire on December 31, 2012.

Administrative or Presiding Judges of the Municipal and County Courts

Discuss potential county law library resources board member appointments. Remind judges that the chosen board member must be a resident of the county, an attorney licensed to practice law in the state, and their term will expire on December 31, 2011.

County Commissioners

Discuss potential county law library resources board member appointments. Remind commissioners that their two chosen board members must be residents of the county. One member's term will expire on December 31, 2013 and one member's term will expire on December 31, 2014. This last member will serve as the first chairperson of the county law library resources board until December 31,

2010 at which time the members of the county law library resources board will select a chairperson from their membership.

Department Heads of County Agencies

Schedule meetings with the department heads or their designee. Educate them on new provisions regarding the purchasing of legal resources. Create a list of vendors and Federal ID numbers in order to begin coordination of purchases. Determine what legal resources they are currently purchasing and prioritize that list with them if possible.

Section Four: Action Items Prior to January 1, 2010

The following are suggestions of actions to be taken prior to January 1, 2010 when the new county law library resources board assumes control. Not all of these items will pertain to every county.

County Law Library Association

Update all policies and procedures of the current association including acquisition and collection development, access to the library, circulation, computer use, and references services. Review all contracts and coordinate and determine with county law library resources board those that can be closed, transferred or retained without penalty until their natural expiration date.

Office of Management and Budget

Review law library revenue and expenditures for the last five years and attempt to create estimates for the next two years. Educate law library personnel on the creation and submission of county budget requests, including a timeline for submission, hearings, adjustments, etc.

Auditor's Office

Establish a process for the year-end transfer of remaining law library association statutory funds, the processing of run-out claims, year-end payroll and checks, and transfer of financial records for auditing purposes. Contact municipal courts and fiscal officers regarding disbursement to the newly created county law library resources board fund. Determine what if any financial reporting is to be done in 2010.

Payroll

Update current law library employees' job descriptions and file with the payroll department. Transfer law library association employees to the county payroll if necessary. Determine responsibility for processing payroll, processing W-2s, payment of workers' compensation, unemployment, etc. Transfer and determine future maintenance of sick and vacation leave records. Coordinate with payroll on employees' PERS status. Determine proper storage of current and past employee records.

Personnel

Conduct new hire orientation for former law library employees including w-4s, health care benefits, life insurance, deferred compensation opportunities, sick and vacation leave transfers, and other county employee benefits as listed in an employee handbook.

Purchasing

Begin transfer of vendor records. Transfer or reinstatement of subscriptions from law library association accounts to county law library resources board accounts.

Investigate options for county government rates for equipment and supplies.
Establish a system of submitting bills for payment.

Risk Management

Determine if insurance policies need to be continued, including liability, valuable papers, general loss or damage, commercial blanket bond. Is OSHA reporting for county law library resources board still necessary?

Data Processing

Determine if there are any necessary change outs of computer hardware, software, license agreements, and software support subscriptions. Connect the law library to the county intra-net with training and support for staff.

Telecommunications

Determine if it is necessary to establish new county telephones, DSL or cable.

Prosecuting Attorney

Inventory the physical property in order to create proper documentation for the transfer of property and funds from the law library association to the county law library resources board.

Records Retention

Determine retention schedules and proper classification of documents for law library records.

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Sheriff

Discuss security issues regarding public access to the library and its relationship to courthouse security standards.

Facilities Management

Negotiate an amount and payment arrangement for the space and/or utilities for the law library if necessary.

State of Ohio

Prepare filings attendant with either the dissolution of the association or the change in purpose. Prepare address, phone, and tax identification number change with the Secretary of State and the IRS.

Section 5: Analysis of House Bill 420

Summary

House Bill 420 creates in each county a county law library resources board to provide legal research, reference, and a library to the county and its municipal corporations, townships, and courts, and sets forth the board's membership and requirements.

Creates a county law library resources fund in each county treasury to receive all revenue required to be deposited into the fund, appropriated to the fund from the general fund by the board of county commissioners, or designated for deposit by gift or bequest.

Requires a county law library resources board to prepare an annual estimate of revenue and expenditures of the board beginning with the calendar year commencing January 1, 2010, that must clearly state the course of the revenue and include a specific request for moneys to be appropriated for the ensuing fiscal year.

Allows the boards of county commissioners of two or more adjacent counties to form a multi-county law library resources commission to carry out any or all of the duties and responsibilities conferred upon a county law library resources board.

Requires that during calendar year 2009 the board of county commissioners compensate the librarian and up to two assistant librarians and pay for the space and utilities in the county courthouse or other building that the board of trustees of the law library association provides for the use of the law library and repeals the law establishing those responsibilities in other years effective December 31, 2009.

Requires that beginning January 1, 2010, the allowance to law libraries from fines and penalties collected in municipal courts, county courts, courts of common pleas, and probate courts and from fines and penalties for violations of liquor laws and state traffic laws be deposited in the county law library resources fund.

Creates a statewide consortium of county law library resources boards comprised of the county law library resources boards of each county and creates a consortium board and specifies its membership and responsibilities.

Creates the statewide consortium of county law library resources boards fund.

Reconstitutes the task force of law library associations.

Requires a law library association, on or before January 1, 2010, to transfer all unspent fines and penalties in the law library's general fund, retained moneys, and

all personal property purchased with such funds to the county law library resources board in the county where the law library association is located.

Requires the law library association to retain all dedicated moneys or personal property that was not purchased with the fines and penalties in the law library's general revenue fund or retained moneys fund.

Analysis

County law library resources board Ohio Revised Code § 307.51 (Repeals ORC § 3375.48 and § 3375.55)

Under current law, a law library association receiving fines and penalties, and moneys arising from forfeited bail, under ORC § 3375.50 to § 3375.53, must furnish to all of the members of the General Assembly, its county's officers, its county's judges, and the officers of municipalities and townships in the county, admission to the association's law library and the use of its books, materials, and equipment free of charge. The association's board of trustees may appoint a person to act as librarian and additional persons to act as assistant librarians. The board is responsible for fixing and paying the compensation of those persons.

Operation of the Bill Creation of the board

The bill outright repeals ORC § 3375.48 effective December 31, 2009 and ORC § 3375.55 effective on the 91st day after the effective date of the bill and instead creates a county law library resources board in each county. The new board will consist of five members who are appointed and hold office as provided below. Beginning on January 1, 2010, subject to appropriations made by the board of county commissioners, each county law library resources board must provide legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county and must manage the coordination, acquisition, and utilization of legal resources.

Powers of board

The county law library resources board may adopt any rules it considers necessary for its operation and must adopt rules for the following:

- (a) The expenditure of funds that are appropriated for its use by the board of county commissioners;
- (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.

The county law library resources board cannot 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 employment. The bill prohibits the county law library

resources board from charging a fee for access to the law library. It also requires the county law librarian or the librarian's designee to deposit all fees collected by any employee of the county law library resources board into the county law library resources fund established pursuant to the bill.

Advisory council

The bill establishes a transition advisory council consisting 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 of the bill (which is immediate because of the emergency clause), received fines, penalties, and moneys arising from forfeited bail. The transition advisory council will exist from July 1, 2009, to December 31, 2010. After December 31, 2010, the board may create an advisory council comprised of persons engaged in the private practice of law and with expertise in the operation and funding of law libraries.

Contracting to provide services

Subject to the approval of the board of county commissioners, the bill permits the county law library resources board to contract with county law library resources boards of other counties, 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.

County offices obtaining materials

After January 1, 2010, county offices are prohibited from purchasing, leasing, renting, operating, or contracting for the use of any legal research or reference materials available in print, audio, visual, or other medium or, notwithstanding the law governing the county automatic data processing board, any equipment necessary to support the utilization of that medium without prior approval of the county law library resources board. The bill provides that if approval is denied, the county office 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. A "county office" is defined as any office, department, board, commission, or agency of a county.

Membership of the county law library resources board Ohio Revised Code § 307.511

The bill requires the five members of each county law library resources board to be residents of the county and be appointed as follows:

- (1) The prosecuting attorney of the county appoints one member whose initial term expires on December 31, 2010.
- (2) The administrative judges or presiding judges of all municipal courts and county courts within the county appoint as a member an attorney licensed to practice law in Ohio who is in good standing before the

Supreme Court of Ohio and whose initial term expires on December 31, 2011.

(3) The administrative judge or the presiding judge of the court of common pleas of the county appoints as a member an attorney licensed to practice law in Ohio who is in good standing before the Supreme Court of Ohio and whose initial term expires on December 31, 2012.

(4) The board of county commissioners appoints one member whose initial term expires on December 31, 2013.

(5) The board of county commissioners appoints one member whose initial term expires on December 31, 2014.

The bill requires the initial appointments to each county law library resources board to be made on or before July 1, 2009, and for the terms specified. Thereafter, terms for all members appointed will be for five years, with each term ending on the same day of the same month as did the term that it succeeds. The member appointed pursuant to (5) above serves as the chairperson of the county law library resources board until December 31, 2010, after which the county law library resources board selects a chairperson from among its members.

The bill also provides that from July 1, 2009, through December 31, 2010, each county law library resources board will consist of seven members. Along with the members appointed pursuant to (1) through (5) above, two additional members who are residents of the county must be appointed for this period by the board of trustees of the law library association in a county that, prior to the effective date of the bill, received fines, penalties, and moneys arising from forfeited bail.

The bill requires each member of the county law library resources board to hold office from the date of appointment until the end of the member's term. Vacancies must be filled within 60 days in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of a term must hold office for the remainder of that term. A member must continue in office subsequent to the expiration date of the member's term until a successor takes office or until a period of 60 days has elapsed, whichever occurs first.

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 both the board of trustees of the law library association and the county law library resources board.

Meetings and quorum of the county law library resources board Ohio Revised Code § 307.512

The bill provides that each county law library resources board must hold its initial meeting within 15 days after July 1, 2009, 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 must 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.

Annual estimate and appropriation of funds Ohio Revised Code § 307.513

The bill requires each county law library resources board to prepare an annual estimate of the revenue and expenditures of the county law library resources board for the calendar year commencing January 1, 2010, and for each year thereafter. The county law library resources board must submit that estimate to the board of county commissioners as provided in the law governing a taxing authority's adoption of a tax budget. The estimate of expenses must be sufficient to provide for the operation of the county law library resources board. The estimate of revenue must clearly specify the source of the revenue and must include a specific request for moneys to be appropriated to the county law library resources fund from the county general fund for the ensuing fiscal year.

The bill allows the board of county commissioners to appropriate funds from the county general fund for the use of the county law library resources board. Within 15 days after its adoption of the annual appropriation measure required of all taxing units, the board of county commissioners must transfer 50% of the annual general fund appropriation to the county law library resources fund and must transfer the remaining 50% no later than July 15 of each year. Under the bill, the funds appropriated by the board of county commissioners for the county law library resources fund must 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.

County law library resources fund Ohio Revised Code § 307.514

The bill creates in each county treasury a county law library resources fund, effective January 1, 2010. The fund will receive all revenue that is required to be deposited into the fund pursuant to the bill, appropriated to the fund from the general fund by the board of county commissioners, or designated for deposit into the fund by gift or bequest. Expenditures from the fund must be made pursuant to the annual appropriation measure adopted by the board of county commissioners.

Multi-county law library resources commission Ohio Revised Code § 307.516

The bill provides that 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. The purpose of the commission is to collaborate in carrying out any or all of the duties and responsibilities conferred upon a county law library resources board by the bill. Members of the commission must consist of the chairperson of each participating county law library resources board and one additional member from each of the county law library resources boards. The commission must administer the multi-county

contract. Any such contract must be for a period of not less than three, but not more than five, calendar years and must 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.

Responsibilities of the board of county commissioners with respect to the law library Ohio Revised Code § 307.51(C) and § 3375.49 (Amends and repeals ORC § 101.03 and § 503)

Under HB 66, the board of county commissioners must 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. Through calendar year 2006, the board of county commissioners is responsible for paying the compensation of the law library's librarian and up to two assistant librarians; the costs of the space in the county courthouse or other building that the board provides for the use of the law library; the utilities for that space; and furniture and fixtures for the law library.

House Bill 66 also allocated the responsibility for compensating the librarian and up to two assistant librarians between the board of county commissioners and the board of trustees of the law library association in calendar years 2007 through 2010 as follows:

Calendar year	Board of county commissioners	Board of trustees of the law library association
2007	80%	20%
2008	60%	40%
2009	40%	60%
2010	20%	80%

Beginning in calendar year 2011 and thereafter, the board of trustees of the law library association is responsible for paying the compensation of the librarian and all assistant librarians.

In calendar years 2008 through 2011, the board of county commissioners and the board of trustees of the law library association are 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, the utilities for that space, and the furniture and fixtures for the law library as follows:

Calendar year	Board of county commissioners	Board of trustees of the law library association
2008	80%	20%
2009	60%	40%
2010	40%	60%
2011	20%	80%

Beginning in calendar year 2012 and thereafter, the board of trustees of the law library association is 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, the utilities for that space, and the law library's furniture and fixtures.

House Bill 66 also provides that at any time prior to the calendar year 2011, the board of trustees of the law library association may elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians. If the board of trustees elects to assume this responsibility, the board of county commissioners of the county in which the association is located has no further obligation to pay the compensation of the law librarian and up to two assistant librarians.

Generally, current law provides that if the board of trustees of a law library association rents, leases, lease purchases, or otherwise acquires space to expand or enlarge the law library, the board of county commissioners of the county in which the association is located is no longer obligated to provide space and utilities for the use of the law library. In such case the board of county commissioners is not obligated to make payments for the compensation of the librarian and up to two assistant librarians and for the costs of space and utilities of the law library and its furniture and fixtures. This provision does not apply, however, if the board of trustees of a law library association 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.

Operation of the bill

The bill continues to require the board of county commissioners to provide space in the county courthouse or other building located in the county seat, and utilities for that space, for the county law library. The bill also provides that during calendar year 2009 only the board of county commissioners is responsible for paying the compensation of the librarian and up to two assistant librarians appointed by the board of trustees of the law library association and the costs of the space and utilities for the use of the law library (but not the furniture and fixtures for the law library). The bill repeals all of the other current law provisions described above regarding the payment for the cost of the space for the library, payment of

utilities for that space, compensation for librarians and assistant librarians, and costs of furniture and fixtures.

The bill provides that the amendments described above to ORC § 3375.49 take effect December 31, 2008, and outright repeals that section effective December 31, 2009.

The bill also requires the county law library resources board to employ a county law librarian as its chief administrator and may employ additional staff to perform any functions as determined by the county law library resources board. The county law library resources board must fix the compensation of the county law librarian and any additional employees, and all employees of the county law library resources board are in the unclassified civil service of the county.

Vacation accrual rate and credit for accrued but unused vacation and sick leave
Ohio Revised Code § 311

The bill provides that for a person employed by a law library association immediately preceding the effective date of the bill and upon that person's employment by a county law library resources board, the board must use certain specified methods for determining the employee's vacation accrual rate and credit for accrued but unused vacation leave and sick leave.

Allowance to law libraries from fines and penalties of municipal courts
Ohio Revised Code § 3375.50 (Renumbered to ORC § 307.515)

Current law provides that all fines and penalties collected by, and moneys arising from forfeited bail in, a municipal court for offenses and misdemeanors (1) 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 (2) brought for prosecution in the name of the state, must be retained by the municipal court clerk and paid each month, to the board of trustees of the law library association in the county in which the municipal corporation is located. The sum paid by the clerk to the board of trustees each month must not be less than 25% of the amount of those fines, penalties, and moneys received in that month.

Current law further limits the total amount of such money paid to the trustees of the law library association by the clerks of all municipal courts in any county in any one calendar year based on the size of the county's population, as follows:

County population	Maximum to be paid by all municipal courts in the county	Maximum to be paid by any one municipal court in the county
50,000 or less	\$7,500	\$4,000
50,001 to 100,000	\$8,000	\$5,500
100,001 to 150,000	\$10,000	\$7,000
150,001 or more	\$15,000	Annually determined for each municipal court by the county auditor using the ratio of fines, costs, and forfeitures received by the municipal court in the prior year to those received by all the municipal courts in the county in that prior year.

Operation of the bill

The bill rennumbers ORC § 3375.50 as ORC § 307.515(A) and modifies the above-described provision by removing references to payment to the board of trustees of a law library association and replacing them with references to the county law library resources fund.

Moneys collected by county court Ohio Revised Code § 3375.51 (Repealed and reenacted as ORC §307.515(B))

Current law provides that 50% of all moneys collected by a county court accruing from fines, penalties, and forfeited bail, unless otherwise distributed by law, must be paid to the board of trustees of the law library association of the county by the county treasurer. The bill repeals and reenacts this provision as ORC § 307.515(B) and requires the county treasurer to deposit 50% of all moneys collected by a county court accruing from fines, penalties, and forfeited bail into the county law library resources fund in that county.

Court of common pleas and probate court payment of fines and penalties Ohio Revised Code §. 3375.52 (Repealed and reenacted as ORC § 307.515(C))

Current law provides that all fines and penalties collected by, and moneys arising from forfeited bail in, the court of common pleas and the probate court of each county, for offenses and misdemeanors prosecuted in such courts in the name of the state must be paid monthly by the clerk to the board of trustees of the law library association. The total annual amount paid to the board of trustees cannot exceed \$1,250.00.

The bill repeals and reenacts this provision as ORC § 307.515(C) and instead requires the clerks of the court of common pleas and the probate court to deposit those moneys into the county law library resources fund.

Fines and penalties for violation of liquor law and state traffic laws Ohio Revised Code § 3375.53 (Repealed and reenacted as ORC § 307.515(D))

Current law requires 50% of all fines and penalties collected by, and of moneys arising from forfeited bail in, any court in that county for offenses brought under the liquor control law and law regarding liquor permits (Ohio Revised Code Chapters 4301. and 4303.) and the state traffic laws to be paid monthly by the treasurer of the county or municipal corporation to the board of trustees of the county's law library association. But the sum paid to the board by each treasurer cannot exceed \$1,200.00 per annum under Ohio Revised Code Chapters 4301. and 4303.

The bill repeals and reenacts this provision as Ohio Revised Code § 307.515(D) and provides that the treasurer of the county or the municipal corporation must deposit monthly 50% of all fines and penalties collected by, and 50% of moneys arising from forfeited bail in, any court in that county for offenses brought for prosecution under R.C. Chapters 4301. and 4303. and the state traffic laws into the county law library resources fund.

Report and possible refund of certain funds Ohio Revised Code § 3375.56 (Repealed)

Current law requires the board of trustees of a county law library association to make an annual detailed statement to the county auditor about (1) the money received under ORC § 3375.50 to § 3375.53 and (2) the money expended by the association. If the money received pursuant to those sections during the preceding calendar year exceeds the board's reported expenditure during that year, the board must refund at least 90% of any unencumbered balance on hand from the preceding calendar year to the contributing political subdivisions in the appropriate proportions. The bill outright repeals this section, effective January 1, 2010.

Money used for law books, computer communications equipment, and other equipment and materials Ohio Revised Code § 3375.54 (Repealed)

Current law provides that the money paid to the board of trustees of a law library association under ORC § 3375.50 to § 3375.53 must be expended in its support and operation; to purchase, lease, or rent law books, a computer communications console to access 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 used in the association's law library; and to pay the compensation of any librarian and assistant librarians of the law library. The bill repeals this section, effective on the 91st day after the effective date of the bill.

Statewide consortium of county law library resources boards Ohio Revised Code § 3375.481

The bill creates, effective January 1, 2010, a statewide consortium of county law library resources boards comprised of the county law library resources boards of each county. The bill provides that the consortium board consist of five voting

members, one of whom is the librarian of the Supreme Court of Ohio, or, if the librarian of the Supreme Court is unavailable, the chief justice's designee. The other four members are appointed as follows:

(1) The Ohio judicial conference appoints one member whose initial term ends

December 31, 2014.

(2) The county commissioners association of Ohio appoints two members, one of whom is the chief administrator of a county law library resources board and whose initial term of the chief administrator ends December 31, 2016, and of the other appointee's initial term ends December 31, 2014.

(3) The Ohio state bar association appoints one member whose initial term ends

December 31, 2016.

The bill requires initial appointments to the consortium board to be made on or before July 1, 2010. After the initial terms, all terms are for five years. The bill provides the procedure for filling vacancies on the consortium board.

The bill also requires the consortium board to do all of the following for the benefit of its members:

(1) Negotiate contracts that each county law library resources board 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.

(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 consortium board may create an advisory council comprised of persons with expertise in the operation and funding of county law libraries. The bill also requires the consortium board to determine the necessary qualifications of staff and the facilities and equipment necessary for its operation. The bill requires the consortium board to elect a chairperson from its membership, to meet at least four times per year, and to keep a record of its proceedings. The record must be open to the public for inspection. The bill requires the chairperson or the chairperson's designee to send a written notice of the time and place of each meeting to each member. A majority of the members of the consortium board constitutes a quorum.

Statewide Consortium of County Law Library Resources Boards Fund Ohio Revised Code § 3375.481 (E)

Effective January 1, 2010, the bill creates in the state treasury the consortium of county law library resources boards fund. Beginning in calendar year 2011, each county treasurer, on or before February 15 of each year, must deposit 2% of the funds deposited pursuant to ORC § 307.515 into the county law library resources fund from the immediately preceding calendar year into the statewide consortium of county law library resources boards fund. The consortium board may recommend in writing and submit to each county law library resources board an increase or decrease in the percentage of funds that must be deposited into the fund by county treasurers. Upon the receipt of written approval of the recommendation from a majority of the county law library resources boards, the recommendation becomes effective on January 1 of the succeeding year. The consortium board must make any recommendations not later than the first day of April for the proceeding fiscal year, and any action by a county law library resources board on the recommendation must be certified to the consortium board not later than the first day of June of that year. The bill allows the consortium board to use the money deposited in the fund for its operation and to provide grants to county law library resources boards.

Task Force on Law Library Associations Ohio Revised Code § 307

The bill reconstitutes the Task Force on Law Library Associations created pursuant to H.B. 66 and requires the appointing authority designated by that act to fill any vacancies on the reconstituted task force. The bill requires the task force to help educate the county law library resources boards on the provisions of the bill and facilitate its implementation, including 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 each county law library resources fund. The task force must submit a final report to the Speaker and the Minority Leader of the House of Representatives and the President and the Minority Leader of the Senate by December 31, 2011. Upon submission of its report, the task force ceases to exist. The bill also provides that the sunset review law does not apply to the task force.

Transfer of unspent fines, penalties, and personal property Ohio Revised Code § 309

The bill requires a law library association, on or before January 1, 2010, to transfer both of the following to the county law library resources board in the county in which the association is located:

- (1) All unspent fines and penalties in the law library's general fund and retained moneys collected pursuant to ORC § 3375.50 to § 3375.53;
- (2) 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 § 3375.50 to § 3375.53.

The bill requires the law library association to retain all dedicated moneys or personal property that was not purchased with the fines and penalties in the law library's general revenue fund or retained moneys fund.

Miscellaneous county law library provisions

The bill makes conforming changes with regards to cross references including those to ORC § 733.40, § 1901.024, § 1901.31, § 1907.20, § 2949.111, § 3375.50 and § 4513.35. Those changes, along with the repeal of Ohio Revised Code § 3375.51, § 3375.52, § 3375.53, and § 3375.56 take effect January 1, 2010.

Section 6: Appendices

Appendix 1: Rules of Operation

- Access to the law library
 - County government employees
 - Members of the bar association
 - Public
- Policies for submitting requests for legal resources to the county law library resources board
- Policies for selecting legal resources to purchase
- Policies for reimbursing the county law library resources board fund for legal resources purchased on behalf of other county agencies
- Policies regarding election of officers, keeping minutes, records retention, etc.
- Policies regarding sunshine law
- Policies regarding contracting with other agencies to run the law library

Appendix 2: Fees for Service

Ohio Revised Code § 307.51(D)(3) states that the county law library resources board shall not charge a fee for access to the law library.

Service	Minimum Fee	Maximum Fee
Reference Assistance		
In person	\$0.00	\$50.00/hour
Phone	\$0.00	\$50.00/hour
Email	\$0.00	\$50.00/hour
Copies		
Self service	\$0.00	\$1.00/page
Pick up service	\$0.00	\$1.00/page
Fax	\$0.00	\$2.00/page
Email	\$0.00	\$5.00/email
Internet	\$0.00	\$5.00/day
Databases	\$0.00	\$5.00/day

Appendix 3: Samples

Letters to Department Heads

To County Department Heads,

In late 2008 the Ohio General Assembly passed, and the Governor signed, HB 420 concerning in part Ohio County Law Libraries and funding streams to purchase legal materials for County offices. This bill may impact your department when it takes effect January of 2010.

The Ohio Legislative Services Commission (LSC) gives this interpretation:

After January 1, 2010, county offices are prohibited from purchasing, leasing, renting, operating or contracting for the use of any legal research or reference materials available in print, audio, visual or other medium or, notwithstanding the law governing the county automatic data processing board, any equipment necessary to support the utilization of that medium without prior approval of the library resources board. The bill provides that if approval is denied, the county office 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. A “county office” is defined as any office, department, board, commission or agency of a county.

The new law also provides for a transition period starting in July of 2009. As decisions are made that may impact your department I will try to keep you informed.

Because of County budget cuts in 2009 due to declining income in the General Fund you may have discontinued or postponed the purchase of books, journals, newsletters, etc., for your office. The funding for the County Law Library (in 2010 the County Law Library Resources Board) is from a dedicated stream of fines and penalties, NOT from the General Fund. If there are items you would like the County Law Library to purchase in 2009 and/or which you would like the CLLRB to purchase in 2010 for use by your office, please contact me and we can discuss the procedure.

I welcome the chance to meet with you at your convenience and discuss “what in the world has the legislature done this time.” For those who would like to read more, you can read the full text of HB 420, or the bill analysis, at the LSC website, www.lsc.state.oh.us. You may also want to read the County Commissioners Association of Ohio bulletin 2009-1, found at www.ccao.org, look under publications.

Judith R. Maxwell, J.D., Esq.
Librarian, Delaware County Law Library

To County Department Heads,

You may be aware that the Ohio General Assembly recently passed HB420, regarding Ohio county court law libraries, which may also affect you if you now purchase legal information services or materials. The provisions will take effect 1/1/10; calendar year 2009 is intended to be used as a transition period, to allow counties to work through issues of implementation.

If you now purchase legal information in any form, or would like to, I would welcome the opportunity to meet with you at your convenience. You can tell me what you need, and we can work together to serve your interests in compliance with the upcoming standards.

Sincerely,

Judith Gill
Law Librarian

Journal Entries for Board Appointments

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

IN RE: APPOINTMENT OF MEMBER, :
 COUNTY LAW LIBRARY :
 RESOURCES BOARD : ENTRY

It appearing to the Court that 127 H.B. 420 establishes a County Law Library Resources Board and that 127 H.B. 420, Sec. 307.511(A)(3) requires that 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, and that this appointment be made in advance of the first meeting of the County Law Library Resources Board in July 2009,

IT IS HEREBY ORDERED AND DECREED that based on the requirements of 127 H.B. 420, Sec. 307.511(A)(3), that _____, be appointed to serve a term beginning July 1, 2009 and ending December 31, 2012.

MUNICIPAL COURT
HAMILTON COUNTY, OHIO

IN RE: APPOINTMENT OF MEMBER, :
COUNTY LAW LIBRARY : ENTRY
RESOURCES BOARD :

It appearing to the Court that 127 H.B. 420 establishes a County Law Library Resources Board and that 127 H.B. 420, Sec. 307.511(A)(2) requires that 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, and that this appointment be made in advance of the first meeting of the County Law Library Resources Board in July 2009,

IT IS HEREBY ORDERED AND DECREED that based on the requirements of 127 H.B. 420, Sec. 307.511(A)(2), that _____ be appointed to serve a term beginning July 1, 2009 and ending December 31, 2011.

Contracting Management of County Law Library Resources Board

Model Private Association-CLLRB Contract for the Management
Of the County Law Library

These principles are directed to 127 HB 420 and to ORC Sec. 307.51(F) (allowing a County Legal Resources Board to contract with an association such as an existing law library).

1. The Association and the CLLRB share a common mission and commitments with regard to the provision of quality law library services and resources to the County legal community and to county officials and agencies. The Association wishes to donate without charge its experience in library management to the County through the assistance of the Association for the CLLRB.
2. The CLLRB authorizes the Association to manage the provision of legal research, reference, and library services to the county and municipal corporations, townships, and courts within the county and to manage the coordination, acquisition, and utilization of the Law Library's resources.
3. At its quarterly meetings, the CLLRB shall review and approve quarterly financial reports presented by the Association.
4. Prior to July 1 of each year, the Association, in the person of the Law Librarian and Director, shall present to the CLLRB a proposed budget for the coming fiscal year for its review, approval, and submission to the County budget office.
5. The Association and the CLLRB are committed to sharing of experience, including of financial information related to operations, and will address any revenue shortfalls or other urgent financial issues in a timely manner. In the event of a revenue shortfall from the statutory fines income, the CLLRB may request General Fund monies as provided in the 2008 statute, and/or may present a request to the Association for assistance to maintain expected levels of service. The Association retains discretion concerning the use of its private funds.
6. The Association, as represented by the Law Librarian and Director and the accountant, shall be granted customary department access to county budgeting and accounting systems for the purpose of managing the Law Library's budget and finances.
7. Although the Association is a private, nonprofit organization and, as such, has no legal obligation to share its financial status with the public beyond the disclosures required in the IRS Form 990, the Association will cooperate with the CLLRB to share financial data as may be needed for the implementation of each other's duties.
8. The Association shall hire, manage, and set salaries for the employees it deems necessary for the proper management and functioning of the Law Library. Employees shall be hired solely upon professional merit and qualifications for the position.

9. The County shall process payroll and shall provide standard County employee benefits for the Law Library's employees.
10. Upon recommendation by the Association, in the person of the Law Librarian and Director, the CLLRB shall adopt rules necessary for the Law Library's operation, including: expenditure of funds, public access and hours of operation, fees for services, and the receipt of gifts.
11. The Association is not charged with responsibility for oversight of the acquisition of legal information resources by County offices, as described in 127 HB 420 Sec. 307.51(G). However, should there be opportunity for cooperative licensing or acquisition of legal information resources, the Law Librarian and Director may offer these resources to county offices and may invite participation in joint licensing and acquisition by county offices.
12. The CLLRB assigns the Association authority to negotiate and contract on its behalf for the acquisition and licensing of legal information resources and other services and products appropriate to the management and operation of the Law Library. This contract shall be for a period of not less than three calendar years and not more than five calendar years. This agreement is required to receive approval by a majority of CLLRB members and by a majority of the Association board members. This contract shall be signed by the chairperson of the CLLRB, the president of the Association, and the Law Librarian and Director, to indicate their concurrence.

DRAFT 3/9/2009

This model is offered for your consideration; each clause should be carefully considered for applicability to your library's circumstances and needs. This document is a draft version and may not be appropriate to your situation.