

GENERAL BACKGROUND

Am. Sub. H.B. 66 (the biennial budget bill) made significant changes to R.C. 3375.48 thru 3375.56 regarding the financial obligations of the county commissioners for the operation of law libraries. As governed by R.C. 3375.50 thru 3375.53 law libraries receive operating funds based on a portion of fines and penalties collected by municipal, county and common pleas courts. These provisions were not changed.

The major changes were to R.C. 3375.48 (Compensation of law librarians) and R.C. 3375.49 (County commissioners' responsibility to provide space, shelving and utilities for the law library). Prior to Am. Sub. H.B. 66 a librarian and two assistant librarians were paid "from the county treasury." R.C. 3375.48. In addition the county commissioners were required to provide ". . . suitable rooms with sufficient and suitable bookcases in the county courthouse or, if there are no suitable rooms in the courthouse, any other suitable rooms at the county seat with sufficient and suitable bookcases. (text omitted) The board of county commissioners shall heat and light any such rooms." R.C. 3375.49.

Initially, these sections were amended to require the board of trustees of a law library association to share in the salary of the librarian and two assistants, as well as the cost of the space and utilities. Effective in calendar year 2007 the law library association would be responsible for twenty per cent of the identified costs. Each year that amount would increase by twenty per cent until 2011 at which time the law library association would have total responsibility for the compensation as well as the space. The associations would immediately assume full obligation for the space if it enlarged, renovated or otherwise modified its space.

A thirteen member Task Force on Law Library Associations (Task Force) was created and charged with the following:

1. Gather information on and study the current state of the law library associations in this state covered by sections 3375.48 to 3375.56 of the Revised Code, with particular emphasis on the structure, funding, and administration of their law libraries, and on the effect of technology on, and access to, their law libraries;
2. Make recommendations on the structure, funding, and administration of these law libraries presently and over the next five calendar years;
3. Make recommendations as to how to ensure that these law libraries remain open and may be made available to members of the public.

A report was to be made to both the House of Representatives and the Senate by October 31, 2006. Members of Task Force were appointed by the Speaker and Minority Leader of the House (one each); the President and Minority Leader of the Senate (one each); three appointments by the Ohio Judicial Conference (two of whom shall be judges and

one law librarian); three appointments by the County Commissioners Association; and three appointments by the Ohio State Bar Association (two attorneys and one law librarian).

As Chair, I organized the Task Force into committees to address the legislative charge as set forth above. There were several committee meetings and a meeting of the entire Task Force. The following conclusions were reached:

1. It is impossible to generalize regarding law libraries in the State of Ohio as governed by R.C. 3375.48 thru 3375.56.
 - although each association has the same funding source, the amount of money that is actually available is very dependent upon the traffic fines that are generated which are a function of the highway system in that county.
 - there is no uniformity as to the size or make-up of the associations' boards of trustees.
 - not all libraries are located in the county courthouse, which dramatically impacts public access and security.
2. Given the current funding, no law library could continue to exist if it had to pay all salaries and space obligations.
3. The Task Force would not be able to provide meaningful suggestions to the legislature by the October 31, 2006 deadline.

With the complete cooperation of all members of the Task Force, the legislature was asked to extend the deadlines regarding the Task Force recommendations and the associations' obligations.

Substitute H.B. 363 was adopted which accomplished what the Task Force requested. Specifically, it provided the following:

1. The association's obligation to begin to pay a portion of the space and utilities costs does not begin until calendar year 2008.
2. The association's accelerated obligation regarding the space only happens if it expands or enlarges the space for the law library.
3. The report from the Task Force is due by October 31, 2007.

PRELIMINARY RECOMMENDATIONS OF THE TASK FORCE

The Task Force has agreed that the following will serve well as general guideline for our discussions in submitting our final recommendations. Representatives of the county commissioners and some legislative representatives have made it very clear that support for any single recommendation is conditioned upon a systemic reform of the structure of law libraries in the state of Ohio. With the foregoing limitations the following represents the current state of the Task Force's recommendations:

1. Law Library Associations rely on the existing funding sources as set forth in R.C. 3375.50 thru 3375.53 and not recommend any additional court costs or a share of other existing funding.
2. The provision of R.C. 3375.56 that requires an association to refund ninety per cent of the difference between receipts and disbursements for any calendar year be eliminated.
3. Each association be required to remit a portion of each statutory receipt each year to a state wide governing board operated under the auspices of the Supreme Court. The exact percentage has not been determined.
4. The Supreme Court redistribute the funds through an application process. Specific guidelines to be drafted to direct the redistribution with incentives to encourage economic efficiencies such as mergers or joint purchasing agreements or sharing of resources.
5. Law library associations be given the statutory right to voluntarily merge operations or enter into joint purchasing agreements.
6. Law library associations be given the statutory right to enter into statewide purchasing agreements.
7. Law library associations be designated as the county agents responsible for negotiating countywide legal research contracts.
8. The Supreme Court establish an objective formula (based on population, number of judges/lawyers, minimum core collection and staff etc.) for determining the appropriate size of law library.
9. The county commissioners be responsible for providing, in the courthouse, the space and utilities determined above. If the space cannot be provided in the courthouse, that such space be suitable to accommodate the public. (This recommendation was not unanimous. A minority recommended that the commissioners be responsible for

75% of the cost. This recommendation is very tentative and depends on the level of reform proposed.)

10. County law libraries be open to the public. This requirement may be avoided if another appropriate venue is available for the public. Not requiring public access, if not necessary, will reduce security concerns and therefore costs.
11. County law libraries be considered part of the judicial system. County commissioners do not accept this position. Probably not critical to other suggested recommendations.
12. County law libraries be subject to both public records requests and open meeting laws.
13. Each law library governing board have a seat for an appointment by the county commissioners.

This is a preliminary report of the Task Force. All members have approved it, as to form and content. A copy has been forwarded to all appointing entities. I am available to make such presentations or answer questions as may be requested.

The Task Force will continue to meet so as to prepare specific recommendations for consideration by the General Assembly.

Very truly yours,

Judge Charles A. Schneider
Chair