

AN ACT

To amend sections 135.21, 3375.81, 3375.82, and 3375.90 to 3375.93, to enact section 3375.391, and to repeal sections 3375.70, 3375.71, 3375.72, and 3375.73 of the Revised Code to authorize certain libraries to form regional library systems, and to authorize the board of trustees of any public library district to credit earnings on investments to funds other than the district's general fund.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 135.21, 3375.81, 3375.82, 3375.90, 3375.91, 3375.92, and 3375.93 be amended and section 3375.391 of the Revised Code be enacted to read as follows:

Sec. 135.21. All investment earnings on money included within a public deposit of a subdivision and belonging to undivided tax funds shall, except as otherwise expressly provided by law, be apportioned by the auditor pro rata among the separate funds or taxing districts in the proportions in which they are entitled to receive distribution of such undivided tax funds, due allowance being made for sums transferred in advance of settlements. All investment earnings from other moneys deposited by a treasurer, which by reason of being custodial funds, or funds belonging in the treasury of a taxing, assessment, or other district of which ~~he~~ the treasurer is acting as ex officio treasurer, or for any other reason, do not belong in the treasury of the state or subdivision shall, except as provided in section 135.351 of the Revised Code, be apportioned among and credited to the funds to which the principal sums of such deposits or investments belong. All other investment earnings, except as provided in section 135.351 of the Revised Code and by resolution adopted pursuant to section 3315.01 or 3375.391 of the Revised Code, shall be credited to the general fund of the county, municipal corporation, township, taxing district, assessment district, or other local authority to which the principal sum thereof belongs.

All investment earnings on money included within the state treasury shall be credited as provided in section 113.09 of the Revised Code.

The director of budget and management shall inform the treasurer of state in writing of the amount apportioned by the director to each fund or account in the state treasury. The auditor of a subdivision shall inform the treasurer of the subdivision in writing of the amount apportioned by ~~him~~ the auditor to each fund, district, or account.

Sec. 3375.391. The board of library trustees of any free public library district may adopt a resolution requiring the treasurer of the district to credit the earnings made on the investment of the principal of the moneys specified in the resolution to the fund from which the earnings arose or any other fund of the district as the board specifies in its resolution.

This section does not apply to the earnings made on the investment of any bond retirement fund or any sinking fund.

Sec. 3375.81. A program of grants, to be known as the essential library services support program, is hereby established within the limitation of funds appropriated by the general assembly together with other funds made available by the federal government or other sources for this purpose. They shall include:

(A) Planning grants, to be paid to a public library or ~~area~~ regional library service organization system;

(B) Establishment grants, to be paid to ~~an area~~ a regional library service organization system;

(C) Essential services operations grants, to be paid to ~~an area~~ a regional library service organization system;

(D) Reference services and interlibrary loan grants to be paid to a public library, university library, or other library participating in a reference and information network or similar program of interlibrary cooperation;

(E) Special program grants, to be paid to a public library; or a metropolitan regional library system organized under standards adopted under section 3375.82 of the Revised Code, or to an area library service organization.

Sec. 3375.82. The state library board shall administer all grants and shall provide for the expenditure of all funds appropriated for the essential library services support program. All grants shall be made under rules adopted by the state library board and under the terms of written agreements between the state library board and the recipient. Such rules shall be designed to:

(A) Ensure every resident of Ohio access to essential public library services;

(B) Provide adequate library materials to satisfy the reference and research needs of the people of this state;

(C) Assure and encourage local initiative and responsibility and support for library services;

(D) Encourage the formation of viable ~~area~~ regional library ~~service organizations systems~~ and library systems providing a full range of library services;

(E) Develop adequate standards for services, resources, and programs that will serve as a source of information and inspiration to persons of all ages, handicapped persons, and disadvantaged persons, and will encourage continuing education beyond the years of formal education;

(F) Encourage adequate financing of public libraries from local, state, and other library financial resources.

Sec. 3375.90. ~~Any~~ Public libraries in two or more counties, or four or more libraries, including two or more types, within a metropolitan area, as defined by the state library board, ~~with a population of two hundred fifty thousand or more~~ may form a ~~metropolitan~~ regional library system by agreement in the manner set forth in this section.

(A) The libraries ~~forming the~~ authorized to form a regional library system ~~shall~~ may include ~~two or more~~ any of the following types of libraries: academic, public, special, and school, including cooperative ventures established by two or more school districts. For the purposes of this section, such libraries may be serving the general public, public or private schools, colleges or universities, or a profession, occupation, or business.

An agreement for the formation of a ~~metropolitan~~ regional library system shall first be approved by the governing bodies of the participating libraries. For the purposes of this section, the governing body of a library means the board of trustees of a public library, or the board of education of a public school or school system if the library is a public school library, or otherwise the board of trustees or directors or other recognized governing board or committee of any private school, college, university, association or union, public or private, which provides, controls, or maintains a library which is intended to be a participating library.

(B) ~~The~~ Except as otherwise provided in division (D) of this section, the agreement and an application for the formation of the ~~metropolitan~~ regional library system shall be submitted to the state library board in the form and in accordance with rules prescribed by the state library board, with a plan of service describing the specific purposes for which the system is formed and the means by which such purposes are to be accomplished.

(C) Upon approval of the application by the state library board and the making by that board or some other authority or authorities of a grant or grants for the system, the ~~metropolitan~~ regional library system shall become

operable. The state library board shall approve no more than eleven regional library systems.

A ~~metropolitan~~ regional library system shall be governed by a board of trustees consisting of at least seven and no more than fifteen persons, to be selected from among the representatives of the participating libraries, duly appointed as such representatives by the governing bodies of the participating libraries.

The number of trustees, the manner of selection, the terms of office and the provisions for filling vacancies shall be determined by the agreement between the governing bodies of the participating libraries, and shall be set forth in the application submitted to the state library board. Nothing pertaining to the organization and operation of a ~~metropolitan~~ regional library system shall be construed to infringe upon the autonomy of any participating library or of the governing body of any library.

(D) No area library service organization or metropolitan library system in existence on the effective date of this amendment shall be required to submit a new agreement and application to the state library board in order to continue operation as a regional library system on and after that date. Any agreement that applied under this section immediately prior to the effective date of this amendment to an area library service organization or metropolitan library system that continues operation as a regional library system under this division shall continue to govern the applicable regional library system to the extent authorized by sections 3375.90 to 3375.93 Of the Revised Code.

Sec. 3375.91. The board of trustees of each ~~metropolitan~~ regional library system may:

(A) Develop plans of service and operation for the ~~metropolitan~~ regional library system and submit these to the state library board; and to each other granting authority if and when required by such authority;

(B) Receive grants, payments, bequests, and gifts and have exclusive control of the expenditure of all moneys held in the name of the ~~metropolitan~~ regional library system;

(C) Expend for library purposes, and in the exercise of the powers enumerated in this section, all moneys whether received as grants, payments, gifts, bequests, or otherwise, and generally do all things it determines necessary for the establishment, maintenance, and improvement of the ~~metropolitan~~ regional library system under its jurisdiction;

(D) Make and publish such bylaws and rules as may be necessary for its operation and for the government of the ~~metropolitan~~ regional library system;

(E) Purchase or lease vehicles and other personal property for the operation of the ~~metropolitan~~ regional library system;

(F) Purchase, erect, lease, or lease with an option to purchase, appropriate buildings or parts of buildings for use of the ~~metropolitan~~ regional library system;

(G) Hold title to and have the custody of all property, both real and personal, of the ~~metropolitan~~ regional library system;

(H) Appoint and fix the compensation of a director and necessary assistants, who, ~~subject to the approval of the state library board,~~ shall have the same employment status as employees of public libraries;

(I) Elect and fix compensation of a clerk and a deputy clerk who shall serve for a term of one year;

(J) Enter into contracts with the governing body of any participating library organized under sections 1713.28, 3375.06, 3375.10, 3375.12, 3375.121, 3375.15, 3375.22, and 3375.30 of the Revised Code, the state library board, any granting authority, the board of county commissioners of any county, the board of education of any school district, the legislative authority of any municipal corporation, boards of township trustees, colleges, universities, or public or private agencies and corporations;

(K) Accept an application from any other library desiring to become a participating library in accordance with the agreement for the formation of the system, either as originally submitted to and approved by the state library board, or as amended by and with the agreement of all the participating libraries and the approval of the state library board.

Sec. 3375.92. The clerk of the board of trustees of the ~~metropolitan~~ regional library system is the treasurer of the organization's funds. Before entering upon their duties, the clerk and the deputy clerk shall execute a bond in an amount and with surety to be approved by the board, and conditioned for the faithful performance of the official duties required of them.

All moneys received by the clerk shall be immediately placed by ~~him~~ the clerk in a depository designated by the board. The clerk shall keep an account of the funds credited to the board.

The clerk shall render a monthly statement to the board showing the revenues and receipts from whatever sources derived, the disbursements and the purposes for such disbursements, and the assets and liabilities of the board. At the end of each fiscal year the clerk shall submit to the board, to the state library board and, if requested, to any granting authority, a complete financial statement showing the receipts and expenditures in detail for the entire fiscal year. Such financial records shall be open to public

inspection at all reasonable times.

At the expiration of the term of the clerk or before the board of trustees approves the surety of any clerk, the board shall require the clerk to produce all moneys, bonds, or other securities in ~~his~~ the clerk's hands, which shall then be counted by the board or a committee of the board, or by a representative of the auditor of state. A certificate setting forth the exact amount of such money, bonds, or other securities and signed by the persons making such count shall be entered upon the records of the board and shall be prima-facie evidence that the amount stated in such certificate is actually in the treasury at that date.

Sec. 3375.93. If the need for a ~~metropolitan~~ regional library system ceases to exist, the board of trustees may, by a two-thirds vote of its members, declare its intention to dissolve the organization and file with the state library board a plan for effecting such dissolution.

The plan shall state the means by which the participating libraries may record their approval or disapproval of such intended dissolution, and shall include a plan for the distribution of the assets of the ~~metropolitan~~ regional library system. If the ~~metropolitan~~ regional library system received more than fifty per cent of its total budget for the previous three years from grant funds provided by the state library board, the state library board shall make final determination of the distribution of the assets.

A participating library may withdraw from a ~~metropolitan~~ regional library system on the first day of July in any year, providing that notice of the withdrawal intention has been given at least eighteen months prior to the date of withdrawal. Whenever a withdrawal occurs or another library joins a ~~metropolitan~~ regional library system, an amended plan shall be submitted to the state library board for approval.

SECTION 2. That existing sections 135.21, 3375.81, 3375.82, 3375.90, 3375.91, 3375.92, and 3375.93 and sections 3375.70, 3375.71, 3375.72, and 3375.73 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 674

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____