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S.B. 426
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Cutrona

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SUMMARY

- Prohibits certain boards of library trustees from shutting down, decommissioning, or making inactive a library under its control without consent from the board of county commissioners.
- Permits any person to bring an action for declaratory judgment against any board of library trustees that closes a library branch without consent from the board of county commissioners.
- Requires a court of common pleas to issue a declaratory judgment declaring the board to be noncompliant if the court determines that the board closed a library without consent from the board of county commissioners and permanently eliminates that library's allocation from the Public Library Fund.

DETAILED ANALYSIS

Closing a library branch

The bill prohibits any board of library trustees that has territory in a county with a population between 220,000 and 230,000 people, according to the last federal census, from shutting down, decommissioning, or making inactive any library branch under its control without consent from the board of county commissioners.¹ Based on 2020 census counts, this currently includes only Mahoning County.

¹ R.C. 3375.94(A).

Action for declaratory judgment

The bill permits any person to bring an action for declaratory judgment, in the court of common pleas in a county in which the library is located, against any board of trustees of a library within such a county that shut down, decommissioned, or made inactive a library branch under its control without consent from the board of county commissioners.

If a court finds, by a preponderance of the evidence, that the board of library trustees did close a library branch without consent from the board of county commissioners, the bill requires a court to issue a declaratory judgment declaring the library board to be noncompliant. The bill then requires the clerk of the court to transmit a certified copy of the court's judgment to the county auditor of each county that includes territory of the library.²

Library funding

Under the bill, if a county auditor has received a copy of a declaratory judgment against a board of library trustees, the county budget commission cannot allocate any funds to the library from the county Public Library Fund (PLF). The state's contribution to the county PLF is still made and remains available for allocation to the county or boards of township park commissioners, municipal corporations, and other library districts in the county, as applicable. The PLF reduction, once initiated against the library district, can never be undone.³

HISTORY

Action	Date
Introduced	04-21-26

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² R.C. 3375.94(B).

³ R.C. 5705.32(D) and (E); R.C. 5747.47, not in the bill.