

**As Passed by the Senate**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. H. B. No. 385**

**Representative Hottinger**

**Cosponsors: Representatives Evans, Wagoner, Flowers, Stebelton,  
Chandler, Mallory, McGregor, J., Yuko, Bacon, Barrett, Batchelder, Budish,  
Combs, Domenick, Dyer, Fende, Goyal, Hagan, J., Harwood, Hughes, Luckie,  
Lundy, Mecklenborg, Otterman, J., Patton, Peterson, Schindel, Stewart, D.,  
Zehringer**

**Senators Seitz, Wagoner, Schuler, Carey, Harris, Niehaus, Padgett**

—

**A B I L L**

To amend section 5705.19 of the Revised Code to 1  
permit land acquired by a board of township 2  
trustees for the purpose of protecting or 3  
preserving "greenspace" to be used for 4  
recreational purposes. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5705.19 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 5705.19.** This section does not apply to school districts 8  
or county school financing districts. 9

The taxing authority of any subdivision at any time and in 10  
any year, by vote of two-thirds of all the members of the taxing 11  
authority, may declare by resolution and certify the resolution to 12  
the board of elections not less than seventy-five days before the 13  
election upon which it will be voted that the amount of taxes that 14

may be raised within the ten-mill limitation will be insufficient 15  
to provide for the necessary requirements of the subdivision and 16  
that it is necessary to levy a tax in excess of that limitation 17  
for any of the following purposes: 18

(A) For current expenses of the subdivision, except that the 19  
total levy for current expenses of a detention facility district 20  
or district organized under section 2151.65 of the Revised Code 21  
shall not exceed two mills and that the total levy for current 22  
expenses of a combined district organized under sections 2151.65 23  
and 2152.41 of the Revised Code shall not exceed four mills; 24

(B) For the payment of debt charges on certain described 25  
bonds, notes, or certificates of indebtedness of the subdivision 26  
issued subsequent to January 1, 1925; 27

(C) For the debt charges on all bonds, notes, and 28  
certificates of indebtedness issued and authorized to be issued 29  
prior to January 1, 1925; 30

(D) For a public library of, or supported by, the subdivision 31  
under whatever law organized or authorized to be supported; 32

(E) For a municipal university, not to exceed two mills over 33  
the limitation of one mill prescribed in section 3349.13 of the 34  
Revised Code; 35

(F) For the construction or acquisition of any specific 36  
permanent improvement or class of improvements that the taxing 37  
authority of the subdivision may include in a single bond issue; 38

(G) For the general construction, reconstruction, 39  
resurfacing, and repair of streets, roads, and bridges in 40  
municipal corporations, counties, or townships; 41

(H) For parks and recreational purposes; 42

(I) For the purpose of providing and maintaining fire 43  
apparatus, appliances, buildings, or sites therefor, or sources of 44

water supply and materials therefor, or the establishment and 45  
maintenance of lines of fire alarm telegraph, or the payment of 46  
permanent, part-time, or volunteer firefighters or firefighting 47  
companies to operate the same, including the payment of the 48  
firefighter employers' contribution required under section 742.34 49  
of the Revised Code, or the purchase of ambulance equipment, or 50  
the provision of ambulance, paramedic, or other emergency medical 51  
services operated by a fire department or firefighting company; 52

(J) For the purpose of providing and maintaining motor 53  
vehicles, communications, other equipment, buildings, and sites 54  
for such buildings used directly in the operation of a police 55  
department, or the payment of salaries of permanent police 56  
personnel, including the payment of the police officer employers' 57  
contribution required under section 742.33 of the Revised Code, or 58  
the payment of the costs incurred by townships as a result of 59  
contracts made with other political subdivisions in order to 60  
obtain police protection, or the provision of ambulance or 61  
emergency medical services operated by a police department; 62

(K) For the maintenance and operation of a county home or 63  
detention facility; 64

(L) For community mental retardation and developmental 65  
disabilities programs and services pursuant to Chapter 5126. of 66  
the Revised Code, except that the procedure for such levies shall 67  
be as provided in section 5705.222 of the Revised Code; 68

(M) For regional planning; 69

(N) For a county's share of the cost of maintaining and 70  
operating schools, district detention facilities, forestry camps, 71  
or other facilities, or any combination thereof, established under 72  
section 2151.65 or 2152.41 of the Revised Code or both of those 73  
sections; 74

(O) For providing for flood defense, providing and 75

maintaining a flood wall or pumps, and other purposes to prevent floods;	76 77
(P) For maintaining and operating sewage disposal plants and facilities;	78 79
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	80 81 82 83 84 85 86
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	87 88 89 90
(S) For the prevention, control, and abatement of air pollution;	91 92
(T) For maintaining and operating cemeteries;	93
(U) For providing ambulance service, emergency medical service, or both;	94 95
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	96 97
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	98 99 100
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	101 102
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	103 104 105

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	106 107 108
(AA) For the maintenance and operation of a free public museum of art, science, or history;	109 110
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	111 112
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	113 114 115 116 117
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	118 119 120
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code;	121 122 123 124 125
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	126 127 128 129 130
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;	131 132 133 134 135

(HH) For a board of township trustees to acquire, other than 136  
by appropriation, an ownership interest in land, water, or 137  
wetlands, or to restore or maintain land, water, or wetlands in 138  
which the board has an ownership interest, not for purposes of 139  
recreation, but for the purposes of protecting and preserving the 140  
natural, scenic, open, or wooded condition of the land, water, or 141  
wetlands against modification or encroachment resulting from 142  
occupation, development, or other use, which may be styled as 143  
protecting or preserving "greenspace" in the resolution, notice of 144  
election, or ballot form~~+~~. Except as otherwise provided in this 145  
division, land is not acquired for purposes of recreation, even if 146  
the land is used for recreational purposes, so long as no 147  
building, structure, or fixture used for recreational purposes is 148  
permanently attached or affixed to the land. Except as otherwise 149  
provided in this division, land that previously has been acquired 150  
in a township for these greenspace purposes may subsequently be 151  
used for recreational purposes if the board of township trustees 152  
adopts a resolution approving that use and no building, structure, 153  
or fixture used for recreational purposes is permanently attached 154  
or affixed to the land. The authorization to use greenspace land 155  
for recreational use does not apply to land located in a township 156  
that had a population, at the time it passed its first greenspace 157  
levy, of more than thirty-eight thousand within a county that had 158  
a population, at that time, of at least eight hundred sixty 159  
thousand. 160

(II) For the support by a county of a crime victim assistance 161  
program that is provided and maintained by a county agency or a 162  
private, nonprofit corporation or association under section 307.62 163  
of the Revised Code; 164

(JJ) For any or all of the purposes set forth in divisions 165  
(I) and (J) of this section. This division applies only to a 166  
township. 167

(KK) For a countywide public safety communications system	168
under section 307.63 of the Revised Code. This division applies	169
only to counties.	170
(LL) For the support by a county of criminal justice services	171
under section 307.45 of the Revised Code;	172
(MM) For the purpose of maintaining and operating a jail or	173
other detention facility as defined in section 2921.01 of the	174
Revised Code;	175
(NN) For purchasing, maintaining, or improving, or any	176
combination of the foregoing, real estate on which to hold	177
agricultural fairs. This division applies only to a county.	178
(OO) For constructing, rehabilitating, repairing, or	179
maintaining sidewalks, walkways, trails, bicycle pathways, or	180
similar improvements, or acquiring ownership interests in land	181
necessary for the foregoing improvements;	182
(PP) For both of the purposes set forth in divisions (G) and	183
(OO) of this section.	184
(QQ) For both of the purposes set forth in divisions (H) and	185
(HH) of this section. This division applies only to a township.	186
(RR) For the legislative authority of a municipal	187
corporation, board of county commissioners of a county, or board	188
of township trustees of a township to acquire agricultural	189
easements, as defined in section 5301.67 of the Revised Code, and	190
to supervise and enforce the easements.	191
(SS) For both of the purposes set forth in divisions (BB) and	192
(KK) of this section. This division applies only to a county.	193
(TT) For the maintenance and operation of a facility that is	194
organized in whole or in part to promote the sciences and natural	195
history under section 307.761 of the Revised Code.	196
The resolution shall be confined to the purpose or purposes	197

described in one division of this section, to which the revenue 198  
derived therefrom shall be applied. The existence in any other 199  
division of this section of authority to levy a tax for any part 200  
or all of the same purpose or purposes does not preclude the use 201  
of such revenues for any part of the purpose or purposes of the 202  
division under which the resolution is adopted. 203

The resolution shall specify the amount of the increase in 204  
rate that it is necessary to levy, the purpose of that increase in 205  
rate, and the number of years during which the increase in rate 206  
shall be in effect, which may or may not include a levy upon the 207  
duplicate of the current year. The number of years may be any 208  
number not exceeding five, except as follows: 209

(1) When the additional rate is for the payment of debt 210  
charges, the increased rate shall be for the life of the 211  
indebtedness. 212

(2) When the additional rate is for any of the following, the 213  
increased rate shall be for a continuing period of time: 214

(a) For the current expenses for a detention facility 215  
district, a district organized under section 2151.65 of the 216  
Revised Code, or a combined district organized under sections 217  
2151.65 and 2152.41 of the Revised Code; 218

(b) For providing a county's share of the cost of maintaining 219  
and operating schools, district detention facilities, forestry 220  
camps, or other facilities, or any combination thereof, 221  
established under section 2151.65 or 2152.41 of the Revised Code 222  
or under both of those sections. 223

(3) When the additional rate is for either of the following, 224  
the increased rate may be for a continuing period of time: 225

(a) For the purposes set forth in division (I), (J), (U), or 226  
(KK) of this section; 227



(b) For the maintenance and operation of a joint recreation district. 228  
229

(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution. 230  
231  
232  
233

(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten. 234  
235  
236

A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount. 237  
238  
239  
240  
241  
242  
243  
244  
245

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment. 246  
247  
248  
249  
250  
251  
252  
253  
254  
255

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the 256  
257  
258

Revised Code, by resolution declares it necessary to levy a tax in 259  
excess of the ten-mill limitation for the purpose of constructing, 260  
improving, or extending sewage disposal plants or sewage systems, 261  
the tax may be in effect for any number of years not exceeding 262  
twenty, and the proceeds of the tax, notwithstanding the general 263  
provisions of this section, may be used to pay debt charges on any 264  
obligations issued and outstanding on behalf of the subdivision 265  
for the purposes enumerated in this paragraph, provided that any 266  
such obligations have been specifically described in the 267  
resolution. 268

The resolution shall go into immediate effect upon its 269  
passage, and no publication of the resolution is necessary other 270  
than that provided for in the notice of election. 271

When the electors of a subdivision have approved a tax levy 272  
under this section, the taxing authority of the subdivision may 273  
anticipate a fraction of the proceeds of the levy and issue 274  
anticipation notes in accordance with section 5705.191 or 5705.193 275  
of the Revised Code. 276

**Section 2.** That existing section 5705.19 of the Revised Code 277  
is hereby repealed. 278