

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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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

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

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

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

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

(M) For regional planning;

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

sections;	74
(O) For providing for flood defense, providing and	75
maintaining a flood wall or pumps, and other purposes to prevent	76
floods;	77
(P) For maintaining and operating sewage disposal plants and	78
facilities;	79
(Q) For the purpose of purchasing, acquiring, constructing,	80
enlarging, improving, equipping, repairing, maintaining, or	81
operating, or any combination of the foregoing, a county transit	82
system pursuant to sections 306.01 to 306.13 of the Revised Code,	83
or of making any payment to a board of county commissioners	84
operating a transit system or a county transit board pursuant to	85
section 306.06 of the Revised Code;	86
(R) For the subdivision's share of the cost of acquiring or	87
constructing any schools, forestry camps, detention facilities, or	88
other facilities, or any combination thereof, under section	89
2151.65 or 2152.41 of the Revised Code or both of those sections;	90
(S) For the prevention, control, and abatement of air	91
pollution;	92
(T) For maintaining and operating cemeteries;	93
(U) For providing ambulance service, emergency medical	94
service, or both;	95
(V) For providing for the collection and disposal of garbage	96
or refuse, including yard waste;	97
(W) For the payment of the police officer employers'	98
contribution or the firefighter employers' contribution required	99
under sections 742.33 and 742.34 of the Revised Code;	100
(X) For the construction and maintenance of a drainage	101
improvement pursuant to section 6131.52 of the Revised Code;	102
(Y) For providing or maintaining senior citizens services or	103

facilities as authorized by section 307.694, 307.85, 505.70, or	104
505.706 or division (EE) of section 717.01 of the Revised Code;	105
(Z) For the provision and maintenance of zoological park	106
services and facilities as authorized under section 307.76 of the	107
Revised Code;	108
(AA) For the maintenance and operation of a free public	109
museum of art, science, or history;	110
(BB) For the establishment and operation of a 9-1-1 system,	111
as defined in section 4931.40 of the Revised Code;	112
(CC) For the purpose of acquiring, rehabilitating, or	113
developing rail property or rail service. As used in this	114
division, "rail property" and "rail service" have the same	115
meanings as in section 4981.01 of the Revised Code. This division	116
applies only to a county, township, or municipal corporation.	117
(DD) For the purpose of acquiring property for, constructing,	118
operating, and maintaining community centers as provided for in	119
section 755.16 of the Revised Code;	120
(EE) For the creation and operation of an office or joint	121
office of economic development, for any economic development	122
purpose of the office, and to otherwise provide for the	123
establishment and operation of a program of economic development	124
pursuant to sections 307.07 and 307.64 of the Revised Code;	125
(FF) For the purpose of acquiring, establishing,	126
constructing, improving, equipping, maintaining, or operating, or	127
any combination of the foregoing, a township airport, landing	128
field, or other air navigation facility pursuant to section 505.15	129
of the Revised Code;	130
(GG) For the payment of costs incurred by a township as a	131
result of a contract made with a county pursuant to section	132
505.263 of the Revised Code in order to pay all or any part of the	133

cost of constructing, maintaining, repairing, or operating a water supply improvement; 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 township.	166 167
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	168 169 170
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	171 172
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	173 174 175
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.	176 177 178
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;	179 180 181 182
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.	183 184
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	185 186
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.	187 188 189 190 191
(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.	192 193
(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural	194 195

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 (KK) of this section;	226 227
(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	256

the taxing authority of its county or as the taxing authority of a 257
sewer district or subdistrict created under Chapter 6117. of the 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