



OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

Fiscal Note & Local Impact Statement

Bill: H.B. 218 of the 132nd G.A.

Status: As Introduced

Sponsor: Rep. Seitz

Local Impact Statement Procedure Required: No

Subject: Probate court powers and duties regarding park districts

Detailed Fiscal Analysis

The bill has no direct fiscal effect on the state or political subdivisions. It permits a probate court which established a park district to enforce the establishing order, issue orders compelling compliance with statutes governing park districts, investigate matters involving park districts under certain circumstances, and tax the cost of proceedings as court costs. When an action is taken by a probate court in relation to the operation of a park district, the bill prohibits the court from impeding or interfering with the daily operations or maintenance of a park district unless such operations or maintenance are in violation of statute or an order of the court, limits actions taken by the court to injunctive relief or declaratory judgment, and defines rules for party notification. LSC has identified three park districts in the state established through probate court action: Chester Township Park District and Geauga Park District in Geauga County, and Mill Creek Metro Parks in Mahoning County.

Probate courts have exercised this authority under current law, and, in a slip opinion denying a writ of prohibition in which township trustees challenged the Geauga County probate court's jurisdiction over the Chester Township Park District, the Supreme Court wrote that a "[p]robate court judge does not patently and unambiguously lack jurisdiction to issue orders attempting to correct activities by park-district commissioners and township trustees that frustrate the purpose of the original probate court order creating the park district."¹

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¹ *State ex rel. Chester Twp. v. Grendell*, Slip Opinion No. 2016-Ohio-1520.