

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 277**

**Representative Brenner**

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**A BILL**

To amend section 5705.19 of the Revised Code to  
authorize a county, township, or municipal  
corporation to impose a 9-1-1 system levy in  
only the portion of the subdivision that would  
be served by the 9-1-1 system.

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

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

**Sec. 5705.19.** This section does not apply to school  
districts, county school financing districts, or lake facilities  
authorities.

The taxing authority of any subdivision at any time and in  
any year, by vote of two-thirds of all the members of the taxing  
authority, may declare by resolution and certify the resolution  
to the board of elections not less than ninety days before the  
election upon which it will be voted that the amount of taxes  
that may be raised within the ten-mill limitation will be  
insufficient to provide for the necessary requirements of the  
subdivision and that it is necessary to levy a tax in excess of  
that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that 20  
the total levy for current expenses of a detention facility 21  
district or district organized under section 2151.65 of the 22  
Revised Code shall not exceed two mills and that the total levy 23  
for current expenses of a combined district organized under 24  
sections 2151.65 and 2152.41 of the Revised Code shall not 25  
exceed four mills; 26

(B) For the payment of debt charges on certain described 27  
bonds, notes, or certificates of indebtedness of the subdivision 28  
issued subsequent to January 1, 1925; 29

(C) For the debt charges on all bonds, notes, and 30  
certificates of indebtedness issued and authorized to be issued 31  
prior to January 1, 1925; 32

(D) For a public library of, or supported by, the 33  
subdivision under whatever law organized or authorized to be 34  
supported; 35

(E) For a municipal university, not to exceed two mills 36  
over the limitation of one mill prescribed in section 3349.13 of 37  
the Revised Code; 38

(F) For the construction or acquisition of any specific 39  
permanent improvement or class of improvements that the taxing 40  
authority of the subdivision may include in a single bond issue; 41

(G) For the general construction, reconstruction, 42  
resurfacing, and repair of streets, roads, and bridges in 43  
municipal corporations, counties, or townships; 44

(H) For parks and recreational purposes; 45

(I) For the purpose of providing and maintaining fire 46  
apparatus, appliances, buildings, or sites therefor, or sources 47

of water supply and materials therefor, or the establishment and 48  
maintenance of lines of fire alarm telegraph, or the payment of 49  
firefighting companies or permanent, part-time, or volunteer 50  
firefighting, emergency medical service, administrative, or 51  
communications personnel to operate the same, including the 52  
payment of any employer contributions required for such 53  
personnel under section 145.48 or 742.34 of the Revised Code, or 54  
the purchase of ambulance equipment, or the provision of 55  
ambulance, paramedic, or other emergency medical services 56  
operated by a fire department or firefighting company; 57

(J) For the purpose of providing and maintaining motor 58  
vehicles, communications, other equipment, buildings, and sites 59  
for such buildings used directly in the operation of a police 60  
department, or the payment of salaries of permanent or part-time 61  
police, communications, or administrative personnel to operate 62  
the same, including the payment of any employer contributions 63  
required for such personnel under section 145.48 or 742.33 of 64  
the Revised Code, or the payment of the costs incurred by 65  
townships as a result of contracts made with other political 66  
subdivisions in order to obtain police protection, or the 67  
provision of ambulance or emergency medical services operated by 68  
a police department; 69

(K) For the maintenance and operation of a county home or 70  
detention facility; 71

(L) For community mental retardation and developmental 72  
disabilities programs and services pursuant to Chapter 5126. of 73  
the Revised Code, except that the procedure for such levies 74  
shall be as provided in section 5705.222 of the Revised Code; 75

(M) For regional planning; 76

(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;	77 78 79 80 81
(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;	82 83 84
(P) For maintaining and operating sewage disposal plants and facilities;	85 86
(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;	87 88 89 90 91 92 93
(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;	94 95 96 97 98
(S) For the prevention, control, and abatement of air pollution;	99 100
(T) For maintaining and operating cemeteries;	101
(U) For providing ambulance service, emergency medical service, or both;	102 103
(V) For providing for the collection and disposal of	104

garbage or refuse, including yard waste;	105
(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;	106 107 108
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	109 110
(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;	111 112 113 114
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	115 116 117
(AA) For the maintenance and operation of a free public museum of art, science, or history;	118 119
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code;	120 121
(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.	122 123 124 125 126 127
(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;	128 129 130
(EE) For the creation and operation of an office or joint office of economic development, for any economic development	131 132

purpose of the office, and to otherwise provide for the 133  
establishment and operation of a program of economic development 134  
pursuant to sections 307.07 and 307.64 of the Revised Code, or 135  
to the extent that the expenses of a county land reutilization 136  
corporation organized under Chapter 1724. of the Revised Code 137  
are found by the board of county commissioners to constitute the 138  
promotion of economic development, for the payment of such 139  
operations and expenses; 140

(FF) For the purpose of acquiring, establishing, 141  
constructing, improving, equipping, maintaining, or operating, 142  
or any combination of the foregoing, a township airport, landing 143  
field, or other air navigation facility pursuant to section 144  
505.15 of the Revised Code; 145

(GG) For the payment of costs incurred by a township as a 146  
result of a contract made with a county pursuant to section 147  
505.263 of the Revised Code in order to pay all or any part of 148  
the cost of constructing, maintaining, repairing, or operating a 149  
water supply improvement; 150

(HH) For a board of township trustees to acquire, other 151  
than by appropriation, an ownership interest in land, water, or 152  
wetlands, or to restore or maintain land, water, or wetlands in 153  
which the board has an ownership interest, not for purposes of 154  
recreation, but for the purposes of protecting and preserving 155  
the natural, scenic, open, or wooded condition of the land, 156  
water, or wetlands against modification or encroachment 157  
resulting from occupation, development, or other use, which may 158  
be styled as protecting or preserving "greenspace" in the 159  
resolution, notice of election, or ballot form. Except as 160  
otherwise provided in this division, land is not acquired for 161  
purposes of recreation, even if the land is used for 162

recreational purposes, so long as no building, structure, or 163  
fixture used for recreational purposes is permanently attached 164  
or affixed to the land. Except as otherwise provided in this 165  
division, land that previously has been acquired in a township 166  
for these greenspace purposes may subsequently be used for 167  
recreational purposes if the board of township trustees adopts a 168  
resolution approving that use and no building, structure, or 169  
fixture used for recreational purposes is permanently attached 170  
or affixed to the land. The authorization to use greenspace land 171  
for recreational use does not apply to land located in a 172  
township that had a population, at the time it passed its first 173  
greenspace levy, of more than thirty-eight thousand within a 174  
county that had a population, at that time, of at least eight 175  
hundred sixty thousand. 176

(II) For the support by a county of a crime victim 177  
assistance program that is provided and maintained by a county 178  
agency or a private, nonprofit corporation or association under 179  
section 307.62 of the Revised Code; 180

(JJ) For any or all of the purposes set forth in divisions 181  
(I) and (J) of this section. This division applies only to a 182  
township. 183

(KK) For a countywide public safety communications system 184  
under section 307.63 of the Revised Code. This division applies 185  
only to counties. 186

(LL) For the support by a county of criminal justice 187  
services under section 307.45 of the Revised Code; 188

(MM) For the purpose of maintaining and operating a jail 189  
or other detention facility as defined in section 2921.01 of the 190  
Revised Code; 191

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county.

(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;

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

(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.

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the



corporation to be consistent with the purposes for which the 221  
corporation is organized; 222

(VV) For construction and maintenance of improvements and 223  
expenses of soil and water conservation district programs under 224  
Chapter 1515. of the Revised Code; 225

(WW) For the OSU extension fund created under section 226  
3335.35 of the Revised Code for the purposes prescribed under 227  
section 3335.36 of the Revised Code for the benefit of the 228  
citizens of a county. This division applies only to a county. 229

(XX) For a municipal corporation that withdraws or 230  
proposes by resolution to withdraw from a regional transit 231  
authority under section 306.55 of the Revised Code to provide 232  
transportation services for the movement of persons within, 233  
from, or to the municipal corporation; 234

(YY) For any combination of the purposes specified in 235  
divisions (NN), (VV), and (WW) of this section. This division 236  
applies only to a county. 237

The resolution shall be confined to the purpose or 238  
purposes described in one division of this section, to which the 239  
revenue derived therefrom shall be applied. The existence in any 240  
other division of this section of authority to levy a tax for 241  
any part or all of the same purpose or purposes does not 242  
preclude the use of such revenues for any part of the purpose or 243  
purposes of the division under which the resolution is adopted. 244

The resolution shall specify the amount of the increase in 245  
rate that it is necessary to levy, the purpose of that increase 246  
in rate, and the number of years during which the increase in 247  
rate shall be in effect, which may or may not include a levy 248  
upon the duplicate of the current year. The number of years may 249

be any number not exceeding five, except as follows: 250

(1) When the additional rate is for the payment of debt 251  
charges, the increased rate shall be for the life of the 252  
indebtedness. 253

(2) When the additional rate is for any of the following, 254  
the increased rate shall be for a continuing period of time: 255

(a) For the current expenses for a detention facility 256  
district, a district organized under section 2151.65 of the 257  
Revised Code, or a combined district organized under sections 258  
2151.65 and 2152.41 of the Revised Code; 259

(b) For providing a county's share of the cost of 260  
maintaining and operating schools, district detention 261  
facilities, forestry camps, or other facilities, or any 262  
combination thereof, established under section 2151.65 or 263  
2152.41 of the Revised Code or under both of those sections. 264

(3) When the additional rate is for either of the 265  
following, the increased rate may be for a continuing period of 266  
time: 267

(a) For the purposes set forth in division (I), (J), (U), 268  
or (KK) of this section; 269

(b) For the maintenance and operation of a joint 270  
recreation district. 271

(4) When the increase is for the purpose or purposes set 272  
forth in division (D), (G), (H), (Z), (CC), or (PP) of this 273  
section, the tax levy may be for any specified number of years 274  
or for a continuing period of time, as set forth in the 275  
resolution. 276

A levy for one of the purposes set forth in division (G), 277

(I), (J), or (U) of this section may be reduced pursuant to 278  
section 5705.261 or 5705.31 of the Revised Code. A levy for one 279  
of the purposes set forth in division (G), (I), (J), or (U) of 280  
this section may also be terminated or permanently reduced by 281  
the taxing authority if it adopts a resolution stating that the 282  
continuance of the levy is unnecessary and the levy shall be 283  
terminated or that the millage is excessive and the levy shall 284  
be decreased by a designated amount. 285

A resolution of a detention facility district, a district 286  
organized under section 2151.65 of the Revised Code, or a 287  
combined district organized under both sections 2151.65 and 288  
2152.41 of the Revised Code may include both current expenses 289  
and other purposes, provided that the resolution shall apportion 290  
the annual rate of levy between the current expenses and the 291  
other purpose or purposes. The apportionment need not be the 292  
same for each year of the levy, but the respective portions of 293  
the rate actually levied each year for the current expenses and 294  
the other purpose or purposes shall be limited by the 295  
apportionment. 296

Whenever a board of county commissioners, acting either as 297  
the taxing authority of its county or as the taxing authority of 298  
a sewer district or subdistrict created under Chapter 6117. of 299  
the Revised Code, by resolution declares it necessary to levy a 300  
tax in excess of the ten-mill limitation for the purpose of 301  
constructing, improving, or extending sewage disposal plants or 302  
sewage systems, the tax may be in effect for any number of years 303  
not exceeding twenty, and the proceeds of the tax, 304  
notwithstanding the general provisions of this section, may be 305  
used to pay debt charges on any obligations issued and 306  
outstanding on behalf of the subdivision for the purposes 307  
enumerated in this paragraph, provided that any such obligations 308

have been specifically described in the resolution. 309

A resolution adopted by the legislative authority of a 310  
municipal corporation that is for the purpose in division (XX) 311  
of this section may be combined with the purpose provided in 312  
section 306.55 of the Revised Code, by vote of two-thirds of all 313  
members of the legislative authority. The legislative authority 314  
may certify the resolution to the board of elections as a 315  
combined question. The question appearing on the ballot shall be 316  
as provided in section 5705.252 of the Revised Code. 317

A levy for the purpose set forth in division (BB) of this 318  
section may be imposed in all or a portion of the territory of a 319  
subdivision. If the 9-1-1 system to be established and operated 320  
with levy funds excludes territory located within the 321  
subdivision, the resolution adopted under this section may 322  
describe the area served or to be served by the system and 323  
specify that the proposed tax would be imposed only in the areas 324  
receiving or to receive the service. Upon passage of such a 325  
resolution, the board of elections shall submit the question of 326  
the tax levy only to those electors residing in the area or 327  
areas in which the tax would be imposed. If the 9-1-1 system 328  
would serve the entire subdivision, the resolution shall not 329  
exclude territory from the tax levy. 330

The resolution shall go into immediate effect upon its 331  
passage, and no publication of the resolution is necessary other 332  
than that provided for in the notice of election. 333

When the electors of a subdivision or, in the case of a 334  
qualifying library levy for the support of a library association 335  
or private corporation, the electors of the association library 336  
district or, in the case of a 9-1-1 system levy serving only a 337  
portion of the territory of a subdivision, the electors of the 338

portion of the subdivision in which the levy would be imposed, 339  
have approved a tax levy under this section, the taxing 340  
authority of the subdivision may anticipate a fraction of the 341  
proceeds of the levy and issue anticipation notes in accordance 342  
with section 5705.191 or 5705.193 of the Revised Code. 343

**Section 2.** That existing section 5705.19 of the Revised 344  
Code is hereby repealed. 345