

As Reported by the House Local Government Committee

131st General Assembly

Regular Session

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Sub. H. B. No. 277

Representative Brenner

Cosponsors: Representatives Rogers, Hambley, Ruhl

A BILL

To amend section 5705.19 of the Revised Code to 1
authorize a county, township, or municipal 2
corporation to impose a 9-1-1 system levy in 3
only the portion of the subdivision that would 4
be served by the 9-1-1 system. 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 8
districts, county school financing districts, or lake facilities 9
authorities. 10

The taxing authority of any subdivision at any time and in 11
any year, by vote of two-thirds of all the members of the taxing 12
authority, may declare by resolution and certify the resolution 13
to the board of elections not less than ninety days before the 14
election upon which it will be voted that the amount of taxes 15
that may be raised within the ten-mill limitation will be 16
insufficient to provide for the necessary requirements of the 17
subdivision and that it is necessary to levy a tax in excess of 18

- that limitation for any of the following purposes: 19
- (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	77
operating schools, district detention facilities, forestry	78
camp, or other facilities, or any combination thereof,	79
established under section 2151.65 or 2152.41 of the Revised Code	80
or both of those sections;	81
(O) For providing for flood defense, providing and	82
maintaining a flood wall or pumps, and other purposes to prevent	83
floods;	84
(P) For maintaining and operating sewage disposal plants	85
and facilities;	86
(Q) For the purpose of purchasing, acquiring,	87
constructing, enlarging, improving, equipping, repairing,	88
maintaining, or operating, or any combination of the foregoing,	89
a county transit system pursuant to sections 306.01 to 306.13 of	90
the Revised Code, or of making any payment to a board of county	91
commissioners operating a transit system or a county transit	92
board pursuant to section 306.06 of the Revised Code;	93
(R) For the subdivision's share of the cost of acquiring	94
or constructing any schools, forestry camps, detention	95
facilities, or other facilities, or any combination thereof,	96
under section 2151.65 or 2152.41 of the Revised Code or both of	97
those sections;	98
(S) For the prevention, control, and abatement of air	99
pollution;	100
(T) For maintaining and operating cemeteries;	101
(U) For providing ambulance service, emergency medical	102
service, or both;	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.	192 193 194 195 196 197
(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;	198 199 200 201
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.	202 203
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	204 205 206
(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.	207 208 209 210 211
(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.	212 213 214
(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.	215 216 217
(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	218 219 220

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. <u>940.</u> 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 charges, the increased rate shall be for the life of the indebtedness.	251 252 253
(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:	254 255
(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.65 and 2152.41 of the Revised Code;	256 257 258 259
(b) For providing 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 under both of those sections.	260 261 262 263 264
(3) When the additional rate is for either of the following, the increased rate may be for a continuing period of time:	265 266 267
(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;	268 269
(b) For the maintenance and operation of a joint recreation district.	270 271
(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (T), (Z), (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.	272 273 274 275 276
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