

As Reported by Senate Finance Committee

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Am. Sub. H. B. No. 277

Representative Brenner

**Cosponsors: Representatives Rogers, Hambley, Ruhl, Amstutz, Arndt, Ashford,
Baker, Boose, Buchy, Craig, Fedor, Green, Lepore-Hagan, O'Brien, S.,
Romanchuk, Sprague, Sweeney**

Senators Coley, Hughes

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 and to declare an
emergency.

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 16
that may be raised within the ten-mill limitation will be 17
insufficient to provide for the necessary requirements of the 18
subdivision and that it is necessary to levy a tax in excess of 19
that limitation for any of the following purposes: 20

(A) For current expenses of the subdivision, except that 21
the total levy for current expenses of a detention facility 22
district or district organized under section 2151.65 of the 23
Revised Code shall not exceed two mills and that the total levy 24
for current expenses of a combined district organized under 25
sections 2151.65 and 2152.41 of the Revised Code shall not 26
exceed four mills; 27

(B) For the payment of debt charges on certain described 28
bonds, notes, or certificates of indebtedness of the subdivision 29
issued subsequent to January 1, 1925; 30

(C) For the debt charges on all bonds, notes, and 31
certificates of indebtedness issued and authorized to be issued 32
prior to January 1, 1925; 33

(D) For a public library of, or supported by, the 34
subdivision under whatever law organized or authorized to be 35
supported; 36

(E) For a municipal university, not to exceed two mills 37
over the limitation of one mill prescribed in section 3349.13 of 38
the Revised Code; 39

(F) For the construction or acquisition of any specific 40
permanent improvement or class of improvements that the taxing 41
authority of the subdivision may include in a single bond issue; 42

(G) For the general construction, reconstruction, 43
resurfacing, and repair of streets, roads, and bridges in 44

municipal corporations, counties, or townships;	45
(H) For parks and recreational purposes;	46
(I) For the purpose of providing and maintaining fire	47
apparatus, appliances, buildings, or sites therefor, or sources	48
of water supply and materials therefor, or the establishment and	49
maintenance of lines of fire alarm telegraph, or the payment of	50
firefighting companies or permanent, part-time, or volunteer	51
firefighting, emergency medical service, administrative, or	52
communications personnel to operate the same, including the	53
payment of any employer contributions required for such	54
personnel under section 145.48 or 742.34 of the Revised Code, or	55
the purchase of ambulance equipment, or the provision of	56
ambulance, paramedic, or other emergency medical services	57
operated by a fire department or firefighting company;	58
(J) For the purpose of providing and maintaining motor	59
vehicles, communications, other equipment, buildings, and sites	60
for such buildings used directly in the operation of a police	61
department, or the payment of salaries of permanent or part-time	62
police, communications, or administrative personnel to operate	63
the same, including the payment of any employer contributions	64
required for such personnel under section 145.48 or 742.33 of	65
the Revised Code, or the payment of the costs incurred by	66
townships as a result of contracts made with other political	67
subdivisions in order to obtain police protection, or the	68
provision of ambulance or emergency medical services operated by	69
a police department;	70
(K) For the maintenance and operation of a county home or	71
detention facility;	72
(L) For community mental retardation and developmental	73

disabilities programs and services pursuant to Chapter 5126. of	74
the Revised Code, except that the procedure for such levies	75
shall be as provided in section 5705.222 of the Revised Code;	76
(M) For regional planning;	77
(N) For a county's share of the cost of maintaining and	78
operating schools, district detention facilities, forestry	79
camps, or other facilities, or any combination thereof,	80
established under section 2151.65 or 2152.41 of the Revised Code	81
or both of those sections;	82
(O) For providing for flood defense, providing and	83
maintaining a flood wall or pumps, and other purposes to prevent	84
floods;	85
(P) For maintaining and operating sewage disposal plants	86
and facilities;	87
(Q) For the purpose of purchasing, acquiring,	88
constructing, enlarging, improving, equipping, repairing,	89
maintaining, or operating, or any combination of the foregoing,	90
a county transit system pursuant to sections 306.01 to 306.13 of	91
the Revised Code, or of making any payment to a board of county	92
commissioners operating a transit system or a county transit	93
board pursuant to section 306.06 of the Revised Code;	94
(R) For the subdivision's share of the cost of acquiring	95
or constructing any schools, forestry camps, detention	96
facilities, or other facilities, or any combination thereof,	97
under section 2151.65 or 2152.41 of the Revised Code or both of	98
those sections;	99
(S) For the prevention, control, and abatement of air	100
pollution;	101

(T) For maintaining and operating cemeteries;	102
(U) For providing ambulance service, emergency medical service, or both;	103 104
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	105 106
(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;	107 108 109
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	110 111
(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;	112 113 114 115
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	116 117 118
(AA) For the maintenance and operation of a free public museum of art, science, or history;	119 120
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code;	121 122
(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.	123 124 125 126 127 128

(DD) For the purpose of acquiring property for, 129
constructing, operating, and maintaining community centers as 130
provided for in section 755.16 of the Revised Code; 131

(EE) For the creation and operation of an office or joint 132
office of economic development, for any economic development 133
purpose of the office, and to otherwise provide for the 134
establishment and operation of a program of economic development 135
pursuant to sections 307.07 and 307.64 of the Revised Code, or 136
to the extent that the expenses of a county land reutilization 137
corporation organized under Chapter 1724. of the Revised Code 138
are found by the board of county commissioners to constitute the 139
promotion of economic development, for the payment of such 140
operations and expenses; 141

(FF) For the purpose of acquiring, establishing, 142
constructing, improving, equipping, maintaining, or operating, 143
or any combination of the foregoing, a township airport, landing 144
field, or other air navigation facility pursuant to section 145
505.15 of the Revised Code; 146

(GG) For the payment of costs incurred by a township as a 147
result of a contract made with a county pursuant to section 148
505.263 of the Revised Code in order to pay all or any part of 149
the cost of constructing, maintaining, repairing, or operating a 150
water supply improvement; 151

(HH) For a board of township trustees to acquire, other 152
than by appropriation, an ownership interest in land, water, or 153
wetlands, or to restore or maintain land, water, or wetlands in 154
which the board has an ownership interest, not for purposes of 155
recreation, but for the purposes of protecting and preserving 156
the natural, scenic, open, or wooded condition of the land, 157
water, or wetlands against modification or encroachment 158

resulting from occupation, development, or other use, which may 159
be styled as protecting or preserving "greenspace" in the 160
resolution, notice of election, or ballot form. Except as 161
otherwise provided in this division, land is not acquired for 162
purposes of recreation, even if the land is used for 163
recreational purposes, so long as no building, structure, or 164
fixture used for recreational purposes is permanently attached 165
or affixed to the land. Except as otherwise provided in this 166
division, land that previously has been acquired in a township 167
for these greenspace purposes may subsequently be used for 168
recreational purposes if the board of township trustees adopts a 169
resolution approving that use and no building, structure, or 170
fixture used for recreational purposes is permanently attached 171
or affixed to the land. The authorization to use greenspace land 172
for recreational use does not apply to land located in a 173
township that had a population, at the time it passed its first 174
greenspace levy, of more than thirty-eight thousand within a 175
county that had a population, at that time, of at least eight 176
hundred sixty thousand. 177

(II) For the support by a county of a crime victim 178
assistance program that is provided and maintained by a county 179
agency or a private, nonprofit corporation or association under 180
section 307.62 of the Revised Code; 181

(JJ) For any or all of the purposes set forth in divisions 182
(I) and (J) of this section. This division applies only to a 183
township. 184

(KK) For a countywide public safety communications system 185
under section 307.63 of the Revised Code. This division applies 186
only to counties. 187

(LL) For the support by a county of criminal justice 188

services under section 307.45 of the Revised Code;	189
(MM) For the purpose of maintaining and operating a jail	190
or other detention facility as defined in section 2921.01 of the	191
Revised Code;	192
(NN) For purchasing, maintaining, or improving, or any	193
combination of the foregoing, real estate on which to hold, and	194
the operating expenses of, agricultural fairs operated by a	195
county agricultural society or independent agricultural society	196
under Chapter 1711. of the Revised Code. This division applies	197
only to a county.	198
(OO) For constructing, rehabilitating, repairing, or	199
maintaining sidewalks, walkways, trails, bicycle pathways, or	200
similar improvements, or acquiring ownership interests in land	201
necessary for the foregoing improvements;	202
(PP) For both of the purposes set forth in divisions (G)	203
and (OO) of this section.	204
(QQ) For both of the purposes set forth in divisions (H)	205
and (HH) of this section. This division applies only to a	206
township.	207
(RR) For the legislative authority of a municipal	208
corporation, board of county commissioners of a county, or board	209
of township trustees of a township to acquire agricultural	210
easements, as defined in section 5301.67 of the Revised Code,	211
and to supervise and enforce the easements.	212
(SS) For both of the purposes set forth in divisions (BB)	213
and (KK) of this section. This division applies only to a	214
county.	215
(TT) For the maintenance and operation of a facility that	216

is organized in whole or in part to promote the sciences and 217
natural history under section 307.761 of the Revised Code. 218

(UU) For the creation and operation of a county land 219
reutilization corporation and for any programs or activities of 220
the corporation found by the board of directors of the 221
corporation to be consistent with the purposes for which the 222
corporation is organized; 223

(VV) For construction and maintenance of improvements and 224
expenses of soil and water conservation district programs under 225
Chapter ~~1515.~~ 940. of the Revised Code; 226

(WW) For the OSU extension fund created under section 227
3335.35 of the Revised Code for the purposes prescribed under 228
section 3335.36 of the Revised Code for the benefit of the 229
citizens of a county. This division applies only to a county. 230

(XX) For a municipal corporation that withdraws or 231
proposes by resolution to withdraw from a regional transit 232
authority under section 306.55 of the Revised Code to provide 233
transportation services for the movement of persons within, 234
from, or to the municipal corporation; 235

(YY) For any combination of the purposes specified in 236
divisions (NN), (VV), and (WW) of this section. This division 237
applies only to a county. 238

The resolution shall be confined to the purpose or 239
purposes described in one division of this section, to which the 240
revenue derived therefrom shall be applied. The existence in any 241
other division of this section of authority to levy a tax for 242
any part or all of the same purpose or purposes does not 243
preclude the use of such revenues for any part of the purpose or 244
purposes of the division under which the resolution is adopted. 245

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

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

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

(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;

(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.

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

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

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

(4) When the increase is for the purpose or purposes set

forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 274
section, the tax levy may be for any specified number of years 275
or for a continuing period of time, as set forth in the 276
resolution. 277

A levy for one of the purposes set forth in division (G), 278
(I), (J), or (U) of this section may be reduced pursuant to 279
section 5705.261 or 5705.31 of the Revised Code. A levy for one 280
of the purposes set forth in division (G), (I), (J), or (U) of 281
this section may also be terminated or permanently reduced by 282
the taxing authority if it adopts a resolution stating that the 283
continuance of the levy is unnecessary and the levy shall be 284
terminated or that the millage is excessive and the levy shall 285
be decreased by a designated amount. 286

A resolution of a detention facility district, a district 287
organized under section 2151.65 of the Revised Code, or a 288
combined district organized under both sections 2151.65 and 289
2152.41 of the Revised Code may include both current expenses 290
and other purposes, provided that the resolution shall apportion 291
the annual rate of levy between the current expenses and the 292
other purpose or purposes. The apportionment need not be the 293
same for each year of the levy, but the respective portions of 294
the rate actually levied each year for the current expenses and 295
the other purpose or purposes shall be limited by the 296
apportionment. 297

Whenever a board of county commissioners, acting either as 298
the taxing authority of its county or as the taxing authority of 299
a sewer district or subdistrict created under Chapter 6117. of 300
the Revised Code, by resolution declares it necessary to levy a 301
tax in excess of the ten-mill limitation for the purpose of 302
constructing, improving, or extending sewage disposal plants or 303

sewage systems, the tax may be in effect for any number of years 304
not exceeding twenty, and the proceeds of the tax, 305
notwithstanding the general provisions of this section, may be 306
used to pay debt charges on any obligations issued and 307
outstanding on behalf of the subdivision for the purposes 308
enumerated in this paragraph, provided that any such obligations 309
have been specifically described in the resolution. 310

A resolution adopted by the legislative authority of a 311
municipal corporation that is for the purpose in division (XX) 312
of this section may be combined with the purpose provided in 313
section 306.55 of the Revised Code, by vote of two-thirds of all 314
members of the legislative authority. The legislative authority 315
may certify the resolution to the board of elections as a 316
combined question. The question appearing on the ballot shall be 317
as provided in section 5705.252 of the Revised Code. 318

A levy for the purpose set forth in division (BB) of this 319
section may be imposed in all or a portion of the territory of a 320
subdivision. If the 9-1-1 system to be established and operated 321
with levy funds excludes territory located within the 322
subdivision, the resolution adopted under this section, or a 323
resolution proposing to renew such a levy that was imposed in 324
all of the territory of the subdivision, may describe the area 325
served or to be served by the system and specify that the 326
proposed tax would be imposed only in the areas receiving or to 327
receive the service. Upon passage of such a resolution, the 328
board of elections shall submit the question of the tax levy 329
only to those electors residing in the area or areas in which 330
the tax would be imposed. If the 9-1-1 system would serve the 331
entire subdivision, the resolution shall not exclude territory 332
from the tax levy. 333

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

When the electors of a subdivision or, in the case of a qualifying library levy for the support of a library association or private corporation, the electors of the association library district or, in the case of a 9-1-1 system levy serving only a portion of the territory of a subdivision, the electors of the portion of the subdivision in which the levy would be imposed have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

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

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the renewal of county 9-1-1 system levies under the act's provisions would be delayed. Therefore this act shall go into immediate effect.