

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 218

Representative Seitz

A BILL

To amend section 1545.06 of the Revised Code to 1
expand a probate court's powers and duties with 2
regard to a park district. 3

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

Section 1. That section 1545.06 of the Revised Code be 4
amended to read as follows: 5

Sec. 1545.06. (A) Any park commissioner may be removed at 6
the discretion of the probate judge, either upon complaint filed 7
with such judge or upon ~~his~~ the judge's own motion. No such 8
removal shall be made without giving such commissioner not less 9
than ten days' notice and a full opportunity to be heard in ~~his~~ 10
the commissioner's own behalf in a public hearing. The order 11
removing such commissioner shall state the reasons therefor and 12
shall be entered upon the records of the probate court. In case 13
of such removal, or in case of other vacancy in the office of 14
commissioner, the vacancy shall be filled by the judge by 15
appointment for the unexpired term. 16

(B) A probate court may do any of the following with 17
regard to a park district created by an order of the court: 18

(1) Enforce the court's order that created the park 19

<u>district;</u>	20
<u>(2) Issue an order compelling compliance with this</u>	21
<u>chapter;</u>	22
<u>(3) Investigate matters involving the park district either</u>	23
<u>through a court hearing or through a special master commissioner</u>	24
<u>appointed pursuant to section 2101.06 of the Revised Code, if a</u>	25
<u>written request is made to the court by a majority of the board</u>	26
<u>of park commissioners;</u>	27
<u>(4) Tax the cost of proceedings, including special master</u>	28
<u>commissioner investigation fees, as court costs to be assessed</u>	29
<u>by the court in its discretion.</u>	30
<u>(C) Before taking any action authorized under division (B)</u>	31
<u>of this section, the probate court shall give prior written</u>	32
<u>notice to any person or party affected by the action. The court</u>	33
<u>shall conduct a hearing on the matter if a hearing is requested</u>	34
<u>in writing by such person or party. The probate court also may</u>	35
<u>conduct a hearing on its own motion. If a hearing is scheduled,</u>	36
<u>the court shall provide notice of the time and place of the</u>	37
<u>hearing to all affected persons and parties. The court shall</u>	38
<u>provide the notice not less than twenty-eight days prior to the</u>	39
<u>hearing.</u>	40
<u>(D) The probate court may order that a person become a</u>	41
<u>party to a proceeding concerning a park district if the person's</u>	42
<u>presence as a party is necessary to enable the court to make a</u>	43
<u>decision fairly and effectively in the proceeding. The probate</u>	44
<u>court shall give such person notice of its intention to make the</u>	45
<u>person a party. The court shall conduct a hearing prior to</u>	46
<u>issuing the order if requested in writing by the person. The</u>	47
<u>probate court also may conduct a hearing on its own motion. The</u>	48

court shall provide notice of the hearing in the manner 49
prescribed in division (C) of this section. 50

(E) The probate court may order that a party to a 51
proceeding concerning a park district is no longer a party if 52
either of the following applies: 53

(1) The person's presence is not necessary to enable the 54
court to make a decision fairly and effectively in the 55
proceeding; or 56

(2) The court determines that the person should not be a 57
party to the proceeding for any other reason. 58

(F) Nothing in this section authorizes a probate court to 59
take any action that infringes upon any rights of an individual 60
or organization that are protected by the United States 61
Constitution or the Ohio Constitution. 62

(G) A probate court shall not impede or interfere with the 63
daily operations of a park district created under this chapter 64
or the maintenance of the park district's property unless such 65
maintenance or operations are in violation of this chapter or 66
the order of the court that created the park district. 67

(H) Any actions taken by the probate court authorized 68
under division (B) (1) or (2) of this section are limited to 69
injunctive relief or a declaratory judgment. 70

(I) As used in this section, "party" means any person who 71
is the subject of a probate court proceeding or investigation, 72
and any other person specifically designated by the court. The 73
entity that submits a petition to the probate court for the 74
creation of a park district under this chapter is a party, 75
unless otherwise designated by the court. 76

Section 2. That existing section 1545.06 of the Revised Code is hereby repealed. 77
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