

\_\_\_\_\_ moved to amend as follows:

1 In line 23001, delete everything after "(1)"

2 Delete line 23002

3 In line 23003, delete "(2)"

4 In line 23004, delete "(3)" and insert "(2)"

5 In line 23005, delete "(4)" and insert "(3)"; delete the  
6 underlined comma

7 In line 23006, delete "including the management of the park  
8 district," and insert "either"

9 In line 23008, after "Code" insert ", if a written request  
10 is made to the court by a majority of the board of park  
11 commissioners"

12 Delete lines 23009 through 23011

13 In line 23012, delete "(6)" and insert "(4)"

14 Between lines 23048 and 23049 insert:

15 "(G) Nothing in this section authorizes a probate court to take  
16 any action that infringes upon any rights of an individual or  
17 organization that are protected by the United States  
18 Constitution or the Ohio Constitution.

19 (H) A probate court shall not impede or interfere with the  
20 daily operations of a park district created under this chapter  
21 or the maintenance of the park district's property unless such  
22 maintenance or operations are in violation of this chapter or  
23 the order of the court that created the park district.

24 (I) Any actions taken by the probate court authorized under  
25 division (B) (1) or (2) of this section are limited to injunctive  
26 relief or a declaratory judgment."

27 The motion was \_\_\_\_\_ agreed to.

28 SYNOPSIS

29 **Probate court jurisdiction regarding park districts**

30 **R.C. 1545.06**

31 Revises provisions in the sub bill that expand a probate  
32 court's powers and duties with regard to a park district created  
33 by an order of the court by doing all of the following:

34 (1) Eliminating the following powers of the court granted  
35 under the sub bill:

36 -- The ability of the court to issue an order preventing  
37 interference with the court's order creating the park district;

38 -- The ability of the court to impose duties or  
39 restrictions on a person or party who interferes with the park  
40 district's purposes as provided by the laws governing park  
41 districts or the court's order creating the park district.

42 (2) Specifying that the probate court may investigate  
43 matters involving the park district either through a court  
44 hearing or through a special master commissioner only if written  
45 request is made to the court by a majority of the board of park  
46 commissioners;

47           (3) Specifying that nothing in the bill's provisions that  
48 expand the probate court's jurisdiction authorizes the court to  
49 take any action that infringes upon any right of an individual  
50 or organization that are protected by the U.S. or Ohio  
51 Constitution;

52           (4) Restricting the probate court from impeding or  
53 interfering with the daily operations of a park district or the  
54 maintenance of the park district's property unless such  
55 maintenance or operations are in violation of the laws governing  
56 park districts or with the court's order that created the  
57 district; and

58           (5) Limits the probate court's actions to injunctive relief  
59 or a declaratory judgment if the court enforces its order that  
60 created the district or issues an order compelling compliance  
61 with the laws governing the park district.