

H.B. 49  
As Introduced

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

In line 29 of the title, after "1521.063," insert "1545.06," 1

In line 351, after "1521.063," insert "1545.06," 2

Between lines 20494 and 20495, insert: 3

"**Sec. 1545.06.** (A) Any park commissioner may be removed at 4  
the discretion of the probate judge, either upon complaint filed 5  
with such judge or upon ~~his~~ the judge's own motion. No such 6  
removal shall be made without giving such commissioner not less 7  
than ten days' notice and a full opportunity to be heard in ~~his~~ 8  
the commissioner's own behalf in a public hearing. The order 9  
removing such commissioner shall state the reasons therefor and 10  
shall be entered upon the records of the probate court. In case of 11  
such removal, or in case of other vacancy in the office of 12  
commissioner, the vacancy shall be filled by the judge by 13  
appointment for the unexpired term. 14

(B) A probate court may do any of the following with regard 15  
to a park district created by an order of the court: 16

(1) Issue an order preventing interference with the court's 17  
order creating the park district; 18

(2) Enforce the court's order that created the park district; 19

(3) Issue an order compelling compliance with this chapter; 20

(4) Investigate matters involving the park district, including the management of the park district, through a court hearing or through a special master commissioner appointed pursuant to section 2101.06 of the Revised Code; 21  
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(5) Impose duties or restrictions on a person or party who interferes with the park district's purposes as provided by this chapter or the court's order creating the park district; 25  
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(6) Tax the cost of proceedings, including special master commissioner investigation fees, as court costs to be assessed by the court in its discretion. 28  
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(C) Before taking any action authorized under division (B) of this section, the probate court shall give prior written notice to any person or party affected by the action. The court shall conduct a hearing on the matter if a hearing is requested in writing by such person or party. The probate court also may conduct a hearing on its own motion. If a hearing is scheduled, the court shall provide notice of the time and place of the hearing to all affected persons and parties. The court shall provide the notice not less than twenty-eight days prior to the hearing. 31  
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(D) The probate court may order that a person become a party to a proceeding concerning a park district if the person's presence as a party is necessary to enable the court to make a decision fairly and effectively in the proceeding. The probate court shall give such person notice of its intention to make the person a party. The court shall conduct a hearing prior to issuing the order if requested in writing by the person. The probate court also may conduct a hearing on its own motion. The court shall provide notice of the hearing in the manner prescribed in division (C) of this section. 41  
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(E) The probate court may order that a party to a proceeding concerning a park district is no longer a party if either of the following applies: 51  
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(1) The person's presence is not necessary to enable the court to make a decision fairly and effectively in the proceeding; 54  
or 55  
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(2) The court determines that the person should not be a party to the proceeding for any other reason. 57  
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(F) As used in this section, "party" means any person who is the subject of a probate court proceeding or investigation, and any other person specifically designated by the court. 59  
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In line 92445, after "1521.063," insert "1545.06," 62

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

SYNOPSIS

**Probate court jurisdiction regarding park districts** 63

**R.C. 1545.06** 64

Authorizes a probate court to do all of the following with regard to a park district created by an order of the court: 65  
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-- Issue an order preventing interference with the court's order creating the park district; 67  
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-- Enforce the court's order that created the park district; 69

-- Issue an order compelling compliance with the laws governing park districts; 70  
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-- Investigate matters involving the park district, including 72

the management of the park district;	73
-- Impose duties or restrictions on a person or party who	74
interferes with the park district's purposes; and	75
-- Tax the cost of proceedings as court costs to be assessed	76
by the court in its discretion.	77
Establishes procedures that the probate court must follow	78
with regard to proceedings that govern any of the actions	79
specified above.	80