



**Am. H.B. 385**  
127th General Assembly  
(As Passed by the General Assembly)

**Reps. Hottinger, Evans, Wagoner, Flowers, Stebelton, Chandler, Mallory, J. McGregor, Yuko, Bacon, Barrett, Batchelder, Budish, Combs, Domenick, Dyer, Fende, Goyal, J. Hagan, Harwood, Hughes, Luckie, Lundy, Mecklenborg, J. Otterman, Patton, Peterson, Schindel, D. Stewart, Zehringer**

**Sens. Seitz, Wagoner, Schuler, Carey, Harris, Niehaus, Padgett**

**Effective date: \***

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**ACT SUMMARY**

- Authorizes land acquired by a board of township trustees for the purpose of protecting or preserving "greenspace" to be used for recreational purposes, subject to an exception.

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**CONTENT AND OPERATION**

Continuing law provides that the taxing authority of a subdivision, by resolution adopted by two-thirds of its members and with voter approval, may levy property taxes for specified purposes. Among those purposes is authority for a board of township trustees to acquire an ownership interest in land, water, or wetlands (other than by appropriation), or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use (i.e., protecting or preserving "greenspace").

The act specifies that land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no building, structure, or

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\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

fixture used for recreational purposes is permanently attached or affixed to the land. The act also specifies that land that previously has been acquired for greenspace purposes may subsequently be used for recreational purposes so long as the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. However, the authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than 38,000 within a county that had a population, at that time, of at least 860,000.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	11-07-07
Reported, H. Local & Municipal Government & Urban Revitalization	01-31-08
Passed House (92-2)	03-12-08
Reported, S. State & Local Gov't & Veterans Affairs	05-20-08
Passed Senate (33-0)	05-21-08
House concurred in Senate amendments (96-0)	05-28-08

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