

As Reported by the House State and Local Government Committee

133rd General Assembly

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Sub. S. B. No. 259

Senator Sykes

**Cosponsors: Senators Maharath, Manning, Antonio, Blessing, Burke, Craig,
Fedor, Hottinger, Kunze, Lehner, O'Brien, Schuring, Thomas, Williams
Representative Wiggam**

A BILL

To amend sections 727.13, 727.14, 3333.26, and 1
5715.19 and to enact sections 9.239, 308.20, 2
308.21, 308.22, 308.23, 308.24, 308.25, 3
3318.038, and 3781.1011 of the Revised Code to 4
modify the law governing property tax 5
complaints, special assessments, economic 6
development, energy-efficient public building 7
design, classroom facility construction, and 8
battery-charged fences, to authorize the 9
conveyance of certain state-owned property, and 10
to enact the "Anthony Dia Act" regarding 11
residency determination for tuition and fee 12
waivers for survivors of service officers and 13
service members killed in the line of duty, and 14
to make other changes to those waivers. 15

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

Section 1. That sections 727.13, 727.14, 3333.26, and 16
5715.19 be amended and sections 9.239, 308.20, 308.21, 308.22, 17

308.23, 308.24, 308.25, 3318.038, and 3781.1011 of the Revised Code be enacted to read as follows:

Sec. 9.239. (A) As used in this section:

(1) "Public building" means a building owned by a public entity.

(2) "Public entity" means a subdivision, the general assembly, a court, any department, division, institution, board, commission, authority, bureau or other agency of instrumentality of the state, the five state retirement systems, or any other governmental entity.

(3) "Subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(B) A person that is primarily responsible for designing energy efficient commercial building property installed in a public building may seek allocation of any deduction allowed under section 179D of the Internal Revenue Code in connection with that installation by submitting a written request to the public entity that owns the building and the tax commissioner. Within fifteen days of receiving such a request, the public entity shall respond and, if merited, formally allocate the deduction as required under that section and any associated rules or guidance of the internal revenue service or the United States department of the treasury. The public entity shall send to the commissioner a copy of the response and, if applicable, the document or documents formally allocating the deduction.

(C) If a public entity does not respond within fifteen days of receiving a request under division (B) of this section, the entity shall be considered to have approved the request. The commissioner shall provide the person that submitted the request

with any documentation necessary to formally allocate the 47
deduction. 48

(D) No public entity and no employee or agent of a public 49
entity acting in the employee's or agent's official capacity 50
shall seek, solicit, charge, or accept a fee, payment, or other 51
consideration in exchange for allocating a deduction allowed 52
under section 179D of the Internal Revenue Code or providing 53
documentation of such an allocation as required under that 54
section and any associated rules or guidance of the internal 55
revenue service or the United States department of the treasury. 56

Sec. 308.20. As used in sections 308.20 to 308.25 of the 57
Revised Code: 58

(A) "Qualifying airport" means an airport and any 59
contiguous airport facilities owned, operated, or maintained by 60
any of the following: 61

(1) A regional airport authority under this chapter, 62
provided the airport and facilities include territory located in 63
two counties, one of which has a population greater than five 64
hundred thousand but less than eight hundred thousand based on 65
the most recent federal decennial census; 66

(2) A port authority created under Chapter 4582. of the 67
Revised Code by two counties, each of which having a population 68
greater than two hundred thousand but less than two hundred 69
fifty thousand; 70

(3) A municipal corporation that is the most populous 71
municipal corporation in a county having a population greater 72
than five hundred thousand but less than eight hundred forty 73
thousand. The airport and facilities owned, operated, or 74
maintained by such a municipal corporation may include territory 75

located in two counties. 76

(B) "Property owner" or "owner of property" means the 77
person or persons in whose name a parcel is listed on the tax 78
list or exempt list compiled by the county auditor under section 79
319.28 or 5713.08 of the Revised Code. 80

(C) "Business owner" or "owner of business" means a 81
partner of a partnership, a member of a limited liability 82
company, a majority shareholder of an S corporation, a person 83
with a majority ownership interest in any other kind of pass- 84
through entity, or any officer, employee, or agent with 85
authority to make decisions legally binding upon a business. 86

(D) "Development charge agreement" means a voluntary 87
agreement entered into under section 308.23 of the Revised Code. 88

Sec. 308.21. (A) The board of trustees of a regional 89
airport authority, the board of directors of a port authority, 90
or the legislative authority of a municipal corporation that 91
owns, operates, or maintains a qualifying airport may, by 92
resolution adopted before January 1, 2024, create an airport 93
development district for the purpose of developing and 94
implementing plans for public infrastructure improvements that 95
benefit the qualifying airport and to finance expenditures to 96
attract or retain airlines, increase the number of scheduled 97
flights to and from the qualifying airport, or increase use of 98
the airport by aircraft having greater passenger capacity or 99
greater first-class seating availability. The resolution shall 100
include a development plan for the district that, at minimum, 101
specifies all of the following: 102

(1) The manner in which the nonprofit corporation that is 103
to govern the district will be formed, operated, and organized; 104

(2) The manner in which the board of directors of the 105
nonprofit corporation that is to govern the district are 106
appointed; 107

(3) A plan for the public infrastructure improvements and 108
other expenditures to be financed by the district; 109

(4) A description of the territory of the district, which 110
shall consist of all parcels of real property that are located 111
within five miles of the qualifying airport. For the purpose of 112
this division, a parcel is located within five miles of a 113
qualifying airport if the distance between any portion of the 114
parcel and any portion of the qualifying airport is five miles 115
or less. 116

(B) After adopting a resolution under division (A) of this 117
section, the board of trustees of the regional airport 118
authority, board of directors of the port authority, or 119
legislative authority of the municipal corporation shall submit 120
a copy to the director of development services. 121

(C) An airport development district is not a political 122
subdivision for any purpose prescribed in the Revised Code. A 123
district shall be considered a public agency under section 124
102.01 of the Revised Code and a public authority under section 125
4115.03 of the Revised Code. Districts are subject to sections 126
121.22 and 121.23 of the Revised Code, but are not subject to 127
sections 121.81 to 121.83 of the Revised Code. 128

Sec. 308.22. (A) An airport development district shall be 129
governed by the board of trustees of a nonprofit corporation 130
which shall be known as the board of directors of the airport 131
development district. Initially, the board shall consist of 132
three directors appointed by the board of trustees of the 133

regional airport authority, the board of directors of the port 134
authority, or the legislative authority of the municipal 135
corporation that owns, operates, or maintains the qualifying 136
airport. One year after the resolution creating the district is 137
adopted, or thirty days following the date that the owner or 138
owners of at least four parcels within the district or 139
businesses operating within the district, collectively, have 140
entered into development charge agreements, whichever is later, 141
an additional four directors shall be appointed to the board by 142
the owners of property within the district and businesses 143
operating within the district that are subject to a development 144
charge agreement, in the manner specified in the resolution 145
creating the district. All appointments shall be made in 146
accordance with any applicable rules, regulations, and 147
guidelines of the federal aviation administration. 148

(B) Notice of the time, date, place, and agenda for any 149
meeting of the board of directors of the airport development 150
district shall be by written notice to each director, 151
transmitted by certified mail, personal service, or electronic 152
device before the meeting. If possible, the notice shall be 153
served at least one week before the meeting. The board of 154
directors shall act by a majority vote of those present and 155
authorized to vote at any meeting where proper notice has been 156
served. 157

Before making any expenditure, including those authorized 158
under section 308.25 of the Revised Code, the board of directors 159
of the airport development district shall notify the board of 160
trustees of the regional airport authority, board of directors 161
of the port authority, or legislative authority of the municipal 162
corporation that owns, operates, or maintains the qualifying 163
airport of the proposed expenditure. The expenditure shall not 164

be made unless the board of trustees of the regional airport 165
authority, board of directors of the port authority, or 166
legislative authority of the municipal corporation adopts and 167
certifies a resolution to the board of directors of the airport 168
development district approving the expenditure. 169

(C) The board of directors of the airport development 170
district shall elect a chairperson, vice-chairperson, secretary, 171
and treasurer of the board. These officers shall serve at the 172
board's pleasure. A director may be elected to more than one 173
office, except that the director elected as treasurer shall not 174
be elected to any other office of the board. 175

(D) By the first day of March of each year the treasurer 176
shall submit a report of the district's activities and financial 177
condition for the preceding year to the owners of all property 178
that is, and businesses that are subject to a development charge 179
agreement and to the board of trustees of the regional airport 180
authority, board of directors of the port authority, or 181
legislative authority of the municipal corporation that owns, 182
operates, or maintains the qualifying airport. 183

(E) Membership on the board of directors of the airport 184
development district shall not be considered holding a public 185
office. Directors and their designees shall be entitled to the 186
immunities provided by Chapter 1702. of the Revised Code and to 187
the same immunity as an employee under division (A) (6) of 188
section 2744.03 of the Revised Code, except that directors and 189
their designees shall not be entitled to the indemnification 190
provided in section 2744.07 of the Revised Code. 191

(F) District officers, directors, and their designees or 192
proxies, and each officer and employee of a district shall be 193
considered a public official or employee under section 102.01 of 194

the Revised Code and a public official and public servant under 195
section 2921.42 of the Revised Code but are not required to file 196
a statement with the Ohio ethics commission under section 102.02 197
of the Revised Code. All records of the district shall be 198
treated as public records under section 149.43 of the Revised 199
Code, except that records of organizations contracting with a 200
district shall not be considered to be public records under that 201
section or section 149.431 of the Revised Code solely by reason 202
of that contract. 203

Sec. 308.23. (A) Except as otherwise provided in this 204
section, the nonprofit corporation that governs an airport 205
development district shall be organized in the manner described 206
in Chapter 1702. of the Revised Code. The nonprofit corporation 207
may do the following: 208

(1) Exercise all powers of nonprofit corporations granted 209
under Chapter 1702. of the Revised Code that do not conflict 210
with this chapter; 211

(2) Develop, adopt, revise, implement, and repeal plans 212
for public infrastructure improvements that benefit the 213
qualifying airport that is encompassed by or contiguous to the 214
district and make expenditures to attract or retain airlines, 215
increase the number of scheduled flights to and from the 216
qualifying airport, or increase use of the airport by aircraft 217
having greater passenger capacity or greater first-class seating 218
availability; 219

(3) Contract with any person, community improvement 220
corporation, or state agency or with a political subdivision as 221
defined in section 2744.01 of the Revised Code to develop, 222
manage, or implement all or part of the development plan for the 223
district; 224

(4) Contract and pay for insurance for the district and 225
for directors, officers, agents, contractors, employees, or 226
members of the district for any consequences of the 227
implementation of any plan adopted by the district or any 228
actions of the district; 229

(5) Negotiate and enter into voluntary development charge 230
agreements with the owner or owners of any parcel of real 231
property located in the district and the owner or owners of any 232
business that operates within the district, whereby the owner or 233
owners agree to subject the property or business to a 234
development charge levied by the board and the board agrees to 235
use the proceeds of that charge for the purposes described in 236
the development plan for the district; 237

(6) Impose and collect development charges against real 238
property located in the district and businesses operating within 239
the district pursuant to such voluntary development charge 240
agreements. 241

(B) (1) A development charge agreement shall specify the 242
amount and duration of the development charge and, if the 243
agreement is between the board and the owner or owners of a 244
business, the manner in which the development charge is to be 245
collected. The duration of the development charge prescribed by 246
the initial agreement shall be for a specified period of ten or 247
more years, or for a continuing period of time. The development 248
charge shall not be collected after the dissolution of the 249
district under section 308.25 of the Revised Code. 250

(2) The board shall annually certify the amount of each 251
development charge imposed by an agreement under this section to 252
the owner or owners of the parcel or business subject to the 253
charge. 254

(a) If the development charge is imposed on a parcel of 255
land, the board shall also certify the amount of the charge to 256
the county auditor of the county in which the parcel is located. 257
The county auditor shall enter the charge on the tax list 258
opposite the parcel against which it is charged, and certify the 259
charge to the county treasurer. The charge shall be charged and 260
collected in the same manner as real property taxes and shall be 261
treated in the same manner as real property taxes for all 262
purposes of the lien described in section 323.11 of the Revised 263
Code, including the priority and enforcement of the lien. Money 264
collected from the charge shall be paid immediately to the board 265
of directors of the district. The county treasurer shall 266
maintain a record of all payments of charges under this section. 267

(b) If the development charge is imposed on a business, it 268
shall be collected in the manner prescribed by the agreement. 269

(3) The board may negotiate and enter into as many 270
development charge agreements as are necessary or useful in 271
servicing the principal purposes and goals described in the 272
development plan for the district. One agreement may impose a 273
development charge on more than one parcel or more than one 274
business only if the owner or owners of all such parcels or 275
businesses approve the agreement. A development charge imposed 276
on a parcel of land shall not be included in the same agreement 277
as a development charge imposed on a business. 278

(4) An agreement may be amended for the purpose of 279
imposing the development charge on additional parcels or 280
additional businesses by a majority vote of the board and 281
approval of the owner or owners of the additional parcels or 282
additional businesses. An agreement may be rescinded or may be 283
amended for any purpose other than imposing the development 284

charge on additional parcels or additional businesses by a 285
majority vote of the board and approval of the owner or owners 286
of every parcel or every business that is subject to the 287
agreement. 288

(C) (1) A development charge agreement is hereby deemed to 289
be a covenant running with each parcel of land that is subject 290
to the agreement. The covenant is fully binding on behalf of and 291
enforceable by the board of directors of the district against 292
any person that owns the land at the time the agreement is 293
executed, any person who subsequently acquires an interest in 294
the land, and all successors and assigns of such persons. 295

(2) No purchase agreement for real estate or any interest 296
in real estate that is subject to a development charge agreement 297
shall be enforceable by the seller or binding upon the purchaser 298
unless the purchase agreement specifically refers to the 299
agreement and any associated development charge. If a conveyance 300
of such real estate or interest in such real estate is made 301
pursuant to a purchase agreement that does not make such 302
reference, the agreement shall continue to be a covenant running 303
with the land fully binding on behalf of and enforceable by the 304
board of directors of the district against the person accepting 305
the conveyance pursuant to the purchase agreement. 306

(D) In addition to meeting the requirements for articles 307
of incorporation set forth in Chapter 1702. of the Revised Code, 308
the articles of incorporation for the nonprofit corporation 309
governing an airport development district shall provide all the 310
following: 311

(1) The name of the district, which shall include the name 312
of the qualifying airport that is encompassed by the district; 313

(2) A description of the territory included within the 314
district that is specific enough to enable property owners to 315
determine if their property is located within the district and 316
business owners to determine if their business operates within 317
the district; 318

(3) The full text of the resolution creating the district, 319
the development plan for the district, and any amendments to 320
that plan that are subsequently adopted by the board of 321
directors of the district; 322

(4) A description of the procedure by which the articles 323
of incorporation and the development plan for the district may 324
be amended, which shall conform to the requirements of division 325
(F) of this section; 326

(5) The reasons for creating the district and an 327
explanation of how the district will be conducive to the public 328
health, safety, peace, convenience, and welfare of the district. 329

(E) The articles of incorporation shall be filed in the 330
secretary of state's office. The secretary of state shall not 331
accept articles that do not meet the requirements of this 332
chapter. 333

(F) Neither the articles of incorporation nor the 334
development plan for the airport development district shall be 335
amended without first obtaining the approval of (1) the majority 336
of the members of the board of directors of the district, (2) 337
the owners of at least sixty per cent of the collective number 338
of parcels of real property and businesses that are subject to 339
development charge agreements, and (3) the majority of the 340
members of the board of trustees of the regional airport 341
authority, board of directors of the port authority, or 342

legislative authority of the municipal corporation that owns, 343
operates, or maintains the qualifying airport. All amendments to 344
the articles shall be filed with the secretary of state along 345
with documentation sufficient to prove that the requirements of 346
this division have been met. 347

Sec. 308.24. (A) The expenditures of an airport 348
development district may include the following: 349

(1) The cost of creating and operating the district under 350
this chapter, including creating and operating a nonprofit 351
organization organized under this chapter, hiring employees and 352
professional services, contracting for insurance, and purchasing 353
or leasing office space or office equipment; 354

(2) The cost of planning, designing, and implementing 355
public infrastructure improvements that benefit the qualifying 356
airport, including payment of architectural, engineering, legal, 357
appraisal, insurance, consulting, energy auditing, and planning 358
fees and expenses, and, for public services, the management, 359
protection, and maintenance costs of public or private 360
facilities; 361

(3) The cost of airport advertising, airline recruitment, 362
market research, ticket purchase guarantees, and incentives 363
designed to attract or retain airlines, increase the number of 364
scheduled flights to and from the qualifying airport, or 365
increase use of the airport by aircraft having greater passenger 366
capacity or greater first-class seating availability; 367

(4) Any court costs incurred by the district in 368
implementing the plan outlined in the articles of incorporation; 369
and 370

(5) Any damages resulting from implementing that plan. 371

(B) The expenditures of an airport development district shall not include financing, in whole or in part, the acquisition of any interest in property by a regional airport authority, port authority, or municipal corporation using the power of condemnation or eminent domain pursuant to Section 19 of Article I, Ohio Constitution, or any costs associated with such an acquisition. 372
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(C) The board of directors of an airport development district is subject to the same competitive bidding and prevailing wage rules and procedures that apply to the board of trustees of the regional airport authority, the board of directors of the port authority, or the legislative authority of the municipal corporation that owns, operates, or maintains the qualifying airport. 379
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Sec. 308.25. (A) An airport development district exists until it is dissolved under this section. The process for dissolving an airport development district or repealing a development plan may be initiated by a petition filed with the board of directors of the district and signed by the owners of at least twenty per cent of the collective number of parcels of real property and businesses that are subject to development charge agreements. 386
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(B) The board of directors of the district shall organize and hold a meeting to consider the petition not later than forty-five days after it is filed. The board shall notify each owner of property or a business that is subject to a development charge agreement of the time, place, and subject of the meeting at least two weeks before the meeting is held. Upon the affirmative vote of the owners of at least fifty per cent of the collective number of parcels and businesses subject to a 394
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development charge agreement, the district shall be dissolved, 402
or the plan shall be repealed, as applicable. The dissolution of 403
a district shall not be finalized until all debts and 404
obligations of the district are paid in full. 405

(C) No rights or obligations of any person under any 406
contract shall be affected by the dissolution of the district or 407
the repeal of a development plan, except with the consent of 408
that person or by order of a court with jurisdiction over the 409
matter. Upon dissolution of a district, any assets or rights of 410
the district, after payment of all obligations of the district, 411
shall be returned to the property and business owners, prorated 412
to reflect the amount of development charges collected on the 413
owner's property in the preceding twelve months. 414

(D) Once the property and business owners have approved 415
the repeal of a development plan, all obligations of the 416
district associated with the plan shall be paid. Thereafter, the 417
plan shall be repealed. 418

Sec. 727.13. (A) Notice of the passage of a resolution of 419
necessity and the filing of the estimated assessment under 420
section 727.12 of the Revised Code, shall, after the estimated 421
assessment has been made and filed as provided by section 727.12 422
of the Revised Code, be served by the clerk of the legislative 423
authority, or a person designated by such clerk, upon the owners 424
of the lots or parcels of land to be assessed for the proposed 425
improvement, in the same manner as service of summons in civil 426
cases, or by certified mail addressed to such owner at ~~his~~ the 427
owner's last known address or to the address to which tax bills 428
are sent, or by a combination of the foregoing methods. ~~If~~ 429

(B) (1) If it appears by the return of service or the 430
return of the certified mail notice that one or more of the 431

owners cannot be found, such owners shall be served by 432
publication either or both of the following methods: 433

(a) Publication of the notice once in a newspaper of 434
general circulation within the municipal corporation; 435

(b) Publication of the notice on the web site of the 436
municipal corporation. 437

(2) The notice shall also set forth the place where such 438
estimated assessments are on file and are open for public 439
inspection. ~~The~~ 440

(C) The return of the person serving the notice or a 441
certified copy thereof or a returned receipt for notice 442
forwarded by certified mail accepted by the addressee or anyone 443
purporting to act for ~~him~~ the addressee shall be prima-facie 444
evidence of the service of notice under this section. 445

Sec. 727.14. (A) In lieu of the procedure provided in 446
section 727.13 of the Revised Code, the legislative authority 447
may provide for notice of the passage of a resolution of 448
necessity providing for the lighting, sprinkling, sweeping, or 449
cleaning of any street, alley, public road, or place, or parts 450
thereof or for treating the surface of the same with dust-laying 451
or preservative substances, or for the planting, maintaining, 452
and removing of shade trees, or for the constructing, 453
maintaining, repairing, cleaning, and enclosing of ditches, and 454
the filing of the estimated assessment under section 727.12 of 455
the Revised Code, to be given by ~~publication~~ any or all of the 456
following methods: 457

(1) Publication of such notice once a week for two 458
consecutive weeks in a newspaper of general circulation in the 459
municipal corporation ~~or as;~~ 460

<u>(2) Publication of such notice on the web site of the</u>	461
<u>municipal corporation;</u>	462
<u>(3) As provided in section 7.16 of the Revised Code. When</u>	463
<u>(B) When it appears from the estimated assessment filed as</u>	464
<u>provided by section 727.12 of the Revised Code, that the</u>	465
<u>assessment against the owner of any lot or parcel of land will</u>	466
<u>exceed two <u>five</u> hundred fifty dollars, such owner shall be</u>	467
<u>notified of the assessment in the manner provided in section</u>	468
<u>727.13 of the Revised Code.</u>	469
<u>Sec. 3318.038. (A) As used in this section:</u>	470
<u>(1) "Drinking fountain" means a fountain to which all of</u>	471
<u>the following apply:</u>	472
<u>(a) The fountain is designed to allow an individual to</u>	473
<u>drink from the fountain.</u>	474
<u>(b) The fountain dispenses filtered, clean drinking water.</u>	475
<u>(c) The fountain is equipped with a protective cowl.</u>	476
<u>(d) The fountain is equipped with a water spout at least</u>	477
<u>one inch above the overflow rim of the fountain.</u>	478
<u>(2) "Water bottle filling station" means a station to</u>	479
<u>which both of the following apply:</u>	480
<u>(a) The station is designed to fill a bottle with water.</u>	481
<u>(b) The station dispenses filtered, clean drinking water.</u>	482
<u>(B) When reviewing design plans for a classroom facility</u>	483
<u>construction project proposed under this chapter, the Ohio</u>	484
<u>facilities construction commission shall require that each</u>	485
<u>classroom facility included in the project shall contain, or</u>	486
<u>provide for in the design plans, all of the following as a</u>	487

<u>condition of approval of the project:</u>	488
<u>(1) A minimum of two water bottle filling stations in each building;</u>	489 490
<u>(2) A minimum of one drinking fountain or water bottle filling station on each floor and wing of each building;</u>	491 492
<u>(3) A minimum of one drinking fountain or water bottle filling station for every one hundred students projected to attend the building upon completion of the project.</u>	493 494 495
<u>(C) Each school district board or school governing body shall ensure that each drinking fountain and water bottle filling station installed in a classroom facility included in a project under this chapter is regularly cleaned and maintained.</u>	496 497 498 499
<u>(D) The requirements of this section are in addition to the requirements of Chapters 3781. and 3791. of the Revised Code and any rule adopted pursuant to those chapters.</u>	500 501 502
Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between April 6, 1917, and November 11, 1918, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.	503 504 505 506 507 508 509 510 511
(B) (1) As used in this division: <u>section:</u>	512
(a) "Volunteer firefighter" has the meaning as in division (B) (1) of section 146.01 of the Revised Code.	513 514
(b) "Public service officer" means an Ohio firefighter,	515

volunteer firefighter, police officer, member of the state 516
highway patrol, employee designated to exercise the powers of 517
police officers pursuant to section 1545.13 of the Revised Code, 518
or other peace officer as defined by division (B) of section 519
2935.01 of the Revised Code, or a person holding any equivalent 520
position in another state. 521

(c) "Qualified former spouse" means the former spouse of a 522
public service officer, or of a member of the armed services of 523
the United States, who is the custodial parent of a minor child 524
of that marriage pursuant to an order allocating the parental 525
rights and responsibilities for care of the child issued 526
pursuant to section 3109.04 of the Revised Code. 527

(d) "Operation enduring freedom" means that period of 528
conflict which began October 7, 2001, and ends on a date 529
declared by the president of the United States or the congress. 530

(e) "Operation Iraqi freedom" means that period of 531
conflict which began March 20, 2003, and ends on a date declared 532
by the president of the United States or the congress. 533

(f) "Combat zone" means an area that the president of the 534
United States by executive order designates, for purposes of 26 535
U.S.C. 112, as an area in which armed forces of the United 536
States are or have engaged in combat. 537

(2) ~~Any Subject to division (D) of this section, any~~ 538
resident of this state who is under twenty-six years of age, or 539
under thirty years of age if the resident has been honorably 540
discharged from the armed services of the United States, who is 541
the child of a public service officer killed in the line of duty 542
or of a member of the armed services of the United States killed 543
in the line of duty during operation enduring freedom or 544

operation Iraqi freedom, and who is admitted to any state 545
university or college as defined in division (A) (1) of section 546
3345.12 of the Revised Code, community college, state community 547
college, university branch, or technical college shall not be 548
required to pay any tuition or any student fee for up to four 549
academic years of education, which shall be at the undergraduate 550
level, or a certificate program as prescribed under division (E) 551
of this section. 552

A child of a member of the armed services of the United 553
States killed in the line of duty during operation enduring 554
freedom or operation Iraqi freedom is eligible for a waiver of 555
tuition and student fees under this division only if the student 556
is not eligible for a war orphans and severely disabled 557
veterans' children scholarship authorized by Chapter 5910. of 558
the Revised Code. In any year in which the war orphans and 559
severely disabled veterans' children scholarship board reduces 560
the percentage of tuition covered by a war orphans and severely 561
disabled veterans' children scholarship below one hundred per 562
cent pursuant to division (A) of section 5910.04 of the Revised 563
Code, the waiver of tuition and student fees under this division 564
for a child of a member of the armed services of the United 565
States killed in the line of duty during operation enduring 566
freedom or operation Iraqi freedom shall be reduced by the same 567
percentage. 568

(3) ~~Any~~ Subject to division (D) of this section, any 569
resident of this state who is the spouse or qualified former 570
spouse of a public service officer killed in the line of duty, 571
and who is admitted to any state university or college as 572
defined in division (A) (1) of section 3345.12 of the Revised 573
Code, community college, state community college, university 574
branch, or technical college, shall not be required to pay any 575

tuition or any student fee for up to four academic years of 576
education, which shall be at the undergraduate level, or a 577
certificate program as prescribed under division (E) of this 578
section. 579

(4) Any resident of this state who is the spouse or 580
qualified former spouse of a member of the armed services of the 581
United States killed in the line of duty while serving in a 582
combat zone after May 7, 1975, and who is admitted to any state 583
university or college as defined in division (A)(1) of section 584
3345.12 of the Revised Code, community college, state community 585
college, university branch, or technical college, shall not be 586
required to pay any tuition or any student fee for up to four 587
years of academic education, which shall be at the undergraduate 588
level, or a certificate program as prescribed under division (E) 589
of this section. In order to qualify under division (B)(4) of 590
this section, the spouse or qualified former spouse shall have 591
been a resident of this state at the time the member was killed 592
in the line of duty. 593

(C) Any institution that is not subject to division (B) of 594
this section and that holds a valid certificate of registration 595
issued under Chapter 3332. of the Revised Code, a valid 596
certificate issued under Chapter 4709. of the Revised Code, or a 597
valid license issued under Chapter 4713. of the Revised Code, or 598
that is nonprofit and has a certificate of authorization issued 599
under section 1713.02 of the Revised Code, or that is a private 600
institution exempt from regulation under Chapter 3332. of the 601
Revised Code as prescribed in section 3333.046 of the Revised 602
Code, which reduces tuition and student fees of a student who is 603
eligible to attend an institution of higher education under the 604
provisions of division (B) of this section by an amount 605
indicated by the chancellor of higher education shall be 606

eligible to receive a grant in that amount from the chancellor. 607

Each institution that enrolls students under division (B) 608
of this section shall report to the chancellor, by the first day 609
of July of each year, the number of students who were so 610
enrolled and the average amount of all such tuition and student 611
fees waived during the preceding year. The chancellor shall 612
determine the average amount of all such tuition and student 613
fees waived during the preceding year. The average amount of the 614
tuition and student fees waived under division (B) of this 615
section during the preceding year shall be the amount of grants 616
that participating institutions shall receive under this 617
division during the current year, but no grant under this 618
division shall exceed the tuition and student fees due and 619
payable by the student prior to the reduction referred to in 620
this division. The grants shall be made for two certificate 621
programs or four years of undergraduate education of an eligible 622
student. 623

(D) Notwithstanding anything to the contrary in section 624
3333.31 of the Revised Code, for the purposes of divisions (B) 625
(2) and (3) of this section, the child, spouse, or qualified 626
former spouse of a public service officer or a member of the 627
armed services of the United States killed in the line of duty 628
shall be considered a resident of this state for the purposes of 629
this section if the child, spouse, or qualified former spouse 630
was a resident of this state at the time that the public service 631
officer or member of the armed services was killed. 632

However, no child, spouse, or qualified former spouse of a 633
public service officer or a member of the armed services of the 634
United States killed in the line of duty shall be required to be 635
a resident of this state at the time the public service officer 636

or member of the armed services of the United States was killed 637
in order to receive benefits under divisions (B) (2) and (3) of 638
this section. 639

(E) A child, spouse, or qualified former spouse of a 640
public service officer or a member of the armed services killed 641
in the line of duty shall receive benefits for a certificate 642
program in accordance with division (B) or (C) of this section, 643
except that a particular child, spouse, or qualified former 644
spouse shall not receive benefits for: 645

(1) More than two certificate programs; 646

(2) A total number of academic credits or instructional 647
hours equivalent to more than four academic years; 648

(3) For any particular academic year, an amount that is 649
greater than eight thousand dollars. 650

Sec. 3781.1011. (A) As used in this section: 651

(1) "Alarm system" means a device or system that transmits 652
a signal intended to summon law enforcement to a county, 653
township, or municipal corporation in response to an alleged 654
violation of an offense under Chapter 2911. of the Revised Code 655
occurring in a nonresidential zone of the applicable county, 656
township, or municipal corporation. The term includes an alarm 657
that emits an audible signal on the exterior of a structure. The 658
term does not include an alarm installed on a vehicle or an 659
alarm designed to alert only the inhabitants within the 660
premises. The term includes an alarm system for which a permit 661
may be issued under any applicable section of the Revised Code 662
or Ohio Constitution. 663

(2) "Battery-charged fence" means a fence connected to a 664
battery-operated energizer that is intended periodically to 665

deliver voltage impulses to the fence, a battery charging device 666
used exclusively to charge the battery, and any other ancillary 667
components or equipment attached to such a system. 668

(3) "Permit" means a certificate, license, permit, or 669
other form of permission that authorizes a person to engage in 670
an action. 671

(B) A battery-charged fence installed on private, 672
nonresidential property within a county, township, or municipal 673
corporation shall satisfy all of the following: 674

(1) Interface with a monitored alarm system; 675

(2) Have a battery-operated energizer that is powered by a 676
commercial storage battery that is not more than twelve volts of 677
direct current, and that meets the standards set forth by the 678
international electrotechnical commission 60335-02-76 current 679
edition; 680

(3) Be completely surrounded by a nonelectric perimeter 681
fence or wall that is not less than five feet in height; 682

(4) Be not more than the higher of ten feet in height, or 683
two feet higher than the height of the nonelectric perimeter 684
fence or wall; and 685

(5) Be marked with conspicuous warning signs that are 686
located on the battery-charged fence at not more than forty-foot 687
intervals and that read: "WARNING--ELECTRIC FENCE." 688

(C) Division (B) of this section does not apply to any of 689
the following: 690

(1) Fences that are required to be constructed by persons 691
or corporations owning, controlling, or managing a railroad 692
pursuant to Chapter 4959. of the Revised Code; 693

<u>(2) Preferred partition fences under Chapter 971. of the</u>	694
<u>Revised Code;</u>	695
<u>(3) Fences constructed or installed by the state or a</u>	696
<u>political subdivision, or by the federal government;</u>	697
<u>(4) Fences installed at a facility that is an accredited</u>	698
<u>member of the association of zoos and aquariums or the</u>	699
<u>zoological association of America and that is licensed by the</u>	700
<u>United States department of agriculture under the federal animal</u>	701
<u>welfare act;</u>	702
<u>(5) Fences installed at a wildlife sanctuary.</u>	703
<u>(D) Notwithstanding any other section of the Revised Code,</u>	704
<u>a county, township, or municipal corporation may adopt and</u>	705
<u>enforce an ordinance, order, resolution, or regulation that does</u>	706
<u>any of the following:</u>	707
<u>(1) Imposes installation or operational requirements for</u>	708
<u>battery-charged fences in nonresidential properties that are not</u>	709
<u>in conflict with the requirements and standards set forth in</u>	710
<u>division (B) of this section;</u>	711
<u>(2) Requires a permit or fee for the installation or use</u>	712
<u>of a battery-charged fence to which this section applies in</u>	713
<u>accordance with a permit or fee for an alarm system issued or</u>	714
<u>charged by the county, township, or municipal corporation;</u>	715
<u>(3) Prohibits the installation or use of a battery-charged</u>	716
<u>fence in a nonresidential zone that does not meet the</u>	717
<u>requirements and standards set forth in division (B) of this</u>	718
<u>section.</u>	719
Sec. 5715.19. (A) As used in this section, "member" has	720
the same meaning as in section 1705.01 of the Revised Code, and	721

"internet identifier of record" has the same meaning as in 722
section 9.312 of the Revised Code. 723

(1) Subject to division (A)(2) of this section, a 724
complaint against any of the following determinations for the 725
current tax year shall be filed with the county auditor on or 726
before the thirty-first day of March of the ensuing tax year or 727
the date of closing of the collection for the first half of real 728
and public utility property taxes for the current tax year, 729
whichever is later: 730

(a) Any classification made under section 5713.041 of the 731
Revised Code; 732

(b) Any determination made under section 5713.32 or 733
5713.35 of the Revised Code; 734

(c) Any recoupment charge levied under section 5713.35 of 735
the Revised Code; 736

(d) The determination of the total valuation or assessment 737
of any parcel that appears on the tax list, except parcels 738
assessed by the tax commissioner pursuant to section 5727.06 of 739
the Revised Code; 740

(e) The determination of the total valuation of any parcel 741
that appears on the agricultural land tax list, except parcels 742
assessed by the tax commissioner pursuant to section 5727.06 of 743
the Revised Code; 744

(f) Any determination made under division (A) of section 745
319.302 of the Revised Code. 746

If such a complaint is filed by mail or certified mail, 747
the date of the United States postmark placed on the envelope or 748
sender's receipt by the postal service shall be treated as the 749

date of filing. A private meter postmark on an envelope is not a 750
valid postmark for purposes of establishing the filing date. 751

Any person owning taxable real property in the county or 752
in a taxing district with territory in the county; such a 753
person's spouse; an individual who is retained by such a person 754
and who holds a designation from a professional assessment 755
organization, such as the institute for professionals in 756
taxation, the national council of property taxation, or the 757
international association of assessing officers; a public 758
accountant who holds a permit under section 4701.10 of the 759
Revised Code, a general or residential real estate appraiser 760
licensed or certified under Chapter 4763. of the Revised Code, 761
or a real estate broker licensed under Chapter 4735. of the 762
Revised Code, who is retained by such a person; if the person is 763
a firm, company, association, partnership, limited liability 764
company, or corporation, an officer, a salaried employee, a 765
partner, or a member of that person; if the person is a trust, a 766
trustee of the trust; the board of county commissioners; the 767
prosecuting attorney or treasurer of the county; the board of 768
township trustees of any township with territory within the 769
county; the board of education of any school district with any 770
territory in the county; or the mayor or legislative authority 771
of any municipal corporation with any territory in the county 772
may file such a complaint regarding any such determination 773
affecting any real property in the county, except that a person 774
owning taxable real property in another county may file such a 775
complaint only with regard to any such determination affecting 776
real property in the county that is located in the same taxing 777
district as that person's real property is located. The county 778
auditor shall present to the county board of revision all 779
complaints filed with the auditor. 780

(2) As used in division (A) (2) of this section, "interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year until the tax year in which that section applies again.

No person, board, or officer shall file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period, unless the person, board, or officer alleges that the valuation or assessment should be changed due to one or more of the following circumstances that occurred after the tax lien date for the tax year for which the prior complaint was filed and that the circumstances were not taken into consideration with respect to the prior complaint:

(a) The property was sold in an arm's length transaction, as described in section 5713.03 of the Revised Code;

(b) The property lost value due to some casualty;

(c) Substantial improvement was added to the property;

(d) An increase or decrease of at least fifteen per cent in the property's occupancy has had a substantial economic impact on the property.

(3) If a county board of revision, the board of tax appeals, or any court dismisses a complaint filed under this section or section 5715.13 of the Revised Code for the reason that the act of filing the complaint was the unauthorized practice of law or the person filing the complaint was engaged in the unauthorized practice of law, the party affected by a decrease in valuation or the party's agent, or the person owning taxable real property in the county or in a taxing district with

territory in the county, may refile the complaint, 810
notwithstanding division (A) (2) of this section. 811

(4) (a) No complaint filed under this section or section 812
5715.13 of the Revised Code shall be dismissed for the reason 813
that the complaint fails to accurately identify the owner of the 814
property that is the subject of the complaint. 815

(b) If a complaint fails to accurately identify the owner 816
of the property that is the subject of the complaint, the board 817
of revision shall exercise due diligence to ensure the correct 818
property owner is notified as required by divisions (B) and (C) 819
of this section. 820

(5) Notwithstanding division (A) (2) of this section, a 821
person, board, or officer may file a complaint against the 822
valuation or assessment of any parcel that appears on the tax 823
list if it filed a complaint against the valuation or assessment 824
of that parcel for any prior tax year in the same interim period 825
if the person, board, or officer withdrew the complaint before 826
the complaint was heard by the board. 827

(B) Within thirty days after the last date such complaints 828
may be filed, the auditor shall give notice of each complaint in 829
which the stated amount of overvaluation, undervaluation, 830
discriminatory valuation, illegal valuation, or incorrect 831
determination is at least seventeen thousand five hundred 832
dollars to each property owner whose property is the subject of 833
the complaint, if the complaint was not filed by the owner or 834
the owner's spouse, and to each board of education whose school 835
district may be affected by the complaint. Within thirty days 836
after receiving such notice, a board of education; a property 837
owner; the owner's spouse; an individual who is retained by such 838
an owner and who holds a designation from a professional 839

assessment organization, such as the institute for professionals 840
in taxation, the national council of property taxation, or the 841
international association of assessing officers; a public 842
accountant who holds a permit under section 4701.10 of the 843
Revised Code, a general or residential real estate appraiser 844
licensed or certified under Chapter 4763. of the Revised Code, 845
or a real estate broker licensed under Chapter 4735. of the 846
Revised Code, who is retained by such a person; or, if the 847
property owner is a firm, company, association, partnership, 848
limited liability company, corporation, or trust, an officer, a 849
salaried employee, a partner, a member, or trustee of that 850
property owner, may file a complaint in support of or objecting 851
to the amount of alleged overvaluation, undervaluation, 852
discriminatory valuation, illegal valuation, or incorrect 853
determination stated in a previously filed complaint or 854
objecting to the current valuation. Upon the filing of a 855
complaint under this division, the board of education or the 856
property owner shall be made a party to the action. 857

(C) Each board of revision shall notify any complainant 858
and also the property owner, if the property owner's address is 859
known, when a complaint is filed by one other than the property 860
owner, not less than ten days prior to the hearing, either by 861
certified mail or, if the board has record of an internet 862
identifier of record associated with the owner, by ordinary mail 863
and by that internet identifier of record of the time and place 864
the same will be heard. The board of revision shall hear and 865
render its decision on a complaint within ~~ninety~~ one hundred 866
eighty days after the ~~filing thereof~~ last day a complaint may be 867
filed with the board under division (A) (1) of this section or, 868
~~except that~~ if a complaint is filed within thirty days after 869
receiving notice from the auditor as provided in division (B) of 870

this section, ~~the board shall hear and render its decision~~ 871
within ~~ninety~~ one hundred eighty days after such filing. 872

(D) The determination of any such complaint shall relate 873
back to the date when the lien for taxes or recoupment charges 874
for the current year attached or the date as of which liability 875
for such year was determined. Liability for taxes and recoupment 876
charges for such year and each succeeding year until the 877
complaint is finally determined and for any penalty and interest 878
for nonpayment thereof within the time required by law shall be 879
based upon the determination, valuation, or assessment as 880
finally determined. Each complaint shall state the amount of 881
overvaluation, undervaluation, discriminatory valuation, illegal 882
valuation, or incorrect classification or determination upon 883
which the complaint is based. The treasurer shall accept any 884
amount tendered as taxes or recoupment charge upon property 885
concerning which a complaint is then pending, computed upon the 886
claimed valuation as set forth in the complaint. If a complaint 887
filed under this section for the current year is not determined 888
by the board within the time prescribed for such determination, 889
the complaint and any proceedings in relation thereto shall be 890
continued by the board as a valid complaint for any ensuing year 891
until such complaint is finally determined by the board or upon 892
any appeal from a decision of the board. In such case, the 893
original complaint shall continue in effect without further 894
filing by the original taxpayer, the original taxpayer's 895
assignee, or any other person or entity authorized to file a 896
complaint under this section. 897

(E) If a taxpayer files a complaint as to the 898
classification, valuation, assessment, or any determination 899
affecting the taxpayer's own property and tenders less than the 900
full amount of taxes or recoupment charges as finally 901

determined, an interest charge shall accrue as follows: 902

(1) If the amount finally determined is less than the 903
amount billed but more than the amount tendered, the taxpayer 904
shall pay interest at the rate per annum prescribed by section 905
5703.47 of the Revised Code, computed from the date that the 906
taxes were due on the difference between the amount finally 907
determined and the amount tendered. This interest charge shall 908
be in lieu of any penalty or interest charge under section 909
323.121 of the Revised Code unless the taxpayer failed to file a 910
complaint and tender an amount as taxes or recoupment charges 911
within the time required by this section, in which case section 912
323.121 of the Revised Code applies. 913

(2) If the amount of taxes finally determined is equal to 914
or greater than the amount billed and more than the amount 915
tendered, the taxpayer shall pay interest at the rate prescribed 916
by section 5703.47 of the Revised Code from the date the taxes 917
were due on the difference between the amount finally determined 918
and the amount tendered, such interest to be in lieu of any 919
interest charge but in addition to any penalty prescribed by 920
section 323.121 of the Revised Code. 921

(F) Upon request of a complainant, the tax commissioner 922
shall determine the common level of assessment of real property 923
in the county for the year stated in the request that is not 924
valued under section 5713.31 of the Revised Code, which common 925
level of assessment shall be expressed as a percentage of true 926
value and the common level of assessment of lands valued under 927
such section, which common level of assessment shall also be 928
expressed as a percentage of the current agricultural use value 929
of such lands. Such determination shall be made on the basis of 930
the most recent available sales ratio studies of the 931

commissioner and such other factual data as the commissioner 932
deems pertinent. 933

(G) A complainant shall provide to the board of revision 934
all information or evidence within the complainant's knowledge 935
or possession that affects the real property that is the subject 936
of the complaint. A complainant who fails to provide such 937
information or evidence is precluded from introducing it on 938
appeal to the board of tax appeals or the court of common pleas, 939
except that the board of tax appeals or court may admit and 940
consider the evidence if the complainant shows good cause for 941
the complainant's failure to provide the information or evidence 942
to the board of revision. 943

(H) In case of the pendency of any proceeding in court 944
based upon an alleged excessive, discriminatory, or illegal 945
valuation or incorrect classification or determination, the 946
taxpayer may tender to the treasurer an amount as taxes upon 947
property computed upon the claimed valuation as set forth in the 948
complaint to the court. The treasurer may accept the tender. If 949
the tender is not accepted, no penalty shall be assessed because 950
of the nonpayment of the full taxes assessed. 951

Section 2. That existing sections 727.13, 727.14, 3333.26, 952
and 5715.19 of the Revised Code are hereby repealed. 953

Section 3. The amendment of section 5715.19 of the Revised 954
Code applies to complaints filed under that section for tax 955
years beginning on or after the effective date of this section. 956

Section 4. (A) The Governor is authorized to execute a 957
deed or deeds in the name of the state conveying to a grantee or 958
grantees acceptable to the Board of Trustees of Kent State 959
University, all of the state's right, title, and interest in all 960

or part of the following described parcels of real estate:	961
DESCRIPTION OF 62.88 ACRES.	962
Being located in Trumbull County, Champion Township and	963
being known as parts of lot 79, lot 80, and a reservation tract.	964
Beginning at an iron pin located in the northeast corner	965
of the lands now or previously owned by the trustees of Kent	966
State University and recorded in Volume 870 page 220 of the	967
Trumbull County Records of Deeds. Said iron pin is also located	968
on the southerly line of the egress and ingress easement	969
recorded in Volume 1035 page 619. Said iron pin being the true	970
point of beginning.	971
Thence S. 89 45' E. A distance of 1,521.99 feet to a point	972
located on the westerly line of lands leased to the Trumbull	973
County Joint Vocational School Board of Education and recorded	974
in Volume 97, page 166.	975
Thence S. 0 21' 15" W. 1,806.24' feet to and iron pin	976
located on the northern boundary of lands owned by the State of	977
Ohio and containing TRU-5-10.74 (Warren Outerbelt).	978
Thence N. 89 24' 37.5" W. 1,518.54 feet along the lands of	979
the State of Ohio (Warren Outerbelt) to an iron pin located at	980
the southeast corner of the lands owned by the trustees of Kent	981
State University.	982
Thence N. 0 14' 30" E. 1,797.59 feet to the true point of	983
beginning and containing 62.8824 acres.	984
Said parcel contains a 42' foot easement along its	985
1,518.54 foot southern boundary.	986
Trumbull County Auditor's Parcel Number: 46-901688	987

Prior Instrument Reference: Official Record 5, Page 309,	988
Trumbull County Recorder	989
(B) The foregoing description may be adjusted by the	990
Department of Administrative Services to accommodate any	991
corrections necessary to facilitate recordation of the deed.	992
(C) Consideration for the conveyance is to be acceptable	993
to the Board of Trustees of Kent State University. The net	994
proceeds of any sale of real estate described above shall be	995
paid to Kent State University and deposited in university	996
accounts for purposes to be determined by its Board of Trustees.	997
(D) The Auditor of State, with the assistance of the	998
Attorney General, shall prepare the deed to real estate upon	999
notification by the university. The deed shall state the	1000
consideration and shall be executed by the Governor in the name	1001
of the state, countersigned by the Secretary of State, sealed	1002
with the Great Seal of the State, presented in the Office of the	1003
Auditor of State for recording, and delivered to the grantee.	1004
The grantee shall present the deed for recording in the Office	1005
of the Trumbull County Recorder.	1006
(E) The grantee shall pay the costs of the conveyance	1007
including county recording fees.	1008
(F) This section expires three years after its effective	1009
date.	1010
Section 5. The provisions of this act concerning the	1011
determination of residency for a waiver of post-secondary	1012
tuition and fees for a child, spouse, or qualified former spouse	1013
of a public service officer or United States armed service	1014
member killed in the line of duty shall be known as the "Anthony	1015
Dia Act."	1016