

# AN ACT

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

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 727.13, 727.14, 3333.26, and 5715.19 be amended and sections 9.239, 308.20, 308.21, 308.22, 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 deduction.

(D) No public entity and no employee or agent of a public entity acting in the employee's or agent's official capacity shall seek, solicit, charge, or accept a fee, payment, or other consideration in

exchange for allocating a deduction allowed under section 179D of the Internal Revenue Code or providing documentation of such an allocation as required under that section and any associated rules or guidance of the internal revenue service or the United States department of the treasury.

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

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

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

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

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

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

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

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

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

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

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

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

(4) A description of the territory of the district, which shall consist of all parcels of real property that are located within five miles of the qualifying airport. For the purpose of this division, a

parcel is located within five miles of a qualifying airport if the distance between any portion of the parcel and any portion of the qualifying airport is five miles or less.

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

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

Sec. 308.22. (A) An airport development district shall be governed by the board of trustees of a nonprofit corporation which shall be known as the board of directors of the airport development district. Initially, the board shall consist of three directors appointed by 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. One year after the resolution creating the district is adopted, or thirty days following the date that the owner or owners of at least four parcels within the district or businesses operating within the district, collectively, have entered into development charge agreements, whichever is later, an additional four directors shall be appointed to the board by the owners of property within the district and businesses operating within the district that are subject to a development charge agreement, in the manner specified in the resolution creating the district. All appointments shall be made in accordance with any applicable rules, regulations, and guidelines of the federal aviation administration.

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

Before making any expenditure, including those authorized under section 308.25 of the Revised Code, the board of directors of the airport development district shall notify the board of trustees of the regional airport authority, board of directors of the port authority, or legislative authority of the municipal corporation that owns, operates, or maintains the qualifying airport of the proposed expenditure. The expenditure shall not be made unless the board of trustees of the regional airport authority, board of directors of the port authority, or legislative authority of the municipal corporation adopts and certifies a resolution to the board of directors of the airport development district approving the expenditure.

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

(D) By the first day of March of each year the treasurer shall submit a report of the district's activities and financial condition for the preceding year to the owners of all property that is, and businesses that are subject to a development charge agreement and to the board of trustees of the

regional airport authority, board of directors of the port authority, or legislative authority of the municipal corporation that owns, operates, or maintains the qualifying airport.

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

(F) District officers, directors, and their designees or proxies, and each officer and employee of a district shall be considered a public official or employee under section 102.01 of the Revised Code and a public official and public servant under section 2921.42 of the Revised Code but are not required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. All records of the district shall be treated as public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district shall not be considered to be public records under that section or section 149.431 of the Revised Code solely by reason of that contract.

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

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

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

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

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

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

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

(B)(1) A development charge agreement shall specify the amount and duration of the development charge and, if the agreement is between the board and the owner or owners of a business, the manner in which the development charge is to be collected. The duration of the development charge prescribed by the initial agreement shall be for a specified period of ten or more

years, or for a continuing period of time. The development charge shall not be collected after the dissolution of the district under section 308.25 of the Revised Code.

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

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

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

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

(4) An agreement may be amended for the purpose of imposing the development charge on additional parcels or additional businesses by a majority vote of the board and approval of the owner or owners of the additional parcels or additional businesses. An agreement may be rescinded or may be amended for any purpose other than imposing the development charge on additional parcels or additional businesses by a majority vote of the board and approval of the owner or owners of every parcel or every business that is subject to the agreement.

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

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

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

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

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

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

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

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

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

(F) Neither the articles of incorporation nor the development plan for the airport development district shall be amended without first obtaining the approval of (1) the majority of the members of the board of directors of the district, (2) the owners of at least sixty per cent of the collective number of parcels of real property and businesses that are subject to development charge agreements, and (3) the majority of the members of the board of trustees of the regional airport authority, board of directors of the port authority, or legislative authority of the municipal corporation that owns, operates, or maintains the qualifying airport. All amendments to the articles shall be filed with the secretary of state along with documentation sufficient to prove that the requirements of this division have been met.

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

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

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

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

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

(5) Any damages resulting from implementing that plan.

(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.

(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.

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.

(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 development charge agreement, the district shall be dissolved, or the plan shall be repealed, as applicable. The dissolution of a district shall not be finalized until all debts and obligations of the district are paid in full.

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

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

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

(B)(1) If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by ~~publication either or both of the following methods:~~

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

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

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

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

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

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

(2) Publication of such notice on the web site of the municipal corporation;

(3) As provided in section 7.16 of the Revised Code. ~~When~~

(B) When it appears from the estimated assessment filed as provided by section 727.12 of the Revised Code, that the assessment against the owner of any lot or parcel of land will exceed ~~two~~ ~~five~~ hundred ~~fifty~~ dollars, such owner shall be notified of the assessment in the manner provided in section 727.13 of the Revised Code.

Sec. 3318.038. (A) As used in this section:

(1) "Drinking fountain" means a fountain to which all of the following apply:

(a) The fountain is designed to allow an individual to drink from the fountain.

(b) The fountain dispenses filtered, clean drinking water.

(c) The fountain is equipped with a protective cowl.

(d) The fountain is equipped with a water spout at least one inch above the overflow rim of the fountain.

(2) "Water bottle filling station" means a station to which both of the following apply:

(a) The station is designed to fill a bottle with water.

(b) The station dispenses filtered, clean drinking water.

(B) When reviewing design plans for a classroom facility construction project proposed under this chapter, the Ohio facilities construction commission shall require that each classroom facility included in the project shall contain, or provide for in the design plans, all of the following as a condition of approval of the project:

(1) A minimum of two water bottle filling stations in each building;

(2) A minimum of one drinking fountain or water bottle filling station on each floor and wing of each building;

(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.

(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.

(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.

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.

(B)(1) As used in this ~~division~~: section:

(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.

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

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

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

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

(2) ~~Any~~ Subject to division (D) of this section, any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi

freedom shall be reduced by the same percentage.

(3) ~~Any~~ Subject to division (D) of this section, any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

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

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

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

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

However, no child, spouse, or qualified former spouse of a public service officer or a member

of the armed services of the United States killed in the line of duty shall be required to be a resident of this state at the time the public service officer or member of the armed services of the United States was killed in order to receive benefits under divisions (B)(2) and (3) of this section.

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

(1) More than two certificate programs;

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

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

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

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

(2) "Battery-charged fence" means a fence connected to a battery-operated energizer that is intended periodically to deliver voltage impulses to the fence, a battery charging device used exclusively to charge the battery, and any other ancillary components or equipment attached to such a system.

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

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

(1) Interface with a monitored alarm system;

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

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

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

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

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

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

(2) Preferred partition fences under Chapter 971. of the Revised Code;

(3) Fences constructed or installed by the state or a political subdivision, or by the federal government;

(4) Fences installed at a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;

(5) Fences installed at a wildlife sanctuary.

(D) Notwithstanding any other section of the Revised Code, a county, township, or municipal corporation may adopt and enforce an ordinance, order, resolution, or regulation that does any of the following:

(1) Imposes installation or operational requirements for battery-charged fences in nonresidential properties that are not in conflict with the requirements and standards set forth in division (B) of this section;

(2) Requires a permit or fee for the installation or use of a battery-charged fence to which this section applies in accordance with a permit or fee for an alarm system issued or charged by the county, township, or municipal corporation;

(3) Prohibits the installation or use of a battery-charged fence in a nonresidential zone that does not meet the requirements and standards set forth in division (B) of this section.

Sec. 5715.19. (A) As used in this section, "member" has the same meaning as in section 1705.01 of the Revised Code, and "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

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

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

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

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

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

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

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

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date.

Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing

officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; if the person is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person; if the person is a trust, a trustee of the trust; the board of county commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county; or the mayor or legislative authority of any municipal corporation with any territory in the county may file such a complaint regarding any such determination affecting any real property in the county, except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located. The county auditor shall present to the county board of revision all complaints filed with the auditor.

(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, notwithstanding division (A)(2) of this section.

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

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

(5) Notwithstanding division (A)(2) of this section, a person, board, or officer may 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 if the person, board, or officer withdrew the complaint before the complaint was heard by the board.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; an individual who is retained by such an owner and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person; or, if the property owner is a firm, company, association, partnership, limited liability company, corporation, or trust, an officer, a salaried employee, a partner, a member, or trustee of that property owner, may file a complaint in support of or objecting to the amount of alleged overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination stated in a previously filed complaint or objecting to the current valuation. Upon the filing of a complaint under this division, the board of education or the property owner shall be made a party to the action.

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

(D) The determination of any such complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until the complaint is finally determined and for any penalty and interest for nonpayment thereof within the time required by law shall be based upon the determination, valuation, or assessment as finally determined. Each complaint shall state the amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect classification or determination upon which the complaint is based. The treasurer shall accept any amount tendered as taxes or recoupment charge upon property concerning which a complaint is then pending, computed upon the claimed valuation

as set forth in the complaint. If a complaint filed under this section for the current year is not determined by the board within the time prescribed for such determination, the complaint and any proceedings in relation thereto shall be continued by the board as a valid complaint for any ensuing year until such complaint is finally determined by the board or upon any appeal from a decision of the board. In such case, the original complaint shall continue in effect without further filing by the original taxpayer, the original taxpayer's assignee, or any other person or entity authorized to file a complaint under this section.

(E) If a taxpayer files a complaint as to the classification, valuation, assessment, or any determination affecting the taxpayer's own property and tenders less than the full amount of taxes or recoupment charges as finally determined, an interest charge shall accrue as follows:

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

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

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

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

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

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

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

SECTION 4. (A) The Governor is authorized to execute a deed or deeds in the name of the state conveying to a grantee or grantees acceptable to the Board of Trustees of Kent State University, all of the state's right, title, and interest in all or part of the following described parcels of real estate:

DESCRIPTION OF 62.88 ACRES.

Being located in Trumbull County, Champion Township and being known as parts of lot 79, lot 80, and a reservation tract.

Beginning at an iron pin located in the northeast corner of the lands now or previously owned by the trustees of Kent State University and recorded in Volume 870 page 220 of the Trumbull County Records of Deeds. Said iron pin is also located on the southerly line of the egress and ingress easement recorded in Volume 1035 page 619. Said iron pin being the true point of beginning.

Thence S. 89 45' E. A distance of 1,521.99 feet to a point located on the westerly line of lands leased to the Trumbull County Joint Vocational School Board of Education and recorded in Volume 97, page 166.

Thence S. 0 21' 15" W. 1,806.24' feet to and iron pin located on the northern boundary of lands owned by the State of Ohio and containing TRU-5-10.74 (Warren Outerbelt).

Thence N. 89 24' 37.5" W. 1,518.54 feet along the lands of the State of Ohio (Warren Outerbelt) to an iron pin located at the southeast corner of the lands owned by the trustees of Kent State University.

Thence N. 0 14' 30" E. 1,797.59 feet to the true point of beginning and containing 62.8824 acres.

Said parcel contains a 42' foot easement along its 1,518.54 foot southern boundary.

Trumbull County Auditor's Parcel Number: 46-901688

Prior Instrument Reference: Official Record 5, Page 309, Trumbull County Recorder

(B) The foregoing description may be adjusted by the Department of Administrative Services to accommodate any corrections necessary to facilitate recordation of the deed.

(C) Consideration for the conveyance is to be acceptable to the Board of Trustees of Kent State University. The net proceeds of any sale of real estate described above shall be paid to Kent State University and deposited in university accounts for purposes to be determined by its Board of Trustees.

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare the deed to real estate upon notification by the university. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Trumbull County Recorder.

- (E) The grantee shall pay the costs of the conveyance including county recording fees.
- (F) This section expires three years after its effective date.

SECTION 5. The provisions of this act concerning the determination of residency for a waiver of post-secondary tuition and fees for a child, spouse, or qualified former spouse of a public service officer or United States armed service member killed in the line of duty shall be known as the "Anthony Dia Act."

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_