

OHIO

SENATE

JOURNAL

TUESDAY, SEPTEMBER 19, 2017

NINETY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, September 19, 2017, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 192 - Senator Tavares.

Cosponsors: Senators Eklund, Sykes, Yuko.

To enact section 5.50 of the Revised Code to designate the last week of September as "Diaper Need Awareness Week."

S. B. No. 193 - Senator Tavares.

Cosponsors: Senators Skindell, Williams, Sykes, Brown, Yuko.

To enact sections 103.85, 103.86, 103.87, and 103.88 of the Revised Code to create a long-term care inspection committee.

S. B. No. 194 - Senator Terhar.

Cosponsor: Senator Wilson.

To amend sections 4505.101, 4513.601, and 4513.611 of the Revised Code to require only one notice to be sent to a vehicle owner and any known lienholder after a vehicle is towed from a private tow-away zone.

S. B. No. 195 - Senator Beagle.

Cosponsor: Senator Lehner.

To amend sections 109.73, 955.11, 955.12, 955.22, 955.222, 955.44, 955.54, and 955.99 and to enact sections 955.13, 955.223, 955.224, 955.225, and 955.60 of the Revised Code to revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law.

S. B. No. 196 - Senator Williams.

Cosponsor: Senator Brown.

To enact section 2903.23 of the Revised Code to create the offense of aggravated bullying, a third-degree misdemeanor.

S. B. No. 197 - Senator Williams.

Cosponsor: Senator Brown.

To amend section 3313.666 and to enact section 2903.23 of the Revised Code to require a tiered disciplinary procedure for harassment, intimidation, or bullying in school; to require annual student instruction about preventing

such acts; and to create the offense of aggravated bullying as a third-degree misdemeanor.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 284 - Senator Kunze.

Honoring Grace Squires and Zoe Hocter on placing first at the 2017 Hoover Sailing Club Junior Regatta.

S. R. No. 285 - Senator Manning.

Honoring the Elyria High School softball team on winning the 2017 Division I State Championship.

S. R. No. 286 - Senator Balderson.

Honoring Emily Kern on winning a silver medal at the 2017 FCCLA National Leadership Conference.

S. R. No. 287 - Senator Wilson.

Honoring the Springboro High School Air Force Junior ROTC Panther drill team as a 2017 All-Service National High School Drill Team Champion.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

STATE OF OHIO EXECUTIVE DEPARTMENT OFFICE OF THE GOVERNOR COLUMBUS

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Paul Timothy Bailey, Democrat, from Marion, Marion County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 7, 2017 and ending at the close of business September 3, 2020, replacing Paul Timothy Bailey, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th

day of September in the year of our Lord, Two Thousand and Seventeen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Miriam Diabate, from Columbus, Franklin County, Ohio, as a Member of the New African Immigrants Commission for a term beginning September 6, 2017 and ending at the close of business October 7, 2017.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of September in the year of our Lord, Two Thousand and Seventeen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Teresa D. Gardner, from North Ridgeville, Lorain County, Ohio, as a Member of the Lorain County Community College Board of Trustees for a new term beginning September 7, 2017 and ending at the close of business August 30, 2022, replacing Teresa D. Gardner, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th day of September in the year of our Lord, Two Thousand and Seventeen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, William "BJ" Nurczyk, Jr. CPA, from Steubenville, Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning September 8, 2017 and ending at the close of business October 16, 2017, replacing John T. Gilmore, who passed away.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 8th day of September in the year of our Lord, Two Thousand and Seventeen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Carol A. Hamilton O'Brien, Republican, from Delaware, Delaware County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 7, 2017 and ending at the close of business September 3, 2020, replacing Carol A. Hamilton O'Brien, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th day of September in the year of our Lord, Two Thousand and Seventeen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Donald L. Ortner, from Oberlin, Lorain County, Ohio, as a Member of the Lorain County Community College Board of Trustees for a new term beginning September 7, 2017 and ending at the close of business August 30, 2022, replacing Donald L. Ortner, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th day of September in the year of our Lord, Two Thousand and Seventeen.

[Seal]

John R. Kasich,
Governor.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has

concurred in the passage of the following bill:

Am. Sub. S. B. No. 8 -Senators Gardner, Terhar

Cosponsors: Senators Beagle, Eklund, Hite, Brown, Manning, Oelslager, Uecker, Bacon, Balderson, Dolan, Hackett, Hoagland, Hottinger, Huffman, Kunze, LaRose, Lehner, Obhof, O'Brien, Peterson, Schiavoni, Sykes, Tavares, Thomas, Wilson, Yuko Representatives Gavarone, Hambley, Anielski, Antonio, Arndt, Ashford, Barnes, Blessing, Brenner, Brown, Butler, DeVitis, Fedor, Galonski, Hughes, Ingram, Landis, Manning, O'Brien, Patterson, Patton, Pelanda, Perales, Riedel, Rogers, Seitz, Sheehy, Sweeney, West

To enact section 3318.39 of the Revised Code and to amend Sections 337.50 and 381.371 of Am. Sub. H.B. 49 of the 132nd General Assembly to establish the 1:1 School Facilities Option Program as an alternative to assist certain school districts in constructing, acquiring, reconstructing, or making additions or repairs to any feature of a classroom facility, to make appropriations, to modify an earmark, and to remove an earmark.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 25, after "chapter" insert ", except for emergency assistance under section 3318.351 of the Revised Code,"; delete the underlined comma

In line 26, delete "including a" and insert "A"

In line 28, delete the underlined semicolon and insert "shall not be eligible for assistance under this section."

In line 1 of the title, after "Code" insert "and to amend Sections 337.50 and 381.371 of Am. Sub. H.B. 49 of the 132nd General Assembly"

In line 6 of the title, after "facility" insert ", to make appropriations, to modify an earmark, and to remove an earmark"

In line 10, delete "school"

In line 11, after "facilities" insert "construction"

After line 82, insert:

"Section 2. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2018 and those in the second column are for fiscal year 2019. The appropriations made in this act are in addition to any other appropriations made for the FY 2018-2019 biennium.

Section 3. EDU DEPARTMENT OF EDUCATION

GENERAL REVENUE FUND

GRF 200545	Career-Technical Education Enhancements	\$162,200	\$162,000
TOTAL GRF General Revenue Fund		\$162,200	\$162,000
TOTAL ALL BUDGET FUND GROUPS		\$162,200	\$162,000

CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$162,200 in fiscal year 2018 and up to \$162,000 in fiscal year 2019 shall be distributed to the Cleveland Municipal School District and the Cincinnati City School District to be used for a VoAg program in one at-risk nonvocational school in each district. The amount distributed to the Cleveland Municipal School District shall be equal to \$78,600 in fiscal year 2018 and \$78,500 in fiscal year 2019 minus the funding allocated to the district under division (A)(8) of section 3317.022 of the Revised Code for the students participating in the program. The amount distributed to the Cincinnati City School District shall be equal to \$83,600 in fiscal year 2018 and \$83,500 in fiscal year 2019 minus the funding allocated to the district under division (A)(8) of section 3317.022 of the Revised Code for the students participating in the program.

Section 4. BOR DEPARTMENT OF HIGHER EDUCATION
GENERAL REVENUE FUND

GRF 235511	Cooperative Extension Service	\$ 141,244	\$148,136
TOTAL GRF	General Revenue Fund	\$141,244	\$148,136
TOTAL ALL BUDGET FUND GROUPS		\$141,244	\$148,136

COOPERATIVE EXTENSION SERVICE

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$134,244 in fiscal year 2018 and \$141,136 in fiscal year 2019 shall be used to support salaries and benefits for one 4-H Club at an elementary school in Cleveland and one 4-H Club at an elementary school in Cincinnati.

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$7,000 in each fiscal year shall be used to support mileage, telephone, supplies, and classroom activities costs at 4-H Clubs in Cleveland and Cincinnati. Seventy per cent of this amount shall be spent directly in relation to student involvement in 4-H.

Section 5. Within the limits set forth in this act, the Director of

Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 49 of the 132nd General Assembly.

The appropriations made in this act are subject to all provisions of Am. Sub. H.B. 49 of the 132nd General Assembly that are generally applicable to such appropriations.

Section 6. That Sections 337.50 and 381.371 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to read as follows:

Sec. 337.50. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$125,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities.

(D) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be allocated to the Wingspan Care Group.

(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$2,000,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. These funds shall be used in conjunction with appropriation item 336643, ADAMHS Boards, and allocated as follows:

(1) Each board shall receive \$75,000 in each fiscal year for each of the counties that are part of the board's service district.

(2) Each board shall receive a percentage of any remaining amount, allocated in this division from appropriation item 336421 and appropriation item 336643, to be determined as follows:

(a) Determine the sum of the following:

(i) The state's total population as of January 1, 2017;

(ii) The average number of opioid overdose deaths that occurred in the state during the immediately preceding three fiscal years.

(b) Determine the sum of the following:

(i) The population of the board's service district as of January 1, 2017;

(ii) The average number of opioid overdose deaths that occurred in the board's service district during the immediately preceding three fiscal years.

(c) Determine the percentage that the sum determined under division (E)(2)(b) of this section is of the sum determined under division (E)(2)(a) of this section.

(F)(1) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (F) of this section complies with all of the following:

(a) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(b) It admits individuals before and after the individuals are confined in state or local correctional facilities.

(c) It has a Medicaid provider agreement.

(d) It is located in a building constructed for another purpose before the effective date of this section.

(e) It admits individuals who have been identified as needing the stabilization services provided by the center.

(f) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(2) The Department of Mental Health and Addiction Services shall conduct an analysis of each mental health crisis stabilization center. Not later than June 30, 2019, the Department shall submit the findings of the analysis to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code.

~~(G) Of the foregoing appropriation item 336421, Continuum of Care Services, \$75,000 in each fiscal year shall be allocated to the Trauma Assistance Program located at Mt. Carmel West Hospital. The funds shall be used to provide treatment to victims of human trafficking or domestic violence or veterans suffering from post-traumatic events.~~

~~(H) As used in this section:~~

~~(1) "State or local correctional facility" means any of the following:~~

~~(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;~~

~~(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;~~

~~(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.~~

~~(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.~~

Sec. 381.371. CO-OP INTERNSHIP PROGRAM

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$200,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the

Washington Center Internship Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the ~~operations of the Center for Liberal Arts Student Success~~ Model United Nations Program at Wright State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

Section 7. That existing Sections 337.50 and 381.371 of Am. Sub. H.B. 49 of the 132nd General Assembly are hereby repealed."

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. S. B. No. 37 -Senator Hite

Cosponsors: Senators Uecker, Thomas, Sykes, Yuko, Williams, Brown, Wilson, Hackett, Bacon, Balderson, Coley, Dolan, Gardner, Hoagland, Huffman, Kunze, LaRose, Manning, O'Brien, Oelslager, Peterson, Schiavoni,

Tavares, Terhar Representatives Hambley, Perales, Antonio, Ashford, Barnes, Boggs, Boyd, Brown, Celebrezze, Craig, Cupp, Galonski, Gavarone, Greenspan, Holmes, Howse, Ingram, Kent, Leland, Manning, Miller, O'Brien, Patterson, Ramos, Reece, Rogers, Sheehy, Smith, K., Strahorn, Sweeney, West, Speaker Rosenberger

To enact section 109.804 of the Revised Code and to amend Section 243.20 of Am. Sub. H.B. 49 of the 132nd General Assembly to require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for certain newly appointed chiefs of police.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 1 of the title, delete everything after "To"

In line 2 of the title, delete the first "to"

In line 5 of the title, after "for" insert "certain"

In line 6 of the title, delete everything before "chiefs"

In line 7, delete everything after "That"

In line 8, delete "amended and"

In line 35, delete everything after "(D)"

Delete lines 36 through 326

In line 327, delete "(C)(1)"

In line 330, after the first "of" insert "this"; delete everything after "section"

In line 332, delete "under this section"

In line 340, delete "village" and insert "entity"

In line 342, delete "(2)" and insert "(E)"; delete ", newly" and insert ":", "Newly"

In line 343, delete "this"

In line 344, after "section" insert "505.49, 737.05, or 737.15 of the Revised Code or any administrative official that is responsible for the daily administration and supervision of peace officers in a law enforcement agency"

In line 345, delete ", any person"

Delete lines 346 and 347

In line 348, delete everything before the underlined period

Delete lines 349 and 350 and insert:

"Law enforcement agency" means a municipal or township police department, or any other entity authorized by statute to appoint peace officers to enforce criminal laws and who have the statutory power of arrest. "Law enforcement agency" does not include a county sheriff's office, the state

highway patrol, or the bureau of criminal identification and investigation."

In line 1 of the title, after "Code" insert "and to amend Section 243.20 of Am. Sub. H.B. 49 of the 132nd General Assembly"

After line 60, insert:

"Section 2. That Section 243.20 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to read as follows:

Sec. 243.20. UNCLAIMED FUNDS PAYMENTS

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

~~**FIRE MARSHAL**~~

~~Of the foregoing appropriation item 800610, Fire Marshal, \$150,000 in fiscal year 2018 shall be used to provide a loan for fire training center equipment to a fire training center that received an appropriation in S.B. 310 of the 131st General Assembly.~~

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local

units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may only apply, as a separate entity or as a part of a joint application, for one MARCS Grant per fiscal year. The State Fire Marshal may give a preference in the awarding of MARCS Grants to grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant. Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to \$15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The

rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to \$500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2019.

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to \$300,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2019.

Of the foregoing appropriation item 800635, Small Government Fire Departments, \$150,000 in fiscal year 2018 shall be used to provide a grant for fire training center equipment to a fire training center that received an appropriation in S.B. 310 of the 131st General Assembly.

Section 3. That existing Section 243.20 of Am. Sub. H.B. 49 of the 132nd General Assembly is hereby repealed."

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Gardner, the Senate adjourned until Wednesday, September 20, 2017 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.