As Introduced

133rd General Assembly
Regular Session
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H. B. No. 801

Representative Hillyer
Cosponsors: Representatives Seitz, Perales

A BILL

To amend sections 128.54, 4501.29, and 4501.30 and to enact sections 128.541, 4501.304, and 4503.305 of the Revised Code to allocate a portion of wireless 9-1-1 charges to the multi-agency radio communications system (MARCS) and to require state and local entities to use MARCS.

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

Section 1. That sections 128.54, 4501.29, and 4501.30 be amended and sections 128.541, 4501.304, and 4503.305 of the Revised Code be enacted to read as follows:

Sec. 128.54. (A)(1) Except as provided in section 128.541 of the Revised Code, for the purpose of receiving, distributing, and accounting for amounts received from the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code, the following funds are created in the state treasury:

(a) The wireless 9-1-1 government assistance fund;

(b) The wireless 9-1-1 administrative fund;
As Introduced

(c) The wireless 9-1-1 program fund;

(d) The next generation 9-1-1 fund.

(2) Except as provided in section 128.541 of the Revised Code, amounts remitted under section 128.46 of the Revised Code shall be paid to the treasurer of state for deposit as follows:

(a) Ninety-seven per cent to the wireless 9-1-1 government assistance fund. All interest earned on the wireless 9-1-1 government assistance fund shall be credited to the fund.

(b) One per cent to the wireless 9-1-1 administrative fund;

(c) Two per cent to the 9-1-1 program fund.

(3) The tax commissioner shall use the wireless 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter.

(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter.

(5) Annually, the tax commissioner, after paying administrative costs under division (A)(3) of this section, shall transfer any excess remaining in the wireless 9-1-1 administrative fund to the next generation 9-1-1 fund, created under this section.

(B) At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the wireless 9-1-1 government assistance fund to the credit of the next generation 9-1-1 fund. All interest earned on the next generation 9-1-1 fund shall be credited to the fund.
(C) From the wireless 9-1-1 government assistance fund, the director of budget and management shall, as funds are available, transfer to the tax refund fund, created under section 5703.052 of the Revised Code, amounts equal to the refunds certified by the tax commissioner under division (D) of section 128.47 of the Revised Code.

Sec. 128.541. Of the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code and remitted under section 128.46 of the Revised Code, seven per cent shall be deposited into the MARCS administration fund created in section 4501.29 of the Revised Code.

Sec. 4501.29. (A) The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with the advice of the MARCS steering committee and the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees under division (A) of this section and wireless 9-1-1 charges under section 128.541 of the Revised Code shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. The director shall use the funds for MARCS operations and infrastructure maintenance. All investment earnings on moneys in the fund shall be credited to the fund.

Sec. 4501.30. As used in sections 4501.30 to 4501.305 of the Revised Code:

(A) "Emergency medical services organization" has the same meaning as in section 4765.01 of the Revised Code.
(B) "Fire department" has the same meaning as in section 3750.01 of the Revised Code.

(C) "Law enforcement agency" has the same meaning as in section 109.573 of the Revised Code.

(D) "MARCS" means the multi-agency radio communications system.

(E) "P25 standards" means standards for digital radio communications for use by federal, state, provincial, and local public safety agencies in North America to enable communications with other agencies and mutual aid response teams in emergencies. "P25 standards" are the standards produced through the joint efforts of the association of public-safety communications officials, the national association of state technology directors, selected federal agencies, and the national communications system.

(F) "P25 system" means a communications system that meets P25 standards and fosters interoperability in mission critical communications as certified by the MARCS steering committee.

(G) "Political subdivision" means a municipal corporation, township, county, or any other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(H) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(I) "State or local entity" means a state agency, political subdivision, law enforcement agency, fire department, or emergency medical services organization.

Sec. 4501.304. Not later than five years after the
As Introduced

effective date of this section, a state or local entity shall use MARCS as the state or local entity's digital radio communications system.

Sec. 4503.305. (A) The department of administrative services shall work with state agencies to identify available state resources and funding that may be used to provide increased communications and broadband access throughout the state.

(B) In identifying such resources, the department and state agencies shall research methods for leveraging state assets, including cell towers, utility poles, rights-of-way, buildings, and real property. The department and state agencies shall also research and evaluate impediments to leveraging assets, including any restrictions in advertising or use of the asset, constraints in renting property, and any other similar impediments.

(C) The department or state agency may work with other public or private organizations in order to identify opportunities for communications and broadband expansion in the state.

(D) The department and any other state agency shall use the research conducted in accordance with division (B) of this section to create a plan for each state agency to better utilize state resources and work together with the department and other state agencies to expand communications and broadband networks throughout the state.

Section 2. That existing sections 128.54, 4501.29, and 4501.30 of the Revised Code are hereby repealed.