

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 801**

**Representative Hillyer  
Cosponsors: Representatives Seitz, Perales**

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**A BILL**

To amend sections 128.54, 4501.29, and 4501.30 and 1  
to enact sections 128.541, 4501.304, and 2  
4503.305 of the Revised Code to allocate a 3  
portion of wireless 9-1-1 charges to the multi- 4  
agency radio communications system (MARCS) and 5  
to require state and local entities to use 6  
MARCS. 7

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

**Section 1.** That sections 128.54, 4501.29, and 4501.30 be 8  
amended and sections 128.541, 4501.304, and 4503.305 of the 9  
Revised Code be enacted to read as follows: 10

**Sec. 128.54.** (A) (1) ~~For~~ Except as provided in section 11  
128.541 of the Revised Code, for the purpose of receiving, 12  
distributing, and accounting for amounts received from the 13  
wireless 9-1-1 charges imposed under section 128.42 of the 14  
Revised Code, the following funds are created in the state 15  
treasury: 16

(a) The wireless 9-1-1 government assistance fund; 17

(b) The wireless 9-1-1 administrative fund; 18

(c) The wireless 9-1-1 program fund;	19
(d) The next generation 9-1-1 fund.	20
(2) <del>Amounts</del> <u>Except as provided in section 128.541 of the</u>	21
<u>Revised Code, amounts</u> remitted under section 128.46 of the	22
Revised Code shall be paid to the treasurer of state for deposit	23
as follows:	24
(a) <del>Ninety seven</del> <u>Ninety</u> per cent to the wireless 9-1-1	25
government assistance fund. All interest earned on the wireless	26
9-1-1 government assistance fund shall be credited to the fund.	27
(b) One per cent to the wireless 9-1-1 administrative	28
fund;	29
(c) Two per cent to the 9-1-1 program fund.	30
(3) The tax commissioner shall use the wireless 9-1-1	31
administrative fund to defray the costs incurred in carrying out	32
this chapter.	33
(4) The steering committee shall use the 9-1-1 program	34
fund to defray the costs incurred by the steering committee in	35
carrying out this chapter.	36
(5) Annually, the tax commissioner, after paying	37
administrative costs under division (A) (3) of this section,	38
shall transfer any excess remaining in the wireless 9-1-1	39
administrative fund to the next generation 9-1-1 fund, created	40
under this section.	41
(B) At the direction of the steering committee, the tax	42
commissioner shall transfer the funds remaining in the wireless	43
9-1-1 government assistance fund to the credit of the next	44
generation 9-1-1 fund. All interest earned on the next	45
generation 9-1-1 fund shall be credited to the fund.	46

(C) From the wireless 9-1-1 government assistance fund, 47  
the director of budget and management shall, as funds are 48  
available, transfer to the tax refund fund, created under 49  
section 5703.052 of the Revised Code, amounts equal to the 50  
refunds certified by the tax commissioner under division (D) of 51  
section 128.47 of the Revised Code. 52

Sec. 128.541. Of the wireless 9-1-1 charges imposed under 53  
section 128.42 of the Revised Code and remitted under section 54  
128.46 of the Revised Code, seven per cent shall be deposited 55  
into the MARCS administration fund created in section 4501.29 of 56  
the Revised Code. 57

**Sec. 4501.29.** (A) The department of administrative 58  
services shall collect user fees from participants in the multi- 59  
agency radio communications system (MARCS). The director of 60  
administrative services, with the advice of the MARCS steering 61  
committee and the consent of the director of budget and 62  
management, shall determine the amount of the user fees and the 63  
manner by which the fees shall be collected. ~~All~~ 64

(B) All moneys from user fees under division (A) of this 65  
section and wireless 9-1-1 charges under section 128.541 of the 66  
Revised Code shall be deposited in the MARCS administration 67  
fund, which is hereby created in the state treasury. The 68  
director shall use the funds for MARCS operations and 69  
infrastructure maintenance. All investment earnings on moneys in 70  
the fund shall be credited to the fund. 71

**Sec. 4501.30.** As used in sections 4501.30 to ~~4501.303~~ 72  
4501.305 of the Revised Code: 73

(A) "Emergency medical services organization" has the same 74  
meaning as in section 4765.01 of the Revised Code. 75

<u>(B) "Fire department" has the same meaning as in section</u>	76
<u>3750.01 of the Revised Code.</u>	77
<u>(C) "Law enforcement agency" has the same meaning as in</u>	78
<u>section 109.573 of the Revised Code.</u>	79
<u>(D) "MARCS" means the multi-agency radio communications</u>	80
<u>system.</u>	81
<u>(E) "P25 standards" means standards for digital radio</u>	82
<u>communications for use by federal, state, provincial, and local</u>	83
<u>public safety agencies in North America to enable communications</u>	84
<u>with other agencies and mutual aid response teams in</u>	85
<u>emergencies. "P25 standards" are the standards produced through</u>	86
<u>the joint efforts of the association of public-safety</u>	87
<u>communications officials, the national association of state</u>	88
<u>technology directors, selected federal agencies, and the</u>	89
<u>national communications system.</u>	90
<u>(F) "P25 system" means a communications system that meets</u>	91
<u>P25 standards and fosters interoperability in mission critical</u>	92
<u>communications as certified by the MARCS steering committee.</u>	93
<u>(G) "Political subdivision" means a municipal corporation,</u>	94
<u>township, county, or any other body corporate and politic</u>	95
<u>responsible for governmental activities in a geographic area</u>	96
<u>smaller than that of the state.</u>	97
<u>(H) "State agency" has the same meaning as in section 1.60</u>	98
<u>of the Revised Code.</u>	99
<u>(I) "State or local entity" means a state agency,</u>	100
<u>political subdivision, law enforcement agency, fire department,</u>	101
<u>or emergency medical services organization.</u>	102
<b><u>Sec. 4501.304. Not later than five years after the</u></b>	103

effective date of this section, a state or local entity shall 104  
use MARCS as the state or local entity's digital radio 105  
communications system. 106

**Sec. 4503.305.** (A) The department of administrative 107  
services shall work with state agencies to identify available 108  
state resources and funding that may be used to provide 109  
increased communications and broadband access throughout the 110  
state. 111

(B) In identifying such resources, the department and 112  
state agencies shall research methods for leveraging state 113  
assets, including cell towers, utility poles, rights-of-way, 114  
buildings, and real property. The department and state agencies 115  
shall also research and evaluate impediments to leveraging 116  
assets, including any restrictions in advertising or use of the 117  
asset, constraints in renting property, and any other similar 118  
impediments. 119

(C) The department or state agency may work with other 120  
public or private organizations in order to identify 121  
opportunities for communications and broadband expansion in the 122  
state. 123

(D) The department and any other state agency shall use 124  
the research conducted in accordance with division (B) of this 125  
section to create a plan for each state agency to better utilize 126  
state resources and work together with the department and other 127  
state agencies to expand communications and broadband networks 128  
throughout the state. 129

**Section 2.** That existing sections 128.54, 4501.29, and 130  
4501.30 of the Revised Code are hereby repealed. 131