

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

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**

A BILL

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.

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

Section 1. That section 109.804 of the Revised Code be
enacted to read as follows:

Sec. 109.804. (A) The Ohio peace officer training
commission shall develop and conduct a chief of police training
course lasting forty hours for newly appointed chiefs of police
appointed on or after January 1, 2018. The commission shall
determine the course topics, which shall include diversity
training with an emphasis on historical perspectives and

community-police relations, and shall establish criteria for 15
what constitutes successful completion of the course. The 16
commission shall conduct the course at the Ohio peace officer 17
training academy and shall offer the course at least 18
semiannually. 19

(B) A newly appointed chief of police may request an 20
equivalency exemption from a portion of the forty hours of the 21
chief of police training course by submitting to the Ohio peace 22
officer training commission, not more than ten calendar days 23
following the person's appointment as a chief of police, 24
evidence of training or qualification in the subject area of the 25
exempted portion. 26

(C) Upon presentation of evidence by a newly appointed 27
chief of police that because of a medical disability or other 28
good cause the newly appointed chief of police is unable to 29
complete the chief of police training course, the Ohio peace 30
officer training commission may defer the requirement for the 31
newly appointed chief of police to complete the chief of police 32
training course until the disability or cause terminates. 33

(D) A newly appointed chief of police appointed on or 34
after January 1, 2018, shall attend a chief of police training 35
course conducted by the Ohio peace officer training commission 36
pursuant to division (A) of this section not later than six 37
months after the person's appointment as a chief of police. 38
While attending the chief of police training course, a newly 39
appointed chief of police shall receive compensation in the same 40
manner and amounts as if carrying out the powers and duties of 41
the office of chief of police. The costs of conducting the chief 42
of police training course shall be paid from state funds 43
appropriated to the attorney general. The cost of meals, 44

lodging, and travel of a newly appointed chief of police 45
attending the chief of police training course shall be paid from 46
the budget of the entity for which the newly appointed chief of 47
police was appointed. 48

(E) As used in this section: 49

"Newly appointed chief of police" means a person appointed 50
chief of police under section 505.49, 737.05, or 737.15 of the 51
Revised Code or any administrative official that is responsible 52
for the daily administration and supervision of peace officers 53
in a law enforcement agency who did not hold the office of chief 54
of police on the date the person was appointed chief of police. 55

"Law enforcement agency" means a municipal or township 56
police department, or any other entity authorized by statute to 57
appoint peace officers to enforce criminal laws and who have the 58
statutory power of arrest. "Law enforcement agency" does not 59
include a county sheriff's office, the state highway patrol, or 60
the bureau of criminal identification and investigation. 61

Section 2. That Section 243.20 of Am. Sub. H.B. 49 of the 62
132nd General Assembly be amended to read as follows: 63

Sec. 243.20. UNCLAIMED FUNDS PAYMENTS 64

The foregoing appropriation item 800625, Unclaimed Funds- 65
Claims, shall be used to pay claims under section 169.08 of the 66
Revised Code. If it is determined by the Director of Commerce 67
that additional appropriation amounts are necessary to make such 68
payments, the Director of Commerce may request that the Director 69
of Budget and Management increase such amounts. Such amounts are 70
hereby appropriated. 71

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 72

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, 102
and local units of government responsible for the provision of 103
fire protection services for small municipalities or small 104
townships. For the purposes of these grants, a private fire 105
company, as that phrase is defined in section 9.60 of the 106
Revised Code, that is providing fire protection services under a 107
contract to a political subdivision of the state, is an 108
additional eligible recipient for a training grant. 109

Eligible recipients that consist of small municipalities 110
or small townships that all intend to contract with the same 111
fire department or private fire company for fire protection 112
services may jointly apply and be considered for a grant. If a 113
joint applicant is awarded a grant, the State Fire Marshal 114
shall, if feasible, proportionately award the grant and any 115
equipment purchased with grant funds to each of the joint 116
applicants based upon each applicant's contribution to and 117
demonstrated need for fire protection services. For the purpose 118
of this grant program, an eligible recipient or any firefighting 119
entity that is contracted to serve an eligible recipient may 120
only file, be listed as joint applicant, or be designated as a 121
service provider on one grant application per fiscal year. 122

If the grant awarded to joint applicants is an equipment 123
grant and the equipment to be purchased cannot be readily 124
distributed or possessed by multiple recipients, each of the 125
joint applicants shall be awarded by the State Fire Marshal an 126
ownership interest in the equipment so purchased in proportion 127
to each applicant's contribution to and demonstrated need for 128
fire protection services. The joint applicants shall then 129
mutually agree on how the equipment is to be maintained, 130
operated, stored, or disposed of. If, for any reason, the joint 131
applicants cannot agree as to how jointly owned equipment is to 132

be maintained, operated, stored, or disposed of or any of the 133
joint applicants no longer maintain a contract with the same 134
fire protection service provider as the other applicants, then 135
the joint applicants shall, with the assistance of the State 136
Fire Marshal, mutually agree as to how the jointly owned 137
equipment is to be maintained, operated, stored, disposed of, or 138
owned. If the joint applicants cannot agree how the grant 139
equipment is to be maintained, operated, stored, disposed of, or 140
owned, the State Fire Marshal may, in its discretion, require 141
all of the equipment acquired by the joint applicants with grant 142
funds to be returned to the State Fire Marshal. The State Fire 143
Marshal may then award the returned equipment to any eligible 144
recipients. For this paragraph only, an "equipment grant" also 145
includes a MARCS Grant. 146

(B) Except as otherwise provided in this section, the 147
grants shall be used by recipients to purchase firefighting or 148
rescue equipment or gear or similar items, to provide full or 149
partial reimbursement for the documented costs of firefighter 150
training, or, at the discretion of the State Fire Marshal, to 151
cover fire department costs for providing fire protection 152
services in that grant recipient's jurisdiction. 153

(1) Of the foregoing appropriation item 800639, Fire 154
Department Grants, up to \$1,000,000 per fiscal year may be used 155
to pay for the State Fire Marshal's costs of providing 156
firefighter I certification classes or other firefighter classes 157
approved by the State Fire Marshal at no cost to selected 158
students attending the Ohio Fire Academy or other class 159
providers approved by the State Fire Marshal. The State Fire 160
Marshal may establish the qualifications and selection processes 161
for students to attend such classes by written policy, and such 162
students shall be considered eligible recipients of fire 163

department grants for the purposes of this portion of the grant 164
program. 165

(2) Of the foregoing appropriation item 800639, Fire 166
Department Grants, up to \$3,000,000 in each fiscal year may be 167
used for MARCS Grants. MARCS Grants may be used for the payment 168
of user access fees by the eligible recipient to access MARCS. 169

For purposes of this section, a MARCS Grant is a grant for 170
systems, equipment, or services that are a part of, integrated 171
into, or otherwise interoperable with the Multi-Agency Radio 172
Communication System (MARCS) operated by the state. 173

MARCS Grant awards may be up to \$50,000 in each fiscal 174
year per eligible recipient. Each eligible recipient may only 175
apply, as a separate entity or as a part of a joint application, 176
for one MARCS Grant per fiscal year. The State Fire Marshal may 177
give a preference in the awarding of MARCS Grants to grants that 178
will enhance the overall interoperability and effectiveness of 179
emergency communication networks in the geographic region that 180
includes and that is adjacent to the applicant. Eligible 181
recipients that are or were awarded fire department grants that 182
are not MARCS Grants may also apply for and receive MARCS Grants 183
in accordance with criteria for the awarding of grant funds 184
established by the State Fire Marshal. 185

(3) Grant awards for firefighting or rescue equipment or 186
gear or for fire department costs of providing fire protection 187
services shall be up to \$15,000 per fiscal year, or up to 188
\$25,000 per fiscal year if an eligible entity serves a 189
jurisdiction in which the Governor declared a natural disaster 190
during the preceding or current fiscal year in which the grant 191
was awarded. In addition to any grant funds awarded for rescue 192
equipment or gear, or for fire department costs associated with 193

the provision of fire protection services, an eligible entity 194
may receive a grant for up to \$15,000 per fiscal year for full 195
or partial reimbursement of the documented costs of firefighter 196
training. For each fiscal year, the State Fire Marshal shall 197
determine the total amounts to be allocated for each eligible 198
purpose. 199

(C) The grants shall be administered by the State Fire 200
Marshal in accordance with rules the State Fire Marshal adopts 201
as part of the state fire code adopted pursuant to section 202
3737.82 of the Revised Code that are necessary for the 203
administration and operation of the grant program. The rules may 204
further define the entities eligible to receive grants and 205
establish criteria for the awarding and expenditure of grant 206
funds, including methods the State Fire Marshal may use to 207
verify the proper use of grant funds or to obtain reimbursement 208
for or the return of equipment for improperly used grant funds. 209
To the extent consistent with this section and until the rules 210
are updated, the existing rules in the state fire code adopted 211
pursuant to section 3737.82 of the Revised Code for fire 212
department grants under this section apply to MARCS Grants. Any 213
amounts in appropriation item 800639, Fire Department Grants, in 214
excess of the amount allocated for these grants may be used for 215
the administration of the grant program. 216

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 217

Upon the written request of the Director of Commerce, the 218
Director of Budget and Management may transfer up to \$500,000 in 219
cash from the Real Estate Recovery Fund (Fund 5480) and up to 220
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 221
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 222
5490) during the biennium ending June 30, 2019. 223

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN 224
FUND 225

Upon the written request of the Director of Commerce, the 226
Director of Budget and Management may transfer up to \$300,000 in 227
cash from the State Fire Marshal Fund (Fund 5460) to the Small 228
Government Fire Department Services Revolving Loan Fund (Fund 229
5F10) during the biennium ending June 30, 2019. 230

Of the foregoing appropriation item 800635, Small 231
Government Fire Departments, \$150,000 in fiscal year 2018 shall 232
be used to provide a grant for fire training center equipment to 233
a fire training center that received an appropriation in S.B. 234
310 of the 131st General Assembly. 235

Section 3. That existing Section 243.20 of Am. Sub. H.B. 236
49 of the 132nd General Assembly is hereby repealed. 237