

AN ACT

To amend sections 505.371 and 505.375 and to enact sections 4742.01 to 4742.06 of the Revised Code and to amend Section 3 of Sub. H.B. 254 of the 118th General Assembly, as amended by Am. Sub. H.B. 117 of the 121st General Assembly, to establish a program of training and continuing education for emergency service telecommunicators, to require the state board of education to develop and administer the program, to allow employees of emergency service providers to receive training from the state board in the program at no charge to the providers or employees, to allow emergency service providers and proprietary schools to provide training under the program, to authorize a board of fire district trustees of a joint fire district and a board of trustees of a joint fire and ambulance district to establish charges for ambulance or emergency medical services, to extend by two years the repeal date of the lifeline telephone service program, to provide for adequate carryover balances in the Public Utilities Fund and the Consumers' Counsel Operating Fund, and to make an appropriation.

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

SECTION 1. That sections 505.371 and 505.375 be amended and sections 4742.01, 4742.02, 4742.03, 4742.04, 4742.05, and 4742.06 of the Revised Code be enacted to read as follows:

Sec. 505.371. The boards of township trustees of one or more townships and the legislative authorities of any one or more municipal corporations, or

the boards of township trustees of two or more townships, may, by adoption of a joint resolution by a majority of the members of each board of township trustees and by a majority of the members of the legislative authority of each municipal corporation, create a joint fire district comprising the municipal corporations and all or any portions of the townships as are mutually agreed upon. A joint fire district so created shall be given a name different from the name of any participating township or municipal corporation.

The governing body of the joint fire district shall be a board of fire district trustees, which shall include one representative from each board of township trustees and one representative from the legislative authority of each municipal corporation in the district. The board of fire district trustees may exercise the same powers as are granted to a board of township trustees in sections 505.37 to 505.45 of the Revised Code, including, but not limited to, the power to levy a tax upon all taxable property in the fire district as provided in section 505.39 of the Revised Code. The board of fire district trustees may be compensated at a rate not to exceed thirty dollars per meeting, not to exceed fifteen meetings per year, and may be reimbursed for all necessary expenses incurred. The board shall employ a clerk of the board of fire district trustees.

The board of fire district trustees may establish reasonable charges for the use of ambulance or emergency medical services. The board may establish different charges for residents and nonresidents of the district, and may, at its discretion, waive all or part of the charge for any resident of the district. The charge for nonresidents shall be an amount not less than the authorized medicare reimbursement rate, except that if, prior to the effective date of this amendment, the board had different charges for residents and nonresidents and the charge for nonresidents was less than the authorized medicare reimbursement rate, the board may charge nonresidents less than the authorized medicare reimbursement rate. Charges collected under this paragraph shall be kept in a separate fund designated as "the ambulance and emergency medical services fund," and shall be appropriated and administered by the board. These funds shall be used for the payment of the costs of the management, maintenance, and operation of ambulance and emergency medical services in the district. As used in this paragraph, "authorized medicare reimbursement rate" has the same meaning as in section 505.84 of the Revised Code.

Any municipal corporation or township, or parts ~~thereof~~ of them, may join an existing joint fire district by the adoption of a resolution requesting such membership and upon approval of the board of fire district trustees. Any municipal corporation or township may withdraw from a joint fire

district created under this section, by the adoption of a resolution ordering withdrawal. On or after the first day of January of the year following the adoption of the resolution of withdrawal, the municipal corporation or township withdrawing ceases to be a part of such district and the power of the joint fire district to levy a tax upon taxable property in the withdrawing township or municipal corporation terminates, except that the joint fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the joint fire district as it was comprised at the time the indebtedness was incurred.

Upon the withdrawal of any township or municipal corporation from a joint fire district created under this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, including funds in the ambulance and emergency medical services fund, moneys and taxes in the process of collection, except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation or township and the remaining territory of the joint fire district.

When the number of townships and municipal corporations comprising a joint fire district is reduced to one, the joint fire district ceases to exist by operation of law, and the funds, credits, and property remaining after apportionments to withdrawing municipal corporations or townships, shall be assumed by the one remaining township or municipal corporation. When a joint fire district ceases to exist and an indebtedness remains unpaid, the board of county commissioners shall continue to levy and collect taxes for the payment of such indebtedness within the territory of the joint fire district as it was comprised at the time the indebtedness was incurred.

Sec. 505.375. (A) The board of a joint ambulance district created under section 505.71 of the Revised Code and the board of a joint fire district created under section 505.371 of the Revised Code may negotiate in accordance with this section to combine their two joint districts into a single district, called a fire and ambulance district, for the delivery of both fire and ambulance services, if the geographic area covered by the combining joint districts is exactly the same. Both boards shall adopt a joint resolution ratifying the agreement and setting a date on which the fire and ambulance district shall come into being. On that date, the joint fire district and the joint ambulance district shall cease to exist and the power of each to levy a tax upon taxable property shall terminate, except that any levy of a tax for the payment of indebtedness within the territory of the joint fire or joint ambulance district as it was composed at the time the indebtedness was

incurred shall continue to be collected by the successor fire and ambulance district if the indebtedness remains unpaid.

All funds and other property of the joint districts that combined into the fire and ambulance district shall become the property of the fire and ambulance district, unless otherwise provided in the negotiated agreement. The agreement shall provide for the settlement of all debts and obligations of the joint districts.

(B) The governing body of the fire and ambulance district shall be a board of trustees of at least three but no more than nine members, appointed as provided in the agreement creating the district. Members of the board of trustees may be compensated at a rate not to exceed thirty dollars per meeting for not more than fifteen meetings per year, and may be reimbursed for all necessary expenses incurred as provided in the agreement creating the district.

The board shall employ a clerk and such other employees as it considers best, including a fire chief or fire prevention officers, and shall fix their compensation. Before entering upon the duties of office, the clerk shall execute a bond, in the amount and with surety to be approved by the board, payable to the state, conditioned for the faithful performance of all of the clerk's official duties. The clerk shall deposit the bond with the presiding officer of the board, who shall file a copy of it, certified by the presiding officer, with the county auditor of the county containing the most territory in the district.

The board shall also provide for the appointment of a fiscal officer for the district. The board may also enter into agreements with volunteer fire companies for the use and operation of fire-fighting equipment. Volunteer fire fighters acting under such an agreement are subject to the requirements for volunteer fire fighters set forth in division (A) of section 505.38 of the Revised Code.

Employees of the district shall not be removed from office except as provided by sections 733.35 to 733.39 of the Revised Code, except that to initiate removal proceedings, the board shall designate a private citizen, or if the employee is employed as a fire fighter the board may designate the fire chief to investigate, conduct the proceedings, and prepare the necessary charges in conformity with sections 733.35 to 733.39 of the Revised Code, and except that the board shall perform the functions and duties specified for the municipal legislative authority under those sections. The board may pay reasonable compensation to any private citizen hired for services rendered in the matter.

No person shall be appointed as a permanent full-time paid member of

the district whose duties include fire fighting, or be appointed as a volunteer fire fighter, unless that person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a fire fighter training program. The board may send its officers and fire fighters to schools of instruction designed to promote the efficiency of fire fighters, and, if authorized in advance, may pay their necessary expenses from the funds used for the maintenance and operation of the district.

The board may choose, by adoption of an appropriate resolution, to have the Ohio ambulance licensing board license any emergency medical service organization it operates. If the board adopts such a resolution, sections 4766.01 to 4766.05 and 4766.07 to 4766.12 of the Revised Code and all rules adopted under those sections are applicable to the organization. The board may likewise, by resolution, remove its emergency medical service organization from the jurisdiction of the Ohio ambulance licensing board.

(C) The board may exercise the following powers:

(1) Purchase or otherwise provide any fire apparatus, mechanical resuscitators, or other fire or ambulance equipment, appliances, or materials; fire hydrants; and water supply for fire-fighting purposes that seems advisable to the board;

(2) Provide for the care and maintenance of equipment and, for that purpose, purchase, lease, or construct and maintain necessary buildings;

(3) Establish and maintain lines of fire-alarm communications within the limits of the district;

(4) Appropriate land for a fire station or medical emergency unit needed in order to respond in reasonable time to a fire or medical emergency, in accordance with Chapter 163. of the Revised Code;

(5) Purchase, appropriate, or accept a deed or gift of land to enlarge or improve a fire station or medical emergency unit;

(6) Purchase, lease, maintain, and use all materials, equipment, vehicles, buildings, and land necessary to perform its duties;

(7) Contract for a period not to exceed three years with one or more townships, municipal corporations, counties, joint fire districts, governmental agencies, nonprofit corporations, or private ambulance owners located either within or outside the state, to furnish or receive ambulance services or emergency medical services within the several territories of the contracting parties, if the contract is first authorized by all boards of trustees and legislative authorities concerned;

(8) Establish reasonable charges for the use of ambulance or emergency medical services under the same conditions under which a board of fire

district trustees may establish those charges under section 505.371 of the Revised Code:

(9) Establish all necessary rules to guard against the occurrence of fires and to protect property and lives against damage and accidents;

~~(9)~~(10) Adopt a standard code pertaining to fire, fire hazards, and fire prevention prepared and promulgated by the state or by a public or private organization that publishes a model or standard code;

~~(10)~~(11) Provide for charges for false alarms at commercial establishments in the same manner as joint fire districts are authorized to do under section 505.391 of the Revised Code;

~~(11)~~(12) Issue bonds and other evidences of indebtedness, subject to Chapter 133. of the Revised Code, but only after approval by a vote of the electors of the district as provided by section 133.18 of the Revised Code;

~~(12)~~(13) To provide the services and equipment it considers necessary, levy a sufficient tax, subject to Chapter 5705. of the Revised Code, on all the taxable property in the district.

(D) Any municipal corporation or township may join an existing fire and ambulance district by its legislative authority's adoption of a resolution requesting such membership and upon approval of the board of the district. Any municipal corporation or township may withdraw from a district by its legislative authority's adoption of a resolution ordering withdrawal. Upon its withdrawal, the municipal corporation or township ceases to be a part of the district and the district's power to levy a tax on taxable property in the withdrawing township or municipal corporation terminates, except that the district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any township or municipal corporation from a district, the county auditor of the county containing the most territory in the district shall ascertain, apportion, and order a division of the funds on hand, including funds in the ambulance and emergency medical services fund, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation or township and the remaining territory of the district.

(E) As used in this section:

(1) "Governmental agency" includes all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of this or another state.

(2) "Emergency medical service organization" has the same meaning as

in section 4766.01 of the Revised Code.

Sec. 4742.01. As used in this chapter:

(A) "Emergency service provider" has the same meaning as in section 4931.40 of the Revised Code.

(B) "Emergency service telecommunicator" means an individual employed by an emergency service provider, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

Sec. 4742.02. (A) The state board of education, in conjunction with emergency service providers, shall develop a program to provide emergency service telecommunicator training, and shall implement the program not more than one year after the effective date of this section. In developing the program, the state board and the emergency service providers shall accept and consider suggestions from any political subdivision or other entity, whether located within or outside of this state, that offers suggestions. The program shall include all of the following:

(1) A curriculum for a basic course of emergency service telecommunicator training that conforms to the requirements of division (A) of section 4742.03 of the Revised Code;

(2) A curriculum for continuing education coursework in emergency service telecommunicator training that conforms to the requirements of division (B) of section 4742.03 of the Revised Code;

(3) Standards and examinations to be used in the program to certify that a person has successfully completed a basic course of, or continuing education coursework in, emergency service telecommunicator training;

(4) Implementation of the training program at vocational education centers that are approved by the board to offer vocational education;

(5) The provision at least eight times per year of a basic course of emergency service telecommunicator training at different vocational education centers around this state selected to reasonably ACCOMMODATE persons requesting the training;

(6) A requirement that any employee of an emergency service provider may enroll in and complete any course offered under the program at no charge by the state board to the employee or provider. The tuition and materials costs for training such employees under the program shall be paid from the emergency service telecommunicator training fund created under division (B) of this section.

(7) A requirement that space available in each basic course offered by the state board shall be allocated on a priority basis, first to unpaid volunteers of emergency service providers, second to paid volunteers of

such providers, and third to other persons:

(8) A provision allowing persons who are not employees of emergency service providers to enroll in any course offered under the program, on a space-available basis. The state board may charge reasonable tuition to such persons to attend the course.

(B) The emergency service telecommunicator training fund is hereby established in the state treasury. The state board of education shall use money in the fund only for the following purposes:

(1) To develop the emergency service telecommunicator training program required under division (A) of this section:

(2) To pay the compensation of state board of education employees who administer the program and the state board's costs of training employees of emergency service providers at courses offered under the program.

(C) The state board of education, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to develop and administer the training program under this section.

Sec. 4742.03. (A) A person may obtain certification as an emergency service telecommunicator by successfully completing a basic course of emergency service telecommunicator training that is conducted by the state board of education under section 4742.02 Of the Revised Code. The basic course of emergency service telecommunicator training shall include, but not be limited to, both of the following:

(1) At least forty hours of instruction or training;

(2) Instructional or training units in all of the following subjects:

(a) The role of the emergency service telecommunicator;

(b) Effective communication skills;

(c) Emergency service telecommunicator liability;

(d) Telephone techniques;

(e) Requirements of the "Americans With Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that pertain to emergency service telecommunicators;

(f) Handling hysterical and suicidal callers;

(g) Law enforcement terminology;

(h) Fire service terminology;

(i) Emergency medical service terminology;

(j) Emergency call processing guides for law enforcement;

(k) Emergency call processing guides for fire service;

(l) Emergency call processing guides for emergency medical service;

(m) Radio broadcast techniques;

(n) Disaster planning;

(o) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.

(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A)(2) of this section.

(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.

If a person successfully completes the continuing education coursework described in division (B) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.

Sec. 4742.04. (A) A person may obtain certification as an emergency service telecommunicator by successfully completing a basic course of emergency service telecommunicator training that is conducted by or under the direction of an emergency service provider. Prior to such a course being conducted, the emergency service provider shall certify that the course meets the requirements of division (A) of section 4742.03 of the Revised Code. If a person successfully completes the course, the emergency service provider shall certify the person's successful completion.

(B) A person may maintain certification as an emergency service telecommunicator by successfully completing continuing education coursework in emergency service telecommunicator training that is conducted by or under the direction of an emergency service provider. Prior to such coursework being conducted, the emergency service provider shall certify that the coursework meets the requirements of division (B) of section 4742.03 of the Revised Code. If a person successfully completes the coursework, the emergency service provider shall certify the person's successful completion.

(C) Upon certification of a person under division (A) or (B) of this section, the emergency service provider that certifies the person shall send a

copy of the certification to the person and to the emergency service provider by whom the person is employed unless the emergency service provider certifying the person is the person's employer.

Sec. 4742.05. (A) A proprietary school that holds a valid certificate of registration from the state board of proprietary school registration may apply to the state board of education for certification of a basic course of emergency service telecommunicator training or of continuing education coursework in emergency service telecommunicator training. The state board of education shall prescribe the form of the application.

(B) Upon receipt of an application, the state board of education shall review it and consider whether the proposed course or coursework meets the requirements of division (A) or (B) of section 4742.03 of the Revised Code concerning course length and content. If the proposed course or coursework meets those requirements, the state board of education shall issue a certification of that fact to the proprietary school. INCLUSION of on-site verifiable electronic training as part of a proposed basic or continuing education course shall not be a reason for the state board to deny certification.

(C) If, after receiving a certification from the state board of education under this section, the proprietary school changes the approved course or coursework, the prior certification is canceled and the proprietary school shall apply to the state board of education for certification of the changed course or coursework.

Sec. 4742.06. (A) A person may obtain certification as an emergency service telecommunicator by successfully completing a basic course of emergency service telecommunicator training that is conducted by a proprietary school that has obtained certification of that course from the state board of education under section 4742.05 of the Revised Code. If a person successfully completes the course, the proprietary school shall certify the person's successful completion.

(B) A person may maintain certification as an emergency service telecommunicator by successfully completing continuing education coursework in emergency service telecommunicator training that is conducted by a proprietary school that has obtained certification of that coursework from the state board of education under section 4742.05 of the Revised Code. If a person successfully completes the coursework, the proprietary school shall certify the person's successful completion.

(C) Upon certification of a person's successful completion under division (A) or (B) of this section, the proprietary school shall send a copy of the certification to the person and to the emergency service provider that

employs the person.

(D) Tuition and materials costs for a person enrolled in a certified basic or continuing education course conducted by a proprietary school shall be paid by the person, an emergency service provider, or any other entity on behalf of the person or an emergency service provider.

SECTION 2. That existing sections 505.371 and 505.375 of the Revised Code are hereby repealed.

SECTION 3. Within ten working days after the effective date of this section, the Department of Education shall request the Controlling Board to transfer \$250,000 cash in fiscal year 1998 from the General Revenue Fund line item 911-430, Emergency 9-1-1 Training, to the Emergency Service Telecommunicator Training Fund (Fund 4M4) to be used by the Department of Education pursuant to section 4742.02 of the Revised Code. The Department of Education shall request the Controlling Board to transfer the same amount of cash to be used for the same purpose within ten working days after July 1, 1998.

SECTION 4. All items in this section are hereby appropriated as designated out of moneys in the state treasury to the credit of the State Special Revenue Fund Group. For all appropriations made in this act, those in the first column are for fiscal year 1998 and those in the second column are for fiscal year 1999. The appropriations made in this act are in addition to any other appropriations made for the 1997-1999 biennium.

EDU DEPARTMENT OF EDUCATION

State Special Revenue Fund Group					
4M4 200-637	Emergency Service	\$	250,000	\$	250,000
	Telecommunicator Training				
	Fund				
Total State Special Revenue Fund Group		\$	250,000	\$	250,000
TOTAL ALL BUDGET FUND GROUPS		\$	250,000	\$	250,000

Emergency Service Telecommunicator Training

The foregoing appropriation item 200-637, Emergency Service Telecommunicator Training Fund, shall be used by the Department of Education for the purpose of developing an emergency service telecommunicator training program and to pay the costs of training employees of emergency service providers at courses offered under the program, pursuant to section 4742.02 of the Revised Code.

Notwithstanding the requirements of section 4742.02 of the Revised

Code, the Department of Education may reduce required activities pursuant to those sections in order that program expenditures not exceed \$250,000 in either fiscal year 1998 or fiscal year 1999.

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 by H. B. 215 of the 122nd General Assembly.

The appropriations made in this act are subject to all provisions of H. B. 215 for the 1997-1999 biennium that are generally applicable to the State Special Revenue Fund Group.

SECTION 5. That Section 3 of Sub. H.B. 254 of the 118th General Assembly, as amended by Am. Sub. H.B. 117 of the 121st General Assembly, be amended to read as follows:

"Sec. 3. That sections 4905.76, 4905.77, 4905.78, ~~4905.84, 4905.85,~~ 4909.50, and 5727.43 of the Revised Code are hereby repealed, effective ~~January 1~~ December 31, 1998 1999. Notwithstanding the repeal of section 5727.43 of the Revised Code, a telephone company may claim the credit authorized by that section through December 31, 1999, for the public utility excise tax privilege year measured from July 1, 1999, to June 30, 2000."

SECTION 6. That existing Section 3 of Sub. H.B. 254 of the 118th General Assembly, as amended by Am. Sub. H.B. 117 of the 121st General Assembly, is hereby repealed.

SECTION 7. Except as otherwise specifically provided in this act, the codified and uncodified sections of law contained in this act are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the codified and uncodified sections of law contained in this act, except as otherwise specifically provided in this act, go into immediate effect when this act becomes law.

SECTION 8. Sections 505.371 and 505.375 of the Revised Code, as amended by this act, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the sections as amended take effect on the ninety-first day after this act is

filed with the Secretary of State. If, however, a referendum petition is filed against the sections as amended, the sections as amended, unless rejected at the referendum, take effect at the earliest time permitted by law.

Section 9. Notwithstanding anything to the contrary in the second paragraph of division (B) of section 4905.10 of the Revised Code as amended by Am. Sub. H. B. 215 of the 122nd General Assembly, the amount that the Director of Budget and Management is required to transfer back to the General Revenue Fund from the Public Utilities Fund for the 1998 fiscal year shall be reduced by the amount of any credits given to the railroads and public utilities during the 1998 fiscal year.

Section 10. Notwithstanding anything to the contrary in the fourth paragraph of section 4911.18 of the Revised Code as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, the amount that the Director of Budget and Management is required to transfer back to the General Revenue Fund from the Consumers' Counsel Operating Fund not later than December 31, 1997, shall be reduced by the amount of any credits given to public utility companies during the 1998 fiscal year.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____