

As Introduced

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H. B. No. 605

REPRESENTATIVE White

A B I L L

To enact sections 5502.70 to 5502.73 of the Revised
Code to establish an intrastate mutual aid program
for disaster response and recovery and to declare
an emergency.

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

Section 1. That sections 5502.70, 5502.71, 5502.72, and
5502.73 of the Revised Code be enacted to read as follows:

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Sec. 5502.70. As used in sections 5502.70 to 5502.73 of the
Revised Code:

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(A) "Chief executive" has the same meaning as in section
5502.21 of the Revised Code.

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(B) "Countywide emergency management agency" means a
countywide emergency management agency established pursuant to
section 5502.26 of the Revised Code.

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(C) "Disaster" means any imminent threat or actual occurrence
of personal hardship or injury, of loss of life, or of widespread
or severe damage to or loss of property that results from any
natural phenomenon or human act and for which an emergency has
been declared.

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(D) "Emergency" has the same meaning as in section 5502.21 of

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the Revised Code.

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(E) "Emergency management" has the same meaning as in section 5502.21 of the Revised Code.

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(F) "Participating political subdivision" means each political subdivision in this state except a political subdivision that enacts, by appropriate legislation signed by its chief executive, a declaration not to participate in the intrastate mutual aid program created by section 5502.71 of the Revised Code, a copy of which is provided to the director/coordinator of emergency management for the countywide emergency management agency, regional authority for emergency management, or program for emergency management within a political subdivision to which the political subdivision is a party or has itself established.

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(G) "Political subdivision" has the same meaning as in section 5502.21 of the Revised Code.

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(H) "Program for emergency management" includes a program for emergency management created by a countywide emergency management agency pursuant to section 5502.26 of the Revised Code, created by a regional authority for emergency management pursuant to section 5502.27 of the Revised Code, or created within a political subdivision pursuant to section 5502.271 of the Revised Code.

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(I) "Program for emergency management within a political subdivision" means a program for emergency management created by a political subdivision pursuant to section 5502.271 of the Revised Code.

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(J) "Recovery" includes all those activities required and necessary to return an area to its former condition, to the extent possible, following a disaster. "Recovery" includes, but is not limited to, the receipt of fire, law enforcement, emergency medical, transportation, communications, public works and

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engineering, building inspection, planning and information
assistance, mass care, resource support, health and medical, and
search and rescue services and the receipt of evacuees.

(K) "Regional authority for emergency management" means a
regional authority for emergency management established pursuant
to section 5502.27 of the Revised Code.

(L) "Response" includes all those activities that occur
subsequent to any disaster and that provide emergency assistance
from the effects of the disaster, reduce the probability of
further injury, damage, or destruction, and are designed or
undertaken to speed recovery operations. "Response" includes, but
is not limited to, the provision of fire, law enforcement,
emergency medical, transportation, communications, public works
and engineering, building inspection, planning and information
assistance, mass care, resource support, health and medical, and
search and rescue services and the receipt of evacuees.

Sec. 5502.71. There is hereby created the intrastate mutual
aid program for the purpose of establishing each of the following:

(A) Mutual assistance among the participating political
subdivisions in managing disaster response and recovery;

(B) Mutual cooperation among the participating political
subdivisions in conducting disaster response- and recovery-related
exercises, testing, or other training activities using the
participating political subdivisions' services, equipment,
supplies, materials, personnel, and other resources to simulate
the performance of any aspect of the giving and receiving of aid
by the participating political subdivision.

Sec. 5502.72. (A) Upon the call of the executive director of
the emergency management agency established pursuant to section
5502.22 of the Revised Code not later than one year after the

effective date of this section, the directors/coordinators of
emergency management for each countywide emergency management
agency, regional authority for emergency management, and program
for emergency management within a political subdivision, and the
executive director of the emergency management agency shall
commence a consultative review of each program for emergency
management and formulate intrastate procedural plans and programs
that accomplish each of the following:

(1) Develop a mechanism for the intrastate management and
provision of mutual assistance among the participating political
subdivisions in managing disaster response and recovery;

(2) Develop procedures to fill any identified gaps in, or to
resolve any identified inconsistencies in or overlaps between, the
programs for emergency management;

(3) Inventory, and develop procedures for the intrastate loan
and delivery of, services, equipment, supplies, personnel, and
other disaster response- and recovery-related resources;

(4) If the review of the programs for emergency management so
warrants, develop plans for the orderly evacuation and intrastate
reception of portions of the concerned participating political
subdivisions' civilian population as the result of any disaster in
those political subdivisions.

(B) During and after the formulation of the intrastate
procedural plans and programs, the directors/coordinators of
emergency management for each countywide emergency management
agency, regional authority for emergency management, and program
for emergency management within a political subdivision, and the
executive director of the emergency management agency shall
frequently consult concerning the implementation of this section
and an exchange among them of information, plans, programs, and
resource records relating to disaster response and recovery

capabilities.

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Sec. 5502.73. (A) A participating political subdivision may
request the assistance of other participating political
subdivisions in managing disaster response and recovery or in
conducting disaster response- and recovery-related exercises,
testing, or other training. Requests for assistance shall be made
by and to chief executives of the political subdivisions. Requests
may be verbal or in writing. If verbal, a request shall be
confirmed in writing within thirty days after the verbal request.
Requests shall provide the following information:

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(1) A description of the disaster response and recovery
functions for which assistance is needed;

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(2) The amount and type of services, equipment, supplies,
materials, personnel, and other resources needed and a reasonable
estimate of the length of time they will be needed;

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(3) The specific place and time for staging of the assisting
participating political subdivision's provision of assistance and
a point of contact at that location.

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(B) Any participating political subdivision that is requested
to render assistance in managing disaster response and recovery or
in conducting disaster response- and recovery-related exercises,
testing, or other training shall take the necessary action to
provide and make available the necessary services, equipment,
supplies, materials, personnel, and other resources.

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(C) A participating political subdivision's obligation to
provide assistance in managing disaster response and recovery or
in conducting disaster response- and recovery-related exercises,
testing, or other training is subject to the following
restrictions:

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(1) A participating political subdivision's request to

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receive assistance is effective only upon a declaration of a state
of emergency by the chief executive of that political subdivision
or upon the commencement of the exercises, testing, or other
training. Assistance shall continue as long as the state of
emergency remains in effect and the loaned resources are required
by the receiving political subdivision, loaned resources remain in
the receiving political subdivision, or the exercises, testing, or
other training is in progress.

(2) The participating political subdivision rendering the
assistance may withhold resources or recall loaned resources to
the extent necessary to provide for its own reasonable protection.

(3) Emergency forces shall continue under the command and
control of their regular leaders, but organizational units shall
be under the operational control of the emergency services
authorities of the political subdivision receiving assistance.

(D) Each participating political subdivision shall provide
for the payment of compensation and benefits to injured members of
the political subdivision's emergency forces and to
representatives of deceased members of these forces if the members
are killed while rendering assistance under this section, in the
same manner and on the same terms as if the injury or death were
sustained within the members' own political subdivision.

(E) Any participating political subdivision rendering
assistance in another participating political subdivision under
this section shall be reimbursed by the participating political
subdivision receiving the assistance for any loss or damage to, or
expense incurred in the operation of, any equipment in answering
the request for assistance, for any expense incurred in the
provision of any service in answering the request for assistance,
and for the costs incurred in answering the request for
assistance. However, a participating political subdivision
rendering assistance may assume in whole or in part the loss,

damage, expense, or costs, or may loan the equipment or donate the 174
services to the receiving participating political subdivision, 175
without charge or cost. Any two or more participating political 176
subdivisions may enter into agreements establishing a different 177
allocation of loss, damage, expense, or costs among themselves 178
than that specified in division (E) of this section. Expenses 179
incurred under division (D) of this section are not reimbursable 180
under division (E) of this section. 181

(F) Officers and employees of a participating political 182
subdivision rendering assistance in another participating 183
political subdivision under this section shall be considered 184
agents of the requesting political subdivision for the purpose of 185
tort liability and immunity. 186

(F) Nothing in this section prevents any participating 187
political subdivision from entering into a mutual aid or other 188
agreement with another political subdivision, or affects any other 189
agreement to which a political subdivision is a party, including, 190
but not limited to, an agreement entered into under this chapter 191
or section 9.60, 3750.02, or 3750.03 of the Revised Code. 192

Section 2. This act is hereby declared to be an emergency 193
measure necessary for the immediate preservation of the public 194
peace, health, and safety. The reason for this necessity lies in 195
the fact that the recent terrorist attacks in New York City and on 196
the Pentagon, indicate that emergency fire and medical services, 197
law enforcement, and other personnel are often needed to respond 198
quickly to declared emergencies outside political subdivision 199
boundaries, and, thus, it is fitting that Ohio, as soon as 200
possible, create an intrastate mutual aid program for disaster 201
response and recovery that contains procedures for the use of 202
disaster response and recovery resources outside of individual 203
political subdivision boundaries. Therefore, this act shall go 204

into immediate effect.