

As Passed by the House

124th General Assembly  
Regular Session  
2001-2002

Sub. H. B. No. 605

REPRESENTATIVES White, Carmichael, Flowers, Clancy, Schaffer, Latell,  
Schuring, Reinhard, Willamowski, Niehaus, Schmidt, Seitz, Webster, Gilb,  
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Ogg, R. Miller, Patton, Oakar

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A B I L L

To enact section 5502.41 of the Revised Code to 1  
establish an intrastate mutual aid program for 2  
emergency preparedness and disaster response and 3  
recovery to be known as the Intrastate Mutual Aid 4  
Compact and to declare an emergency. 5

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

Section 1. That section 5502.41 of the Revised Code be 6  
enacted to read as follows: 7

Sec. 5502.41. (A) As used in this section: 8

(1) "Countywide emergency management agency" means a 9  
countywide emergency management agency established under section 10  
5502.26 of the Revised Code. 11

(2) "Participating political subdivision" means each 12  
political subdivision in this state except a political subdivision 13

that enacts, by appropriate legislation signed by its chief executive, a declaration not to participate in the intrastate mutual aid program created by this section and that provides a copy of the legislation to the emergency management agency and to the countywide emergency management agency, regional authority for emergency management, or program for emergency management within the political subdivision, which is responsible for emergency management in the political subdivision.

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

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(4) "Regional authority for emergency management" means a regional authority for emergency management established under section 5502.27 of the Revised Code.

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(B) There is hereby created the intrastate mutual aid program to be known as "the intrastate mutual aid compact" to complement existing mutual aid agreements in the event of a disaster that results in a formal declaration of emergency by a participating political subdivision. The program shall provide for mutual assistance among the participating political subdivisions in response to and recovery from any disaster that results in a formal declaration of emergency by a participating political subdivision; shall provide for mutual cooperation among the participating political subdivisions in conducting disaster-related exercises, testing, or other training activities using the services, equipment, supplies, materials, personnel, and other resources of the participating political subdivisions to simulate the provision of mutual aid; and shall embody a method by which a participating political subdivision may seek assistance in the event of a formally declared emergency, which resolves many of the common issues facing political subdivisions at the time of a formally declared emergency and will ensure, to the extent

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possible, eligibility for available state and federal disaster  
funding.

(C) Each countywide emergency management agency, regional  
authority for emergency management, and program for emergency  
management within a political subdivision, which is responsible  
for emergency management in a participating political subdivision  
shall, as part of its program for emergency management under  
sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised  
Code, as applicable, and in coordination with all departments,  
divisions, boards, commissions, agencies, and other  
instrumentalities of, and having emergency response functions  
within, each participating political subdivision served by that  
agency, authority, or program, establish procedures or plans that,  
to the extent possible, accomplish both of the following:

(1) Identify hazards that potentially could affect the  
participating political subdivisions served by that agency,  
authority, or program;

(2) Identify and inventory the current services, equipment,  
supplies, personnel, and other resources related to response and  
recovery activities of the participating political subdivisions  
served by that agency, authority, or program.

(D)(1) Within one year after the effective date of this  
section, the executive director of the emergency management agency  
shall coordinate with the countywide emergency management  
agencies, regional authorities for emergency management, and  
programs for emergency management within a political subdivision,  
which are responsible for emergency management in participating  
political subdivisions, in identifying and formulating appropriate  
procedures or plans to resolve resource shortfalls, as part of  
their respective programs for emergency management under sections  
5502.22, 5502.26, 5502.27, and 5502.271 of the Revised Code, as  
applicable.

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(2) During and after the formulation of the procedures or 78  
plans to resolve resource shortfalls, there shall be ongoing 79  
consultation and coordination among the executive director of the 80  
emergency management agency; the countywide emergency management 81  
agencies, regional authorities for emergency management, and 82  
programs for emergency management within a political subdivision, 83  
which are responsible for emergency management in participating 84  
political subdivisions; and all departments, divisions, boards, 85  
commissions, agencies, and other instrumentalities of, and having 86  
emergency response functions within, each participating political 87  
subdivision, regarding this section, local procedures and plans, 88  
and the resolution of the resource shortfalls. 89

(E) Participating political subdivisions may request 90  
assistance of other participating political subdivisions in 91  
response to and recovery from a disaster during formally declared 92  
emergencies or in disaster-related exercises, testing, or other 93  
training activities. Requests for assistance shall be made through 94  
the emergency management agency or an official designated by the 95  
chief executive of the participating political subdivision from 96  
which the assistance is requested. Requests may be verbal or in 97  
writing. If verbal, the request shall be confirmed in writing 98  
within seventy-two hours after the verbal request is made. 99  
Requests shall provide the following information: 100

(1) A description of the disaster; 101

(2) A description of the assistance needed; 102

(3) An estimate of the length of time the assistance will be 103  
needed; 104

(4) The specific place and time for staging of the assistance 105  
and a point of contact at that location. 106

(F) A participating political subdivision's obligation to 107  
provide assistance in response to and recovery from a disaster or 108

in disaster-related exercises, testing, or other training 109  
activities under this section is subject to the following 110  
conditions: 111

(1) A participating political subdivision requesting 112  
assistance must have either declared a state of emergency by 113  
resolution of its chief executive or scheduled disaster-related 114  
exercises, testing, or other training activities. 115

(2) A responding participating political subdivision may 116  
withhold resources necessary to provide for its own protection. 117

(3) Personnel of a responding participating political 118  
subdivision shall continue under their local command and control 119  
structure, but shall be under the operational control of the 120  
appropriate officials within the incident management system of the 121  
participating political subdivision receiving assistance. 122

(G)(1) Nothing in this section alters the duties and 123  
responsibilities of emergency response personnel. 124

(2) This section does not preclude a participating political 125  
subdivision from entering into a mutual aid or other agreement 126  
with another political subdivision, and does not affect any other 127  
agreement to which a participating political subdivision may be a 128  
party, or any request for assistance that may be made, under any 129  
other section of the Revised Code, including, but not limited to, 130  
any mutual aid arrangement under this chapter, any fire protection 131  
or emergency medical services contract under section 9.60 of the 132  
Revised Code, sheriffs' requests for assistance to preserve the 133  
public peace and protect persons and property under section 311.07 134  
of the Revised Code, agreements for mutual aid in police 135  
protection under section 737.04 of the Revised Code, and mutual 136  
aid agreements among emergency planning districts for hazardous 137  
substances or chemicals response under sections 3750.02 and 138  
3750.03 of the Revised Code. 139

(H)(1) Personnel of a responding participating political subdivision who suffer injury or death in the course of, and arising out of, their employment while rendering assistance to another participating political subdivision under this section are entitled to all applicable benefits under Chapters 4121. and 4123. of the Revised Code.

(2) Personnel of a responding participating political subdivision shall be considered, while rendering assistance in another participating political subdivision under this section, to be agents of the participating political subdivision receiving the assistance for purposes of tort liability and immunity from tort liability under the law of this state.

(3)(a) A responding participating political subdivision and the personnel of that political subdivision, while rendering assistance, or while in route to or from rendering assistance, in another participating political subdivision under this section, shall be deemed to be exercising governmental functions as defined in section 2744.01 of the Revised Code, shall have the defenses to and immunities from civil liability provided in sections 2744.02 and 2744.03 of the Revised Code, and shall be entitled to all applicable limitations on recoverable damages under section 2744.05 of the Revised Code.

(b) A participating political subdivision requesting assistance and the personnel of that political subdivision, while requesting or receiving assistance from any other participating political subdivisions under this section, shall be deemed to be exercising governmental functions as defined in section 2744.01 of the Revised Code, shall have the defenses to and immunities from civil liability provided in sections 2744.02 and 2744.03 of the Revised Code, and shall be entitled to all applicable limitations on recoverable damages under section 2744.05 of the Revised Code.

(I) If a person holds a license, certificate, or other permit

issued by a participating political subdivision evidencing 172  
qualification in a professional, mechanical, or other skill, and 173  
if the assistance of that person is asked for by a participating 174  
political subdivision receiving assistance under this section, the 175  
person shall be deemed to be licensed or certified in or permitted 176  
by the participating political subdivision receiving the 177  
assistance to render the assistance, subject to any limitations 178  
and conditions the chief executive of the participating political 179  
subdivision receiving the assistance may prescribe by executive 180  
order or otherwise. 181

(J) Except as otherwise provided in this division, any 182  
participating political subdivision rendering assistance in 183  
another participating political subdivision under this section 184  
shall be reimbursed by the participating political subdivision 185  
receiving the assistance for any loss or damage to, or expense 186  
incurred in the operation of, any equipment used in rendering the 187  
assistance, for any expense incurred in the provision of any 188  
service used in rendering the assistance, and for all other costs 189  
incurred in responding to the request for assistance. However, a 190  
participating political subdivision rendering assistance may 191  
assume in whole or in part the loss, damage, expense, or costs, or 192  
may loan the equipment or donate the service to the participating 193  
political subdivision receiving the assistance without charge or 194  
cost; any two or more participating political subdivisions may 195  
enter into agreements establishing a different allocation of loss, 196  
damage, expense, or costs among themselves; and expenses incurred 197  
under division (H)(1) of this section are not reimbursable under 198  
this division. To avoid duplication of payments, insurance 199  
proceeds available to cover any loss or damage to equipment of a 200  
participating political subdivision rendering assistance shall be 201  
considered in the reimbursement by the participating political 202  
subdivision receiving the assistance. 203

**Section 2.** This act is hereby declared to be an emergency 204  
measure necessary for the immediate preservation of the public 205  
peace, health, and safety. The reason for this necessity lies in 206  
the fact that the September 11, 2001, terrorist attacks in New 207  
York City and on the Pentagon in Arlington, Virginia, the 208  
September 11, 2001, terrorist activity resulting in the crash of 209  
United Airlines flight 93 in Pennsylvania, and the anthrax 210  
incidents following in the wake of those terrorist events indicate 211  
that emergency fire, medical, law enforcement, and other personnel 212  
are often needed to respond quickly and in a coordinated manner to 213  
disasters outside of political subdivision boundaries, and, thus, 214  
it is fitting that Ohio, as soon as possible, have in place an 215  
intrastate mutual aid compact for disaster response and recovery 216  
that contains procedures for the use of response and recovery 217  
resources outside of individual political subdivision boundaries. 218  
Therefore, this act shall go into immediate effect. 219