

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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,
Cates, Otterman, Boccieri, Grendell, D. Miller, Coates, Strahorn, McGregor,
Roman, Kilbane, Distel, Perry, Cirelli, Metzger, DeBose, Schneider, Hughes,
Latta, Collier, Driehaus, Brown, Hagan, Buehrer, G. Smith, Salerno, Britton,
Manning, Damschroder, Mason, Wolpert, Young, Koziura, Sferra, Kearns,
Ogg, R. Miller, Patton, Oakar

SENATORS Robert Gardner, Mumper

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

As Reported by the Senate State and Local Government and Veterans Affairs

(2) "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 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.

(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.

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

(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

As Reported by the Senate State and Local Government and Veterans Affairs

the common issues facing political subdivisions at the time of a
formally declared emergency and will ensure, to the extent
possible, eligibility for available state and federal disaster
funding.

44
45
46
47

(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:

48
49
50
51
52
53
54
55
56
57
58
59

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

60
61
62

(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.

63
64
65
66

(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

67
68
69
70
71
72
73
74
75

As Reported by the Senate State and Local Government and Veterans Affairs

5502.22, 5502.26, 5502.27, and 5502.271 of the Revised Code, as applicable.

(2) During and after the formulation of the procedures or plans to resolve resource shortfalls, there shall be ongoing consultation and coordination among the executive director of the emergency management agency; 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; and all departments, divisions, boards, commissions, agencies, and other instrumentalities of, and having emergency response functions within, each participating political subdivision, regarding this section, local procedures and plans, and the resolution of the resource shortfalls.

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

(1) A description of the disaster;

(2) A description of the assistance needed;

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

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

As Reported by the Senate State and Local Government and Veterans Affairs

(F) A participating political subdivision's obligation to provide assistance in response to and recovery from a disaster or in disaster-related exercises, testing, or other training activities under this section is subject to the following conditions: 107
108
109
110
111

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

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

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

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

(2) This section does not preclude a participating political subdivision from entering into a mutual aid or other agreement with another political subdivision, and does not affect any other agreement to which a participating political subdivision may be a party, or any request for assistance that may be made, under any other section of the Revised Code, including, but not limited to, any mutual aid arrangement under this chapter, any fire protection or emergency medical services contract under section 9.60 of the Revised Code, sheriffs' requests for assistance to preserve the public peace and protect persons and property under section 311.07 of the Revised Code, agreements for mutual aid in police protection under section 737.04 of the Revised Code, and mutual aid agreements among emergency planning districts for hazardous 125
126
127
128
129
130
131
132
133
134
135
136
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 140
subdivision who suffer injury or death in the course of, and 141
arising out of, their employment while rendering assistance to 142
another participating political subdivision under this section are 143
entitled to all applicable benefits under Chapters 4121. and 4123. 144
of the Revised Code. 145

(2) Personnel of a responding participating political 146
subdivision shall be considered, while rendering assistance in 147
another participating political subdivision under this section, to 148
be agents of the participating political subdivision receiving the 149
assistance for purposes of tort liability and immunity from tort 150
liability under the law of this state. 151

(3)(a) A responding participating political subdivision and 152
the personnel of that political subdivision, while rendering 153
assistance, or while in route to or from rendering assistance, in 154
another participating political subdivision under this section, 155
shall be deemed to be exercising governmental functions as defined 156
in section 2744.01 of the Revised Code, shall have the defenses to 157
and immunities from civil liability provided in sections 2744.02 158
and 2744.03 of the Revised Code, and shall be entitled to all 159
applicable limitations on recoverable damages under section 160
2744.05 of the Revised Code. 161

(b) A participating political subdivision requesting 162
assistance and the personnel of that political subdivision, while 163
requesting or receiving assistance from any other participating 164
political subdivisions under this section, shall be deemed to be 165
exercising governmental functions as defined in section 2744.01 of 166
the Revised Code, shall have the defenses to and immunities from 167
civil liability provided in sections 2744.02 and 2744.03 of the 168
Revised Code, and shall be entitled to all applicable limitations 169

As Reported by the Senate State and Local Government and Veterans Affairs

on recoverable damages under section 2744.05 of the Revised Code. 170

(I) If a person holds a license, certificate, or other permit 171
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

As Reported by the Senate State and Local Government and Veterans Affairs

considered in the reimbursement by the participating political
subdivision receiving the assistance.

202
203

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

204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219