

**As Introduced**

**128th General Assembly  
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**H. B. No. 202**

**Representative Mallory**

**Cosponsors: Representatives Weddington, Yuko, Domenick, Letson**

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**A B I L L**

To amend section 5502.03 and to enact section 5502.04 1  
of the Revised Code to create the Infrastructure 2  
Protection Center within the Division of Homeland 3  
Security of the Department of Public Safety. 4

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

**Section 1.** That section 5502.03 be amended and section 5  
5502.04 of the Revised Code be enacted to read as follows: 6

**Sec. 5502.03.** (A) There is hereby created in the department 7  
of public safety a division of homeland security. 8

(B) The division shall do all of the following: 9

(1) Coordinate all homeland security activities of all state 10  
agencies and be the liaison between state agencies and local 11  
entities for the purposes of communicating homeland security 12  
funding and policy initiatives; 13

(2) Collect, analyze, maintain, and disseminate information 14  
to support local, state, and federal law enforcement agencies, 15  
other government agencies, and private organizations in detecting, 16  
deterring, preventing, preparing for, responding to, and 17  
recovering from threatened or actual terrorist events. This 18

information is not a public record pursuant to section 149.43 of 19  
the Revised Code. 20

(3) ~~Coordinate~~ Through the infrastructure protection center 21  
created in section 5502.04 of the Revised Code, coordinate 22  
efforts of state and local governments and private organizations to 23  
enhance the security and protection of critical infrastructure and 24  
key assets in this state; 25

(4) Develop and coordinate policies, protocols, and 26  
strategies that may be used to prevent, detect, prepare for, 27  
respond to, and recover from terrorist acts or threats; 28

(5) Develop, update, and coordinate the implementation of an 29  
Ohio homeland security strategic plan that will guide state and 30  
local governments in the achievement of homeland security in this 31  
state. 32

(C) The director of public safety shall appoint an executive 33  
director, who shall be head of the division of homeland security 34  
and who regularly shall advise the governor and the director on 35  
matters pertaining to homeland security. The executive director 36  
shall serve at the pleasure of the director of public safety. To 37  
carry out the duties assigned under this section, the executive 38  
director, subject to the direction and control of the director of 39  
public safety, may appoint and maintain necessary staff and may 40  
enter into any necessary agreements. 41

(D) Except as otherwise provided by law, nothing in this 42  
section shall be construed to give the director of public safety 43  
or the executive director of the division of homeland security 44  
authority over the incident management structure or 45  
responsibilities of local emergency response personnel. 46

(E) There is hereby created in the state treasury the 47  
homeland security fund. The fund shall consist of sixty cents of 48  
each fee collected under sections 4501.34, 4503.26, 4506.08, and 49

4509.05 of the Revised Code as specified in those sections, plus 50  
on and after October 1, 2009, sixty cents of each fee collected 51  
under sections 4505.14 and 4519.63 of the Revised Code as 52  
specified in those sections. The fund shall be used to pay the 53  
expenses of administering the law relative to the powers and 54  
duties of the executive director of the division of homeland 55  
security, except that the director of budget and management may 56  
transfer excess money from the homeland security fund to the state 57  
highway safety fund if the director of public safety determines 58  
that the amount of money in the homeland security fund exceeds the 59  
amount required to cover such costs incurred by the division of 60  
homeland security and requests the director of budget and 61  
management to make the transfer. 62

Sec. 5502.04. (A) There is hereby created in the division of 63  
homeland security the infrastructure protection center, to be 64  
located in Cincinnati. 65

(B) The center shall do all of the following: 66

(1) Coordinate all infrastructure-related homeland security 67  
and infrastructure protection activities of all state agencies and 68  
be the liaison between state agencies, local entities, and the 69  
public for the purposes of communicating infrastructure-related 70  
homeland security services; 71

(2) Research and analyze infrastructure security and 72  
intelligence information to detect, deter, prevent, prepare for, 73  
respond to, and recover from potential or actual terrorist events 74  
that threaten infrastructure. This information is not a public 75  
record pursuant to section 149.43 of the Revised Code. 76

(3) Coordinate efforts of state and local governments and 77  
private organizations to enhance the security and protection of 78  
critical infrastructure and key assets in this state and to ensure 79  
interoperability and compatibility of such efforts; 80

(4) Develop and coordinate policies, protocols, and strategies that may be used to prevent, detect, prepare for, respond to, and recover from terrorist acts or threats to infrastructure, including emergency response and contingency planning; 81  
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(5) Perform infrastructure risk assessments, including individual site assessments and sector assessments, and recommend strategies and methods to mitigate risk; 86  
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(6) Conduct prevention and deterrence exercises and provide security analysis training. 89  
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(C) In performing its duties under division (B) of this section, the center shall give priority to bridge security. The center and the department of transportation cooperatively shall identify those bridges considered most critical to the state, establish inspection schedules and other methods to mitigate the risk to bridges, and establish security procedures to protect critical bridges. 91  
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(D) The director of public safety shall appoint a chief administrator, who shall be head of the center and who shall report to the executive director of the division of homeland security on a regular basis concerning the duties and responsibilities of the center and on any matters pertaining to infrastructure protection. The chief administrator shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the chief administrator, subject to the direction and control of the executive director of the division of homeland security, may appoint and maintain necessary staff and may enter into any necessary agreements. 98  
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(E) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the chief administrator of the infrastructure protection center 109  
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authority over the incident management structure or 112  
responsibilities of local emergency response personnel. 113

(F) This section shall not be construed to replace or 114  
supersede infrastructure security standards the United States 115  
department of homeland security and the transportation security 116  
administration require, or safety standards the United States 117  
department of transportation requires. 118

**Section 2.** That existing section 5502.03 of the Revised Code 119  
is hereby repealed. 120