

As Passed by the Senate

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Sub. S. B. No. 243

Senator Hughes

**Cosponsors: Senators Wagoner, Patton, Turner, Bacon, Balderson, Beagle,
Coley, Daniels, LaRose, Lehner, Niehaus, Schaffer, Seitz, Tavares**

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A B I L L

To amend sections 5502.21, 5502.29, and 5502.41 and 1
to enact section 3345.042 of the Revised Code to 2
modify the laws governing the Intrastate Mutual 3
Aid Compact. 4

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

Section 1. That sections 5502.21, 5502.29, and 5502.41 be 5
amended and section 3345.042 of the Revised Code be enacted to 6
read as follows: 7

Sec. 3345.042. (A) As used in this section: 8

(1) "Community college" has the same meaning as in section 9
3354.01 of the Revised Code. 10

(2) "Countywide emergency management agency," "participating 11
political subdivision," "program for emergency management within a 12
political subdivision," and "regional authority for emergency 13
management" have the same meanings as in section 5502.41 of the 14
Revised Code. 15

(3) "Technical college" has the same meaning as in section 16
3357.01 of the Revised Code. 17

(4) "State community college" has the same meaning as in section 3358.01 of the Revised Code. 18
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(5) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 20
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(6) "University branch" has the same meaning as in section 3355.01 of the Revised Code. 22
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(B)(1) Except as provided in division (B)(2) of this section, a state institution of higher education is considered to be a participating political subdivision for purposes of the intrastate mutual aid compact created under section 5502.41 of the Revised Code. 24
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(2) A state institution of higher education may elect not to participate in the intrastate mutual aid compact by enacting or adopting an appropriate resolution, rule, bylaw, or regulation to that effect. The institution shall provide a copy of the resolution, rule, bylaw, or regulation to the state emergency management agency and to the countywide emergency management agency, regional authority for emergency management, or program for emergency management within a political subdivision, whichever is responsible for emergency management at the institution. 29
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(C) Except for a community college, state community college, technical college, or university branch, a state institution of higher education and its personnel, while requesting or providing assistance or aid pursuant to the compact, shall be deemed to be performing a public duty as defined in section 2743.01 of the Revised Code and have the defenses to, and immunities from, civil liability provided in section 2743.02 of the Revised Code. 38
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Community colleges, state community colleges, technical colleges, university branches, and personnel of such institutions, while requesting or providing assistance or aid pursuant to the compact, shall have the defenses and immunities from civil liability 45
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provided in sections 2744.02 and 2744.03 of the Revised Code and 49
shall be entitled to all applicable limitations on recoverable 50
damages under section 2744.05 of the Revised Code. 51

Sec. 5502.21. As used in sections 5502.21 to 5502.51 of the 52
Revised Code: 53

(A) "Agency" means any administrative or operational 54
division, including an office, department, bureau, board, 55
commission, or authority, of the state or of a political 56
subdivision thereof, including volunteer agencies, organizations, 57
or departments. 58

(B) "Attack" means any attack, either actual or imminent, or 59
a series of attacks by an actual or potential enemy of the United 60
States or by a foreign nation upon the United States that causes 61
or may cause substantial damage to or destruction of life, 62
property, or the environment within the United States or that is 63
designed to injure the military or economic strength of the United 64
States. "Attack" includes, without limitation, acts of sabotage, 65
acts of terrorism, invasion, the use of bombs or shellfire, 66
conventional, nuclear, chemical, or biological warfare, and the 67
use of other weapons or processes. 68

(C) "Chief executive" means the president of the United 69
States, the governor of this state, the board of county 70
commissioners of any county, the board of township trustees of any 71
township, or the mayor or city manager of any municipal 72
corporation within this state. 73

(D) "Civil defense" is an integral part of emergency 74
management that includes all those activities and measures 75
designed or undertaken to minimize the effects upon the civilian 76
population caused or that would be caused by any hazard and to 77
effect emergency repairs to, or the emergency restoration of, 78
vital equipment, resources, supplies, utilities, and facilities 79

necessary for survival and for the public health, safety, and 80
welfare that would be damaged or destroyed by any hazard. "Civil 81
defense" includes, but is not limited to: 82

(1) Those measures to be taken during a hazard, including all 83
of the following: 84

(a) The enforcement of those passive defense regulations 85
necessary for the protection of the civilian population and 86
prescribed by duly established military or civil authorities; 87

(b) The evacuation of personnel to shelter areas; 88

(c) The control of traffic and panic situations; 89

(d) The control and use of emergency communications, 90
lighting, and warning equipment and systems. 91

(2) Those measures to be taken after a hazard has occurred, 92
including all of the following: 93

(a) Activities necessary for firefighting, rescue, emergency, 94
medical, health, and sanitation services; 95

(b) Monitoring for secondary hazards that could be caused 96
from the initiating event; 97

(c) Damage assessment and disaster analysis operations; 98

(d) Coordination of disaster assistance programs; 99

(e) Monitoring for effects from weapons; 100

(f) Unexploded bomb reconnaissance; 101

(g) Essential debris clearance; 102

(h) Decontamination operations; 103

(i) Documentation of operations and financial expenses; 104

(j) Resource control; 105

(k) Any other activities that may be necessary for survival 106
and the overall health, safety, and welfare of the civilian 107

population.	108
(E) <u>"Disaster"</u> means any imminent threat or actual occurrence	109
of widespread or severe damage to or loss of property, personal	110
hardship or injury, or loss of life that results from any natural	111
phenomenon or act of a human.	112
(F) Emergency <u>Except as provided in section 5502.41 of the</u>	113
<u>Revised Code, "emergency"</u> means any period during which the	114
Congress of the United States or a chief executive has declared or	115
proclaimed that an emergency exists.	116
(G) <u>"Emergency management"</u> includes all emergency	117
preparedness and civil defense activities and measures, whether or	118
not mentioned or described in sections 5502.21 to 5502.51 of the	119
Revised Code, that are designed or undertaken to minimize the	120
effects upon the civilian population caused or that could be	121
caused by any hazard and that are necessary to address mitigation,	122
emergency preparedness, response, and recovery.	123
(H) <u>"Emergency preparedness"</u> is an integral part of emergency	124
management that includes those activities and measures designed or	125
undertaken in preparation for any hazard, including, but not	126
limited to, natural disasters and hazards involving hazardous	127
materials or radiological materials, and that will enhance the	128
probability for preservation of life, property, and the	129
environment. <u>"Emergency preparedness"</u> includes, without	130
limitation:	131
(1) The establishment of appropriate agencies and	132
organizations;	133
(2) The development of necessary plans and standard operating	134
procedures for mitigation, preparation, response, and recovery	135
purposes, including, without limitation, the development of	136
supporting agreements and memorandums of understanding;	137
(3) Hazard identification;	138

(4) Capability assessment;	139
(5) The recruitment, retention, and training of personnel;	140
(6) The development, printing, and distribution of emergency public information, education, and training materials and programs;	141 142 143
(7) The necessary conduct of research;	144
(8) The development of resource inventories;	145
(9) The procurement and stockpiling of equipment, food, water, medical supplies, and any other supplies necessary for survival and for the public health, safety, and welfare;	146 147 148
(10) The development and construction of public shelter facilities and shelter spaces;	149 150
(11) The development and construction of emergency operations centers for the conduct and support of coordination, direction, and control activities;	151 152 153
(12) When appropriate and considered necessary, the nonmilitary evacuation or temporary relocation of the civilian population.	154 155 156
(I) " <u>Hazard</u> " means any actual or imminent threat to the survival or overall health, safety, or welfare of the civilian population that is caused by any natural, human-made, or technological event. " <u>Hazard</u> " includes, without limitation, an attack, disaster, and emergency.	157 158 159 160 161
(J) " <u>Hazard identification</u> " means an identification, historical analysis, inventory, or spatial distribution of risks that could affect a specific geographical area and that would cause a threat to the survival, health, safety, or welfare of the civilian population, the property of that population, or the environment.	162 163 164 165 166 167
(K) " <u>Law</u> " includes a general or special statute, law, local	168

law, ordinance, resolution, rule, order, or rule of common law.	169
(L) <u>"Mitigation"</u> means all those activities that reduce or eliminate the probability of a hazard. <u>"Mitigation"</u> also includes long-term activities and measures designed to reduce the effects of unavoidable hazards.	170 171 172 173
(M) Political <u>Except as provided in section 5502.41 of the Revised Code, "political subdivision"</u> means a county, township, or municipal corporation in this state.	174 175 176
(N) <u>"Recovery"</u> includes all those activities required and necessary to return an area to its former condition to the extent possible following the occurrence of any hazard.	177 178 179
(O) <u>"Response"</u> includes all those activities that occur subsequent to any hazard and that provide emergency assistance from the effects of any such hazard, reduce the probability of further injury, damage, or destruction, and are designed or undertaken to speed recovery operations.	180 181 182 183 184
(P) <u>"Structure"</u> includes shelters, additions to or alterations of existing buildings, and portions of existing buildings dedicated to public use, made and designed exclusively for protection against the shock or other effects of nuclear, biological, or chemical warfare, special housing for equipment, and all other structural means of protection of individuals and property against any hazard.	185 186 187 188 189 190 191
(Q) <u>"Equipment"</u> includes fire-fighting, first-aid, emergency medical, hospital, salvage, and rescue equipment and materials, equipment for evacuation or relocation of individuals, radiological monitoring equipment, hazardous materials response gear, communications equipment, warning equipment, and all other means, in the nature of personal property, to be used exclusively in the protection of individuals and property against the effects of any hazard.	192 193 194 195 196 197 198 199

(R) "Certifying authority" means the executive director of the emergency management agency provided for by section 5502.22 of the Revised Code.

(S) "Civil defense certificate" means a civil defense certificate of necessity issued pursuant to section 5502.42 of the Revised Code.

Sec. 5502.29. (A) As used in this section, "political subdivision" has the same meaning as in section 5502.41 of the Revised Code.

(B) Political subdivisions, in collaboration with other public and private agencies within this state, may develop mutual assistance or aid arrangements agreements for reciprocal emergency management assistance or aid and assistance in case of any hazard too great to be dealt with unassisted. Such arrangements shall be consistent with the rules adopted by the director of public safety under section 5502.25 of the Revised Code for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. In time of any hazard incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, each political subdivision may render assistance in accordance with such mutual assistance or aid arrangements agreements. Such mutual assistance or aid arrangements agreements shall not in any manner relieve the chief executive elected official of any political subdivision of the responsibility for either entering into a written agreement establishing a countywide emergency management agency under section 5502.26 of the Revised Code, entering into a written agreement establishing a regional authority for emergency management under section 5502.27 of the Revised Code, or establishing a program for providing emergency

management ~~under section 5502.271 of the Revised Code.~~ 231

(C) Political subdivisions, in collaboration with political 232
subdivisions in adjacent states, may develop agreements for mutual 233
assistance or aid for purposes of preparing for, responding to, 234
and recovering from an incident, disaster, exercise, training 235
activity, planned event, or emergency, any of which requires 236
additional resources. Each political subdivision may render 237
assistance in accordance with the mutual assistance or aid 238
agreements. A mutual assistance or aid agreement with political 239
subdivisions in adjacent states shall be approved by the chief 240
elected officials of the agreeing political subdivisions or their 241
designees and shall be prepared in accordance with the laws, 242
regulations, ordinances, and resolutions applicable to the 243
agreeing political subdivisions. 244

(D) When engaged in preparation for, response to, or recovery 245
from an incident, disaster, exercise, training activity, planned 246
event, or emergency, any of which requires additional resources, 247
and in accordance with the applicable mutual assistance or aid 248
agreement, personnel from political subdivisions outside this 249
state shall be permitted to provide services within this state in 250
accordance with this section and the terms of the mutual 251
assistance or aid agreement. 252

(E) Personnel of the responding political subdivision shall 253
continue under their local command and control structure, but 254
shall be under the operational control of the appropriate 255
officials within the incident management system of the political 256
subdivision receiving the assistance or aid. 257

(F) Nothing in this section shall be construed to prohibit a 258
private company or its employees from participating in the 259
provision of mutual assistance or aid, if the responding political 260
subdivision approves the participation and the contract between 261
the political subdivision and the private company permits the 262

participation. 263

(G) Nothing in this section shall be construed to prohibit 264
personnel of political subdivisions in this state from responding 265
to a request for mutual assistance or aid resulting from an 266
incident, disaster, exercise, training activity, planned event, or 267
emergency, any of which requires additional resources, when the 268
personnel are responding as part of a regional response team that 269
is under the operational control of the incident command 270
structure. 271

(H) Whenever a person from outside this state who is subject 272
to a mutual assistance or aid agreement authorized by this section 273
holds a license, certificate, or other permit issued by any state 274
evidencing qualification for professional, mechanical, or other 275
skills, such license, certificate, or other permit shall be 276
recognized by this state as authorizing the person to render 277
assistance or aid in this state involving such skill to meet the 278
request for assistance or aid, so long as the person is acting 279
within the scope of the person's license, certificate, or other 280
permit. 281

(I) Personnel rendering assistance or aid pursuant to a 282
mutual assistance or aid agreement authorized by this section 283
remain employees or agents of their respective political 284
subdivisions, including for purposes of tort liability and 285
immunity from tort liability, and nothing in this section or any 286
mutual assistance or aid agreement entered into pursuant to this 287
section creates an employment relationship between the political 288
subdivision requesting aid and the employees or agents of the 289
political subdivision rendering aid. 290

(J) Responding political subdivisions and the personnel of 291
that political subdivision, while rendering assistance or aid 292
under this section, or while in route to or from rendering 293
assistance or aid under this section, in a political subdivision 294

in an adjacent state under an agreement authorized by this 295
section, shall be deemed to be exercising governmental functions 296
as defined in section 2744.01 of the Revised Code, shall have the 297
defenses to and immunities from civil liability provided in 298
sections 2744.02 and 2744.03 of the Revised Code, and shall be 299
entitled to all applicable limitations on recoverable damages 300
under section 2744.05 of the Revised Code. 301

(K) All pension, disability, death benefits, workers' 302
compensation, and other benefits enjoyed by personnel rendering 303
interstate or intrastate mutual assistance or aid shall extend to 304
the services they perform outside their respective political 305
subdivisions to the same extent as while acting within the 306
boundaries of the political subdivisions, and personnel are 307
entitled to the rights and benefits of Chapter 4123. to the same 308
extent as while performing service within the boundaries of the 309
political subdivisions. 310

Sec. 5502.41. (A) As used in this section: 311

(1) "Chief executive of a participating political 312
subdivision" means the elected chief executive of a participating 313
political subdivision or, if the political subdivision does not 314
have an elected chief executive, a member of the political 315
subdivision's governing body or an employee of the political 316
subdivision appointed by the governing body's members to be its 317
representative for purposes of the intrastate mutual aid program 318
created pursuant to this section. 319

(2) "Countywide emergency management agency" means a 320
countywide emergency management agency established under section 321
5502.26 of the Revised Code. 322

~~(2)~~(3) "Emergency" means any period during which the congress 323
of the United States, a chief executive as defined in section 324
5502.21 of the Revised Code, or a chief executive of a 325

participating political subdivision has declared or proclaimed 326
that an emergency exists. 327

(4) "Participating political subdivision" means each 328
political subdivision in this state except a political subdivision 329
that enacts or adopts, by appropriate legislation, ordinance, 330
resolution, rule, bylaw, or regulation signed by its chief 331
executive, a ~~declaration~~ decision not to participate in the 332
intrastate mutual aid program created by this section and that 333
provides a copy of the legislation, ordinance, resolution, rule, 334
bylaw, or regulation to the state emergency management agency and 335
to the countywide emergency management agency, regional authority 336
for emergency management, or program for emergency management 337
within the political subdivision, ~~which is responsible for~~ 338
~~emergency management in the political subdivision.~~ 339

~~(3)~~(5) "Planned event" means a scheduled nonemergency 340
activity as defined by the national incident management system 341
adopted under section 5502.28 of the Revised Code as the state's 342
standard procedure for incident management. "Planned event" 343
includes, but is not limited to, a sporting event, concert, or 344
parade. 345

(6) "Political subdivision" or "subdivision" has the same 346
meaning as in section 2744.01 of the Revised Code and also 347
includes a health district established under Chapter 3709. of the 348
Revised Code. 349

(7) "Program for emergency management within a political 350
subdivision" means a program for emergency management created by a 351
political subdivision under section 5502.271 of the Revised Code. 352

~~(4)~~(8) "Regional authority for emergency management" means a 353
regional authority for emergency management established under 354
section 5502.27 of the Revised Code. 355

(9) "Regional response team" means a group of persons from 356

participating political subdivisions who provide mutual assistance 357
or aid in preparation for, response to, or recovery from an 358
incident, disaster, exercise, training activity, planned event, or 359
emergency, any of which requires additional resources. "Regional 360
response team" includes, but is not limited to, an incident 361
management team, hazardous materials response team, water rescue 362
team, bomb team, or search and rescue team. 363

(B) There is hereby created the intrastate mutual aid program 364
to be known as "the intrastate mutual aid compact" to complement 365
existing mutual aid agreements ~~in the event of a disaster that~~ 366
~~results in a formal declaration of emergency by a participating~~ 367
~~political subdivision.~~ The program shall ~~provide~~ have two 368
purposes: 369

(1) Provide for mutual assistance or aid among the 370
participating political subdivisions ~~in response to and recovery~~ 371
~~from any~~ for purposes of preparing for, responding to, and 372
recovering from an incident, disaster that results in a formal 373
~~declaration of emergency by a participating political subdivision;~~ 374
~~shall provide for mutual cooperation among the participating~~ 375
~~political subdivisions in conducting disaster related exercises,~~ 376
~~testing, or other training activities using the services,~~ 377
~~equipment, supplies, materials, personnel, and other resources of~~ 378
~~the participating political subdivisions to simulate the provision~~ 379
~~of mutual aid; and shall embody, exercise, training activity,~~ 380
planned event, or emergency, any of which requires additional 381
resources; 382

(2) Establish a method by which a participating political 383
subdivision may seek assistance ~~in the event of a formally~~ 384
~~declared emergency, which~~ or aid that resolves many of the common 385
issues facing political subdivisions ~~at the time of a formally~~ 386
~~declared emergency~~ before, during, and after an incident, 387
disaster, exercise, training activity, planned event, or 388

~~emergency, any of which requires additional resources, and will~~ 389
~~ensure that ensures,~~ to the extent possible, eligibility for 390
available state and federal disaster assistance or other funding. 391

(C) Each countywide emergency management agency, regional 392
authority for emergency management, and program for emergency 393
management within a political subdivision, ~~which is responsible~~ 394
~~for emergency management in a participating political subdivision~~ 395
~~shall, as part of its program for emergency management under~~ 396
~~sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised~~ 397
~~Code, as applicable, and~~ in coordination with all departments, 398
divisions, boards, commissions, agencies, and other 399
instrumentalities ~~of, and having emergency response functions~~ 400
~~within, each participating that~~ political subdivision ~~served by~~ 401
~~that agency, authority, or program,~~ shall establish procedures or 402
plans that, to the extent possible, accomplish both of the 403
following: 404

(1) Identify hazards that potentially could affect the 405
participating political subdivisions served by that agency, 406
authority, or program; 407

(2) Identify and inventory the current services, equipment, 408
supplies, personnel, and other resources related to the 409
preparedness, response, and recovery activities of the 410
participating political subdivisions served by that agency, 411
authority, or program. 412

(D)(1) ~~Within one year after December 23, 2002, the~~ The 413
executive director of the state emergency management agency shall 414
coordinate with the countywide emergency management agencies, 415
regional authorities for emergency management, and programs for 416
emergency management within a political subdivision, ~~which are~~ 417
~~responsible for emergency management in participating political~~ 418
~~subdivisions,~~ in identifying and formulating appropriate 419
procedures or plans to resolve resource shortfalls, ~~as part of~~ 420

~~their respective programs for emergency management under sections 421
5502.22, 5502.26, 5502.27, and 5502.271 of the Revised Code, as 422
applicable. 423~~

(2) During and after the formulation of the procedures or 424
plans to resolve resource shortfalls, there shall be ongoing 425
consultation and coordination among the executive director of the 426
state emergency management agency; the countywide emergency 427
management agencies, regional authorities for emergency 428
management, and programs for emergency management within a 429
political subdivision, ~~which are responsible for emergency 430
management in participating political subdivisions;~~ and all 431
departments, divisions, boards, commissions, agencies, and other 432
instrumentalities of, and having emergency response functions 433
within, each participating political subdivision, regarding this 434
section, local procedures and plans, and the resolution of the 435
resource shortfalls. 436

~~(E) Participating political subdivisions may request 437
assistance of other participating political subdivisions in 438
response to and recovery from a disaster during formally declared 439
emergencies or in disaster related exercises, testing, or other 440
training activities. (1) A participating political subdivision 441
that is impacted by an incident, disaster, exercise, training 442
activity, planned event, or emergency, any of which requires 443
additional resources, may request mutual assistance or aid by 444
doing either of the following: 445~~

(a) Declaring a state of emergency and issuing a request for 446
assistance or aid from any other participating political 447
subdivision; 448

(b) Issuing to another participating political subdivision a 449
verbal or written request for assistance or aid. If the request is 450
made verbally, a written confirmation of the request shall be made 451
not later than seventy-two hours after the verbal request is made. 452

(2) Requests for assistance or aid made under division (E)(1) of this section shall be made through the emergency management agency of a participating political subdivision or an official designated by the chief executive of the participating political subdivision from which the assistance or aid is requested. 453
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~~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.~~ 458
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Requests and shall provide the following 460
information: 461

~~(1)(a)~~ A description of the incident, disaster, exercise, training activity, planned event, or emergency; 462
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~~(2)(b)~~ A description of the assistance or aid needed; 464

~~(3)(c)~~ An estimate of the length of time the assistance or aid will be needed; 465
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~~(4)(d)~~ The specific place and time for staging of the assistance or aid and a point of contact at that location. 467
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(F) A participating political ~~subdivision's obligation to subdivision shall~~ provide assistance ~~in response to and recovery from a disaster or in disaster related exercises, testing, or other training activities under this section~~ or aid to another participating political subdivision that is impacted by an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. The provision of the assistance or aid is subject to the following conditions: 469
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~~(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.~~ 478
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~~(2) A~~ The responding ~~participating~~ political subdivision may withhold resources necessary to provide for its own protection. 482
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~~(3)~~(2) Personnel of a the responding ~~participating~~ political 484
subdivision shall continue under their local command and control 485
structure, but shall be under the operational control of the 486
appropriate officials within the incident management system of the 487
participating political subdivision receiving assistance or aid. 488

~~(4)~~(3) Responding law enforcement officers acting pursuant to 489
this section have the same authority to enforce the law as when 490
acting within the territory of their regular employment. 491

(G)(1) Nothing in this section ~~alters~~ shall do any of the 492
following: 493

(a) Alter the duties and responsibilities of emergency 494
response personnel; 495

(b) Prohibit a private company from participating in the 496
provision of mutual assistance or aid pursuant to the compact 497
created pursuant to this section if the participating political 498
subdivision approves the participation and the contract with the 499
private company allows for the participation; 500

(c) Prohibit employees of participating political 501
subdivisions from responding to a request for mutual assistance or 502
aid precipitated by an incident, disaster, exercise, training 503
activity, planned event, or emergency, any of which requires 504
additional resources, when the employees are responding as part of 505
a regional response team that is under the operational control of 506
the incident command structure; 507

(d) Authorize employees of participating political 508
subdivisions to respond to an incident, disaster, exercise, 509
training activity, planned event, or emergency, any of which 510
requires additional resources, without a request from a 511
participating political subdivision. 512

(2) This section does not preclude a participating political 513
subdivision from entering into a mutual aid or other agreement 514

with another political subdivision, and does not affect any other 515
agreement to which a participating political subdivision may be a 516
party, or any request for assistance or aid that may be made, 517
under any other section of the Revised Code, including, but not 518
limited to, any mutual aid arrangement under this chapter, any 519
fire protection or emergency medical services contract under 520
section 9.60 of the Revised Code, sheriffs' requests for 521
assistance to preserve the public peace and protect persons and 522
property under section 311.07 of the Revised Code, ~~agreements~~ any 523
agreement for mutual assistance or aid in police protection under 524
section 737.04 of the Revised Code, any agreement for law 525
enforcement services between universities and colleges and 526
political subdivisions under section 3345.041 or 3345.21 of the 527
Revised Code, and mutual aid agreements among emergency planning 528
districts for hazardous substances or chemicals response under 529
sections 3750.02 and 3750.03 of the Revised Code. 530

(H)(1) Personnel of a responding participating political 531
subdivision who suffer injury or death in the course of, and 532
arising out of, their employment while rendering assistance or aid 533
under this section to another participating political subdivision 534
~~under this section~~ are entitled to all applicable benefits under 535
Chapters 4121. and 4123. of the Revised Code. 536

(2) Personnel of a responding participating political 537
subdivision shall be considered, while rendering assistance or aid 538
under this section in another participating political subdivision 539
~~under this section,~~ to be agents of the ~~participating~~ responding 540
political subdivision ~~receiving the assistance~~ for purposes of 541
tort liability and immunity from tort liability under the law of 542
this state. 543

(3)(a) A responding participating political subdivision and 544
the personnel of that political subdivision, while rendering 545
assistance or aid under this section, or while in route to or from 546

rendering assistance or aid under this section, in another 547
participating political subdivision ~~under this section~~, shall be 548
deemed to be exercising governmental functions as defined in 549
section 2744.01 of the Revised Code, shall have the defenses to 550
and immunities from civil liability provided in sections 2744.02 551
and 2744.03 of the Revised Code, and shall be entitled to all 552
applicable limitations on recoverable damages under section 553
2744.05 of the Revised Code. 554

(b) A participating political subdivision requesting 555
assistance or aid and the personnel of that political subdivision, 556
while requesting or receiving assistance or aid under this section 557
from any other participating political ~~subdivisions under this~~ 558
~~section subdivision~~, shall be deemed to be exercising governmental 559
functions as defined in section 2744.01 of the Revised Code, shall 560
have the defenses to and immunities from civil liability provided 561
in sections 2744.02 and 2744.03 of the Revised Code, and shall be 562
entitled to all applicable limitations on recoverable damages 563
under section 2744.05 of the Revised Code. 564

(I) If a person holds a license, certificate, or other permit 565
issued by a participating political subdivision evidencing 566
qualification in a professional, mechanical, or other skill, and 567
if the assistance or aid of that person is asked for under this 568
section by a participating political subdivision ~~receiving~~ 569
~~assistance under this section~~, the person shall be deemed to be 570
licensed or certified in or permitted by the participating 571
political subdivision receiving the assistance or aid to render 572
the assistance or aid, subject to any limitations and conditions 573
the chief executive of the participating political subdivision 574
receiving the assistance or aid may prescribe by executive order 575
or otherwise. 576

(J) ~~Except~~ (1) Subject to division (K) of this section and 577
except as otherwise provided in this division (J)(2) of this 578

section, any participating political subdivision rendering 579
assistance or aid under this section in another participating 580
political subdivision ~~under this section~~ shall be reimbursed by 581
the participating political subdivision receiving the assistance 582
or aid for any loss or damage to, or expense incurred in the 583
operation of, any equipment used in rendering the assistance or 584
aid, for any expense incurred in the provision of any service used 585
in rendering the assistance or aid, and for all other costs 586
incurred in responding to the request for assistance or aid. 587
~~However, a participating political subdivision rendering~~ 588
~~assistance may assume in whole or in part the loss, damage,~~ 589
~~expense, or costs, or may loan the equipment or donate the service~~ 590
~~to the participating political subdivision receiving the~~ 591
~~assistance without charge or cost; any two or more participating~~ 592
~~political subdivisions may enter into agreements establishing a~~ 593
~~different allocation of loss, damage, expense, or costs among~~ 594
~~themselves; and expenses incurred under division (H)(1) of this~~ 595
~~section are not reimbursable under this division.~~ To avoid 596
duplication of payments, insurance proceeds available to cover any 597
loss or damage to equipment of a participating political 598
subdivision rendering assistance or aid shall be considered in the 599
reimbursement by the participating political subdivision receiving 600
the assistance or aid. 601

(2) A participating political subdivision rendering 602
assistance or aid under this section to another participating 603
political subdivision shall not be reimbursed for either of the 604
following: 605

(a) The first eight hours of mutual assistance or aid it 606
provides to the political subdivision receiving the assistance or 607
aid; 608

(b) Expenses the participating political subdivision incurs 609
under division (H)(1) of this section. 610

(K) A participating political subdivision rendering 611
assistance or aid under this section may do any of the following: 612

(1) Assume, in whole or in part, any loss, damage, expense, 613
or cost the political subdivision incurs in rendering the 614
assistance or aid; 615

(2) Loan, without charge, any equipment, or donate any 616
service, to the political subdivision receiving the assistance or 617
aid; 618

(3) Enter into agreements with one or more other 619
participating political subdivisions to establish different 620
allocations of losses, damages, expenses, or costs among such 621
political subdivisions. 622

Section 2. That existing sections 5502.21, 5502.29, and 623
5502.41 of the Revised Code are hereby repealed. 624