



Ohio Legislative Service Commission

Bill Analysis

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H.B. 202

128th General Assembly
(As Introduced)

Reps. Mallory, Weddington, Yuko, Domenick, Letson

BILL SUMMARY

- Creates the Infrastructure Protection Center within the Division of Homeland Security in the Department of Public Safety.
 - Specifies that the Center is to be located in Cincinnati and be administered by a Chief Administrator, who is appointed by the Executive Director of the Division of Homeland Security and serves at the pleasure of the Executive Director.
 - Establishes the Center's responsibilities, which include coordinating the state's infrastructure-related homeland security activities and carrying out other activities related to the protection of the state's infrastructure.
 - Designates bridge safety as the Center's special priority and directs the Center to cooperate with the Department of Transportation when carrying out activities related to bridge safety.
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CONTENT AND OPERATION

Division of Homeland Security

The Ohio Division of Homeland Security is within the Ohio Department of Public Safety. The Division is administered by an Executive Director who is appointed by, and serves at the pleasure of, the Director of Public Safety. The Executive Director of Homeland Security is responsible for regularly advising the Governor as well as the Director of Public Safety on matters pertaining to homeland security (R.C. 5502.03(C)). Under continuing law, the Division of Homeland Security has general responsibility for coordinating the homeland security activities of all state agencies and serves as the liaison between state agencies and local entities for the purposes of communicating

homeland security funding and policy initiatives (R.C. 5502.03(A) and (B)(1)). The Division also is responsible for coordinating the efforts of state and local governments and private organizations to enhance the security and protection of critical infrastructure and key assets in Ohio (R.C. 5502.03(B)(3)).

The Infrastructure Protection Center

The bill creates in the Division of Homeland Security the Infrastructure Protection Center and specifies that the Center is to be located in Cincinnati (R.C. 5502.04(A)). Under the bill, the Center has all of the following responsibilities (R.C. 5502.04(B)(1) through (B)(6)):

(1) Coordinate all infrastructure-related homeland security and infrastructure protection activities of all state agencies and serve as the liaison between state agencies, local entities, and the public for the purposes of communicating infrastructure-related homeland security services;

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

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

(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;

(5) Perform infrastructure risk assessments, including individual site assessments and sector assessments, and recommend strategies and methods to mitigate risk;

(6) Conduct prevention and deterrence exercises and provide security analysis training.

Bridge security

The bill directs the Center to give priority to bridge security when performing the duties outlined above. In carrying out its duties that relate to bridge safety, the Center and the Department of Transportation are to cooperatively identify bridges that are 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. (R.C. 5502.04(C).)

Center administration

The bill requires the Director of Public Safety to appoint a Chief Administrator, who serves at the pleasure of the Director, to be head of the Infrastructure Protection Center. The Chief Administrator must report to the Executive Director of the Division of Homeland Security on a regular basis with respect to the duties and responsibilities of the Center and any matters pertaining to infrastructure protection. (R.C. 5502.04(D).)

To carry out the Center's responsibilities, the bill grants the Chief Administrator the authority to appoint and maintain necessary staff and to enter into any necessary agreements, subject to the direction and control of the Executive Director of the Division of Homeland Security. (R. C. 5503.04(D).)

Limits on authority

The bill clarifies that the creation of the Center, the responsibilities assigned to the Center, and the assignment of duties to the Chief Administrator are not to be construed as giving the Director of Public Safety or the Chief Administrator authority over the existing structure for incident management or the responsibilities of local emergency response personnel (R.C. 5502.04(E)). Additionally, the creation of the Center and the responsibilities assigned to it under the bill are not to be construed as replacing or superseding the infrastructure security standards that the United States Department of Homeland Security and the Transportation Security Administration require, or the safety standards of the United States Department of Transportation (R.C. 5502.04(F)).

HISTORY

ACTION	DATE
Introduced	06-02-09

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