

# CRS Report for Congress

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## Ohio Emergency Management and Homeland Security Authorities Summarized

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### Summary

Ohio's primary emergency management statute, Chapter 55, authorizes the state emergency management agency and countywide emergency management agencies to undertake specified activities and provides for mutual aid agreements, as well as temporary seats of government for state and local governments. Assistance and funding come primarily from appropriations, federal aid and certain tax exemptions. Ohio's emergency interim government code provides lines of succession for all levels of government.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

### Entities with Key Responsibilities

*Governor:* The governor is authorized to call forth the militia, execute the laws of the state, suppress insurrection, repel invasion, and act in the event of a disaster within the state (Ohio Constitution Article IX, §4).

During a declared energy emergency, the governor may order any pipeline company, electric light, natural gas, or other utilities to sell electricity, gas, coal, or petroleum fuel to alleviate hardship, or to acquire or produce emergency supplies to meet emergency needs (Ohio Rev. Code §4935.03).

*Emergency Management Agency:* The statute established the emergency management agency within the Department of Public Safety. The director, with the concurrence of the governor appoints an executive director of the emergency management agency. The executive director coordinates all activities of all agencies for emergency management, maintains liaison with similar agencies of other states and of the federal government, and cooperates with those agencies. The executive director is authorized to: develop a statewide emergency operations plan; participate in federal programs; accept grants from, and enter into cooperative agreements or contractual arrangements with, any federal, state, or local department agency or any other person or body politic (Ohio Rev. Code §5502.22).

*Political Subdivisions:* The statute authorizes the establishment of countywide emergency management agencies and the appointment of an executive committee to implement emergency management and advise the executive committee on activities. Countywide agencies establish programs for emergency management in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (Ohio Rev. Code §5502.26). In lieu of establishing a countywide emergency management agency, two or more counties, with the consent of the chief executives of a majority of the participating political subdivisions of each, may establish a regional authority (Ohio Rev. Code §5502.27). The chief executive of any political subdivision that is not a party to either a countywide agency or a regional authority for emergency management must establish a program for emergency management within that political subdivision (Ohio Rev. Code §5502.271).

*Emergency Response Commission:* The statute established the emergency response commission, the members of which must have technical expertise in the field of emergency response. The commission adopts rules consistent with and equivalent in scope, content, and coverage to the federal Emergency Planning and Community Right-To-Know Act of 1986 (Ohio Rev. Code §3750.01-3750.99).

*Department of Public Safety:* The department administers laws governing the state emergency management agency and enforce additional duties and responsibilities related to emergency management services (Ohio Rev. Code §5502.01(D)).

*State Board of Emergency Medical Services:* The board prepares a statewide emergency medical services plan and a plan for the statewide regulation of emergency medical services during periods of disaster (Ohio Rev. Code §4765.08).

## **Preparedness**

Emergency preparedness functions outlined in statutory definitions include: establishment of agencies and organizations; creation of plans and standard operating procedures for mitigation, preparation, response, and recovery purposes; hazard identification activities; capability assessment; recruitment and retention of personnel; dissemination of emergency public information, education, and training materials;

research; development of resource inventories; procurement and stockpiling of equipment, food, water, medical supplies; construction of public shelter facilities, shelter spaces, and emergency operations centers; and plans for the nonmilitary evacuation or temporary relocation of the civilian population (Ohio Rev. Code §5502.21(H)).

## **Declaration Procedures**

When the governor, or his or her designee, proclaims that “an attack on the United States or any nuclear, atomic, or other disaster has caused an emergency for corporations,” (defined as a corporation for profit at Ohio Rev. Code §1701.01(A)) an “emergency” is deemed to exist. An emergency continues until terminated by gubernatorial proclamation (Ohio Rev. Code §1701.01(U)).

## **Types of Assistance**

The state organized militia may be called by a gubernatorial proclamation to aid civil authorities in the event of a disaster within the state (Ohio Rev. Code §5923.21).

If a disaster substantially destroys housing, and private enterprise is unable to fund reconstruction and replacement, the governor may empower the state housing finance agency to issue additional housing revenue bonds and notes (Ohio Rev. Code §175.11).

A county renewal plan for areas outside the corporate limits of any city or other incorporated municipality in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe may be approved without requiring a general plan for the county and a public hearing on the county renewal project (Ohio Rev. Code §303.36).

## **Mutual Aid**

The officers and personnel of state agencies and of political subdivisions must cooperate with, and extend services, equipment, supplies, and facilities to, the governor and the executive director of the emergency management agency. Every agency for emergency management and every political subdivision that has established a program for emergency management must execute and enforce any emergency management orders and rules issued or adopted by the director of public safety (Ohio Rev. Code §5502.28).

Political subdivisions, in collaboration with other public and private agencies, are authorized to develop mutual aid arrangements for reciprocal emergency management aid and assistance (Ohio Rev. Code §5502.29).

The statute authorizes the governor to enter into emergency management mutual aid arrangements with other states and to coordinate mutual aid plans among units of government (Ohio Rev. Code §5502.291).

The *Emergency Management Assistance Compact* is codified (Ohio Rev. Code §5502.40).

## **Funding**

The statute authorizes political subdivisions to make appropriations for the payment of expenses resulting from local emergency management activities (Ohio Rev. Code §5502.31).

The statute authorizes state and local officials to accept private offers of assistance (Ohio Rev. Code §5502.32).

The executive director of the state emergency management agency is authorized to reimburse local agencies for allowable expenses. The director annually publishes the methodology for distributing federal and state funds to local agencies (Ohio Admin. Code §4501:3-4-01).

## **Hazard Mitigation**

For the purpose of reducing damages and threats to life, health, and property in the event of a flood, the Division of Water cooperates with state agencies, political subdivisions, and the federal government in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans (Ohio Rev. Code §1521.13,14).

## **Continuity of Government Operations**

The statute authorizes the implementation of continuity of operations provisions only if there is an attack on the United States. These statutory provisions remain in effect until terminated by joint resolution of general assembly. The statute outlines the order of succession and authorizes the exercise of powers and discharge of duties of the office of the governor. State officers designate, by title, their emergency interim successors and specify their order of succession. The governor may appoint a successor to fill a vacancy until a successor is appointed or elected. The statute authorizes political subdivisions to adopt or enact resolutions or ordinances providing for emergency interim successors to offices and places a two year limit on emergency interim successors. The governor, his successor, or interim successor, may postpone any state or local election for up to six months (Ohio Rev. Code §161.01-.29).

The governor is authorized to designate an emergency temporary location(s), for the seat of government. Such emergency location(s) must be within the state and may be changed before or during the emergency and remain the seat of government until the general assembly, by law, establishes a new location, or until the emergency ends. The governing bodies of political subdivisions may designate alternate sites or places as the emergency location of government (Ohio Rev. Code §5502.24).

The general assembly is authorized to pass laws to provide for the prompt and temporary succession to the powers and duties of public offices and to pass other laws as be necessary to ensure the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack (Ohio Constitution Article II, §42).

## Other

The statute disqualifies persons involved in subversive activities from employment with emergency management agencies (Ohio Rev. Code §5502.34).

A record kept by a public office that is a security record or an infrastructure record is not a public record (Ohio Rev. Code §149.433 (B)).

An emergency management worker who receives no monetary compensation for services rendered qualifies for the maximum benefits applicable with respect to accidental injury or death provided for workers and employees (Ohio Rev. Code §4123.034).

The statute grants a paid leave of absence to state employees who are certified as disaster services volunteers, with a limit of 30 working days each year (Ohio Rev. Code §124.132).

The statute suspends purchasing and contracting requirements during an emergency (Ohio Rev. Code §125.023).

The statute exempts civil defense structures from real property, personal property and corporate franchise taxes (Ohio Rev. Code §5502.47-49).

Critical industries that build structures underground, or that are constructed to provide superior protection against attack in national defense, may exclude the portion of the cost attributable to the added protection from the value of the property for purposes of property taxation (Ohio Rev. Code §5502.50).

## Key Terms

**Table 1. Key Emergency Management and Homeland Security Terms Defined in Ohio Statutes, with Citations**

<b>Terms</b>	<b>Citations</b>
Act of terrorism	Ohio Rev. Code § 2909.21(A)
Attack	Ohio Rev. Code §§161.01(D), 5502.21(B)
Civil defense	Ohio Rev. Code § 5502.21(D)
Disaster	Ohio Rev. Code § 5502.21(E)
Emergency	Ohio Rev. Code § 5502.21(F), §1701.01(U)
Emergency interim successor	Ohio Rev. Code § 161.01(B)
Emergency management	Ohio Rev. Code § 5502.21(G)
Emergency planning district	Ohio Rev. Code § 3750.01(C)

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<b>Terms</b>	<b>Citations</b>
Emergency preparedness	Ohio Rev. Code § 5502.21(H)
First response equipment	Ohio Rev. Code § 3750.01(F)
Hazard	Ohio Rev. Code § 5502.21(I)
Hazard identification	Ohio Rev. Code § 5502.21(J)
Infrastructure record	Ohio Rev. Code § 149.433 (2)
Local emergency planning committee	Ohio Rev. Code § 3750.01(I)
Mitigation	Ohio Rev. Code § 5502.21(L)
Recovery	Ohio Rev. Code § 5502.21(N)
Response	Ohio Rev. Code § 5502.21(O)

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### **For Further Research**

The citations noted above and other elements of the state code for Ohio may be searched at: [<http://onlinedocs.andersonpublishing.com/oh/lpExt.dll?f=templates&fn=main-h.htm&cp=PORC>].