



Synopsis of House Committee Amendments^{*}

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(H. Transportation, Public Safety, and Homeland Security)

The House-passed version of the bill:

General

Modifies one of the acts that constitutes "material assistance" (in connection with aid to terrorists) by requiring that the person being hired is known *by the person doing the hiring or providing the compensation* to be a member of an organization with terrorist ties or that the person "is known *by the person hiring or providing the compensation* to be engaged in planning, assisting, or carrying out an act of terrorism." (R.C. 2909.21(H)(6).)

Provides exceptions to the prohibition against possessing, using, or manufacturing chemical and other weapons for official military and law enforcement purposes. (R.C.2909.26(D)(2) and (6), and 2909.28(D).)

Aliens

Refers to *suspected alien* instead of the Senate reference to *alien who is not legally present in the U.S.* (R.C. 2909.30(A).)

Requires a judge to *direct a clerk of court* to notify Immigration and Customs Enforcement, instead of the Senate requirement that a *prosecutor or judge* make the notification of an alien pleading guilty to or convicted of a felony. (R.C. 2909.30(A).)

Replaces the Senate notice requirements (generally 90 day notice by Department of Rehabilitation and Correction (DRC) to Immigration and Customs Enforcement before releasing an alien from custody) with a requirement that DRC monthly compile a list of suspected aliens who are serving a prison term, indicating the earliest possible date of release of the offender, and provide that list to Immigration and Customs Enforcement section of the U.S. Department of Homeland Security for it to determine if it wishes custody. (R.C. 2909.30(B).)

^{*} This synopsis does not address amendments that may have been adopted on the House floor.

Identification

Changes the requirement in the Senate version that persons *in or near* critical transportation infrastructure sites provide identification when identification is required of *all similarly situation persons* to a requirement that persons *entering* the site provide identification when there is a *threat to security* and the officer is requiring identification of *all persons entering the site*; removes authority to detain persons; permits officer to prevent a person who refuses to provide identification from entering; removes authority to ask for personal information; clarifies and limits the types of sites at which the authority to stop applies by adding the word "similar" so that under the House version, the sites are "airport, train station, port, or other *similar* critical transportation infrastructure site." (R.C. 2909.31.)

Specifies that a person in a public place who is suspected of committing a criminal offense or witnessing specified offenses of violence need not provide information related to age if age is an element of the crime; clarifies that the officer may not arrest a person for refusing to describe the offense observed. (R.C. 2921.29(C) and (D).)

Declaration of material assistance

Changes the name of the document the bill directs the Director of Public Safety to develop to determine whether specified persons have made contributions to organizations on the Terrorist Exclusion List from "questionnaire" to "declaration of material assistance/nonassistance." (R.C. 2909.32(A)(2).)

Authorizes the Director of Public Safety to adopt rules governing the preparation and distribution of declaration to determine provision of material assistance to an organization on the Terrorist Exclusion List. (R.C. 2909.32(A)(2)(a).)

Places a threshold amount of \$100 on the declaration's reporting requirement for reporting of "material assistance" to a group on Terrorist Exclusion List. (R.C. 2909.32(A)(2)(b).)

Requires the Director of Public Safety to adopt guidelines by rule to govern the appeals process for denial of license, prohibition of doing business, or denial of employment because of contribution to organization on the Terrorist Exclusion List. (R.C. 2909.32(D), 2909.33(E), and 2909.34(D).)

Authorizes the Director of Public Safety to adopt rules that establish categories of employment that are exempt from the bill's disclosure requirements. (R.C. 2909.34(A)(3).)

Enables a political subdivision to terminate the employment of a person and an agency to revoke a license of a person who, after completing a declaration, takes any action that would result in an answer of "yes" on the declaration if the declaration were to be readministered after taking that action (R.C. 2909.21(H) and 2909.24(F).)

Increases the threshold amount, in the Senate version above which companies doing business with government entities must certify as not providing material assistance, from \$25,000 to \$100,000; clarifies that pensions, disability and survivor benefits, and compensation received as an employee do not constitute "doing business" for purposes of the required declaration. (R.C. 2909.33(C).)

Provides that only the person awarded a contract, if competitive process, need be certified or fill out the declaration. (R.C. 2909.33(D)(1).)

Exempts the following types of business transactions from the bill's certification requirements (relative to not providing material assistance): an investment in a company publicly traded in any U.S. market, an investment traded on a foreign market where U.S. investors regularly make investments, an investment through an agent or who has a fiduciary responsibility to the investor, public agency debt, and derivations that are regulated by a government agency. (R.C. 2909.33(H).)

Permits a state agency, instrumentality, or political subdivision to develop a system for precertification of businesses as not providing material assistance. (R.C. 2909.33(A)(3).)

Establishes that providing a false certification by a business is a felony of the fifth degree, a change from misdemeanor of the first degree. (R.C. 2909.33(G).)

Establishes that providing material assistance after entering into a contract with a public entity results in prohibition from entering into additional contracts for a period of ten years after provision of assistance is discovered. (R.C. 2909.33(F).)

Vulnerability assessments

Adds a number of additional public agencies to which businesses may provide vulnerability assessments; permits agencies to share copies of assessments with other agencies that originally may receive the reports; prohibits sharing with any other public or private office unless required by state or federal law. (R.C. 3750.22(A).)

Clarifies that a vulnerability assessment is not a public record but that any owner or operator of a facility must release any information if otherwise required to do so by state or federal law. (R.C. 3750.22(B).)

Aircraft, airports, ports, and motor vehicles

Requires nonresident owners of aircraft based in Ohio to register the aircraft with the Division of Aviation and pay a license fee. (R.C. 4561.18(A).)

Requires annual registration of aircraft at the time Director of Transportation designates. (R.C. 4561.18(C)(1).)

Changes criteria identifying private-use airports for which the bill requires specified security-related information, from airports that have ten or more based aircraft to those that have eleven or more based aircraft, and from a runway length of more than 1,800 feet to a runway length of more than 2,000 feet. (R.C. 4563.30(B)(2).)

Changes the time frame for registering an aircraft after it is acquired or becomes subject to the license tax from forty-eight hours, as under current law, to thirty days. (R.C. 4561.18(C).)

Requires aircraft registration forms to designate the place the aircraft is based, requires owner to update the registration if that place changes. (R.C. 4561.18(C)(1).)

Directs ODOT to maintain aircraft registrations and develop a program to track and enforce the registrations. (R.C. 4561.18(E).)

Authorizes the Director of Transportation to impose a fine for each aircraft an owner fails to register. (R.C. 4561.18(G).)

Increases the Senate established \$100 fine for violating the aircraft law to up to \$500. (R.C. 4561.22.)

Requires public and certain private-use airports to prepare specified written security plans (private-use airport required if the airport is close to metropolitan areas of 100,000 or more or a sensitive site, has ten or more aircraft, a runway of more than 1,800 feet, or more than 10,000 annual aircraft operations). (R.C. 4563.30(B)(2).)

Directs the Department of Natural Resources, Division of Watercraft, in consultation with the Department of Public Safety, to adopt rules regarding the security of ports on waterways in this state and the facilities associated with those ports; specifies the topics the rules are to address, including the designation of ports to which specified security requirements and responsibilities apply; requires designated ports to prepare a security plan and emergency locator map and to provide the documents to specified authorities. (R.C. 1547.80.)

Requires the rules that the Director of Motor Vehicles prepares pursuant to continuing law to ensure the identification of each applicant for a certificate of title to be reasonably accurate. (R.C. 4505.02.)

Public safety and homeland security

Requires the Director of Public Safety to establish a homeland security advisory council to advise the director. (R.C. 5502.011(E).)

Expands the Division of Homeland Security responsibilities related to information, coordination of activities, policies, and plans and specifies the information is not a public record. (R.C. 5502.03(B).)

Establishes the National Incident Management System (NIMS) as the standard procedure for incident management in this state and requires all departments, agencies, and political subdivisions to utilize the system for incident management. (R.C. 5502.28(C).)

Grants law enforcement officers acting in specified situations the same authority to enforce the law as when acting within their regular employment. (R.C. 5502.41(F)(4).)

Volunteers

Charges the Ohio Community Service Council with establishing a statewide system for recruiting, registering, training, and deploying the types of volunteers the council considers advisable and reasonably necessary to respond to an emergency and directs the Council to assist political subdivisions in participating in the system; permits the Council to accept and administer grants from any source. (R.C. 121.40 and 121.404)

Defines "registered volunteer" and provides immunity from liability for registered volunteers in specified situations; provides that certain information related to a registered volunteer is a security record, that other information is not a public record, and that specified information is a public record. (R.C. 121.404.)

Directs the Director of Health to establish a system for recruiting, registering, training, and deploying volunteers the Director determines are advisable and reasonably necessary to respond to an emergency involving the public's health. (R.C. 3701.04(A)(7).)

9-1-1 systems

Provides an exception to the method of modifying a countywide 9-1-1 plan for specified situations. (R.C. 4931.45.)