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CIVIL DEFENSE — EXPENSES OF TRAINEES WHILE IN TRAINING ALLOWABLE — TRAVEL, SUBSISTENCE, LODGING EXPENSES — REGIONAL, COUNTY-WIDE, LOCAL CIVIL DEFENSE ORGANIZATION — §5915.01 RC. . .

SYLLABUS:

A duly constituted regional, county-wide, or local organization for civil defense may pay the travel, subsistence and lodging expenses of civil defense volunteers in attending schools and courses in the furtherance of their training.

Columbus, Ohio, July 9, 1957

Hon. Leo M. Kreber, Major General

The Adjutant General, Director of Civil Defense, Columbus, Ohio

Dear Sir:

Your request for my opinion presents the following question:

“Is a duly constituted Civil Defense organization, developed, and existing under the provisions of the Ohio Revised Code, empowered or authorized to pay the expenses of travel, subsistence and lodging of volunteers, who are willing to spend their own time, without compensation, in attendance at Federal and State Staff College Facilities and Courses designed to increase their potential as leaders and instructors in the public service

rendered by or contemplated in the development of a volunteer Civil Defense organization.”

Section 5915.01, Revised Code, defines civil defense as follows:

“‘Civil defense’ includes all those activities and measures designed or undertaken to minimize the effects upon the civilian population caused or which would be caused by an attack, or other disaster, to deal with the immediate emergency conditions which would be created by any such attack, or other disaster, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack, or other disaster. Such term shall include, but shall not be limited to: measures to be taken in preparation for anticipated attack, including the establishment of appropriate organizations, operational plans, and supporting agreements, *the recruitment and training of personnel*, the conduct of research, the procurement and stock piling of necessary materials, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population; measures to be taken during attack, or other disaster, including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications; and measures to be taken following attack, or other disaster, including activities for fire fighting, rescue, emergency, medical, health, and sanitation services, monitoring for specific hazards of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities.” (Emphasis added)

Clearly under the above quoted definition, attendance of civil defense volunteers at federal and state college facilities and courses in order to effectuate their training is a proper purpose within the definition of civil defense and the funds of the organizations could properly be expended for this purpose if not otherwise restricted.

It is true that under the provisions of Section 5915.05, Revised Code, local organizations for civil defense are authorized to perform civil defense functions only “within the territorial limits of the political subdivision within which it is organized, and in addition shall conduct such functions outside of such territorial limits as are required pursuant to regulations promulgated by the Governor.” It is my view, however, that this limitation has reference to functions to be performed by the organization *as a*

unit, and I doubt that it could properly be contended that such limitation has application to the training of *individual members* of the organization.

Bearing in mind, as pointed out in Opinion No. 168, Opinions of the Attorney General for 1951, page 44, the rule that statutes making provision for prosecution of war, or the protection against public calamity or disaster, are to be liberally construed, it seems appropriate to me to conclude that the authority given to local organizations for civil defense to carry on civil defense functions within a particular locality, includes, by necessary implication, the authority to provide for its individual members such training as will make possible an effective organization effort to meet that responsibility. Hence, I conclude that a local civil defense organization, notwithstanding the limitation noted above in Section 5915.06, Revised Code, is empowered and authorized within the limits of available funds to pay the expenses of travel, subsistence, and lodging of volunteers who are willing to spend their own time without compensation in attendance at federal and state staff college facilities and courses designed to increase their potential and as leaders and instructors in civil defense activities.

The statutory authorization for the organization of county-wide and regional organizations for civil defense is found in Section 5915.07, Revised Code. This section does not contain a limiting provision comparable to that in the case of local civil defense organizations, in Section 5915.06, *supra*, but even if such were the case it would be necessary to reach a similar conclusion regarding their powers. This is true for the reason that they, too, are authorized to perform civil defense functions as an organization or unit within certain areas, and in this case also, it is necessary to conclude that this authorization includes by necessary implication, the authority to provide training for individual members wherever that training can best be had and, if need be, at some place outside the area within which such organization is authorized to operate as a unit.

I conclude, therefore, that all civil defense organizations, local, county-wide and regional, within the limits of available funds, may properly make expenditures in furthering the training program which you have described.

Accordingly, in specific answer to your inquiry, it is my opinion that a duly constituted regional, county-wide, or local organization for civil

defense may pay the travel, subsistence and lodging expenses of civil defense volunteers in attending schools and courses in the furtherance of their training.

Respectfully,
WILLIAM SAXBE
Attorney General