

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 293

(The Speaker) (Administration)

Commerce and Government Matters

Education, Health, and Environmental Affairs

Maryland Emergency Management Assistance Compact

This Administration bill establishes a Maryland Emergency Management Assistance Compact (MEMAC) to provide for mutual assistance in managing an emergency among “jurisdictions” entering into the compact.

The bill takes effect June 1, 2002.

Fiscal Summary

State Effect: The bill’s requirements could be handled with existing budgeted resources.

Local Effect: If a local jurisdiction chooses to enter into the compact, it is anticipated that the bill would make mutual assistance easier to manage and more effective in times of emergency. Although most local jurisdictions could handle MEMAC’s administrative requirements with existing local resources, any costs related to requests made under MEMAC cannot be reliably estimated at this time.

Small Business Effect: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration’s assessment becomes available.

Analysis

Bill Summary: “Jurisdictions” means the 23 counties within the State, Baltimore City, and Ocean City. All jurisdictions that adopt the compact in a form substantially similar to the compact set forth in the bill would be part of the compact. The bill states that it is

the intent of the General Assembly that the jurisdictions eligible to enter into the compact should adopt it by June 1, 2003.

The stated purpose of the compact is to provide for mutual assistance among party jurisdictions in managing an emergency. The compact must provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies.

The senior elected official of each jurisdiction must designate an authorized representative. The authorized representative may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. Requests may be verbal or in writing, as specified in the bill. Written requests must provide specified information relating to the emergency support function, location, and assistance needed.

The compact provides for frequent consultations between the Maryland Emergency Management Agency (MEMA) and appropriate representatives of the party jurisdictions. A senior elected official or an authorized representative must advise MEMA of requests made. Party jurisdictions are encouraged to consult frequently with each other and with MEMA and to exchange information and plans relating to emergency management.

Any jurisdiction which is a party to the compact and which receives a request for assistance must take such actions as are necessary to provide requested resources but may withhold resources to the extent necessary to provide reasonable protection to its own jurisdiction. The bill provides emergency responders with the same powers, duties, rights, and privileges as personnel of the requesting jurisdiction. These provisions take effect subsequent to a local declaration of a state of emergency by the requesting jurisdiction or upon commencement of exercises, testing, or training for mutual aid, and continue as long as the exercises, training, or testing are in progress, the state of emergency remains in effect, or loaned resources remain in the requesting jurisdiction.

Each party jurisdiction must provide for the payment of workers' compensation and death benefits to injured members of the emergency responders of its own jurisdiction. The requesting jurisdiction must reimburse the responding jurisdiction for all reasonable and necessary expenses incurred by the requesting jurisdiction; however, any responding jurisdiction may:

- assume in whole or in part such loss, damage, expense, or other cost;
- loan equipment or donate services to the requesting jurisdiction without charge or cost; and

- agree to any allocation of expenses between the responding and requesting jurisdiction.

Records of expenses incurred must be submitted by the responding jurisdiction as soon as possible following the termination of the assistance provided.

The bill allows jurisdictions to enter into supplementary agreements with another jurisdiction, as specified in the bill. Any two or more jurisdictions may enter into supplemental agreements establishing a different allocation of costs among those jurisdictions.

The bill also provides limitations on liability for party jurisdictions and their officers and emergency responders in rendering aid to another jurisdiction under the bill.

The compact takes effect immediately upon its enactment into law by local jurisdictions. Any party jurisdiction may withdraw from the compact as provided by the bill. Authenticated copies of the compact and of any supplementary agreements must be retained by each party jurisdiction and with MEMA.

The provisions of the compact are severable.

Current Law: MEMA is organized within the Maryland Military Department. In an emergency situation, MEMA may answer directly to the Governor. Political subdivisions are authorized to establish local emergency management offices. Current law also provides the Governor with emergency powers such as temporarily waiving State laws that interfere with emergency response operations.

Background: MEMA is responsible for coordinating the State response to any major emergency or disaster. In this capacity, MEMA supports local governments as needed or requested, and coordinates assistance with the Federal Emergency Management Agency (FEMA). MEMA is charged with the responsibility of reducing the loss of life and property and protecting Maryland institutions from natural and man-made disasters. MEMA accomplishes its mission through a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery. MEMA develops emergency plans, and conducts training and exercises to test the State's ability to successfully respond to all types of situations.

In times of disaster, the Director of MEMA activates the state Emergency Operations Center (EOC) to support local governments as necessary or requested. Representatives from various State agencies, as well as private-sector and volunteer organizations, are present in the EOC. Representatives are authorized to make decisions, allocate resources,

and spend monies necessary for emergency response. When the Governor declares a state of emergency, MEMA coordinates efforts with FEMA to request a Presidential Disaster Declaration. MEMA receives federal funding from FEMA through the Emergency Management Performance Grant to help support emergency management programs at the State and local levels.

All counties, Baltimore City, and Ocean City have local emergency management agencies. According to Harford County, numerous mutual aid agreements already exist among local jurisdictions.

Maryland, along with 40 other states and two territories, is a member of the Emergency Management Assistance Compact (EMAC), an interstate mutual aid agreement providing an easy and efficient way for states to send personnel and equipment to help disaster relief efforts in other states. Requests for EMAC assistance are legally binding contractual arrangements that require states asking for help to be responsible for the reimbursement of all out-of-state costs and the liability for out-of-state personnel. EMAC allows states to ask for any type of assistance needed, from earthquakes to acts of terrorism. Member states are not forced to provide assistance unless they are able to. In response to the terrorist attacks of September 11, 2001, the Governor issued executive orders to authorize the District of Columbia, New York, and Virginia to request emergency assistance from Maryland through EMAC.

In an effort to prepare a legislative response to terrorism and related topics, the Governor, Speaker of the House, and President of the Senate appointed a joint task force to study the State's laws in this area and make recommendations for changes. The task force consists of three senators, three delegates, and four representatives from the Executive Branch. This is one of a package of bills recommended by the task force.

State Expenditures: MEMA advises that general fund expenditures would increase by an estimated \$52,600 in fiscal 2003. That estimate includes \$41,700 for a salary and fringe benefits to hire a planner to administer the compact, \$7,800 in equipment, and \$3,100 in ongoing operating expenses including costs for training, travel, and printing. MEMA advises that the new planner would likely assist local jurisdictions in implementing agreements, develop and deliver educational materials to local jurisdictions, and monitor MEMAC to ensure that agreements are properly and effectively maintained and coordinated. MEMA advises that currently one employee is dedicated to EMAC, the existing interstate mutual aid compact.

Legislative Services advises that because the bill provides MEMA with only limited responsibilities relating to consulting and maintaining copies of the compact and supplementary agreements, both of which are directly related to its mission, MEMA

should be able to handle the bill's requirements using existing budgeted resources. The Governor's proposed fiscal 2003 budget includes \$1,927,013 in general funds and \$5,300,359 in federal funds for MEMA.

The fiscal 2003 allowance for the Military Department includes a significant increase in funds related to homeland defense, including funds to staff the Emergency Operations Center full-time in order to provide a central point for dissemination and coordination of emergency situations for State and local agencies. The proposed budget includes a federal fund deficiency for fiscal 2002 for 15 new contractual positions within MEMA (12 EOC staff, 2 anti-terrorism planners, and 1 environmental engineer) that would be converted to regular employees in fiscal 2003. In addition, given the recent federal attention to emergency management activities in the wake of the September 11, 2001 terrorist attacks, it is not unreasonable to assume that MEMA could receive additional federal funds related to emergency management. Should existing resources prove inadequate, MEMA could request additional funding through the annual budget process.

Local Fiscal Effect: Entering into MEMAC would be voluntary for local jurisdictions. Should a local jurisdiction choose to enter into the compact, the bill could make mutual assistance easier to manage and more effective in times of emergency. Under the compact, local jurisdictions would be responsible for the payment of workers' compensation and death benefits to injured members of the emergency responders of its own jurisdiction, but the requesting jurisdiction must reimburse the responding jurisdiction for all reasonable and necessary expenses incurred. Local jurisdictions would be able to withhold assistance to the extent necessary to provide reasonable protection to its own jurisdiction.

Because all counties, Baltimore City, and Ocean City currently have a local emergency management agency in place, and because several mutual aid agreements already exist among local jurisdictions, it is likely that most local jurisdictions choosing to enter into the compact could do so with existing resources. Any costs involved with requests made under the compact cannot be reliably estimated because any such costs depend on the extent to which actual emergencies arise, which cannot be predicted.

Additional Information

Prior Introductions: None.

Cross File: SB 239 (The President) (Administration) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Emergency Management Agency; Department of State Police; Caroline, Cecil, Harford, and Prince George's counties; Ocean City; Department of Legislative Services

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