

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 1341 (Chair, Health and Government Operations  
Committee)(By Request - Departmental - Emergency  
Management Agency, Maryland)  
Health and Government Operations

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State Government - Transportation - School Bus Use in Emergencies

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This departmental bill allows the use of school buses for transportation of individuals during an evacuation or during a government-declared emergency, if approval for such use is granted by the board of education in the county of such operation.

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Fiscal Summary

**State Effect:** Minimal. Because declared emergencies are relatively rare, it is assumed that the bill's expansion of allowable uses for school buses will not significantly affect State operations or finances. In the event of a declared emergency, it is assumed that any additional costs relating to the use of school buses can be handled with existing budgeted resources.

**Local Effect:** Minimal. The bill requires the approval of a county board of education for the use of school buses in a declared emergency.

**Small Business Effect:** The Maryland Emergency Management Agency has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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Analysis

**Current Law:** Under current regulations, which apply to local school systems that provide transportation services for public school students and specified students with disabilities, a local school system is responsible for the safe operation of its student

transportation system and must conform to applicable federal and State regulations, procedures, and guidelines. Except under specified conditions, Type I or Type II school vehicles must be used to transport students to and from school and school-related activities when local school system-sponsored transportation services are provided.

A “school bus” is a Type I school vehicle. A “Type I school vehicle” is designed and constructed to carry passengers and is either of the body-on chassis type construction or the integral type construction. It has a gross vehicle weight (GVW) exceeding 15,000 pounds and provides at least 13 inches of seating space per passenger. A Type I school vehicle does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself. A “Type II school vehicle” is defined in a similar manner, except that it has a GVW of 15,000 pounds or less and does not exclude buses operated by common carriers under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

#### *Maryland Emergency Management Agency Act*

The Maryland Emergency Management Agency (MEMA), which is part of the Maryland Military Department, provides logistical and infrastructure support to the Office of Homeland Security. MEMA manages many of the federal grants that fund a broad range of initiatives leading to enhanced protection from and responses to the full range of natural and man-made disasters which could threaten the State’s citizens.

Under the Maryland Emergency Management Agency Act, if the Governor finds that an emergency has developed or is impending due to any cause, the Governor must declare a state of emergency by executive order or proclamation. The state of emergency continues until the Governor: (1) finds that the threat or danger has passed or the emergency has been dealt with to the extent that emergency conditions no longer exist; and (2) terminates the state of emergency by executive order or proclamation.

A state of emergency may not continue for longer than 30 days unless renewed by the Governor. The General Assembly by joint resolution may terminate a state of emergency at any time.

Under provisions relating to the Governor’s emergency powers, during a public emergency in the State, the Governor may, under certain circumstances, proclaim a state of emergency and designate the emergency area if public safety is endangered or on reasonable apprehension of immediate danger to public safety. After proclaiming the state of emergency, the Governor may promulgate reasonable orders, rules, or regulations considered necessary to protect life and property or to control and terminate the

emergency, including orders, rules, or regulations to control the possession, sale, carrying, and use of firearms, other dangerous weapons, and ammunition.

According to MEMA, current law only allows school buses, whether owned by a county or a contractor, to be used to transport school children for school activities or to provide individuals 60 or older to civic or recreational activities.

**Background:** Local school systems in Maryland use nearly 7,200 school vehicles to transport students to and from public schools. Over 50% of these vehicles are owned by the local school system. In five counties (Baltimore, Frederick, Montgomery, Prince George's, and Talbot) over 90% of school vehicles are owned by the local school system. **Exhibit 1** shows the number of school vehicles in operation in Maryland and the percent owned by the local school system.

**Local Fiscal Effect:** The Maryland State Department of Education (MSDE) notes that, under the bill, counties would only approve the emergency use of school buses upon federal, State, or local government request. MSDE also indicates that the bill does not address questions concerning liability coverage for school systems that own their buses or for school systems using private contractors.

In addition, because current law allows the Governor to authorize the use of private property, with compensation to the owner, school bus contractors would likely be compensated if their vehicles are put into emergency use under the bill. MEMA advises that the typical cost to use a school bus is about \$500 per day.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Military Department, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2011  
ncs/hlb

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**Exhibit 1**  
**Number of School Vehicles in Maryland**

<b>County</b>	<b>County Owned</b>	<b>Private Contract</b>	<b>Total</b>	<b>% County Owned</b>
Allegany	30	100	130	23.1%
Anne Arundel	54	451	505	10.7%
Baltimore City	34	264	298	11.4%
Baltimore	770	81	851	90.5%
Calvert	0	143	143	0.0%
Caroline	11	43	54	20.4%
Carroll	7	295	302	2.3%
Cecil	10	148	158	6.3%
Charles	0	272	272	0.0%
Dorchester	7	49	56	12.5%
Frederick	352	0	352	100.0%
Garrett	0	72	72	0.0%
Harford	97	341	438	22.1%
Howard	0	431	431	0.0%
Kent	0	29	29	0.0%
Montgomery	1,134	0	1,134	100.0%
Prince George's	1,202	14	1,216	98.8%
Queen Anne's	12	77	89	13.5%
St. Mary's	14	180	194	7.2%
Somerset	0	35	35	0.0%
Talbot	42	0	42	100.0%
Washington	122	68	190	64.2%
Wicomico	0	130	130	0.0%
Worcester	0	73	73	0.0%
<b>Total</b>	<b>3,898</b>	<b>3,296</b>	<b>7,194</b>	<b>54.2%</b>

Source: Maryland State Department of Education

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: School Bus Use in Emergencies

BILL NUMBER: HB 1341

PREPARED BY: Maryland Emergency Management Association

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.