

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 383 (Delegates Busch and McMillan)
Environment and Transportation Education, Health, and Environmental Affairs

Maryland Emergency Management Assistance Compact - City of Annapolis

This bill includes the City of Annapolis as a jurisdiction in the Maryland Emergency Management Assistance Compact (MEMAC).

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Although the City of Annapolis and other MEMAC jurisdictions may benefit from the inclusion of an additional MEMAC member, the bill is not anticipated to significantly affect local government finances.

Small Business Effect: None.

Analysis

Current Law: MEMAC is a statewide program that provides for mutual aid between jurisdictions for emergency assistance. MEMAC provides for the procedures to request assistance and to resolve financial and liability issues for assistance given. All 23 counties within the State, Baltimore City, and Ocean City belong to the compact.

MEMAC also provides 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.

Frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions are required with free exchange of information and plans generally relating to emergency capabilities.

Requests for Assistance: The senior elected official of each jurisdiction must designate an authorized representative, who may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. The compact's provisions apply only to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing; however, each verbal request must be confirmed in writing within 10 calendar days after the verbal request by a senior elected official or an authorized representative. Each written request must provide:

- a description of the emergency support function for which assistance is needed;
- the emergency support function must include, but not be limited to, fire services, law enforcement, emergency medical services, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;
- the amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed; and
- the specific place and time for staging of the assisting party's response and a point of contact at that location.

Limitations: Each jurisdiction that is a party to MEMAC and receives a request for assistance must take the actions necessary to provide the requested resources. A jurisdiction can withhold resources to the extent necessary to provide reasonable protection to its own jurisdiction. Emergency responders have the same powers, duties, rights, and privileges as personnel of the requesting jurisdiction in a position performing the same function.

MEMAC provisions only take effect after a local declaration of a state of emergency by the requesting jurisdiction or on commencement of exercises, testing, or training for mutual aid. MEMAC provisions remain in effect as long as (1) the exercises, testing, or training for the mutual aid are in progress; (2) the state of emergency or the disaster remains in effect; or (3) loaned resources remain in the requesting jurisdiction.

Liability: Officers or emergency responders of a party jurisdiction rendering aid in another jurisdiction are considered agents of the requesting jurisdiction for tort liability and immunity purposes. A jurisdiction and its officers and emergency responders rendering assistance in another jurisdiction may not be held liable for an act or omission done in good faith while engaged in rendering assistance or on account of the maintenance or use of equipment or supplies in connection with rendering assistance under MEMAC.

Reimbursement: A jurisdictions 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 responding jurisdiction provided that any responding jurisdiction can 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.

Supplemental Agreements: MEMAC does not prevent a jurisdiction from entering into supplementary agreements with another jurisdiction or affect any other agreements between jurisdictions.

MEMAC becomes effective immediately upon enactment into law by a local jurisdiction and a jurisdiction can withdraw from MEMAC after a repeal of the law and written notice to all party jurisdictions. MEMAC provisions are severable if any are held invalid in court.

Additional Information

Prior Introductions: None.

Cross File: SB 426 (Senator Astle) - Education, Health, and Environmental Affairs.

Information Source(s): City of Annapolis, Military Department, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2016
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