

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 80

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Military)

Education, Health, and Environmental Affairs

Health and Government Operations

**Maryland Intrastate Emergency Management Assistance Compact**

This departmental bill renames the Maryland Emergency Management Assistance Compact (MEMAC) as the Maryland *Intrastate* Emergency Management Assistance Compact and makes several changes to the compact. Among other things, the bill alters provisions governing (1) how participating jurisdictions request assistance under the compact and (2) when the resource-sharing provisions of the compact are effective. The bill also makes other technical, stylistic, and conforming changes.

**Fiscal Summary**

**State Effect:** None. The bill's changes are procedural in nature and do not directly affect State finances.

**Local Effect:** While some local jurisdictions may benefit from the bill's changes, the bill is not expected to materially affect local finances.

**Small Business Effect:** The Military Department has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

**Analysis**

**Bill Summary:** The bill alters provisions governing how participating jurisdictions request assistance under the compact. Specifically, the bill requires the senior official of each participating jurisdiction to designate *more than one* representative who is authorized to make assistance requests from other participating compact member jurisdictions.

Requests for assistance must include (1) the functional areas for which assistance is needed, as specified; (2) the mission, capability, size, and amount of the requested aid; and (3) the logistics, location, and time for staging the aid from a responding party jurisdiction. The bill repeals specified requirements relating to written requests.

The bill also modifies provisions governing when the resource-sharing provisions of the compact take effect and how long they continue. Among other things, jurisdictions are no longer required to declare a local state of emergency in order to activate the compact. Instead, the bill specifies that the provisions of the compact relating to resource sharing only take effect when resources loaned under the terms and conditions of the compact by the responding party jurisdiction arrive in the requesting party's jurisdiction. The provisions must continue in effect as long as resources loaned under the terms and conditions of the compact by the responding party jurisdiction remain in the requesting party jurisdiction.

The bill also (1) modifies the definition of an "emergency responder" to generally include a member of a fire, rescue, or emergency medical services entity and a municipal employee performing specified emergency support functions and (2) defines "party jurisdiction" as a jurisdiction that enacts the compact in a form substantially similar to the compact as specified in the bill.

**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 MEMA 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*

Each 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 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.

**Background:** The Military Department advises that the bill is intended to remove procedural barriers in order to allow for greater interjurisdictional aid in response to emergency events. Specifically, the bill removes the requirement that a local jurisdiction must (1) declare a state of emergency in order to activate the compact and receive aid from participating jurisdictions and (2) specify the types of resources needed in order to request assistance under the compact. In addition, the Military Department advises that the bill corrects inconsistent language and clarifies jurisdictional implementation required for the compact's activation.

According to the Military Department, neighboring states have intrastate mutual aid systems. Delaware's Intrastate Emergency Assistance Compact and West Virginia's Statewide Mutual Aid System both require participating jurisdictions to declare a state of emergency in order to activate their respective compacts, but do not require specific resources to be listed when requesting assistance. Pennsylvania's Intrastate Mutual Aid System does not require participating jurisdictions to declare a state of emergency to activate the system, and requesting jurisdictions do not need to request specific resource types.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Military Department; Maryland Institute for Emergency Medical Services Systems; Baltimore County; Harford County; Montgomery County; Queen Anne's County; St. Mary's County; City of Westminster; Town of Bel Air; Town of Leonardtown; Comptroller's Office; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2020  
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Analysis by: Thomas S. Elder

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

**ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES**

TITLE OF BILL: Maryland Intrastate Emergency Management Assistance Compact

BILL NUMBER: SB 80

PREPARED BY: Catherine Kelly

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