

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1439

(Delegate Landis, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Maryland Intrastate Emergency Management Assistance Compact – City of
Bowie

This bill includes the City of Bowie as a participating jurisdiction in the Maryland Intrastate Emergency Management Assistance Compact (MIEMAC).

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: MIEMAC is a statewide program that provides for mutual aid among jurisdictions for emergency assistance. MIEMAC 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, the cities of Annapolis and Laurel, and Ocean City belong to the compact.

MIEMAC also provides for mutual cooperation in emergency management-related exercises, testing, or other training activities.

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

Requests for Assistance: The senior elected official of each jurisdiction must designate authorized representatives who may request assistance of another party jurisdiction by contacting authorized representatives 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:

- the functional areas for which assistance is needed, including 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 mission, capability, size, and amount of the requested aid; and
- the logistics, location, and time for staging the aid from a responding party jurisdiction.

Limitations: Each jurisdiction that is a party to MIEMAC and receives a request for assistance must take the actions necessary to provide the requested resources. Any party 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.

MIEMAC provisions only take effect when resources loaned under the terms of the compact by the responding party jurisdiction arrive in the requesting party jurisdiction. In addition, the provisions continue in effect as long as the resources loaned under the compact by the responding party jurisdiction remain in the requesting party jurisdiction.

Liability: Officers or emergency responders of a party jurisdiction rendering aid in another jurisdiction are considered agents of the requesting party jurisdiction for tort liability and immunity purposes. A party jurisdiction and its officers and emergency responders rendering assistance in another party 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 MIEMAC.

Reimbursement: A 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 party jurisdiction must reimburse the responding party jurisdiction for all reasonable and necessary expenses incurred by the responding party jurisdiction provided that any responding jurisdiction can (1) assume in whole or in part such loss, damage, expense, or other cost; (2) loan equipment or donate services to the requesting party jurisdiction without charge or cost; and (3) agree to any allocation of expenses between the responding and requesting party jurisdiction.

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

Additional Information

Prior Introductions: None.

Designated Cross File: SB 932 (Senator Watson) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Emergency Management; Department of Legislative Services

Fiscal Note History: First Reader - March 30, 2022
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