

HOUSE BILL No. 4065

January 28, 2003, Introduced by Reps. Wojno, Condino, Bieda, Accavitti and Hopgood and referred to the Committee on Appropriations.

A bill to amend 1976 PA 390, entitled
"Emergency management act,"
by amending section 19 (MCL 30.419), as amended by 1990 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Under extraordinary circumstances, upon the
2 declaration of a state of disaster or a state of emergency by the
3 governor and subject to the requirements of this subsection, the
4 governor may authorize an expenditure from the disaster
5 contingency fund to provide state assistance to counties and
6 municipalities when federal assistance is not available. If the
7 governor proclaims a state of disaster or a state of emergency,
8 the first recourse for disaster related expenses shall be to
9 funds of the county or municipality. If the demands placed upon
10 the funds of a county or municipality in coping with a particular
11 disaster or emergency are unreasonably great, the governing body

HOUSE BILL No. 4065

1 of the county or municipality may apply, by resolution of the
2 local governing body, for a grant from the disaster contingency
3 fund. The resolution shall certify that the affected county or
4 municipality emergency operations plan was implemented in a
5 timely manner. The resolution shall set forth the purpose for
6 which the assistance is sought, the extent of damages sustained,
7 and certify an exhaustion of local efforts. Assistance grants
8 under this section shall not exceed ~~-\$30,000.00-~~ **\$100,000.00** or
9 10% of the total annual operating budget for the preceding fiscal
10 year of the county or municipality, whichever is less. The
11 assistance under this subsection is to provide grants, excluding
12 reimbursement for capital outlay expenditures, in mitigation of
13 the extraordinary burden of a county or municipality in relation
14 to its available resources.

15 (2) The director shall promulgate rules governing the
16 application and eligibility for the use of the state disaster
17 contingency fund. Rules that have been promulgated prior to
18 December 31, 1988 to implement this section shall remain in
19 effect until revised or replaced. The rules shall include, but
20 not be limited to, all of the following:

21 (a) Demonstration of exhaustion of local effort.

22 (b) Evidence that the applicant is a county that actively
23 maintains an emergency management program, reviewed by and
24 determined to be current and adequate by the emergency management
25 division of the department, before the disaster or emergency for
26 which assistance is being requested occurs. If the applicant is
27 a municipality with a population of 10,000 or more, evidence that

1 the municipality either maintains a separate emergency management
2 program, reviewed by and determined to be current and adequate by
3 the emergency management division of the department, before the
4 disaster or emergency for which assistance is being requested or
5 occurs, or the municipality is incorporated in the county
6 emergency management program.

7 (c) Evidence that the applicable county or municipal
8 emergency operations plan was implemented in a timely manner at
9 the beginning of the disaster or emergency.

10 (d) Reimbursement for expenditures shall be limited to public
11 damage and direct loss as a result of the disaster or emergency,
12 or expenses incurred by the applicant for reimbursing employees
13 for disaster or emergency related activities which were not
14 performed as a part of their normal duties, or for other needs
15 required specifically for the mitigation of the effects, or in
16 response to the disaster or emergency.

17 (e) A disaster assessment team established by the emergency
18 management division of the department has substantiated the
19 damages claimed by the applicant. Damage estimates submitted by
20 the applicant shall be based upon a disaster assessment carried
21 out by the applicant according to standard procedures recommended
22 by the emergency management division.