SUBSTITUTE FOR SENATE BILL NO. 330

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 AND
- 5 EMERGENCY contingency fund to provide state assistance to counties
- 6 and municipalities when federal assistance is not available. If the
- 7 governor proclaims a state of disaster or a state of emergency, the
- 8 first recourse for disaster related expenses shall be to funds of
- 9 the county or municipality. If the demands placed upon the funds of
- 10 a county or municipality in coping with a particular disaster or

- 1 emergency are unreasonably great, the governing body of the county
- 2 or municipality may apply, by resolution of the local governing
- 3 body, for a grant from the disaster AND EMERGENCY contingency fund.
- 4 The resolution shall certify that the affected county or
- 5 municipality emergency operations plan was implemented in a timely
- 6 manner. The resolution shall set forth the purpose for which the
- 7 assistance is sought, the extent of damages sustained, and certify
- 8 an exhaustion of local efforts. Assistance grants under this
- 9 section shall not exceed \$30,000.00 \$100,000.00 or 10% of the total
- 10 annual operating budget for the preceding fiscal year of the county
- 11 or municipality, whichever is less. The assistance under this
- 12 subsection is to provide grants, excluding reimbursement for
- 13 capital outlay expenditures, in mitigation of the extraordinary
- 14 burden of a county or municipality in relation to its available
- 15 resources.
- 16 (2) The director shall promulgate rules governing the
- 17 application and eligibility for the use of the state disaster AND
- 18 EMERGENCY contingency fund. Rules that have been promulgated prior
- 19 to December 31, 1988 to implement this section shall remain in
- 20 effect until revised or replaced. The rules shall include, but not
- 21 be limited to, all of the following:
- 22 (a) Demonstration of exhaustion of local effort.
- 23 (b) Evidence that the applicant is a county that actively
- 24 maintains an emergency management program, reviewed by and
- 25 determined to be current and adequate by the emergency management
- 26 division of the department, before the disaster or emergency for
- 27 which assistance is being requested occurs. If the applicant is a

- 1 municipality with a population of 10,000 or more, evidence that the
- 2 municipality either maintains a separate emergency management
- 3 program, reviewed by and determined to be current and adequate by
- 4 the emergency management division of the department, before the
- 5 disaster or emergency for which assistance is being requested or
- 6 occurs, or the municipality is incorporated in the county emergency
- 7 management program.
- 8 (c) Evidence that the applicable county or municipal emergency
- 9 operations plan was implemented in a timely manner at the beginning
- 10 of the disaster or emergency.
- 11 (d) Reimbursement for expenditures shall be limited to public
- 12 damage and direct loss as a result of the disaster or emergency, or
- 13 expenses incurred by the applicant for reimbursing employees for
- 14 disaster or emergency related activities which were not performed
- as a part of their normal duties, or for other needs required
- 16 specifically for the mitigation of the effects, or in response to
- 17 the disaster or emergency.
- 18 (e) A disaster assessment team established by the emergency
- 19 management division of the department has substantiated the damages
- 20 claimed by the applicant. Damage estimates submitted by the
- 21 applicant shall be based upon a disaster assessment carried out by
- 22 the applicant according to standard procedures recommended by the
- 23 emergency management division.