

# HOUSE BILL No. 4108

January 28, 1999, Introduced by Reps. Wojno, Mans, Bob Brown, Callahan, Switalski, Rocca, Sanborn, Faunce, Hale, Kukuk, Schermesser, DeHart, Scott, Bradstreet and Thomas and referred to the Committee on Local Government and Urban Policy.

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 contin-  
5 gency fund to provide state assistance to counties and municipal-  
6 ities when federal assistance is not available. If the governor  
7 proclaims a state of disaster or a state of emergency, the first  
8 recourse for disaster related expenses shall be to funds of the  
9 county or municipality. If the demands placed upon the funds of  
10 a county or municipality in coping with a particular disaster or  
11 emergency are unreasonably great, the governing body of the

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

15 (2) The director shall promulgate rules governing the appli-  
16 cation and eligibility for the use of the state disaster contin-  
17 gency 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 emer-  
6 gency management program.

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

10 (d) Reimbursement for expenditures shall be limited to  
11 public damage and direct loss as a result of the disaster or  
12 emergency, or expenses incurred by the applicant for reimbursing  
13 employees for disaster or emergency related activities which were  
14 not performed as a part of their normal duties, or for other  
15 needs required specifically for the mitigation of the effects, or  
16 in 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 dam-  
19 ages claimed by the applicant. Damage estimates submitted by the  
20 applicant shall be based upon a disaster assessment carried out  
21 by the applicant according to standard procedures recommended by  
22 the emergency management division.