

HOUSE BILL No. 4610

May 11, 2017, Introduced by Rep. Farrington 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 2013 PA 110.

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
11 emergency are unreasonably great, the governing body of the county

1 or municipality may apply, by resolution of the local governing
2 body, for a grant from the disaster and emergency contingency fund.
3 The resolution shall certify that the affected county or
4 municipality 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 certify
7 an exhaustion of local efforts. ~~Assistance grants under this~~
8 ~~section shall not exceed \$100,000.00 or 10% of the total annual~~
9 ~~operating budget for the preceding fiscal year of the county or~~
10 ~~municipality, whichever is less.~~ The assistance under this
11 subsection is to provide grants, excluding reimbursement for
12 capital outlay expenditures, in mitigation of the extraordinary
13 burden of a county or municipality in relation to its available
14 resources. **ASSISTANCE GRANTS UNDER THIS SECTION SHALL NOT EXCEED**
15 **THE FOLLOWING AMOUNTS OR 10% OF THE TOTAL ANNUAL OPERATING BUDGET**
16 **FOR THE PRECEDING FISCAL YEAR OF THE COUNTY OR MUNICIPALITY,**
17 **WHICHEVER IS LESS:**

18 (A) FOR A COUNTY OR MUNICIPALITY WITH A POPULATION UNDER
19 25,000, \$250,000.00.

20 (B) FOR A COUNTY OR MUNICIPALITY WITH A POPULATION OF 25,000
21 OR MORE AND LESS THAN 75,000, \$500,000.00.

22 (C) FOR A COUNTY OR MUNICIPALITY WITH A POPULATION OF 75,000
23 OR MORE, \$1,000,000.00.

24 (2) The director shall promulgate rules governing the
25 application and eligibility for the use of the state disaster and
26 emergency contingency fund. Rules that have been promulgated prior
27 to December 31, 1988 to implement this section shall remain in

1 effect until revised or replaced. The rules shall include, but not
2 be limited to, all of the following:

3 (a) Demonstration of exhaustion of local effort.

4 (b) Evidence that the applicant is a county that actively
5 maintains an emergency management program, reviewed by and
6 determined to be current and adequate by the emergency management
7 division of the department, before the disaster or emergency for
8 which assistance is being requested occurs. If the applicant is a
9 municipality with a population of 10,000 or more, evidence that the
10 municipality either maintains a separate emergency management
11 program, reviewed by and determined to be current and adequate by
12 the emergency management division of the department, before the
13 disaster or emergency for which assistance is being requested or
14 occurs, or the municipality is incorporated in the county emergency
15 management program.

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

19 (d) Reimbursement for expenditures shall be limited to public
20 damage and direct loss as a result of the disaster or emergency, or
21 expenses incurred by the applicant for reimbursing employees for
22 disaster or emergency related activities which were not performed
23 as a part of their normal duties, or for other needs required
24 specifically for the mitigation of the effects, or in response to
25 the disaster or emergency.

26 (e) A disaster assessment team established by the emergency
27 management division of the department has substantiated the damages

1 claimed by the applicant. Damage estimates submitted by the
2 applicant shall be based upon a disaster assessment carried out by
3 the applicant according to standard procedures recommended by the
4 emergency management division.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. _____ or House Bill No. 4609 (request no.
7 02127'17 *) of the 99th Legislature is enacted into law.