

# SENATE BILL No. 330

April 24, 2013, Introduced by Senator CASPERSON and referred to the Committee on Appropriations.

A bill to amend 1976 PA 390, entitled  
 "Emergency management act,"  
 by amending sections 18 and 19 (MCL 30.418 and 30.419), as amended  
 by 1990 PA 50.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 18. (1) A disaster **AND EMERGENCY** contingency fund is  
 2    created and shall be administered by the director. An annual  
 3    accounting of expenditures under this act shall be made to the  
 4    legislature and the legislature shall annually appropriate  
 5    sufficient funds to maintain the fund at a level not to exceed  
 6    ~~\$750,000.00~~ **\$8,500,000.00** and not less than  
 7    ~~\$30,000.00~~ **\$4,000,000.00. UNEXPENDED AND UNENCUMBERED FUNDS**  
 8    **REMAINING IN THE DISASTER AND EMERGENCY CONTINGENCY FUND AT THE END**  
 9    **OF THE FISCAL YEAR SHALL NOT LAPSE TO THE GENERAL FUND AND SHALL BE**

1 CARRIED FORWARD AND BE AVAILABLE FOR EXPENDITURE IN SUBSEQUENT  
2 FISCAL YEARS.

3 (2) The director may expend money from the disaster **AND**  
4 **EMERGENCY** contingency fund upon appropriation for the purpose of  
5 paying necessary and reasonable overtime, travel, and subsistence  
6 expenses incurred by an employee of an agency of the state acting  
7 at the direction of the director in a disaster or emergency related  
8 operation, and, with the concurrence of the governor or the  
9 governor's designated representative, for other needs required for  
10 the mitigation of the effects of, or in response to, a disaster or  
11 emergency.

12 (3) The director may place directly in the disaster **AND**  
13 **EMERGENCY** contingency fund a reimbursement for expenditures out of  
14 the fund received from the federal government, or another source.

15 (4) If a state of major disaster or emergency is declared by  
16 the president of the United States, and when authorized by the  
17 governor, an expenditure from the fund may be made by the director  
18 upon appropriation to pay the state's matching share of grants as  
19 provided by the disaster relief act of 1974, Public Law 93-288, 88  
20 Stat. 143.

21 Sec. 19. (1) Under extraordinary circumstances, upon the  
22 declaration of a state of disaster or a state of emergency by the  
23 governor and subject to the requirements of this subsection, the  
24 governor may authorize an expenditure from the disaster **AND**  
25 **EMERGENCY** contingency fund to provide state assistance to counties  
26 and municipalities when federal assistance is not available. If the  
27 governor proclaims a state of disaster or a state of emergency, the

1 first recourse for disaster related expenses shall be to funds of  
2 the county or municipality. If the demands placed upon the funds of  
3 a county or municipality in coping with a particular disaster or  
4 emergency are unreasonably great, the governing body of the county  
5 or municipality may apply, by resolution of the local governing  
6 body, for a grant from the disaster **AND EMERGENCY** contingency fund.  
7 The resolution shall certify that the affected county or  
8 municipality emergency operations plan was implemented in a timely  
9 manner. The resolution shall set forth the purpose for which the  
10 assistance is sought, the extent of damages sustained, and certify  
11 an exhaustion of local efforts. Assistance grants under this  
12 section shall not exceed \$30,000.00 or 10% of the total annual  
13 operating budget for the preceding fiscal year of the county or  
14 municipality, whichever is less. The assistance under this  
15 subsection is to provide grants, excluding reimbursement for  
16 capital outlay expenditures, in mitigation of the extraordinary  
17 burden of a county or municipality in relation to its available  
18 resources.

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

25 (a) Demonstration of exhaustion of local effort.

26 (b) Evidence that the applicant is a county that actively  
27 maintains an emergency management program, reviewed by and

1 determined to be current and adequate by the emergency management  
2 division of the department, before the disaster or emergency for  
3 which assistance is being requested occurs. If the applicant is a  
4 municipality with a population of 10,000 or more, evidence that the  
5 municipality either maintains a separate emergency management  
6 program, reviewed by and determined to be current and adequate by  
7 the emergency management division of the department, before the  
8 disaster or emergency for which assistance is being requested or  
9 occurs, or the municipality is incorporated in the county emergency  
10 management program.

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

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

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