

DEPARTMENT OF EMERGENCY MANAGEMENT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6148 as introduced

Sponsor: Rep. Jack O'Malley

Committee: Military, Veterans and Homeland Security

Complete to 9-15-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6148 would amend the Emergency Management Act to create the Department of Emergency Management, effective January 1, 2022, and specify its powers and duties. The bill would create a transition commission to facilitate the transfer of powers and duties to the department and to advise the governor and legislature on emergency management issues. The bill would also amend various provisions of the act, notably concerning emergency management coordinators and Michigan's emergency management plan.

Department of Emergency Management

Beginning January 1, 2022, the Department of Emergency Management would be created in the executive branch. The head of the department would be its director, who would be appointed by the governor and serve his or her pleasure. The director would have to have emergency management experience and be certified as a professional emergency manager by the state.

On January 1, 2022, all powers, duties and functions of the state director of emergency management in the Department of State Police would be transferred to the Department of Emergency Management in the same manner as a type 2 transfer under the Executive Reorganization Act.

Emergency Management Transition Commission

On January 1, 2021, the Emergency Management Transition Commission would be created in the Department of State Police. The commission would consist of the following members appointed by the governor:

- One member from a list of two or more individuals selected by the Speaker of the House of Representatives.
- One member from a list of two or more individuals selected by the Senate Majority Leader.
- One member each representing the interests of Michigan Emergency Management Association, Michigan National Guard, Department of State Police, and Michigan Association of Counties.
- One member who is an emergency management coordinator representing interests of municipalities with a population of 25,000 or more.
- One member who is an emergency management coordinator representing interests of municipalities with a population of more than 10,000 but less than 25,000.

The commission's first members would have to be appointed within 30 days after the bill took effect. The member appointed from the list of individuals selected by the Speaker of the House would be commission chairperson. Members would serve a two-year term. They would serve without compensation, although they could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. In the event of a vacancy, the governor would make an appointment for the unexpired term in the same manner as the original appointment.

A majority of the members would constitute a quorum for the transaction of business at a meeting, and a majority of the members present and serving would be required for official action of the commission. Business would have to be conducted at a public meeting in compliance with the Open Meetings Act. Writings prepared, owned, used, possessed, or retained by the commission in the performance of an official function would be subject to the Freedom of Information Act.

The Emergency Management Transition Commission would have to do all of the following:

- Make recommendations to the governor and the director to ensure an adequate transition of the department.
- Make recommendations to the governor and the director on how federal grants and other federal funds would be distributed between this state, counties, and municipalities.
- Make recommendation to the legislature on any changes needed in the Emergency Management Act.
- Meet at least annually with the director, the governor, the Speaker of the House of Representatives, and the Senate Majority Leader.

Emergency Management Coordinator

Beginning January 1, 2022, the bill would require each emergency management coordinator under the act to be certified as a professional emergency manager by the state or actively in the process of obtaining the certification. If the emergency management coordinator did not have the certification within two years of his or her appointment, he or she would no longer be eligible to be an emergency management coordinator.

Beginning January 1, 2022, an emergency management coordinator could not be a state or county elected official. Currently, in the absence of an appointed emergency management coordinator for a county, the chairperson of the county board of commissioners is designated as the coordinator. The bill would eliminate this provision.

The act also now provides that state departments and agencies can appoint or employ an emergency management coordinator if the director of the department or agency is not going to serve in that capacity. The bill would require the director of each department and agency to notify the governor and the director of the Department of Emergency Management of the name and contact information of each emergency management coordinator and designee, if any, for the department or agency.

Emergency Management Plan

The act requires the preparation and maintenance of a Michigan emergency management plan to encompass mitigation, preparedness, response, and recovery for the state. The bill would further require that the plan include all of the following:

- An outline of a comprehensive and effective program to ensure continuity of essential state functions under all circumstances. The emergency management plan would have to identify a baseline of preparedness for a full range of potential emergencies to establish a viable capability to perform essential functions during any emergency or other situation that disrupts normal operations.
- At a minimum, all of the following elements:
 - Identification of essential functions, programs, and personnel.
 - Procedures to implement the emergency management plan and personnel notification and accountability.
 - Delegations of authority and lines of succession.
 - Identification of alternative facilities and related infrastructure, including those for communications, identification, and protection of vital records and databases.
 - Schedules and procedures for periodic tests, training, and exercises.
- An up-to-date inventory of emergency supplies and equipment maintained by the department for emergencies. (In this provision, “department” would refer to the Department of State Police before January 1, 2022, and the Department of Emergency Management after that date.)

The director would have to provide a copy of the Michigan emergency management plan every two years to the governor, the Speaker of the House of Representatives, and the Senate Majority Leader.

Finally, the bill would require any federal emergency management and disaster related grants-in-aid to be distributed to counties and municipalities to the greatest extent possible.

MCL 30.402 et seq.

FISCAL IMPACT:

House Bill 6148 would have an indeterminate fiscal impact on the Department of State Police (MSP) and on the Department of Emergency Management, which would be created under the bill. The fiscal impact of this bill is especially difficult to project, given the level of integration of the Emergency Management and Homeland Security Division (EMHSD) within the MSP.

Separating emergency management functions of the EMHSD is difficult to accomplish from a logistical perspective, because many employees within the EMHSD work on both emergency management and homeland security issues. Federal grant funding is received in separate streams for these activities, but the funds are frequently utilized in tandem to fund a single FTE position. MSP is unable to determine exactly how many FTEs would be dedicated solely to emergency management work, given the diverse tasks that FTEs

currently complete. However, the number of FTEs within the new department would likely total less than 50, which would make the new department the smallest in state government. (For reference, the current smallest is the Department of Insurance and Financial Services with 368.5 total FTEs.) It should also be noted that the current head of the EMHSD is an enlisted MSP employee, whereas a new civilian director would need to be hired if a department were established outside MSP.

Facilities utilized by the current EMHSD are the products of relatively recent construction and are integrated into MSP facilities. The manner in which rent obligations and infrastructure costs would be managed in the structure under the bill is presently indeterminate. A GF/GP appropriation (of indeterminate magnitude, but likely a significant amount) would be needed for initial infrastructure and staffing costs for the new department. The bill would not be expected to have an impact on total federal grant funding received by the state.

The department indicated that the state's emergency management plan is currently updated approximately every two years and is made available to the public. Thus, the statutory requirement for the transmission of the plan to the governor, the Senate Majority Leader, and the Speaker of the House would not entail any additional costs.

MSP also indicated that a policy is in existence to ensure that emergency management coordinators within the department obtain the professional emergency manager certification after they are hired into the department. Local units and counties do not have uniform policies on this issue, so the potential exists for indeterminate costs at the municipal and county levels.

Costs associated with the emergency management transition commission would be unlikely to be significant, but any resulting costs for administrative support or reimbursements allowed under the bill would likely need to be factored into a GF/GP appropriation for the Department of Emergency Management.

Legislative Analyst: E Best
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.