

# HOUSE BILL No. 5217

October 24, 1989, Introduced by Reps. Middaugh, Alley, Bartnik, DeBeaussiaert, Hart, Wartner, Pridnia, Sikkema, Bender, Varga, Gire, Stabenow, Randall, Bankes, DeMars, Hoekman, Crandall, Miller, Trim, Fitzgerald, Bandstra, Camp, Willis Bullard, Palamara, Hoffman, Dunaskiss, Gagliardi, Runco, Dolan, Nye, Ostling, Sparks, London, Allen, Hickner, Stacey, Hertel, Niederstadt, Hillegonds, Van Singel, Walberg, Muxlow, Giese, Bennett, Weeks, Rocca, Spaniola, Stupak, Sofio, Power, DeLange, Munsell and Brown and referred to the Committee on Appropriations.

A bill to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, and 19 of Act No. 390 of the Public Acts of 1976, entitled

"Emergency preparedness act,"

being sections 30.401, 30.402, 30.403, 30.404, 30.405, 30.406, 30.407, 30.408, 30.409, 30.410, 30.411, 30.412, 30.414, 30.415, 30.416, 30.417, 30.418, and 30.419 of the Michigan Compiled Laws; to add section 7a; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 8,  
2 9, 10, 11, 12, 14, 15, 16, 17, 18, and 19 of Act No. 390 of the  
3 Public Acts of 1976, being sections 30.401, 30.402, 30.403,  
4 30.404, 30.405, 30.406, 30.407, 30.408, 30.409, 30.410, 30.411,  
5 30.412, 30.414, 30.415, 30.416, 30.417, 30.418, and 30.419 of the

1 Michigan Compiled Laws, are amended and section 7a is added to  
2 read as follows:

3 TITLE

4 An act to provide ~~protection and recovery~~ FOR PLANNING,  
5 MITIGATION, RESPONSE, AND RECOVERY from natural and ~~man-made~~  
6 HUMAN-MADE disaster within this state; to create the Michigan  
7 emergency ~~preparedness~~ MANAGEMENT advisory council and pre-  
8 scribe its powers and duties; ~~to provide for a state director of~~  
9 ~~emergency services and county and local coordinators and pre-~~  
10 ~~scribe their powers and duties;~~ to prescribe the powers and  
11 duties of ~~the governor~~ CERTAIN STATE AND LOCAL AGENCIES AND  
12 OFFICIALS; to prescribe immunities and liabilities; to provide  
13 for the acceptance of gifts; ~~and~~ to repeal certain acts and  
14 parts of acts; AND TO REPEAL CERTAIN PARTS OF THE ACT.

15 Sec. 1. This act shall be known and may be cited as the  
16 "emergency ~~preparedness~~ MANAGEMENT act".

17 Sec. 2. As used in this act:

18 ~~(a) "Director" or "director of emergency services" means~~  
19 ~~the director of the department of state police or his authorized~~  
20 ~~representative.~~

21 ~~(b) "Council" means the Michigan emergency preparedness~~  
22 ~~advisory council.~~

23 ~~(c) "Department" means the Michigan department of state~~  
24 ~~police.~~

25 ~~(d) "District coordinator" means the state police emergency~~  
26 ~~services division district coordinator or his authorized~~  
27 ~~representative.~~

1       ~~(e) "County or local coordinator" means a person appointed~~  
2 ~~pursuant to section 9 to coordinate emergency planning and serv-~~  
3 ~~ices within the county or municipality. In the absence of an~~  
4 ~~appointed person, "county or local coordinator" shall mean the~~  
5 ~~chairman of the county board of commissioners or the chief execu-~~  
6 ~~tive officer of a municipality. "County or local coordinator"~~  
7 ~~includes a civil defense director, civil defense coordinator,~~  
8 ~~emergency services coordinator, or any officer who administers~~  
9 ~~federal and state disaster preparedness and assistance programs~~  
10 ~~at the county or municipal level.~~

11       ~~(f) "Disaster" means an occurrence or imminent threat of~~  
12 ~~widespread or severe damage, injury, or loss of life or property~~  
13 ~~resulting from a natural or man made cause, including fire,~~  
14 ~~flood, snow, ice, windstorm, wave action, oil spill, water con-~~  
15 ~~tamination requiring emergency action to avert danger or damage,~~  
16 ~~utility failure, hazardous peacetime radiological incident, major~~  
17 ~~transportation accident, epidemic, air contamination, blight,~~  
18 ~~drought, infestation, explosion, or hostile military or paramili-~~  
19 ~~tary action. Riots and other civil disorders are not within the~~  
20 ~~meaning of this term unless they directly result from and are an~~  
21 ~~aggravating element of the disaster.~~

22       ~~(g) "Disaster relief forces" means all agencies of state,~~  
23 ~~county, and municipal government, private and volunteer person-~~  
24 ~~nel, public officers and employees, and all other persons or~~  
25 ~~groups of persons having duties or responsibilities under this~~  
26 ~~act or pursuant to a lawful order or directive authorized by this~~  
27 ~~act.~~

1       ~~(h) "Municipality" means a city, village, or township.~~

2       (A) "CHIEF EXECUTIVE OFFICIAL" MEANS:

3       (i) IN THE CASE OF A COUNTY WITH AN ELECTED COUNTY EXECU-  
4 TIVE, THE COUNTY EXECUTIVE.

5       (ii) IN THE CASE OF A COUNTY WITHOUT AN ELECTED COUNTY EXEC-  
6 UTIVE, THE CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS, OR  
7 THE APPOINTED ADMINISTRATOR DESIGNATED BY APPROPRIATE ENABLING  
8 LEGISLATION.

9       (iii) IN THE CASE OF A CITY, THE MAYOR OR THE INDIVIDUAL  
10 SPECIFICALLY IDENTIFIED IN THE MUNICIPAL CHARTER.

11       (iv) IN THE CASE OF A TOWNSHIP, THE TOWNSHIP SUPERVISOR.

12       (v) IN THE CASE OF A VILLAGE, THE VILLAGE PRESIDENT OR THE  
13 INDIVIDUAL SPECIFICALLY IDENTIFIED IN THE VILLAGE CHARTER.

14       (B) "COUNCIL" MEANS THE MICHIGAN EMERGENCY MANAGEMENT  
15 ADVISORY COUNCIL.

16       (C) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

17       (D) "DIRECTOR" OR "STATE DIRECTOR OF EMERGENCY MANAGEMENT"  
18 MEANS THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR  
19 HER DESIGNEE.

20       (E) "DISASTER" MEANS AN OCCURRENCE OR THREAT OF WIDESPREAD  
21 OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR PROPERTY RESULTING  
22 FROM A NATURAL OR HUMAN-MADE CAUSE, INCLUDING, BUT NOT LIMITED  
23 TO, FIRE, FLOOD, SNOWSTORM, ICE STORM, TORNADO, WINDSTORM, WAVE  
24 ACTION, OIL SPILL, WATER CONTAMINATION, UTILITY FAILURE, HAZARD-  
25 OUS PEACETIME RADIOLOGICAL INCIDENT, MAJOR TRANSPORTATION ACCI-  
26 DENT, HAZARDOUS MATERIALS INCIDENT, EPIDEMIC, AIR CONTAMINATION,  
27 BLIGHT, DROUGHT, INFESTATION, EXPLOSION, OR HOSTILE MILITARY

1 ACTION OR PARAMILITARY ACTION, OR SIMILAR OCCURRENCES RESULTING  
2 FROM TERRORIST ACTIVITIES, RIOTS, OR CIVIL DISORDERS...

3 (F) "DISASTER RELIEF FORCES" MEANS ALL AGENCIES OF STATE,  
4 COUNTY, AND MUNICIPAL GOVERNMENT, PRIVATE AND VOLUNTEER PERSON-  
5 NEL, PUBLIC OFFICERS AND EMPLOYEES, AND ALL OTHER PERSONS OR  
6 GROUPS OF PERSONS HAVING DUTIES OR RESPONSIBILITIES UNDER THIS  
7 ACT OR PURSUANT TO A LAWFUL ORDER OR DIRECTIVE AUTHORIZED BY THIS  
8 ACT.

9 (G) "DISTRICT COORDINATOR" MEANS THE STATE POLICE EMERGENCY  
10 MANAGEMENT DIVISION DISTRICT COORDINATOR.

11 (H) "EMERGENCY" MEANS ANY OCCASION OR INSTANCE IN WHICH THE  
12 GOVERNOR DETERMINES STATE ASSISTANCE IS NEEDED TO SUPPLEMENT  
13 LOCAL EFFORTS AND CAPABILITIES TO SAVE LIVES, PROTECT PROPERTY  
14 AND THE PUBLIC HEALTH AND SAFETY, OR TO LESSEN OR AVERT THE  
15 THREAT OF A CATASTROPHE IN ANY PART OF THE STATE.

16 (I) "EMERGENCY MANAGEMENT COORDINATOR" MEANS A PERSON  
17 APPOINTED PURSUANT TO SECTION 9 TO COORDINATE EMERGENCY MANAGE-  
18 MENT WITHIN THE COUNTY OR MUNICIPALITY. EMERGENCY MANAGEMENT  
19 COORDINATOR INCLUDES A CIVIL DEFENSE DIRECTOR, CIVIL DEFENSE  
20 COORDINATOR, EMERGENCY SERVICES COORDINATOR, EMERGENCY PROGRAM  
21 MANAGER, OR OTHER PERSON WITH A SIMILAR TITLE AND DUTIES.

22 (J) "LOCAL STATE OF EMERGENCY" MEANS A PROCLAMATION OR DEC-  
23 LARATION THAT ACTIVATES THE RESPONSE AND RECOVERY ASPECTS OF ANY  
24 AND ALL APPLICABLE LOCAL OR INTERJURISDICTIONAL EMERGENCY OPERA-  
25 TIONS PLANS AND AUTHORIZES THE FURNISHING OF AID, ASSISTANCE, AND  
26 DIRECTIVES UNDER THOSE PLANS.

1 (K) "MICHIGAN EMERGENCY MANAGEMENT PLAN" MEANS THE PLAN  
2 PREPARED AND MAINTAINED BY THE EMERGENCY MANAGEMENT DIVISION OF  
3 THE DEPARTMENT AND SIGNED BY THE GOVERNOR.

4 (L) "MUNICIPALITY" MEANS A CITY, VILLAGE, OR TOWNSHIP.

5 (M) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
6 ASSOCIATION, GOVERNMENTAL ENTITY, OR ANY OTHER ENTITY.

7 (N) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-  
8 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
9 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
10 LAWS.

11 (O) "STATE OF DISASTER" MEANS AN EXECUTIVE ORDER OR PROCLA-  
12 MATION THAT ACTIVATES THE DISASTER RESPONSE AND RECOVERY ASPECTS  
13 OF THE STATE, LOCAL, AND INTERJURISDICTIONAL EMERGENCY OPERATIONS  
14 PLANS APPLICABLE TO THE COUNTIES OR MUNICIPALITIES AFFECTED.

15 (P) "STATE OF EMERGENCY" MEANS AN EXECUTIVE ORDER OR PROCLA-  
16 MATION THAT ACTIVATES THE EMERGENCY RESPONSE AND RECOVERY ASPECTS  
17 OF THE STATE, LOCAL, AND INTERJURISDICTIONAL EMERGENCY OPERATIONS  
18 PLANS APPLICABLE TO THE COUNTIES OR MUNICIPALITIES AFFECTED.

19 Sec. 3. (1) The governor is responsible for ~~meeting~~  
20 COPING WITH dangers to this state or people of this state  
21 presented by ~~disasters~~ A DISASTER OR EMERGENCY.

22 (2) The governor may issue executive orders, proclamations,  
23 and directives having the force and effect of law to implement  
24 this act. An executive order, proclamation, or directive may be  
25 amended or rescinded by the governor.

26 (3) The governor shall, by executive order or proclamation,  
27 declare a state of disaster if he OR SHE finds a disaster has

1 occurred or the threat of a disaster ~~is imminent~~ EXISTS. The  
2 state of disaster shall continue until the governor finds that  
3 the threat or danger has passed, the disaster has been dealt with  
4 to the extent that ~~emergency~~ DISASTER conditions no longer  
5 exist, or until the declared state of disaster has been in effect  
6 for 14 days. After 14 days, the governor shall issue an execu-  
7 tive order or proclamation declaring the state of disaster termi-  
8 nated, unless a request by the governor for an extension of the  
9 state of disaster for a specific number of days is approved by  
10 the legislature. An executive order or proclamation issued pur-  
11 suant to this subsection shall indicate the nature of the  
12 disaster, the area or areas threatened, the conditions causing  
13 the disaster, and the conditions permitting the termination of  
14 the state of disaster. An executive order or proclamation shall  
15 be disseminated promptly by means calculated to bring its con-  
16 tents to the attention of the general public and shall be  
17 promptly filed with the emergency ~~services~~ MANAGEMENT division  
18 of the department ~~of state police~~ and the secretary of state,  
19 unless circumstances attendant upon the disaster prevent or  
20 impede its prompt filing.

21 (4) THE GOVERNOR SHALL, BY EXECUTIVE ORDER OR PROCLAMATION,  
22 DECLARE A STATE OF EMERGENCY IF HE OR SHE FINDS THAT AN EMERGENCY  
23 HAS OCCURRED OR THAT THE THREAT OF AN EMERGENCY EXISTS. THE  
24 STATE OF EMERGENCY SHALL CONTINUE UNTIL THE GOVERNOR FINDS THAT  
25 THE THREAT OR DANGER HAS PASSED, THE EMERGENCY HAS BEEN DEALT  
26 WITH TO THE EXTENT THAT EMERGENCY CONDITIONS NO LONGER EXIST, OR  
27 UNTIL THE DECLARED STATE OF EMERGENCY HAS BEEN IN EFFECT FOR 14

1 DAYS. AFTER 14 DAYS, THE GOVERNOR SHALL ISSUE AN EXECUTIVE ORDER  
2 OR PROCLAMATION DECLARING THE STATE OF EMERGENCY TERMINATED,  
3 UNLESS A REQUEST BY THE GOVERNOR FOR AN EXTENSION OF THE STATE OF  
4 EMERGENCY FOR A SPECIFIC NUMBER OF DAYS IS APPROVED BY THE  
5 LEGISLATURE. AN EXECUTIVE ORDER OR PROCLAMATION ISSUED PURSUANT  
6 TO THIS SUBSECTION SHALL INDICATE THE NATURE OF THE EMERGENCY,  
7 THE AREA OR AREAS THREATENED, THE CONDITIONS CAUSING THE EMERGEN-  
8 CY, AND THE CONDITIONS PERMITTING THE TERMINATION OF THE STATE OF  
9 EMERGENCY. AN EXECUTIVE ORDER OR PROCLAMATION SHALL BE DISSEMI-  
10 NATED PROMPTLY BY MEANS CALCULATED TO BRING ITS CONTENTS TO THE  
11 ATTENTION OF THE GENERAL PUBLIC AND SHALL BE PROMPTLY FILED WITH  
12 THE EMERGENCY MANAGEMENT DIVISION OF THE DEPARTMENT AND THE SEC-  
13 RETARY OF STATE, UNLESS CIRCUMSTANCES ATTENDANT UPON THE EMER-  
14 GENCY PREVENT OR IMPEDE ITS PROMPT FILING.

15       Sec. 4. ~~(1) An executive order or proclamation of a state~~  
16 ~~of disaster shall activate the disaster response and recovery~~  
17 ~~aspects of the state, local, and interjurisdictional disaster~~  
18 ~~emergency plans applicable to the political subdivision or area~~  
19 ~~affected.~~

20       (1) ~~(2)~~ An executive order or proclamation of a state of  
21 disaster OR A STATE OF EMERGENCY shall serve to authorize the  
22 deployment and use of any forces to which the plan or plans apply  
23 and the use or distribution of supplies, equipment, materials, or  
24 facilities assembled or stockpiled pursuant to this act.

25       (2) ~~(3)~~ Upon declaring a state of disaster OR A STATE OF  
26 EMERGENCY, the governor may seek and accept assistance, either



1 financial or otherwise, from the federal government, pursuant to  
2 federal law or regulation.

3       (3) ~~(4)~~ The governor may, with the approval of the state  
4 administrative board, enter into a reciprocal aid agreement or  
5 compact with another state, the federal government, or a neigh-  
6 boring state or province of a foreign country. A reciprocal aid  
7 agreement shall be limited to the furnishing or exchange of food,  
8 clothing, medicine, and other supplies; engineering services;  
9 emergency housing; police services; the services of the national  
10 guard when not mobilized for federal service or state defense  
11 force as authorized by THE MICHIGAN MILITARY ACT, Act No. 150 of  
12 the Public Acts of 1967, as amended, being sections 32.501 to  
13 32.851 of the Michigan Compiled Laws, and subject to federal lim-  
14 itations on the crossing of national boundaries by organized mil-  
15 itary forces; health, medical, and related services; fire  
16 fighting, rescue, transportation, and construction services and  
17 equipment; personnel necessary to provide or conduct these serv-  
18 ices; and other necessary equipment, facilities, and services. A  
19 reciprocal aid agreement shall specify terms for the reimburse-  
20 ment of costs and expenses and conditions necessary for activat-  
21 ing the agreement. The legislature shall appropriate funds to  
22 implement a reciprocal aid agreement.

23       Sec. 5. (1) In addition to the general authority granted  
24 to the governor by this act, ~~he~~ THE GOVERNOR may, upon ~~his~~  
25 THE declaration of a STATE OF disaster OR A STATE OF EMERGENCY DO  
26 1 OR MORE OF THE FOLLOWING:

1 (a) Suspend a regulatory statute, order, or rule prescribing  
2 the procedures for conduct of state business, when strict  
3 compliance with the statute, order, or rule would prevent,  
4 hinder, or delay necessary action in coping with the DISASTER OR  
5 emergency. This power does not extend to the suspension of crim-  
6 inal process and procedures.

7 (b) Utilize the available resources of the state and its  
8 political subdivisions, and those of the federal government made  
9 available to the state, as are reasonably necessary to cope with  
10 the disaster OR EMERGENCY.

11 (c) Transfer the direction, personnel, or functions of state  
12 departments, agencies, or units thereof for the purpose of per-  
13 forming or facilitating emergency ~~services~~ MANAGEMENT.

14 (d) Subject to appropriate compensation, as authorized by  
15 the legislature, commandeer or utilize private property necessary  
16 to cope with the disaster OR EMERGENCY.

17 (e) Direct and compel the evacuation of all or part of the  
18 population from a stricken or threatened area within the state if  
19 necessary for the preservation of life or other ~~disaster~~ miti-  
20 gation, response, or recovery ACTIVITIES.

21 (f) Prescribe routes, modes, and destination of transporta-  
22 tion in connection with ~~the~~ AN evacuation.

23 (g) Control ingress and egress to and from a ~~disaster~~  
24 STRICKEN OR THREATENED area, removal of persons within the area,  
25 and the occupancy of premises within the ~~disaster~~ area.

26 (h) Suspend or limit the sale, dispensing, or transportation  
27 of alcoholic beverages, firearms, explosives, and combustibles.

1 (i) Provide for the availability and use of temporary  
2 emergency housing.

3 (j) Direct all other actions which are necessary and appro-  
4 priate under the circumstances.

5 (2) A person who ~~wilfully~~ WILLFULLY disobeys or interferes  
6 with the implementation of a rule, order, or directive issued by  
7 the governor pursuant to this section is guilty of a  
8 misdemeanor.

9 Sec. 6. (1) ~~Each person~~ ALL PERSONS within this state  
10 shall conduct ~~himself~~ THEMSELVES and manage ~~his~~ THEIR affairs  
11 and property in ways that will reasonably assist and will not  
12 unreasonably detract from the ability of the state and the public  
13 to ~~successfully meet~~ COPE WITH THE EFFECTS OF a disaster OR AN  
14 EMERGENCY. This obligation includes appropriate personal service  
15 and the use or restriction of the use of property in time of a  
16 disaster OR AN EMERGENCY. This act neither increases nor  
17 decreases these obligations but recognizes their existence under  
18 the state constitution of 1963, the statutes, and the common  
19 law. Compensation for services or for the taking or use of prop-  
20 erty shall be paid only if obligations recognized herein are  
21 exceeded in a particular case and only if the claimant has not  
22 volunteered his OR HER services or property without  
23 compensation.

24 (2) Personal services may not be compensated by the state,  
25 or a subdivision or agency ~~thereof~~ OF THE STATE, except pursu-  
26 ant to statute, local law, or ordinance.

1 (3) Compensation for property shall be paid only if the  
2 property is taken or otherwise used in coping with a disaster OR  
3 EMERGENCY and its use or destruction is ordered by the governor  
4 or the director. A record of all property taken or otherwise  
5 used under this act shall be made and promptly transmitted to the  
6 office of the governor.

7 (4) A person claiming compensation for the use, damage,  
8 loss, or destruction of property under this act shall file a  
9 claim with the emergency ~~services~~ MANAGEMENT division of the  
10 department ~~of state police~~ in the form and manner prescribed by  
11 the division.

12 (5) If a claimant refuses to accept the amount of compensa-  
13 tion offered by the state, ~~he may file~~ a claim MAY BE FILED in  
14 the state court of claims which court shall have exclusive juris-  
15 diction to determine the amount of compensation due the owner.

16 (6) This section does not apply to or authorize compensation  
17 for ~~the~~ EITHER OF THE FOLLOWING:

18 (A) THE destruction or damaging of standing timber or other  
19 property to provide a firebreak. ~~This section does not apply to~~  
20 ~~or authorize compensation for the~~

21 (B) THE release of waters or the breach of impoundments to  
22 reduce pressure or other danger from actual or threatened flood.

23 Sec. 7. (1) The director shall implement the orders and  
24 directives of the governor in the event of a disaster OR AN  
25 EMERGENCY and shall coordinate all federal, state, county, and  
26 municipal disaster prevention, mitigation, relief, and recovery  
27 operations within this state. At the specific direction of the

1 governor, the director shall assume complete command of all  
2 disaster relief, mitigation, and recovery forces, except the  
3 national guard or state defense force, ~~where~~ IF it appears that  
4 this action is absolutely necessary for an effective effort.

5 (2) The director shall comply with the applicable provisions  
6 of the Michigan emergency ~~preparedness~~ MANAGEMENT plan in the  
7 performance of ~~his~~ THE DIRECTOR'S duties under this act.

8 (3) The director's powers and duties shall include the  
9 administration of state and federal disaster relief funds and  
10 ~~moneys~~ MONEY; the mobilization and direction of state disaster  
11 relief forces; the assignment of general missions to the national  
12 guard or state defense force activated for active state duty to  
13 assist the disaster relief operations; the receipt, screening,  
14 and investigation of requests for assistance from county and  
15 municipal governmental entities; the making of recommendations to  
16 the governor; and other appropriate actions within ~~his~~ THE gen-  
17 eral authority OF THE DIRECTOR.

18 (4) In carrying out ~~his~~ THE DIRECTOR'S responsibilities  
19 under this act, the director may plan for and utilize the assist-  
20 ance of any volunteer group or person having a pertinent service  
21 to render.

22 (5) The director may issue a directive relieving the donor  
23 or supplier of voluntary or private assistance from liability for  
24 other than gross negligence in the performance of the service.

25 ~~(6) The director shall maintain a division within the~~  
26 ~~department of state police for the purpose of coordinating within~~  
27 ~~this state the predisaster emergency service activities of state,~~

~~1 federal, county, and municipal governments. This division shall  
2 receive available state and federal disaster related  
3 grants in aid and shall administer and apportion the grants  
4 according to appropriately established guidelines to the agencies  
5 of the state, county, and municipal governments.~~

~~6 (7) The director shall be responsible for the preparation of  
7 and continuous updating of a basic state disaster preparedness  
8 plan to be known as the Michigan emergency preparedness plan and  
9 for the compatibility of the plan with similar federal, county,  
10 and municipal plans.~~

11 SEC. 7A. (1) THE DEPARTMENT SHALL ESTABLISH AN EMERGENCY  
12 MANAGEMENT DIVISION FOR THE PURPOSE OF COORDINATING WITHIN THIS  
13 STATE THE EMERGENCY MANAGEMENT ACTIVITIES OF COUNTY, MUNICIPAL,  
14 STATE, AND FEDERAL GOVERNMENTS. THE DEPARTMENT SHALL PROVIDE THE  
15 DIVISION WITH PROFESSIONAL AND SUPPORT EMPLOYEES AS NECESSARY FOR  
16 THE PERFORMANCE OF ITS FUNCTIONS.

17 (2) THE DIVISION SHALL PREPARE AND MAINTAIN A MICHIGAN EMER-  
18 GENCY MANAGEMENT PLAN THAT IS A COMPREHENSIVE PLAN THAT ENCOM-  
19 PASSES MITIGATION, PREPAREDNESS, RESPONSE, AND RECOVERY FOR THIS  
20 STATE.

21 (3) THE DIVISION SHALL RECEIVE AVAILABLE STATE AND FEDERAL  
22 EMERGENCY MANAGEMENT AND DISASTER RELATED GRANTS-IN-AID AND SHALL  
23 ADMINISTER AND APPORTION THE GRANTS ACCORDING TO APPROPRIATELY  
24 ESTABLISHED GUIDELINES TO THE AGENCIES OF THE STATE AND LOCAL  
25 POLITICAL SUBDIVISIONS.

26 (4) THE DIVISION MAY DO 1 OR MORE OF THE FOLLOWING:

1 (A) PROMULGATE RULES THAT ESTABLISH STANDARDS AND  
2 REQUIREMENTS FOR THE APPOINTMENT, TRAINING, AND PROFESSIONAL  
3 DEVELOPMENT OF EMERGENCY MANAGEMENT COORDINATORS.

4 (B) PROMULGATE RULES THAT ESTABLISH STANDARDS AND REQUIRE-  
5 MENTS FOR LOCAL AND INTERJURISDICTIONAL EMERGENCY OPERATIONS  
6 PLANS.

7 (C) PERIODICALLY REVIEW LOCAL AND INTERJURISDICTIONAL EMER-  
8 GENCY OPERATIONS PLANS.

9 (D) PROMULGATE RULES THAT ESTABLISH STANDARDS AND REQUIRE-  
10 MENTS FOR EMERGENCY TRAINING, EXERCISING, AND PUBLIC INFORMATION  
11 PROGRAMS.

12 (E) MAKE SURVEYS OF INDUSTRIES, RESOURCES, AND FACILITIES  
13 WITHIN THE STATE, BOTH PUBLIC AND PRIVATE, AS ARE NECESSARY TO  
14 CARRY OUT THE PURPOSES OF THIS ACT.

15 (F) PREPARE, FOR ISSUANCE BY THE GOVERNOR, EXECUTIVE ORDERS,  
16 PROCLAMATIONS, AND REGULATIONS AS NECESSARY OR APPROPRIATE IN  
17 COPING WITH DISASTERS AND EMERGENCIES.

18 (G) PROVIDE FOR 1 OR MORE STATE EMERGENCY OPERATIONS CENTERS  
19 TO PROVIDE FOR THE COORDINATION OF EMERGENCY RESPONSE AND  
20 DISASTER RECOVERY IN THIS STATE.

21 (H) PROVIDE FOR THE COORDINATION AND COOPERATION OF STATE  
22 GOVERNMENT AGENCIES AND DEPARTMENTS WITH FEDERAL AND LOCAL GOV-  
23 ERNMENT AGENCIES AND DEPARTMENTS IN EMERGENCY MANAGEMENT  
24 ACTIVITIES.

25 (I) COOPERATE WITH THE FEDERAL GOVERNMENT AND ANY PUBLIC OR  
26 PRIVATE AGENCY OR ENTITY IN ACHIEVING ANY PURPOSE OF THIS ACT AND

1 IN IMPLEMENTING PROGRAMS FOR DISASTER MITIGATION, PREPARATION,  
2 RESPONSE, AND RECOVERY.

3 (J) DO OTHER ACTIVITIES NECESSARY, INCIDENTAL, OR APPROPRI-  
4 ATE FOR THE IMPLEMENTATION OF THIS ACT.

5 (5) AS USED IN THIS SECTION, "DIVISION" MEANS THE EMERGENCY  
6 MANAGEMENT DIVISION OF THE DEPARTMENT.

7 Sec. 8. (1) Each department of state government, and those  
8 agencies of state government required by the Michigan emergency  
9 ~~preparedness~~ MANAGEMENT plan to provide an annex to that plan,  
10 shall employ or appoint an emergency ~~services~~ MANAGEMENT  
11 coordinator. The department or agency emergency ~~services~~  
12 MANAGEMENT coordinator shall act as liaison between the depart-  
13 ment or agency and the EMERGENCY MANAGEMENT DIVISION OF THE  
14 department ~~of state police~~ in all matters of emergency  
15 ~~preparedness~~ MANAGEMENT, including the activation of the total  
16 Michigan emergency ~~preparedness~~ MANAGEMENT plan. Each depart-  
17 ment or agency of state government specified in the Michigan  
18 emergency ~~preparedness~~ MANAGEMENT plan shall prepare and con-  
19 tinuously update an annex to the plan providing for the delivery  
20 of emergency ~~services~~ MANAGEMENT ACTIVITIES by that agency  
21 ~~during a disaster~~ OR THE DEPARTMENT. The annexes shall be in a  
22 form prescribed by the director. The emergency ~~services~~  
23 MANAGEMENT coordinator shall represent the agency or department  
24 head in the drafting and updating of the respective agency's or  
25 THE department's emergency ~~preparedness~~ MANAGEMENT annex and in  
26 coordinating the agency's or department's emergency



1 ~~preparedness~~ MANAGEMENT efforts with those of the other state  
2 agencies as well as with county and municipal governments.

3 (2) Upon the declaration of a disaster OR AN EMERGENCY by  
4 the governor, each state agency shall cooperate to the fullest  
5 possible extent with the ~~department of state police~~ DIRECTOR in  
6 the performance of the services which it is suited to perform,  
7 and as ~~outlined by~~ DESCRIBED IN the Michigan emergency  
8 ~~preparedness~~ MANAGEMENT plan, in the prevention, mitigation,  
9 ~~or relief of~~ RESPONSE TO, or recovery from the disaster OR  
10 EMERGENCY.

11 Sec. 9. (1) The county board of commissioners of each  
12 county shall appoint ~~a county~~ AN EMERGENCY MANAGEMENT  
13 coordinator. IN THE ABSENCE OF AN APPOINTED PERSON, THE EMER-  
14 GENCY MANAGEMENT COORDINATOR SHALL BE THE CHAIRPERSON OF THE  
15 COUNTY BOARD OF COMMISSIONERS. THE EMERGENCY MANAGEMENT COORDI-  
16 NATOR SHALL ACT FOR, AND AT THE DIRECTION OF, THE CHAIRPERSON OF  
17 THE COUNTY BOARD OF COMMISSIONERS IN THE COORDINATION OF ALL MAT-  
18 TERS PERTAINING TO EMERGENCY MANAGEMENT, DISASTER PREPAREDNESS,  
19 AND RECOVERY ASSISTANCE WITHIN THE COUNTY EXCEPT IN COUNTIES WITH  
20 AN ELECTED COUNTY EXECUTIVE, IN WHICH CASE THE COUNTY EMERGENCY  
21 MANAGEMENT COORDINATOR SHALL ACT FOR AND AT THE DIRECTION OF THE  
22 COUNTY EXECUTIVE. Pursuant to a resolution adopted by a county,  
23 the county boards of commissioners of not more than 3 adjoining  
24 counties may agree upon and appoint a coordinator to act for the  
25 multicounty area. ~~A multicounty coordinator may be compensated~~  
26 ~~in a manner provided in the appointing resolutions. A~~  
27 ~~municipality with a population of 10,000 or more may appoint a~~

~~1 local coordinator. The coordinator of a municipality shall be  
2 appointed by the chief executive officer of the municipality or  
3 in the manner provided in the municipal charter. The county  
4 coordinator shall act for, and at the direction of, the county  
5 board of commissioners or county executive in the coordination of  
6 all matters pertaining to emergency services and disaster pre-  
7 paredness and recovery assistance within the county. The coordi-  
8 nator of a municipality having a population of 10,000 or greater  
9 shall act for and at the direction of the chief executive officer  
10 of the municipality in the coordination of all emergency services  
11 and disaster preparedness and recovery assistance within the  
12 municipality.~~

13       (2) A MUNICIPALITY WITH A POPULATION OF 25,000 OR MORE SHALL  
14 EITHER APPOINT A MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR OR  
15 APPOINT THE COORDINATOR OF THE COUNTY AS THE MUNICIPAL EMERGENCY  
16 MANAGEMENT COORDINATOR PURSUANT TO SUBSECTION (6). IN THE  
17 ABSENCE OF AN APPOINTED PERSON, THE EMERGENCY MANAGEMENT COORDI-  
18 NATOR SHALL BE THE CHIEF EXECUTIVE OFFICIAL OF THAT  
19 MUNICIPALITY. THE COORDINATOR OF A MUNICIPALITY SHALL BE  
20 APPOINTED BY THE CHIEF EXECUTIVE OFFICIAL IN A MANNER PROVIDED IN  
21 THE MUNICIPAL CHARTER. THE COORDINATOR OF A MUNICIPALITY WITH A  
22 POPULATION OF 25,000 OR MORE SHALL ACT FOR AND AT THE DIRECTION  
23 OF THE CHIEF EXECUTIVE OFFICIAL OF THE MUNICIPALITY OR THE OFFI-  
24 CIAL DESIGNATED IN THE MUNICIPAL CHARTER IN THE COORDINATION OF  
25 ALL MATTERS PERTAINING TO EMERGENCY MANAGEMENT, DISASTER PRE-  
26 PAREDNESS, AND RECOVERY ASSISTANCE WITHIN THE MUNICIPALITY.

1 (3) A MUNICIPALITY WITH A POPULATION OF 10,000 OR MORE MAY  
2 APPOINT AN EMERGENCY MANAGEMENT COORDINATOR FOR THE  
3 MUNICIPALITY. THE COORDINATOR OF A MUNICIPALITY SHALL BE  
4 APPOINTED BY THE CHIEF EXECUTIVE OFFICIAL IN A MANNER PROVIDED IN  
5 THE MUNICIPAL CHARTER. THE COORDINATOR OF A MUNICIPALITY WITH A  
6 POPULATION OF 10,000 OR MORE SHALL ACT FOR AND AT THE DIRECTION  
7 OF THE CHIEF EXECUTIVE OFFICIAL OR THE OFFICIAL DESIGNATED BY THE  
8 MUNICIPAL CHARTER IN THE COORDINATION OF ALL MATTERS PERTAINING  
9 TO EMERGENCY MANAGEMENT, DISASTER PREPAREDNESS, AND RECOVERY  
10 ASSISTANCE WITHIN THE MUNICIPALITY.

11 (4) ~~(2)~~ A municipality having a population of less than  
12 10,000 may appoint ~~a~~ AN EMERGENCY MANAGEMENT coordinator who  
13 shall serve ~~under~~ AT the direction of the county EMERGENCY  
14 MANAGEMENT coordinator.

15 (5) ~~(3)~~ A person shall not be ineligible for appointment  
16 as ~~a county or local~~ AN EMERGENCY MANAGEMENT coordinator, or as  
17 a member of a county or municipal emergency services or emergency  
18 ~~preparedness~~ MANAGEMENT agency or organization, because ~~he~~  
19 THAT PERSON holds another public office or trust, ~~nor~~ AND THAT  
20 PERSON shall ~~he~~ NOT forfeit ~~his~~ THE right to a public office  
21 or trust by reason of the appointment AS AN EMERGENCY MANAGEMENT  
22 COORDINATOR.

23 ~~(4) Municipalities having a population of 10,000 or over~~  
24 ~~and counties may enter into reciprocal aid agreements or compacts~~  
25 ~~with other counties or other eligible municipalities. A compact~~  
26 ~~or agreement entered into pursuant to this section shall be~~

1 ~~limited to the exchange of personnel, equipment, and other~~  
2 ~~resources in times of disaster.~~

3 (6) ~~(5)~~ A county coordinator may be appointed a ~~local~~  
4 MUNICIPAL coordinator for any municipality within the county and  
5 a ~~local~~ MUNICIPAL coordinator may be appointed a county  
6 coordinator.

7 Sec. 10. (1) Each county and municipality ~~shall have the~~  
8 ~~power and authority to~~ THAT HAS APPOINTED AN EMERGENCY MANAGE-  
9 MENT COORDINATOR PURSUANT TO SECTION 9 MAY DO 1 OR MORE OF THE  
10 FOLLOWING:

11 (A) DIRECT AND COORDINATE THE DEVELOPMENT OF EMERGENCY OPER-  
12 ATIONS PLANS AND PROGRAMS IN ACCORDANCE WITH THE POLICIES AND  
13 PLANS ESTABLISHED BY THE APPROPRIATE FEDERAL AND STATE AGENCIES.  
14 EACH DEPARTMENT OR AGENCY OF A COUNTY OR MUNICIPALITY SPECIFIED  
15 IN THE EMERGENCY OPERATIONS PLAN TO PROVIDE AN ANNEX TO THE PLAN  
16 SHALL PREPARE AND CONTINUOUSLY UPDATE THE ANNEX PROVIDING FOR  
17 EMERGENCY MANAGEMENT ACTIVITIES BY THE DEPARTMENT OR AGENCY AND  
18 THOSE OTHER EMERGENCY ACTIVITIES THE DEPARTMENT OR AGENCY IS  
19 SPECIFIED TO COORDINATE.

20 (B) DECLARE A LOCAL STATE OF EMERGENCY IF CIRCUMSTANCES  
21 WITHIN THE COUNTY OR MUNICIPALITY INDICATE THAT THE OCCURRENCE OR  
22 THREAT OF WIDESPREAD OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR  
23 PROPERTY FROM A NATURAL OR HUMAN-MADE CAUSE EXISTS AND, UNDER A  
24 DECLARATION OF A LOCAL STATE OF EMERGENCY, ISSUE DIRECTIVES AS TO  
25 TRAVEL RESTRICTIONS ON COUNTY OR LOCAL ROADS. THIS POWER SHALL  
26 BE VESTED IN THE CHIEF EXECUTIVE OFFICIAL OF THE COUNTY OR  
27 MUNICIPALITY OR THE OFFICIAL DESIGNATED BY CHARTER AND SHALL NOT

1 BE CONTINUED OR RENEWED FOR A PERIOD IN EXCESS OF 7 DAYS EXCEPT  
2 WITH THE CONSENT OF THE GOVERNING BODY OF THE COUNTY OR  
3 MUNICIPALITY.. THE PROCLAMATION OR DECLARATION SHALL BE PROMPTLY  
4 FILED WITH THE EMERGENCY MANAGEMENT DIVISION OF THE DEPARTMENT,  
5 UNLESS CIRCUMSTANCES ATTENDANT UPON THE DISASTER PREVENT OR  
6 IMPEDE ITS PROMPT FILING.

7 (C) ~~(a) To appropriate~~ APPROPRIATE and expend funds, make  
8 contracts, AND obtain and distribute equipment, materials, and  
9 supplies for disaster purposes.

10 (D) ~~(b) To provide~~ PROVIDE for the health and safety of  
11 persons and property, including emergency assistance to the vic-  
12 tims of a disaster.

13 (E) ~~(c) To direct~~ DIRECT and coordinate ~~the development~~  
14 ~~of disaster plans and programs in accordance with the policies~~  
15 ~~and plans established by the appropriate federal and state agen-~~  
16 ~~cies and this act~~ LOCAL MULTI-AGENCY RESPONSE TO EMERGENCIES  
17 WITHIN THE COUNTY OR MUNICIPALITY.

18 (F) ~~(d) To appoint~~ APPOINT, employ, remove, or provide,  
19 with or without compensation, rescue teams, auxiliary fire and  
20 police personnel, and other disaster workers.

21 (G) APPOINT A LOCAL EMERGENCY MANAGEMENT ADVISORY COUNCIL.

22 (H) ~~(e)~~ If a state of disaster is declared by the gover-  
23 nor, ~~to~~ assign and make available for duty ~~—~~ the employees,  
24 property, or equipment of the county or municipality relating to  
25 fire fighting; engineering; rescue; health, medical, and related  
26 services; police; transportation; construction; and similar items  
27 or service for disaster relief purposes within or without the

1 physical limits of the county or municipality as ordered by the  
2 governor or the director.

3 (1) ~~(f)~~ In the event of a foreign attack upon this state,  
4 ~~to~~ waive procedures and formalities otherwise required by law  
5 pertaining to the performance of public work, entering into con-  
6 tracts, the incurring of obligations, the employment of permanent  
7 and temporary workers, the utilization of volunteer workers, the  
8 rental of equipment, the purchase and distribution with or with-  
9 out compensation of supplies, materials, and facilities, and the  
10 appropriation and expenditure of public funds.

11 (2) ~~The coordinator of each county or municipal organi-~~  
12 ~~zation for emergency services may develop or cause to be devel-~~  
13 ~~oped mutual aid arrangements with other public and private agen-~~  
14 ~~cies within this state for reciprocal aid and assistance in case~~  
15 ~~of a disaster too great to be dealt with unassisted. The~~  
16 ~~arrangement shall be consistent with the Michigan emergency pre-~~  
17 ~~paredness plan and program. In time of emergency each county or~~  
18 ~~municipal organization for emergency services shall render~~  
19 ~~assistance in accordance with the mutual aid arrangement.~~ FOR  
20 THE PURPOSE OF PROVIDING ASSISTANCE DURING A DISASTER OR EMERGEN-  
21 CY, MUNICIPALITIES AND COUNTIES MAY ENTER INTO MUTUAL AID OR  
22 RECIPROCAL AID AGREEMENTS OR COMPACTS WITH OTHER COUNTIES, MUNIC-  
23 IPALITIES, PUBLIC AGENCIES, OR PRIVATE SECTOR AGENCIES, OR ALL OF  
24 THESE ENTITIES. A COMPACT ENTERED INTO PURSUANT TO THIS SUBSEC-  
25 TION IS LIMITED TO THE EXCHANGE OF PERSONNEL, EQUIPMENT, AND  
26 OTHER RESOURCES IN TIMES OF EMERGENCY OR DISASTER. THE

1 ARRANGEMENTS SHALL BE CONSISTENT WITH THE MICHIGAN EMERGENCY  
2 MANAGEMENT PLAN.

3 (3) The EMERGENCY MANAGEMENT coordinator ~~of each county and~~  
4 ~~municipal organization for emergency services~~ may assist in THE  
5 DEVELOPMENT OR negotiation, OR BOTH, of a MUTUAL AID OR recipro-  
6 cal aid agreement or compact made pursuant to section ~~4(4)~~ 4(3)  
7 and shall carry out the agreement or compact.

8 Sec. 11. (1) Personnel of disaster relief forces while on  
9 duty shall:

10 (a) If they are an employee of the state, have the powers,  
11 duties, rights, privileges, and immunities OF and receive the  
12 compensation incidental to their employment.

13 (b) If they are employees of a county, municipality, or  
14 other governmental agency regardless of where serving, have the  
15 powers, duties, rights, privileges, and immunities and receive  
16 the compensation incidental to their employment.

17 (c) If they are not employees of the state, a county, munic-  
18 ipality, or other governmental agency, be entitled to the same  
19 rights and immunities as are provided by law for the employees of  
20 the state. All personnel of disaster relief forces shall, while  
21 on duty, be subject to the operational control of the authority  
22 in charge of disaster relief activities in the area in which they  
23 are serving, and shall be reimbursed for all actual and necessary  
24 travel and subsistence expenses.

25 (2) ~~Neither the~~ THE state ~~nor~~ OR any political subdivi-  
26 sion, ~~nor~~ OR the agents or representatives of the state or any  
27 political subdivision, shall NOT be liable for personal injury or

1 property damage sustained by any person appointed or acting as a  
2 volunteer disaster relief worker, or a member of any agency  
3 engaged in disaster relief activity. IN ADDITION, A VOLUNTEER  
4 DISASTER RELIEF WORKER OR A MEMBER OF ANY AGENCY ENGAGED IN  
5 DISASTER RELIEF ACTIVITY SHALL NOT BE LIABLE IN A CIVIL ACTION  
6 FOR DAMAGES RESULTING FROM AN ACT OR OMISSION ARISING OUT OF AND  
7 IN THE COURSE OF THE PERSON'S GOOD FAITH RENDERING OF THAT ACTIV-  
8 ITY, UNLESS THE PERSON'S ACT OR OMISSION WAS THE RESULT OF THAT  
9 PERSON'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. This act shall  
10 not affect the right of a person to receive benefits or compensa-  
11 tion to which he ~~might~~ OR SHE MAY otherwise be entitled TO  
12 under the workmen's compensation law, any pension law, or any act  
13 of congress.

14 (3) SUBSECTION (2) SHALL NOT APPLY TO A PERSON ENGAGED IN  
15 DISASTER RELIEF ACTIVITY FOR REMUNERATION BEYOND REIMBURSEMENT  
16 FOR OUT-OF-POCKET EXPENSES IN CONNECTION WITH THE ACTIVITY.

17 (4) ~~(3) Neither the~~ THE state, ~~nor any~~ A political sub-  
18 division, ~~nor~~ OR, except in cases of ~~wilful~~ WILLFUL miscon-  
19 duct, gross negligence, or bad faith, the employees, agents, or  
20 representatives of the state or a political subdivision, ~~nor~~ OR  
21 any volunteer or auxiliary disaster relief worker or member of  
22 any agency engaged in any disaster relief activity, complying  
23 with or reasonably attempting to comply with this act, or any  
24 order, rule promulgated pursuant to the provisions of this act,  
25 or pursuant to any ordinance relating to ~~blackout or other~~ ANY  
26 precautionary measures enacted by a political subdivision, shall



1 NOT be liable for the death of or injury to persons, or for  
2 damage to property, as a result of ~~any such~~ THAT activity.

3 (5) ~~(4)~~ A person licensed to practice medicine or osteo-  
4 pathic medicine and surgery, or a licensed hospital, registered  
5 nurse, practical nurse, dentist, veterinarian, or paramedical  
6 person, whether licensed in this or another state or by the fed-  
7 eral government or a branch of the armed forces of the United  
8 States, or a student nurse undergoing training in a licensed hos-  
9 pital in this or another state, that renders services during a  
10 state of disaster declared by the governor and at the express or  
11 implied request of a state official or agency or county or local  
12 coordinator or executive body, is considered an authorized  
13 disaster relief worker or facility and is not liable for an  
14 injury sustained by a person by reason of those services, regard-  
15 less of how or under what circumstances or by what cause those  
16 injuries are sustained. The immunity granted by this subsection  
17 does not apply in the event of a ~~wilful~~ WILLFUL act or  
18 omission. If a civil action for malpractice is filed alleging a  
19 ~~wilful~~ WILLFUL act or omission resulting in injuries, the serv-  
20 ices rendered which resulted in those injuries shall be judged  
21 according to the standards required of persons licensed in this  
22 state to perform those services.

23 (6) ~~(5)~~ A licensed dentist, veterinarian, registered  
24 nurse, practical nurse, or licensed paramedical person, whether  
25 licensed in this or another state or by the federal government or  
26 a branch of the armed forces of the United States, or a student  
27 nurse undergoing training in a licensed hospital in this or

1 another state, during a state of disaster declared by the  
2 governor, may practice, in addition to the authority granted by  
3 other statutes of this state, the administration of anesthetics;  
4 minor surgery; intravenous, subcutaneous, or intramuscular proce-  
5 dure; or oral and topical medication; or a combination thereof  
6 under the supervision of a member of the medical staff of a  
7 licensed hospital of this state, and may assist the staff member  
8 in other medical and surgical proceedings.

9       (7) ~~(6)~~ A person owning or controlling real estate or  
10 other premises who voluntarily and without compensation grants to  
11 the state or a political subdivision a license or privilege, or  
12 otherwise permits the state or a political subdivision to  
13 inspect, designate, and use the whole or any part or parts  
14 ~~thereof~~ OF THE REAL ESTATE OR OTHER PREMISES for the purpose of  
15 sheltering persons during an actual, impending, mock, or practice  
16 disaster, ~~shall~~, together with his OR HER successors in inter-  
17 est, if any, SHALL not be civilly liable for negligently causing  
18 the death of or injury to any person on or about ~~such~~ THE real  
19 estate or premises under such license, privilege, or permission  
20 or for loss or damage to the property of ~~such~~ THE person.

21       (8) ~~(7)~~ A person owning or controlling real estate or  
22 other premises who has gratuitously granted the use ~~thereof~~ OF  
23 THE REAL ESTATE OR OTHER PREMISES for the purposes stated  
24 ~~herein~~ IN THIS SECTION shall be legally obligated to make known  
25 to the licensee any hidden dangers or safety hazards which are  
26 known to the owner or occupant of the real estate or premises

1 which might possibly result in the death or injury or loss of  
2 property to a person using the real estate or premises.

3 ~~(8) As used in this section, "political subdivision" means~~  
4 ~~a county, municipality, school district, or any other governmen-~~  
5 ~~tal unit, agency, body, board, or commission which is not a state~~  
6 ~~department, board, commission, or agency of state government.~~

7 (9) NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION, EXCEPT  
8 IN CASES OF WILLFUL MISCONDUCT, GROSS NEGLIGENCE, OR BAD FAITH,  
9 PARTICIPATING IN A DISASTER DRILL OR EXERCISE AUTHORIZED BY THE  
10 CHIEF EXECUTIVE OFFICIAL SHALL BE LIABLE FOR THE DEATH OR INJURY  
11 TO PERSONS OR FOR DAMAGE TO PROPERTY AS A RESULT OF PARTICIPATION  
12 IN THE DRILL OR EXERCISE.

13 Sec. 12. (1) If a disaster OR AN EMERGENCY occurs in a  
14 county or municipality and is beyond the control of local public  
15 or private agencies, the chief executive ~~officer~~ OFFICIAL of  
16 the COUNTY OR municipality ~~or the governing body of the county~~  
17 may request the governor to declare that a state of disaster OR  
18 STATE OF EMERGENCY exists ~~therein~~ IN THE COUNTY OR  
19 MUNICIPALITY, utilizing the procedure set forth in section 14.  
20 The director may order the disaster RELIEF forces of a county or  
21 municipality to aid the community. The chief executive ~~officer~~  
22 OFFICIAL of the municipality or the governing body of the county  
23 shall comply with the order of the director and cooperate with  
24 the director in matters of emergency ~~preparedness~~ MANAGEMENT.

25 (2) A county, municipality, or other agency designated or  
26 appointed by the governor may make, amend, and rescind ordinances  
27 or rules necessary for emergency ~~services~~ MANAGEMENT purposes

1 and supplementary to a rule, order, or directive issued by the  
2 governor or a state agency exercising a power delegated to it by  
3 ~~him~~ THE GOVERNOR. The ordinance or rule shall be temporary  
4 and, upon the governor's declaration that a state of disaster OR  
5 STATE OF EMERGENCY is terminated, shall no longer be in effect.

6       Sec. 14. (1) In the event a disaster OR EMERGENCY occurs  
7 ~~which~~ THAT has not yet been declared TO BE a state of disaster  
8 OR A STATE OF EMERGENCY by the governor, and the disaster OR  
9 EMERGENCY is ~~deemed~~ CONSIDERED by the chief executive ~~officer~~  
10 OFFICIAL of the municipality or the governing body or the county  
11 in which it occurs to be beyond the control of the county or  
12 municipality, the ~~county or local~~ EMERGENCY MANAGEMENT coordi-  
13 nator shall immediately contact the district coordinator. The  
14 ~~coordinator~~ CHIEF EXECUTIVE OFFICIAL of a county shall not  
15 request state assistance or a declaration of a state of disaster  
16 OR A STATE OF EMERGENCY for an emergency which has occurred or is  
17 occurring solely within the confines of a TOWNSHIP, city, or vil-  
18 lage within the county unless requested to do so by the chief  
19 executive ~~officer~~ OFFICIAL of the affected TOWNSHIP, city, or  
20 village. The district coordinator, ~~shall proceed immediately to~~  
21 ~~the scene of the disaster and~~ in conjunction with the county or  
22 ~~local~~ MUNICIPAL coordinator, shall assess the nature and scope  
23 of the disaster OR EMERGENCY, and they shall ~~determine~~  
24 RECOMMEND the personnel, services, and equipment ~~which~~ THAT  
25 will be required for its prevention, mitigation, or relief.

26       (2) Upon completing the assessment, the district coordinator  
27 shall forthwith notify the director of the findings and

1 recommendations. The director shall immediately notify the  
2 governor. If the director determines that immediate action is  
3 essential to the preservation of life and property, ~~he~~ THE  
4 DIRECTOR may initiate temporary assistance to the affected area  
5 as necessary and compatible with the policies and procedures of  
6 the Michigan emergency ~~preparedness~~ MANAGEMENT plan.

7 (3) The director shall advise the governor of the magnitude  
8 of the disaster OR EMERGENCY. The governor may take the neces-  
9 sary action he ~~deems~~ OR SHE CONSIDERS appropriate to mitigate  
10 the disaster OR EMERGENCY. This act shall not be construed to  
11 restrain the governor from exercising ~~on his own~~ ANY initiative  
12 TO EXERCISE any of the powers set forth in this act.

13 Sec. 15. (1) There is created IN THE DEPARTMENT the  
14 Michigan emergency ~~preparedness~~ MANAGEMENT advisory council of  
15 not more than 15 members. ~~, which shall be designated and~~  
16 ~~referred to in this act as the council, and which~~ THE COUNCIL  
17 shall advise the governor and the director in the development of  
18 plans for the utilization of the resources and facilities of the  
19 state for the purposes set forth in this act.

20 (2) The council shall be appointed by the governor by and  
21 with the advice and consent of the senate and shall serve at the  
22 pleasure of the governor. The governor shall act as ~~chairman~~  
23 CHAIRPERSON of the council. In the absence of the governor, the  
24 director shall preside over the meetings of the council and act  
25 as ~~chairman thereof~~ CHAIRPERSON OF THE COUNCIL. The appoint-  
26 ment of members shall be made with reference to their special  
27 knowledge of subjects related to LOCAL, state, and national

1 emergency ~~preparedness~~ MANAGEMENT and without reference to  
2 their political affiliation.

3 (3) The members of the council shall serve without compensa-  
4 tion, but ~~shall~~ MAY be reimbursed for their actual and neces-  
5 sary traveling and incidental expenses incurred while attending  
6 meetings of the council.

7 ~~(4) At the time this act takes effect, the members pres-~~  
8 ~~ently constituting the civil defense advisory council, created by~~  
9 ~~Act No. 154 of the Public Acts of 1953, as amended, being sec-~~  
10 ~~tions 30.221 to 30.233 of the Michigan Compiled Laws, shall con-~~  
11 ~~tinue to serve, at the pleasure of the governor, as members of~~  
12 ~~the Michigan emergency preparedness advisory council.~~

13 Sec. 16.. After the president of the United States declares  
14 AN EMERGENCY OR a major disaster, AS DEFINED IN THE DISASTER  
15 RELIEF ACT OF 1974, PUBLIC LAW 93-288, 88 STAT. 143, to exist in  
16 this state, the governor may apply for, accept, and disburse  
17 grants from the federal government pursuant to ~~section 408 of~~  
18 ~~Public Law 93-288,~~ THE DISASTER RELIEF ACT OF 1974. ~~the~~  
19 ~~disaster relief act of 1974, to meet the necessary expenses and~~  
20 ~~serious needs of individuals or families in this state who are~~  
21 ~~adversely affected by the major disaster and which cannot be met~~  
22 ~~adequately from other means.~~ To implement and administer the  
23 grant program and to make financial grants, ~~thereof~~ the gover-  
24 nor may enter into an agreement with the federal government or  
25 any officer, or agency ~~thereof~~ OF THE FEDERAL GOVERNMENT,  
26 pledging the state's share for the financial grants. ~~The~~  
27 ~~state's share shall not exceed 25% of the actual cost of the~~

~~1 expenses and needs as authorized by section 408 of the federal~~  
~~2 disaster relief act and shall not exceed \$5,000.00 in the aggre-~~  
~~3 gate due to individual or family.~~

4       Sec. 17. ~~(1)~~ This act shall not be construed to  
5 ~~interfere~~ DO ANY OF THE FOLLOWING:

6       (A) INTERFERE with the course or conduct of a labor  
7 dispute. However, actions otherwise authorized by this act or  
8 other laws may be taken when necessary to forestall or mitigate  
9 imminent or existing danger to public health or safety.

10       (B) ~~(2) This act shall not be construed to interfere~~  
11 INTERFERE with the dissemination of news or comment on public  
12 affairs. However, any communications facility or organization,  
13 including radio and television stations, wire services, and news-  
14 papers, may be requested to transmit or print public service mes-  
15 sages furnishing information or instructions in connection with a  
16 disaster OR EMERGENCY.

17       (C) ~~(3) This act shall not be construed to affect~~ AFFECT  
18 the jurisdiction or responsibilities of law enforcement agencies,  
19 fire fighting forces, and units or personnel of the armed forces  
20 of the United States when on active duty. However, state, local,  
21 and interjurisdictional disaster emergency plans shall place  
22 reliance upon the forces available for performance of functions  
23 related to ~~disaster~~ DISASTERS OR emergencies.

24       (D) ~~(4) This act shall not be construed to limit~~ LIMIT,  
25 modify, or abridge the authority of the governor to proclaim a  
26 state of emergency pursuant to Act No. 302 of the Public Acts of  
27 1945, being sections 10.31 to 10.33 of the Michigan Compiled

1 Laws, or exercise any other powers vested in him OR HER under the  
2 state constitution of 1963, statutes, or common law of this state  
3 independent of, or in conjunction with, this act.

4 (E) ~~(5) This act shall not be construed to relieve~~ RELIEVE  
5 any state or local official, department head, or agency of its  
6 normal responsibilities.

7 (F) ~~(6) This act shall not be construed to limit~~ LIMIT or  
8 abridge the power, duty, or responsibility of the chief executive  
9 ~~officer~~ OFFICIAL of a ~~city or village~~ COUNTY OR MUNICIPALITY  
10 to act in the event of a disaster OR EMERGENCY except as  
11 expressly set forth in this act.

12 Sec. 18. (1) A disaster contingency fund is created and  
13 shall be administered by the director. An annual accounting of  
14 expenditures under this act shall be made to the legislature and  
15 the legislature shall annually appropriate sufficient funds to  
16 maintain the fund at a level not to exceed ~~\$500,000.00~~  
17 \$750,000.00 AND NOT LESS THAN \$30,000.00.

18 (2) The director may expend ~~moneys~~ MONEY from the disaster  
19 contingency fund UPON APPROPRIATION for the purpose of paying  
20 necessary and reasonable overtime, travel, and subsistence  
21 expenses incurred by an employee of an agency of the state acting  
22 at the direction of the director in a disaster OR EMERGENCY  
23 related operation, and, with the concurrence of the governor or  
24 the governor's designated representative, for other needs  
25 required for the mitigation of the effects of, or in response to,  
26 a disaster OR EMERGENCY.



1 (3) The director may place directly in the disaster  
2 contingency fund a reimbursement for expenditures out of the fund  
3 received from the federal government, or another source.

4 (4) If a state of MAJOR disaster OR EMERGENCY is declared by  
5 the president of the United States, and when authorized by the  
6 governor, an expenditure from the fund may be made by the direc-  
7 tor UPON APPROPRIATION to pay the state's matching ~~-25%~~ share of  
8 grants ~~to individuals and families,~~ as provided by ~~section 408~~  
9 ~~of the federal disaster relief act of 1974, being~~ THE DISASTER  
10 RELIEF ACT OF 1974, Public Law 93-288, 88 STAT. 143.

11 Sec. 19. (1) Under extraordinary circumstances, UPON THE  
12 DECLARATION OF A STATE OF DISASTER OR A STATE OF EMERGENCY BY THE  
13 GOVERNOR and subject to the requirements of this subsection, the  
14 governor may authorize an expenditure from the disaster contin-  
15 gency fund to provide state assistance to ~~a local political~~  
16 ~~subdivision~~ COUNTIES AND MUNICIPALITIES when federal assistance  
17 is not available. ~~When~~ IF the governor proclaims a state of  
18 disaster OR A STATE OF EMERGENCY, the first recourse for disaster  
19 related expenses shall be to funds of the ~~political subdivision~~  
20 COUNTY OR MUNICIPALITY. If the demands placed upon the funds of  
21 a ~~local political subdivision~~ COUNTY OR MUNICIPALITY in coping  
22 with a particular disaster OR EMERGENCY are unreasonably great,  
23 the governing body of the ~~political subdivision~~ COUNTY OR  
24 MUNICIPALITY may apply, by resolution of the local governing  
25 body, for a grant from the disaster contingency fund. The reso-  
26 lution shall certify that ~~at the onset of the disaster,~~ the  
27 AFFECTED county OR MUNICIPALITY emergency ~~preparedness~~

1 OPERATIONS plan ~~and, if the applicant is a municipality with a~~  
2 ~~population of over 10,000, the municipal emergency preparedness~~  
3 ~~plan, were implemented~~ WAS IMPLEMENTED IN A TIMELY MANNER. The  
4 resolution shall set forth the purpose for which the assistance  
5 is ~~requested~~ SOUGHT, the extent of damages sustained, and cer-  
6 tify an exhaustion of local efforts. ~~The application shall be~~  
7 ~~reviewed by the director, and each request shall be acted on by~~  
8 ~~the governor.~~ Assistance grants under this section shall not  
9 exceed ~~\$20,000.00~~ \$30,000.00 or 10% of the total annual operat-  
10 ing budget for the preceding fiscal year of the ~~political~~  
11 ~~subdivision~~ COUNTY OR MUNICIPALITY, whichever is less. The  
12 assistance under this subsection is to provide grants, excluding  
13 reimbursement for capital outlay expenditures, in mitigation of  
14 THE extraordinary burden of a ~~local political subdivision~~  
15 COUNTY OR MUNICIPALITY in relation to its available resources.

16 (2) The ~~standards for applicant and assistance eligibility~~  
17 ~~for state assistance as provided in this section shall be deter-~~  
18 ~~mined according to rules promulgated by the director pursuant to~~  
19 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~  
20 ~~tions 24.201 to 24.315 of the Michigan Compiled Laws~~ DIRECTOR  
21 SHALL PROMULGATE RULES GOVERNING THE APPLICATION AND ELIGIBILITY  
22 FOR THE USE OF THE STATE DISASTER CONTINGENCY FUND. RULES THAT  
23 HAVE BEEN PROMULGATED PRIOR TO DECEMBER 31, 1988 TO IMPLEMENT  
24 THIS SECTION SHALL REMAIN IN EFFECT UNTIL REVISED OR REPLACED.  
25 The ~~standards~~ RULES shall include, BUT NOT BE LIMITED TO, ALL  
26 OF the following:

1 (a) Demonstration of exhaustion of local effort.

2 (b) Evidence that the applicant is a county ~~, or a~~  
3 ~~political subdivision within a county, which~~ THAT actively main-  
4 tains ~~a county~~ AN emergency ~~preparedness~~ OPERATIONS plan ~~and~~  
5 ~~annexes~~ reviewed by, and determined to be current and adequate  
6 by the emergency ~~services~~ MANAGEMENT division ~~, OF THE~~  
7 department, ~~of state police,~~ before the disaster OR EMERGENCY  
8 for which assistance is being requested. If the applicant is a  
9 municipality with a population of 10,000 or more, ~~the same~~  
10 ~~requirement shall apply~~ EVIDENCE THAT THE MUNICIPALITY EITHER  
11 MAINTAINS A SEPARATE EMERGENCY OPERATIONS PLAN, REVIEWED BY AND  
12 DETERMINED TO BE CURRENT AND ADEQUATE BY THE EMERGENCY MANAGEMENT  
13 DIVISION OF THE DEPARTMENT BEFORE THE DISASTER OR EMERGENCY FOR  
14 WHICH ASSISTANCE IS BEING REQUESTED OR RESPONSE PLANNING FOR THE  
15 MUNICIPALITY IS INCORPORATED IN THE COUNTY EMERGENCY OPERATIONS  
16 PLAN.

17 (c) Evidence that the APPLICABLE county ~~emergency prepared-~~  
18 ~~ness plan or, if the applicant is a municipality with a popula-~~  
19 ~~tion of over 10,000, the~~ OR municipal emergency ~~preparedness~~  
20 OPERATIONS plan ~~, was implemented in a timely manner at the~~  
21 beginning of the disaster OR EMERGENCY.

22 (d) Reimbursement for expenditures shall be limited to  
23 public damage and direct loss as a result of the disaster OR  
24 EMERGENCY, or expenses incurred by the applicant for reimbursing  
25 employees for disaster OR EMERGENCY related activities which were  
26 not performed as a part of their normal duties, or for other

1 needs required specifically for the mitigation of the effects, or  
2 in response to the disaster OR EMERGENCY.

3 (e) A ~~damage survey~~ DISASTER ASSESSMENT team established  
4 by the emergency ~~services~~ MANAGEMENT division of the department  
5 ~~of state police~~ has substantiated the damages claimed by the  
6 applicant. Damage estimates submitted by the applicant shall be  
7 based upon a ~~damage survey~~ DISASTER ASSESSMENT carried out by  
8 the applicant according to standard procedures recommended by the  
9 emergency ~~services~~ MANAGEMENT division.

10 Section 2. Section 13 of Act No. 390 of the Public Acts of  
11 1976, being section 30.413 of the Michigan Compiled Laws, is  
12 repealed.