

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5496

A bill to amend 1976 PA 390, entitled
"Emergency management act,"
by amending sections 3, 7, 7a, 8, 9, 10, and 11 (MCL 30.403,
30.407, 30.407a, 30.408, 30.409, 30.410, and 30.411), sections 3,
7, 8, 9, 10, and 11 as amended and section 7a as added by 1990
PA 50, and by adding section 21; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The governor is responsible for coping with
2 dangers to this state or THE people of this state presented by a
3 disaster or emergency.

4 (2) The governor may issue executive orders, proclamations,
5 and directives having the force and effect of law to implement
6 this act. ~~An~~ EXCEPT AS PROVIDED IN SECTION 7(2), AN executive

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1 order, proclamation, or directive may be amended or rescinded by
2 the governor.

3 (3) The governor shall, by executive order or proclamation,
4 declare a state of disaster if he or she finds a disaster has
5 occurred or the threat of a disaster exists. The state of
6 disaster shall continue until the governor finds that the threat
7 or danger has passed, the disaster has been dealt with to the
8 extent that disaster conditions no longer exist, or until the
9 declared state of disaster has been in effect for ~~14~~ 28 days.
10 After ~~14~~ 28 days, the governor shall issue an executive order
11 or proclamation declaring the state of disaster terminated,
12 unless a request by the governor for an extension of the state of
13 disaster for a specific number of days is approved by RESOLUTION
14 OF BOTH HOUSES OF the legislature. An executive order or procla-
15 mation issued pursuant to this subsection shall indicate the
16 nature of the disaster, the area or areas threatened, the condi-
17 tions causing the disaster, and the conditions permitting the
18 termination of the state of disaster. An executive order or
19 proclamation shall be disseminated promptly by means calculated
20 to bring its contents to the attention of the general public and
21 shall be promptly filed with the emergency management division of
22 the department and the secretary of state, unless circumstances
23 attendant upon the disaster prevent or impede its prompt filing.

24 (4) The governor shall, by executive order or proclamation,
25 declare a state of emergency if he or she finds that an emergency
26 has occurred or that the threat of an emergency exists. The
27 state of emergency shall continue until the governor finds that

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1 the threat or danger has passed, the emergency has been dealt
2 with to the extent that emergency conditions no longer exist, or
3 until the declared state of emergency has been in effect for ~~14~~
4 28 days. After ~~14~~ 28 days, the governor shall issue an execu-
5 tive order or proclamation declaring the state of emergency ter-
6 minated, unless a request by the governor for an extension of the
7 state of emergency for a specific number of days is approved by
8 RESOLUTION OF BOTH HOUSES OF the legislature. An executive order
9 or proclamation issued pursuant to this subsection shall indicate
10 the nature of the emergency, the area or areas threatened, the
11 conditions causing the emergency, and the conditions permitting
12 the termination of the state of emergency. An executive order or
13 proclamation shall be disseminated promptly by means calculated
14 to bring its contents to the attention of the general public and
15 shall be promptly filed with the emergency management division of
16 the department and the secretary of state, unless circumstances
17 attendant upon the emergency prevent or impede its prompt
18 filing.

19 Sec. 7. (1) The director shall implement the orders and
20 directives of the governor in the event of a disaster or an emer-
21 gency and shall coordinate all federal, state, county, and munic-
22 ipal disaster prevention, mitigation, relief, and recovery opera-
23 tions within this state. At the specific direction of the gover-
24 nor, the director shall assume complete command of all disaster
25 relief, mitigation, and recovery forces, except the national
26 guard or state defense force, if it appears that this action is
27 absolutely necessary for an effective effort.

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1 (2) IF THE GOVERNOR HAS ISSUED A PROCLAMATION, EXECUTIVE
2 ORDER, OR DIRECTIVE UNDER SECTION 3 REGARDING STATE OF DISASTER
3 OR STATE OF EMERGENCY DECLARATIONS, SECTION 5 REGARDING ACTIONS
4 DIRECTED BY THE GOVERNOR, OR SECTION 21 REGARDING HEIGHTENED
5 STATE OF ALERT, THE DIRECTOR MAY, WITH THE CONCURRENCE OF THE
6 GOVERNOR, AMEND THE PROCLAMATION OR DIRECTIVE BY ADDING ADDI-
7 TIONAL COUNTIES OR MUNICIPALITIES OR TERMINATING THE ORDERS AND
8 RESTRICTIONS AS CONSIDERED NECESSARY.

9 (3) ~~(2)~~ The director shall comply with the applicable pro-
10 visions of the Michigan emergency management plan in the per-
11 formance of the director's duties under this act.

12 (4) ~~(3)~~ The director's powers and duties shall include the
13 administration of state and federal disaster relief funds and
14 money; the mobilization and direction of state disaster relief
15 forces; the assignment of general missions to the national guard
16 or state defense force activated for active state duty to assist
17 the disaster relief operations; the receipt, screening, and
18 investigation of requests for assistance from county and munici-
19 pal governmental entities; ~~the~~ making ~~of~~ recommendations to
20 the governor; and other appropriate actions within the general
21 authority of the director.

22 (5) ~~(4)~~ In carrying out the director's responsibilities
23 under this act, the director may plan for and utilize the assist-
24 ance of any volunteer group or person having a pertinent service
25 to render.

26 (6) ~~(5)~~ The director may issue a directive relieving the
27 donor or supplier of voluntary or private assistance from

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1 liability for other than gross negligence in the performance of
2 the ~~service~~ ASSISTANCE.

3 Sec. 7a. (1) The department shall establish an emergency
4 management division for the purpose of coordinating within this
5 state the emergency management activities of county, municipal,
6 state, and federal governments. The department shall provide the
7 division with professional and support employees as necessary for
8 the performance of its functions.

9 (2) The division shall prepare and maintain a Michigan emer-
10 gency management plan that is a comprehensive plan that encom-
11 passes mitigation, preparedness, response, and recovery for this
12 state.

13 (3) The division shall receive available state and federal
14 emergency management and disaster related grants-in-aid and shall
15 administer and apportion the grants according to appropriately
16 established guidelines to the agencies of ~~the~~ THIS state and
17 local political subdivisions.

18 (4) The division may do 1 or more of the following:

19 (a) Promulgate rules that establish standards and require-
20 ments for the appointment, training, and professional development
21 of emergency management coordinators.

22 (b) Promulgate rules that establish standards and require-
23 ments for local and interjurisdictional emergency management
24 programs.

25 (c) Periodically review local and interjurisdictional emer-
26 gency operations plans.

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1 (d) Promulgate rules that establish standards and
2 requirements for emergency training and exercising programs and
3 public information programs.

4 (e) Make surveys of industries, resources, and facilities
5 within ~~the~~ THIS state, both public and private, ~~as are~~ neces-
6 sary to carry out the purposes of this act.

7 (f) Prepare, for issuance by the governor, executive orders,
8 proclamations, and regulations as necessary or appropriate in
9 coping with disasters and emergencies.

10 (g) Provide for 1 or more state emergency operations centers
11 to provide for the coordination of emergency response and
12 disaster recovery in this state.

13 (h) Provide for the coordination and cooperation of state
14 ~~government~~ agencies and departments with federal and local gov-
15 ernment agencies and departments in emergency management
16 activities.

17 (i) Cooperate with the federal government and any public or
18 private agency or entity in achieving any purpose of this act and
19 in implementing programs for disaster mitigation, preparation,
20 response, and recovery.

21 (J) PROPOSE AND ADMINISTER STATEWIDE MUTUAL AID COMPACTS AND
22 AGREEMENTS.

23 (k) ~~(j)~~ Do other activities necessary, incidental, or
24 appropriate for the implementation of this act.

25 (5) FOR PURPOSES OF THIS SECTION, THE JUDICIAL BRANCH OF
26 THIS STATE IS CONSIDERED A DEPARTMENT OF STATE GOVERNMENT.

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1 (6) ~~(5)~~ As used in this section, "division" means the
2 emergency management division of the department.

3 Sec. 8. (1) ~~Each~~ THE DIRECTOR OF EACH department of state
4 government, and those agencies of state government required by
5 the Michigan emergency management plan to provide an annex to
6 that plan, shall ~~employ or appoint an~~ SERVE AS emergency man-
7 agement coordinator FOR THEIR RESPECTIVE DEPARTMENTS OR
8 AGENCIES. EACH DIRECTOR MAY APPOINT OR EMPLOY A DESIGNATED REP-
9 RESENTATIVE AS EMERGENCY MANAGEMENT COORDINATOR, PROVIDED THAT
10 THE REPRESENTATIVE SHALL ACT FOR AND AT THE DIRECTION OF THAT
11 DIRECTOR WHILE FUNCTIONING IN THE CAPACITY OF EMERGENCY MANAGE-
12 MENT COORDINATOR UPON THE ACTIVATION OF THE STATE EMERGENCY OPER-
13 ATIONS CENTER, OR THE DECLARATION OF A STATE OF DISASTER OR
14 EMERGENCY. Each department or agency emergency management coordi-
15 nator shall act as liaison between his or her department or
16 agency and the emergency management division of the department in
17 all matters of emergency management, including the activation of
18 the Michigan emergency management plan. Each department or
19 agency of state government specified in the Michigan emergency
20 management plan shall prepare and continuously update an annex to
21 the plan providing for the delivery of emergency management
22 activities by that agency or the department. The annexes shall
23 be in a form prescribed by the director. The emergency manage-
24 ment coordinator shall represent the agency or department head in
25 the drafting and updating of the respective agency's or the
26 department's emergency management annex and in coordinating the
27 agency's or department's emergency management efforts with those

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1 of the other state agencies as well as with county and municipal
2 governments.

3 (2) Upon the declaration of a STATE OF disaster or ~~an~~ A
4 STATE OF emergency by the governor, each state agency shall coop-
5 erate to the fullest possible extent with the director in the
6 performance of the services ~~which~~ THAT it is suited to perform,
7 and as described in the Michigan emergency management plan, in
8 the prevention, mitigation, response to, or recovery from the
9 disaster or emergency. FOR PURPOSES OF THIS SECTION, THE JUDI-
10 CIAL BRANCH OF THIS STATE IS CONSIDERED A DEPARTMENT OF STATE
11 GOVERNMENT AND THE CHIEF JUSTICE OF THE MICHIGAN SUPREME COURT IS
12 CONSIDERED THE DIRECTOR OF THAT DEPARTMENT.

13 Sec. 9. (1) The county board of commissioners of each
14 county shall appoint an emergency management coordinator. In the
15 absence of an appointed person, the emergency management coordi-
16 nator shall be the chairperson of the county board of
17 commissioners. The emergency management coordinator shall act
18 for, and at the direction of, the chairperson of the county board
19 of commissioners in the coordination of all matters pertaining to
20 emergency management IN THE COUNTY, ~~disaster~~ INCLUDING
21 MITIGATION, preparedness, RESPONSE, and recovery. ~~assistance~~
22 ~~within the county except in~~ IN counties with an elected county
23 executive, ~~in which case~~ the county emergency management coor-
24 dinator may act for and at the direction of the county
25 executive. Pursuant to a resolution adopted by a county, the
26 county boards of commissioners of not more than 3 adjoining

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1 counties may agree upon and appoint a coordinator to act for the
2 multicounty area.

3 (2) A municipality with a population of 25,000 or more shall
4 either appoint a municipal emergency management coordinator or
5 appoint the coordinator of the county as the municipal emergency
6 management coordinator pursuant to subsection ~~(6)~~ (7). In the
7 absence of an appointed person, the emergency management coordi-
8 nator shall be the chief executive official of that
9 municipality. The coordinator of a municipality shall be
10 appointed by the chief executive official in a manner provided in
11 the municipal charter. The coordinator of a municipality with a
12 population of 25,000 or more shall act for and at the direction
13 of the chief executive official of the municipality or the offi-
14 cial designated in the municipal charter in the coordination of
15 all matters pertaining to emergency management, disaster pre-
16 paredness, and recovery assistance within the municipality.

17 (3) A municipality with a population of 10,000 or more may
18 appoint an emergency management coordinator for the
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 10,000 or more shall act for and at the direction
23 of the chief executive official or the official designated by the
24 municipal charter in the coordination of all matters pertaining
25 to emergency management, disaster preparedness, and recovery
26 assistance within the municipality.

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1 (4) A municipality having a population of less than 10,000
2 may appoint an emergency management coordinator who shall serve
3 at the direction of the county emergency management coordinator.

4 (5) A PUBLIC COLLEGE OR UNIVERSITY WITH A COMBINED AVERAGE
5 POPULATION OF FACULTY, STUDENTS, AND STAFF OF 25,000 OR MORE,
6 INCLUDING ITS SATELLITE CAMPUSES WITHIN THIS STATE, SHALL APPOINT
7 AN EMERGENCY MANAGEMENT COORDINATOR FOR THE PUBLIC COLLEGE OR
8 UNIVERSITY. PUBLIC COLLEGES OR UNIVERSITIES WITH A COMBINED
9 AVERAGE POPULATION OF FACULTY, STUDENTS, AND STAFF OF 10,000 OR
10 MORE, INCLUDING ITS SATELLITE CAMPUSES WITHIN THIS STATE, MAY
11 APPOINT AN EMERGENCY MANAGEMENT COORDINATOR FOR THE PUBLIC COL-
12 LEGE OR UNIVERSITY.

13 (6) ~~(5)~~ A person ~~shall~~ IS not ~~be~~ ineligible for
14 appointment as an emergency management coordinator, or as a
15 member of a county or municipal emergency services or emergency
16 management agency or organization, because that person holds
17 another public office or trust, and that person shall not forfeit
18 the right to a public office or trust by reason of ~~the~~ HIS OR
19 HER appointment as an emergency management coordinator.

20 (7) ~~(6)~~ A county coordinator may be appointed a municipal
21 coordinator for any municipality within the county and a municipi-
22 pal coordinator may be appointed a county coordinator.

23 Sec. 10. (1) Each county and municipality that has
24 appointed an emergency management coordinator ~~pursuant to~~ UNDER
25 section 9 may do 1 or more of the following:

26 (a) Direct and coordinate the development of emergency
27 operations plans and programs in accordance with the policies and

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1 plans established by the appropriate federal and state agencies.
2 Each department or agency of a county or municipality specified
3 in the emergency operations plan to provide an annex to the plan
4 shall prepare and continuously update the annex providing for
5 emergency management activities, INCLUDING MITIGATION, PREPARED-
6 NESS, RESPONSE, AND RECOVERY, by the department or agency and
7 those other emergency activities the department or agency is
8 specified to coordinate. EMERGENCY OPERATIONS PLANS AND PROGRAMS
9 DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE PROVISIONS FOR THE
10 DISSEMINATION OF PUBLIC INFORMATION AND LOCAL BROADCASTERS SHALL
11 BE CONSULTED IN DEVELOPING SUCH PROVISIONS. EMERGENCY OPERATIONS
12 PLANS AND PROGRAMS DEVELOPED UNDER THIS SUBDIVISION SHALL INCLUDE
13 LOCAL COURTS.

14 (b) Declare a local state of emergency if circumstances
15 within the county or municipality indicate that the occurrence or
16 threat of widespread or severe damage, injury, or loss of life or
17 property from a natural or human-made cause exists and, under a
18 declaration of a local state of emergency, issue directives as to
19 travel restrictions on county or local roads. This power shall
20 be vested in the chief executive official of the county or munic-
21 ipality or the official designated by charter and shall not be
22 continued or renewed for a period in excess of 7 days except with
23 the consent of the governing body of the county or municipality.
24 The ~~proclamation or~~ declaration OF A LOCAL STATE OF EMERGENCY
25 shall be promptly filed with the emergency management division of
26 the department, unless circumstances attendant upon the disaster
27 prevent or impede its prompt filing.

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1 (c) Appropriate and expend funds, make contracts, and obtain
2 and distribute equipment, materials, and supplies for disaster
3 purposes.

4 (d) Provide for the health and safety of persons and proper-
5 ty, including emergency assistance to the victims of a disaster.

6 (e) Direct and coordinate local multi-agency response to
7 emergencies within the county or municipality.

8 (f) Appoint, employ, remove, or provide, with or without
9 compensation, rescue teams, auxiliary fire and police personnel,
10 and other disaster workers.

11 (g) Appoint a local emergency management advisory council.

12 (h) If a state of disaster or emergency is declared by the
13 governor, assign and make available for duty the employees, prop-
14 erty, or equipment of the county or municipality relating to fire
15 fighting; engineering; rescue; health, medical, and related serv-
16 ices; police; transportation; construction; and similar items or
17 service for disaster relief purposes within or without the physi-
18 cal limits of the county or municipality as ordered by the gover-
19 nor or the director.

20 (i) In the event of a foreign attack upon this state, waive
21 procedures and formalities otherwise required by law pertaining
22 to the performance of public work, entering into contracts, the
23 incurring of obligations, the employment of permanent and tempo-
24 rary workers, the utilization of volunteer workers, the rental of
25 equipment, the purchase and distribution with or without compen-
26 sation of supplies, materials, and facilities, and the
27 appropriation and expenditure of public funds.

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1 (2) For the purpose of providing assistance during a
2 disaster or emergency, municipalities and counties may enter into
3 mutual aid or reciprocal aid agreements or compacts with other
4 counties, municipalities, public agencies, FEDERALLY RECOGNIZED
5 TRIBAL NATIONS, or private sector agencies, or all of these
6 entities. A compact entered into pursuant to this subsection is
7 limited to the exchange of personnel, equipment, and other
8 resources in times of emergency, ~~or~~ disaster, OR OTHER SERIOUS
9 THREATS TO PUBLIC HEALTH AND SAFETY. The arrangements shall be
10 consistent with the Michigan emergency management plan.

11 (3) The emergency management coordinator may assist in the
12 development or negotiation, or both, of a mutual aid or recipro-
13 cal aid agreement or compact made pursuant to section 4(3) and
14 shall carry out the agreement or compact.

15 Sec. 11. (1) Personnel of disaster relief forces while on
16 duty ~~shall~~ ARE SUBJECT TO ALL OF THE FOLLOWING PROVISIONS:

17 (a) If they are an employee of ~~the~~ THIS state, THEY have
18 the powers, duties, rights, privileges, and immunities of and
19 receive the compensation incidental to their employment.

20 (b) If they are employees of a ~~county, municipality, or~~
21 ~~other governmental agency~~ POLITICAL SUBDIVISION OF THIS STATE,
22 regardless of where serving, THEY have the powers, duties,
23 rights, privileges, and immunities and receive the compensation
24 incidental to their employment.

25 (c) If they are not employees of ~~the~~ THIS state ~~, a~~
26 ~~county, municipality, or other governmental agency~~ OR A
27 POLITICAL SUBDIVISION OF THIS STATE, ~~be~~ THEY ARE entitled to

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1 the same rights and immunities as ~~are~~ provided by law for the
2 employees of ~~the~~ THIS state. All personnel of disaster relief
3 forces shall, while on duty, be subject to the operational con-
4 trol of the authority in charge of disaster relief activities in
5 the area in which they are serving, and shall be reimbursed for
6 all actual and necessary travel and subsistence expenses.

7 (2) ~~The~~ THIS state, ~~or~~ any political subdivision OF THIS
8 STATE, or the EMPLOYEES, agents, or representatives of ~~the~~ THIS
9 state or any political subdivision ~~, shall~~ OF THIS STATE ARE
10 not ~~be~~ liable for personal injury or property damage sustained
11 by any person appointed or acting as a ~~volunteer~~ MEMBER OF
12 disaster relief FORCES. ~~worker, or a member of any agency~~
13 ~~engaged in disaster relief activity. In addition, a volunteer~~
14 ~~disaster relief worker or a member of any agency engaged in~~
15 ~~disaster relief activity shall not be liable in a civil action~~
16 ~~for damages resulting from an act or omission arising out of and~~
17 ~~in the course of the person's good faith rendering of that activ-~~
18 ~~ity, unless the person's act or omission was the result of that~~
19 ~~person's gross negligence or willful misconduct. This act shall~~
20 not affect the right of a person to receive benefits or compensa-
21 tion to which he or she may otherwise be entitled to under the
22 ~~workmen's compensation law~~ WORKER'S DISABILITY COMPENSATION ACT
23 OF 1969, 1969 PA 317, MCL 418.101 TO 418.941, any pension law, or
24 any act of congress.

25 ~~(3) Subsection (2) shall not apply to a person engaged in~~
26 ~~disaster relief activity for remuneration beyond reimbursement~~
27 ~~for out-of-pocket expenses in connection with the activity.~~

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1 (3) ~~(4) The~~ THIS state ~~,~~ OR a political subdivision ~~,~~
2 ~~or, except in cases of willful misconduct, gross negligence, or~~
3 ~~bad faith, the employees, agents, or representatives of the state~~
4 ~~or a political subdivision, or any volunteer or auxiliary~~
5 ~~disaster relief worker or member of any agency engaged in any~~
6 ~~disaster relief activity, complying with or reasonably attempting~~
7 ~~to comply with this act, or any order, rule promulgated pursuant~~
8 ~~to the provisions of this act, or pursuant to any ordinance~~
9 ~~relating to any precautionary measures enacted by a political~~
10 ~~subdivision, shall not be liable for the death of or injury to~~
11 ~~persons, or for damage to property, as a result of that activity~~
12 OF THIS STATE ENGAGED IN DISASTER RELIEF ACTIVITY IS NOT LIABLE
13 FOR THE DEATH OF OR INJURY TO A PERSON OR PERSONS, OR FOR DAMAGE
14 TO PROPERTY, AS A RESULT OF THAT ACTIVITY. THE EMPLOYEES,
15 AGENTS, OR REPRESENTATIVES OF THIS STATE OR A POLITICAL SUBDIVI-
16 SION OF THIS STATE AND NONGOVERNMENTAL DISASTER RELIEF FORCE
17 WORKERS OR PRIVATE OR VOLUNTEER PERSONNEL ENGAGED IN DISASTER
18 RELIEF ACTIVITY ARE IMMUNE FROM TORT LIABILITY TO THE EXTENT PRO-
19 VIDED UNDER SECTION 7 OF 1964 PA 170, MCL 691.1407. AS USED IN
20 THIS SECTION, "DISASTER RELIEF ACTIVITY" INCLUDES TRAINING FOR OR
21 RESPONDING TO AN ACTUAL, IMPENDING, MOCK, OR PRACTICE DISASTER OR
22 EMERGENCY.

23 (4) ~~(5)~~ A person licensed to practice medicine or osteo-
24 pathic medicine and surgery, or a licensed hospital, registered
25 nurse, practical nurse, dentist, veterinarian, or paramedical
26 person, whether licensed in this or another state or by the
27 federal government or a branch of the armed forces of the United

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1 States, or a student nurse undergoing training in a licensed
2 hospital in this or another state, that renders services during a
3 state of disaster declared by the governor and at the express or
4 implied request of a state official or agency or county or local
5 coordinator or executive body, is considered an authorized
6 disaster relief worker or facility and is not liable for an
7 injury sustained by a person by reason of those services, regard-
8 less of how or under what circumstances or by what cause those
9 injuries are sustained. The immunity granted by this subsection
10 does not apply in the event of a willful act or omission. If a
11 civil action for malpractice is filed alleging a willful act or
12 omission resulting in injuries, the services rendered ~~which~~
13 THAT resulted in those injuries shall be judged according to the
14 standards required of persons licensed in this state to perform
15 those services.

16 (5) ~~(6)~~ A licensed dentist, veterinarian, registered
17 nurse, practical nurse, or licensed paramedical person, whether
18 licensed in this or another state or by the federal government or
19 a branch of the armed forces of the United States, or a student
20 nurse undergoing training in a licensed hospital in this or
21 another state, during a state of disaster declared by the gover-
22 nor, may practice, in addition to the authority granted by other
23 statutes of this state, the administration of anesthetics; minor
24 surgery; intravenous, subcutaneous, or intramuscular procedure;
25 or oral and topical medication; or a combination ~~thereof~~ OF
26 THESE under the supervision of a member of the medical staff of a

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1 licensed hospital of this state, and may assist the staff member
2 in other medical and surgical proceedings.

3 (6) ~~-(7)-~~ A person owning or controlling real estate or
4 other premises who voluntarily and without compensation grants to
5 ~~the~~ THIS state or a political subdivision OF THIS STATE a
6 license or privilege, or otherwise permits ~~the~~ THIS state or a
7 political subdivision OF THIS STATE to inspect, designate, and
8 use the whole or any part or parts of the real estate or other
9 premises for the purpose of sheltering persons during an actual,
10 impending, mock, or practice disaster, together with his or her
11 successors in interest, if any, ~~shall~~ IS not ~~be~~ civilly
12 liable for negligently causing the death of or injury to any
13 person on or about the real estate or premises under ~~such~~ THE
14 license, privilege, or permission or for loss or damage to the
15 property of the person.

16 (7) ~~-(8)-~~ A person owning or controlling real estate or
17 other premises who has gratuitously granted the use of the real
18 estate or other premises for the purposes stated in this section
19 ~~shall be~~ IS legally obligated to make known to the licensee any
20 hidden dangers or safety hazards ~~which~~ THAT are known to the
21 owner or occupant of the real estate or premises ~~which~~ THAT
22 might possibly result in the death or injury or loss of property
23 to a person using the real estate or premises.

24 SEC. 21. (1) IF GOOD CAUSE EXISTS TO BELIEVE THAT TERROR-
25 ISTS OR MEMBERS OF A TERRORIST ORGANIZATION ARE WITHIN THIS STATE
26 OR THAT ACTS OF TERRORISM MAY BE COMMITTED IN THIS STATE OR
27 AGAINST A VITAL RESOURCE, THE GOVERNOR MAY BY EXECUTIVE ORDER OR

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1 PROCLAMATION DECLARE A HEIGHTENED STATE OF ALERT AND SUBSEQUENTLY
2 EXERCISE THE AUTHORITY PROVIDED IN SECTION 3(2) AND SECTION
3 5(1)(B), (C), (E), (F), (G), (H), (I), AND (J) IN AN EFFORT TO
4 SAFEGUARD THE INTERESTS OF THIS STATE OR A VITAL RESOURCE, TO
5 PREVENT OR RESPOND TO ACTS OF TERRORISM, OR TO FACILITATE THE
6 APPREHENSION OF TERRORISTS OR MEMBERS OF A TERRORIST ORGANIZATION
7 AND THOSE ACTING IN CONCERT WITH THEM. HOWEVER, IN EXERCISING
8 THE AUTHORITY UNDER SECTION 5(1)(H), THE GOVERNOR SHALL NOT SUS-
9 PEND OR LIMIT THE SALE, DISPENSING, OR TRANSPORTATION OF ALCO-
10 HOLIC BEVERAGES UNDER THIS SECTION. WITHIN 7 DAYS AFTER DECLAR-
11 ING A HEIGHTENED STATE OF ALERT, THE GOVERNOR SHALL NOTIFY THE
12 MAJORITY LEADER AND MINORITY LEADER OF THE SENATE AND THE SPEAKER
13 AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES OF THE
14 DECLARATION. THE GOVERNOR MAY UTILIZE THE SERVICES, FACILITIES,
15 AND RESOURCES AVAILABLE UNDER THIS ACT UNDER A DECLARED STATE OF
16 DISASTER OR EMERGENCY. THE EXERCISE OF THOSE POWERS SHALL BE
17 CONSISTENT WITH THE PROVISIONS OF THE STATE CONSTITUTION OF 1963
18 AND THE FEDERAL CONSTITUTION AND MAY CONTINUE UNTIL THE HEIGHT-
19 ENED STATE OF ALERT IS NO LONGER IN EFFECT. THE HEIGHTENED STATE
20 OF ALERT SHALL CONTINUE UNTIL THE GOVERNOR FINDS THAT THE THREAT
21 OR DANGER HAS PASSED, THE HEIGHTENED STATE OF ALERT HAS BEEN
22 DEALT WITH TO THE EXTENT THAT THE HEIGHTENED STATE OF ALERT CON-
23 DITIONS NO LONGER EXIST, OR UNTIL THE HEIGHTENED STATE OF ALERT
24 HAS BEEN IN EFFECT FOR 60 DAYS. AFTER 60 DAYS, THE GOVERNOR
25 SHALL TERMINATE THE HEIGHTENED STATE OF ALERT, UNLESS A REQUEST
26 BY THE GOVERNOR FOR AN EXTENSION OF THE HEIGHTENED STATE OF ALERT

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19

1 FOR A SPECIFIC NUMBER OF DAYS IS APPROVED BY RESOLUTION OF BOTH
2 HOUSES OF THE LEGISLATURE.

3 (2) A PERSON SHALL NOT WILLFULLY DISOBEY OR INTERFERE WITH
4 THE IMPLEMENTATION OF A RULE, ORDER, OR DIRECTIVE ISSUED BY THE
5 GOVERNOR UNDER THIS SECTION. A PERSON WHO VIOLATES THIS SECTION
6 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
7 MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.
8 NOTWITHSTANDING ANY PROVISION IN THIS SECTION, A PROSECUTING
9 AGENCY SHALL NOT PROSECUTE ANY PERSON OR SEIZE ANY PROPERTY FOR
10 CONDUCT PRESUMPTIVELY PROTECTED BY THE FIRST AMENDMENT TO THE
11 CONSTITUTION OF THE UNITED STATES IN A MANNER THAT VIOLATES ANY
12 CONSTITUTIONAL PROVISION.

13 (3) THE ATTORNEY GENERAL OR A PROSECUTING ATTORNEY MAY BRING
14 A CIVIL ACTION FOR DAMAGES OR EQUITABLE RELIEF TO ENFORCE THE
15 PROVISIONS OF THIS ACT AND THE ORDERS, RULES, OR REGULATIONS MADE
16 IN CONFORMITY WITH THIS ACT.

17 (4) AS USED IN THIS SECTION:

18 (A) "ACT OF TERRORISM" AND "TERRORIST" MEAN THOSE TERMS AS
19 DEFINED IN SECTION 543B OF THE MICHIGAN PENAL CODE, 1931 PA 328,
20 MCL 750.543B.

21 (B) "TERRORIST ORGANIZATION" MEANS THAT TERM AS DEFINED IN
22 SECTION 543C OF THE MICHIGAN PENAL CODE, 1931 PA 328,
23 MCL 750.543C.

24 (C) "VITAL RESOURCE" MEANS A PUBLIC OR PRIVATE BUILDING,
25 FACILITY, PROPERTY, FUNCTION, OR LOCATION, THE PROTECTION OF
26 WHICH IS CONSIDERED NECESSARY TO THE PUBLIC HEALTH, SAFETY, AND

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1 WELFARE AND WHICH THE GOVERNOR HAS DESIGNATED, IN WRITING, AS A
2 VITAL RESOURCE OF THIS STATE.

3 Enacting section 1. Section 15 of the emergency management
4 act, 1976 PA 390, MCL 30.415, is repealed.

5 Enacting section 2. This amendatory act takes effect May 1,
6 2002.