

SENATE BILL No. 954

January 11, 2006, Introduced by Senators BISHOP, BIRKHOLZ, GILBERT, CROPSEY, KUIPERS and ALLEN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 9 and 10 (MCL 30.409 and 30.410), as amended by 2002 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The county board of commissioners of each county
2 shall appoint an emergency management coordinator. In the absence
3 of an appointed person, the emergency management coordinator shall
4 be the chairperson of the county board of commissioners. The
5 emergency management coordinator shall act for, and at the
6 direction of, the chairperson of the county board of commissioners
7 in the coordination of all matters pertaining to emergency
8 management in the county, including mitigation, preparedness,

1 response, and recovery. In counties with an elected county
2 executive, the county emergency management coordinator may act for
3 and at the direction of the county executive. Pursuant to a
4 resolution adopted by a county, the county boards of commissioners
5 of not more than 3 adjoining counties may agree upon and appoint a
6 coordinator to act for the multicounty area.

7 **(2) A MUNICIPALITY WITH A POPULATION OF 100,000 OR MORE SHALL**
8 **APPOINT A MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR. THE**
9 **COORDINATOR OF A MUNICIPALITY SHALL BE APPOINTED BY THE CHIEF**
10 **EXECUTIVE OFFICIAL IN A MANNER PROVIDED IN THE MUNICIPAL CHARTER.**
11 **THE COORDINATOR OF A MUNICIPALITY WITH A POPULATION OF 100,000 OR**
12 **MORE SHALL ACT FOR AND AT THE DIRECTION OF THE CHIEF EXECUTIVE**
13 **OFFICIAL OF THE MUNICIPALITY OR THE OFFICIAL DESIGNATED IN THE**
14 **MUNICIPAL CHARTER IN THE COORDINATION OF ALL MATTERS PERTAINING TO**
15 **EMERGENCY MANAGEMENT, DISASTER PREPAREDNESS, AND RECOVERY**
16 **ASSISTANCE WITHIN THE MUNICIPALITY. THE COORDINATOR SHALL PREPARE**
17 **AN EMERGENCY MANAGEMENT PLAN AS REQUIRED UNDER SECTION 10.**

18 **(3) —(2)—** A municipality with a population of 25,000 or more
19 shall either appoint a municipal emergency management coordinator
20 or appoint the coordinator of the county as the municipal emergency
21 management coordinator pursuant to subsection ~~—(7)—~~ **(8)**. In the
22 absence of an appointed person, the emergency management
23 coordinator shall be the chief executive official of that
24 municipality. The coordinator of a municipality shall be appointed
25 by the chief executive official in a manner provided in the
26 municipal charter. The coordinator of a municipality with a
27 population of 25,000 or more shall act for and at the direction of

1 the chief executive official of the municipality or the official
2 designated in the municipal charter in the coordination of all
3 matters pertaining to emergency management, disaster preparedness,
4 and recovery assistance within the municipality.

5 (4) ~~—(3)—~~ A municipality with a population of 10,000 or more
6 may appoint an emergency management coordinator for the
7 municipality. The coordinator of a municipality shall be appointed
8 by the chief executive official in a manner provided in the
9 municipal charter. The coordinator of a municipality with a
10 population of 10,000 or more shall act for and at the direction of
11 the chief executive official or the official designated by the
12 municipal charter in the coordination of all matters pertaining to
13 emergency management, disaster preparedness, and recovery
14 assistance within the municipality.

15 (5) ~~—(4)—~~ A municipality having a population of less than
16 10,000 may appoint an emergency management coordinator who shall
17 serve at the direction of the county emergency management
18 coordinator.

19 (6) ~~—(5)—~~ A public college or university with a combined
20 average population of faculty, students, and staff of 25,000 or
21 more, including its satellite campuses within this state, shall
22 appoint an emergency management coordinator for the public college
23 or university. Public colleges or universities with a combined
24 average population of faculty, students, and staff of 10,000 or
25 more, including its satellite campuses within this state, may
26 appoint an emergency management coordinator for the public college
27 or university.

1 (7) ~~—(6)—~~ A person is not ineligible for appointment as an
2 emergency management coordinator, or as a member of a county or
3 municipal emergency services or emergency management agency or
4 organization, because that person holds another public office or
5 trust, and that person shall not forfeit the right to a public
6 office or trust by reason of his or her appointment as an emergency
7 management coordinator.

8 (8) ~~—(7)—~~ A county coordinator may be appointed a municipal
9 coordinator for any municipality within the county and a municipal
10 coordinator may be appointed a county coordinator.

11 Sec. 10. (1) Each county and municipality that has appointed
12 an emergency management coordinator under section 9 may do 1 or
13 more of the following:

14 (a) Direct and coordinate the development of emergency
15 operations plans and programs in accordance with the policies and
16 plans established by the appropriate federal and state agencies.
17 Each department or agency of a county or municipality specified in
18 the emergency operations plan to provide an annex to the plan shall
19 prepare and continuously update the annex providing for emergency
20 management activities, including mitigation, preparedness,
21 response, and recovery, by the department or agency and those other
22 emergency activities the department or agency is specified to
23 coordinate. Emergency operations plans and programs developed under
24 this subsection shall include provisions for the dissemination of
25 public information and local broadcasters shall be consulted in
26 developing such provisions. Emergency operations plans and programs
27 developed under this subdivision shall include local courts.

1 (b) Declare a local state of emergency if circumstances within
2 the county or municipality indicate that the occurrence or threat
3 of widespread or severe damage, injury, or loss of life or property
4 from a natural or human-made cause exists and, under a declaration
5 of a local state of emergency, issue directives as to travel
6 restrictions on county or local roads. This power shall be vested
7 in the chief executive official of the county or municipality or
8 the official designated by charter and shall not be continued or
9 renewed for a period in excess of 7 days except with the consent of
10 the governing body of the county or municipality. The declaration
11 of a local state of emergency shall be promptly filed with the
12 emergency management division of the department, unless
13 circumstances attendant upon the disaster prevent or impede its
14 prompt filing.

15 (c) Appropriate and expend funds, make contracts, and obtain
16 and distribute equipment, materials, and supplies for disaster
17 purposes.

18 (d) Provide for the health and safety of persons and property,
19 including emergency assistance to the victims of a disaster.

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

22 (f) Appoint, employ, remove, or provide, with or without
23 compensation, rescue teams, auxiliary fire and police personnel,
24 and other disaster workers.

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

26 (h) If a state of disaster or emergency is declared by the
27 governor, assign and make available for duty the employees,

1 property, or equipment of the county or municipality relating to
2 fire fighting; engineering; rescue; health, medical, and related
3 services; police; transportation; construction; and similar items
4 or service for disaster relief purposes within or without the
5 physical limits of the county or municipality as ordered by the
6 governor or the director.

7 (i) In the event of a foreign attack upon this state, waive
8 procedures and formalities otherwise required by law pertaining to
9 the performance of public work, entering into contracts, the
10 incurring of obligations, the employment of permanent and temporary
11 workers, the utilization of volunteer workers, the rental of
12 equipment, the purchase and distribution with or without
13 compensation of supplies, materials, and facilities, and the
14 appropriation and expenditure of public funds.

15 (2) A MUNICIPALITY WITH A POPULATION OF 100,000 OR MORE SHALL
16 PREPARE AND SUBMIT AN EMERGENCY MANAGEMENT PLAN TO THE EMERGENCY
17 MANAGEMENT DIVISION FOR REVIEW AND APPROVAL. THE PLAN SHALL PROVIDE
18 FOR EMERGENCY MANAGEMENT ACTIVITIES, INCLUDING MITIGATION,
19 PREPAREDNESS, RESPONSE, AND RECOVERY, BY THE MUNICIPALITY. THE
20 EMERGENCY MANAGEMENT PLAN DEVELOPED UNDER THIS SUBSECTION SHALL
21 INCLUDE PROVISIONS FOR THE DISSEMINATION OF PUBLIC INFORMATION, AND
22 LOCAL BROADCASTERS SHALL BE CONSULTED IN DEVELOPING SUCH
23 PROVISIONS. THE EMERGENCY MANAGEMENT PLAN DEVELOPED UNDER THIS
24 SUBSECTION SHALL BE CONTINUOUSLY UPDATED.

25 (3) EACH COUNTY HEALTH DEPARTMENT SHALL PREPARE AND SUBMIT AN
26 EMERGENCY MANAGEMENT PLAN TO THE EMERGENCY MANAGEMENT DIVISION FOR
27 REVIEW AND APPROVAL. THE PLAN SHALL PROVIDE FOR EMERGENCY

1 MANAGEMENT ACTIVITIES, INCLUDING MITIGATION, PREPAREDNESS,
2 RESPONSE, AND RECOVERY, BY THE HEALTH DEPARTMENT. THE EMERGENCY
3 MANAGEMENT PLAN DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE
4 PROVISIONS FOR THE DISSEMINATION OF PUBLIC INFORMATION, AND LOCAL
5 BROADCASTERS SHALL BE CONSULTED IN DEVELOPING SUCH PROVISIONS. THE
6 EMERGENCY MANAGEMENT PLAN DEVELOPED UNDER THIS SUBSECTION SHALL BE
7 CONTINUOUSLY UPDATED.

8 (4) ~~—(2)—~~ For the purpose of providing assistance during a
9 disaster or emergency, municipalities and counties may enter into
10 mutual aid or reciprocal aid agreements or compacts with other
11 counties, municipalities, public agencies, federally recognized
12 tribal nations, or private sector agencies, or all of these
13 entities. A compact entered into pursuant to this subsection is
14 limited to the exchange of personnel, equipment, and other
15 resources in times of emergency, disaster, or other serious threats
16 to public health and safety. The arrangements shall be consistent
17 with the Michigan emergency management plan.

18 (5) ~~—(3)—~~ The emergency management coordinator may assist in
19 the development or negotiation, or both, of a mutual aid or
20 reciprocal aid agreement or compact made ~~pursuant to~~ **UNDER**
21 section 4(3) and shall carry out the agreement or compact.