

SENATE BILL NO. 896

April 28, 2020, Introduced by Senator RUNESTAD and referred to the Committee on Government Operations.

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 2, 7a, and 8 (MCL 30.402, 30.407a, and 30.408), section 2 as amended by 1990 PA 50 and sections 7a and 8 as amended by 2002 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Chief executive official" means:
- 3 (i) In the case of a county with an elected county executive,

1 the county executive.

2 (ii) In the case of a county without an elected county
3 executive, the chairperson of the county board of commissioners, or
4 the appointed administrator designated by appropriate enabling
5 legislation.

6 (iii) In the case of a city, the mayor or the individual
7 specifically identified in the municipal charter.

8 (iv) In the case of a township, the township supervisor.

9 (v) In the case of a village, the village president or the
10 individual specifically identified in the village charter.

11 (b) "Council" means the Michigan emergency management advisory
12 council.

13 (c) "Department" means the department of state police.

14 (d) "Director" or "state director of emergency management"
15 means the director of the department of state police or his or her
16 designee.

17 (e) "Disaster" means an occurrence or threat of widespread or
18 severe damage, injury, or loss of life or property resulting from a
19 natural or human-made cause, including, but not limited to, fire,
20 flood, snowstorm, ice storm, tornado, windstorm, wave action, oil
21 spill, water contamination, utility failure, hazardous peacetime
22 radiological incident, major transportation accident, hazardous
23 materials incident, epidemic, air contamination, blight, drought,
24 infestation, explosion, or hostile military action or paramilitary
25 action, or similar occurrences resulting from terrorist activities,
26 riots, or civil disorders.

27 (f) "Disaster relief forces" means all agencies of state,
28 county, and municipal government, private and volunteer personnel,
29 public officers and employees, and all other persons or groups of

1 persons having duties or responsibilities under this act or
2 pursuant to a lawful order or directive authorized by this act.

3 (g) "District coordinator" means the state police emergency
4 management division district coordinator.

5 (h) "Emergency" means any occasion or instance in which the
6 governor determines state assistance is needed to supplement local
7 efforts and capabilities to save lives, protect property and the
8 public health and safety, or to lessen or avert the threat of a
9 catastrophe in any part of the state.

10 (i) "Emergency management coordinator" means a person
11 appointed pursuant to section 9 to coordinate emergency management
12 within the county or municipality. Emergency management coordinator
13 includes a civil defense director, civil defense coordinator,
14 emergency services coordinator, emergency program manager, or other
15 person with a similar title and duties.

16 (j) **"Industry emergency management representative" means an**
17 **individual who represents the interests of a statewide business**
18 **organization that reflects the diverse business community in this**
19 **state.**

20 (k) ~~(j)~~—"Local state of emergency" means a proclamation or
21 declaration that activates the response and recovery aspects of any
22 and all applicable local or interjurisdictional emergency
23 operations plans and authorizes the furnishing of aid, assistance,
24 and directives under those plans.

25 (l) ~~(k)~~—"Michigan emergency management plan" means the plan
26 prepared and maintained by the emergency management division of the
27 department and signed by the governor.

28 (m) ~~(l)~~—"Municipality" means a city, village, or township.

29 (n) ~~(m)~~—"Person" means an individual, partnership,

1 corporation, association, governmental entity, or any other entity.

2 (o) ~~(n)~~ "Political subdivision" means a county, municipality,
3 school district, or any other governmental unit, agency, body,
4 board, or commission which is not a state department, board,
5 commission, or agency of state government.

6 (p) ~~(e)~~ "Rule" means a rule promulgated pursuant to the
7 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
8 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
9 ~~Compiled Laws. 1969 PA 306, MCL 24.201 to 24.328.~~

10 (q) ~~(p)~~ "State of disaster" means an executive order or
11 proclamation that activates the disaster response and recovery
12 aspects of the state, local, and interjurisdictional emergency
13 operations plans applicable to the counties or municipalities
14 affected.

15 (r) ~~(q)~~ "State of emergency" means an executive order or
16 proclamation that activates the emergency response and recovery
17 aspects of the state, local, and interjurisdictional emergency
18 operations plans applicable to the counties or municipalities
19 affected.

20 Sec. 7a. (1) The department shall establish an emergency
21 management division for the purpose of coordinating within this
22 state the emergency management activities of county, municipal,
23 state, and federal governments **and state business organizations.**
24 The department shall provide the division with professional and
25 support employees as necessary for the performance of its
26 functions.

27 (2) The division shall prepare and maintain a Michigan
28 emergency management plan that is a comprehensive plan that
29 encompasses mitigation, preparedness, response, and recovery for

1 this state.

2 (3) The division shall receive available state and federal
3 emergency management and disaster related grants-in-aid and shall
4 administer and apportion the grants according to appropriately
5 established guidelines to the agencies of this state and local
6 political subdivisions.

7 (4) ~~The~~ **With input from a bipartisan legislative workgroup,**
8 **the** division ~~may shall~~ do ~~1 or more all~~ of the following:

9 (a) Promulgate rules that establish standards and requirements
10 for the appointment, training, and professional development of
11 emergency management coordinators.

12 (b) Promulgate rules that establish standards and requirements
13 for local and interjurisdictional emergency management programs.

14 (c) Periodically review local and interjurisdictional
15 emergency operations plans.

16 (d) Promulgate rules that establish standards and requirements
17 for emergency training and exercising programs and public
18 information programs.

19 (e) ~~Make~~ **Every 4 years, make** surveys of industries, resources,
20 and facilities within this state, both public and private,
21 necessary to carry out the purposes of this act.

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

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

28 (h) Provide for the coordination and cooperation of state
29 agencies and departments with federal and local government agencies

1 and departments **and state business organizations** in emergency
2 management activities.

3 (i) **Provide for secure communication processes, to include**
4 **virtual meetings of the division with state and local emergency**
5 **management coordinators and with industry emergency management**
6 **representatives to be held immediately at the call of the director**
7 **or the division director at the onset of a statewide disaster under**
8 **a declaration of a state of disaster or a state of emergency and**
9 **through the mitigation and recovery process.**

10 (j) ~~(i)~~—Cooperate with the federal government and any public
11 or private agency or entity in achieving any purpose of this act
12 and in implementing programs for disaster mitigation, preparation,
13 response, and recovery.

14 (k) ~~(j)~~—Propose and administer statewide mutual aid compacts
15 and agreements.

16 (l) ~~(k)~~—Do other activities necessary, incidental, or
17 appropriate for the implementation of this act.

18 (5) For purposes of this section, the judicial branch of this
19 state is considered a department of state government.

20 (6) **Not later than 30 days after the effective date of the**
21 **amendatory act that added this subsection, and every 4 years, the**
22 **director shall appoint 5 industry emergency management**
23 **representatives to meet with the division, district coordinators,**
24 **and emergency management coordinators to review and advise the**
25 **director on any proposed or existing rules, orders, plans, or**
26 **guidelines described in this section.**

27 (7) **Industry emergency management representatives shall be**
28 **appointed by the director, 2 from a list of 4 or more individuals**
29 **nominated by the senate majority leader and 2 from a list of 4 or**

1 more individuals nominated by the speaker of the house of
2 representatives. Industry emergency management representatives
3 shall serve for a period of 4 years or until the state of emergency
4 or state of disaster is terminated, whichever is longer.

5 (8) The meeting described in subsection (6) shall be called by
6 the director and conducted at a public meeting held in compliance
7 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

8 (9) Industry emergency management representatives shall serve
9 without compensation.

10 (10) ~~(6)~~As used in this section, "division" means the
11 emergency management division of the department.

12 Sec. 8. (1) The director of each department of state
13 government, and those agencies of state government required by the
14 Michigan emergency management plan to provide an annex to that
15 plan, shall serve as emergency management coordinator for their
16 respective departments or agencies. Each director may appoint or
17 employ a designated representative as emergency management
18 coordinator, provided that the representative shall act for and at
19 the direction of that director while functioning in the capacity of
20 emergency management coordinator upon the activation of the state
21 emergency operations center, or the declaration of a state of
22 disaster or emergency. Each department or agency emergency
23 management coordinator shall act as liaison between his or her
24 department or agency and the emergency management division of the
25 department in all matters of emergency management, including the
26 activation of the Michigan emergency management plan. Each
27 department or agency of state government specified in the Michigan
28 emergency management plan shall prepare and continuously update an
29 annex to the plan providing for the delivery of emergency

1 management activities by that agency or the department. The annexes
2 shall be in a form prescribed by the director. The emergency
3 management coordinator shall represent the agency or department
4 head in the drafting and updating of the respective agency's or the
5 department's emergency management annex and in coordinating the
6 agency's or department's emergency management efforts with those of
7 the other state agencies as well as with county and municipal
8 governments.

9 (2) Upon the declaration of a state of disaster or a state of
10 emergency by the governor, each state agency shall cooperate to the
11 fullest possible extent with the director in the performance of the
12 services that it is suited to perform, and as described in the
13 Michigan emergency management plan, in the prevention, mitigation,
14 response to, or recovery from the disaster or emergency. For
15 purposes of this section, the judicial branch of this state is
16 considered a department of state government and the chief justice
17 of the Michigan supreme court is considered the director of that
18 department.

19 (3) **Not later than January 1 of each year the director shall**
20 **report all the following to each house of the legislature for the**
21 **immediately preceding fiscal year:**

22 (a) **The status of the Michigan emergency management plan.**

23 (b) **Whether this state has sufficient stockpiles of equipment**
24 **or supplies needed for emergencies detailed in the Michigan**
25 **emergency management plan.**

26 (c) **A summary of actions taken in the immediately preceding**
27 **fiscal year under this section by the emergency management**
28 **division.**

29 (d) **Any recommendations made by industry emergency management**

1 representatives under section 7a during the immediately preceding
2 fiscal year.