



HOUSE BILL No. 4822

June 2, 1993, Introduced by Rep. Griffin and referred to the Committee on State Affairs.

A bill to amend section 2 of Act No. 390 of the Public Acts of 1976, entitled as amended

"Emergency management act,"

as amended by Act No. 50 of the Public Acts of 1990, being section 30.402 of the Michigan Compiled Laws; and to add section 411a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 390 of the Public Acts of
2 1976, as amended by Act No. 50 of the Public Acts of 1990, being
3 section 30.402 of the Michigan Compiled Laws, is amended and sec-
4 tion 411a is added to read as follows:

5 Sec. 2. As used in this act:

6 (A) "BUILDING INSPECTION OFFICIAL" MEANS AN APPOINTED OR
7 ELECTED FEDERAL, STATE, OR LOCAL OFFICIAL WITH OVERALL EXECUTIVE
8 RESPONSIBILITY TO COORDINATE BUILDING INSPECTION IN THE

1 JURISDICTION IN WHICH THE STATE OF DISASTER OR EMERGENCY IS
2 DECLARED.

3 (B) ~~(a)~~ "Chief executive official" means:

4 (i) ~~In the case of~~ FOR a county with an elected county
5 executive, the county executive.

6 (ii) ~~In the case of~~ FOR a county without an elected county
7 executive, the chairperson of the county board of commissioners
8 ~~or~~ or the appointed administrator designated by appropriate ena-
9 bling legislation.

10 (iii) ~~In the case of~~ FOR a city, the mayor or the individ-
11 ual specifically identified in the municipal charter.

12 (iv) ~~In the case of~~ FOR a township, the township
13 supervisor.

14 (v) ~~In the case of~~ FOR a village, the village president or
15 the individual specifically identified in the village charter.

16 (C) ~~(b)~~ "Council" means the Michigan emergency management
17 advisory council.

18 (D) ~~(c)~~ "Department" means the department of state
19 police.

20 (E) ~~(d)~~ "Director" ~~or "state director of emergency~~
21 ~~management"~~ means the director of the department of state police
22 or his or her designee.

23 (F) ~~(e)~~ "Disaster" means an occurrence or threat of wide-
24 spread or severe damage, injury, or loss of life or property
25 resulting from a natural or human-made cause, including, but not
26 limited to, fire, flood, snowstorm, ice storm, tornado,
27 windstorm, wave action, oil spill, water contamination, utility

1 failure, hazardous peacetime radiological incident, major
2 transportation accident, hazardous materials incident, epidemic,
3 air contamination, blight, drought, infestation, explosion, or
4 hostile military action or paramilitary action, or similar occur-
5 rences resulting from terrorist activities, riots, or civil
6 disorders.

7 (G) ~~(f)~~ "Disaster relief forces" means ~~all~~ agencies of
8 state, county, and municipal government, private and volunteer
9 personnel, public officers and employees, and all other persons
10 or groups of persons having duties or responsibilities under this
11 act or pursuant to a lawful order or directive authorized by this
12 act.

13 (H) ~~(g)~~ "District coordinator" means the state police
14 emergency management division district coordinator.

15 (I) ~~(h)~~ "Emergency" means ~~any~~ AN occasion or instance in
16 which the governor determines state assistance is needed to sup-
17 plement local efforts and capabilities to save lives, TO protect
18 property and the public health and safety, or to lessen or avert
19 the threat of a catastrophe in any part of the state.

20 (J) ~~(i)~~ "Emergency management coordinator" means a person
21 appointed pursuant to section 9 to coordinate emergency manage-
22 ment within the county or municipality. Emergency management
23 coordinator includes a civil defense director, civil defense
24 coordinator, emergency services coordinator, emergency program
25 manager, or other person with a similar title and duties.

26 (K) ~~(j)~~ "Local state of emergency" means a proclamation or
27 declaration that activates the response and recovery aspects of

1 ~~any and all~~ applicable local or interjurisdictional emergency
2 operations plans and authorizes the furnishing of aid, assist-
3 ance, and directives under those plans.

4 (L) ~~(k)~~ "Michigan emergency management plan" means the
5 plan prepared and maintained by the emergency management division
6 of the department and signed by the governor.

7 (M) ~~(j)~~ "Municipality" means a city, village, or
8 township.

9 (N) ~~(m)~~ "Person" means an individual, partnership, corpo-
10 ration, association, governmental entity, or any other entity.

11 (O) ~~(n)~~ "Political subdivision" means a county, municipal-
12 ity, school district, or any other governmental unit, agency,
13 body, board, or commission ~~which~~ THAT is not a state depart-
14 ment, board, commission, or agency of state government.

15 (P) ~~(o)~~ "Rule" means a rule promulgated pursuant to the
16 administrative procedures act of 1969, Act No. 306 of the Public
17 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
18 Compiled Laws.

19 (Q) ~~(p)~~ "State of disaster" means an executive order or
20 proclamation that activates the disaster response and recovery
21 aspects of the state, local, and interjurisdictional emergency
22 operations plans applicable to the counties or municipalities
23 affected.

24 (R) ~~(q)~~ "State of emergency" means an executive order or
25 proclamation that activates the emergency response and recovery
26 aspects of the state, local, and interjurisdictional emergency

1 operations plans applicable to the counties or municipalities
2 affected.

3 SEC. 411A. A PERSON LICENSED AS A PROFESSIONAL ENGINEER
4 UNDER ARTICLE 20 OF THE OCCUPATIONAL CODE, ACT NO. 299 OF THE
5 PUBLIC ACTS OF 1980, BEING SECTIONS 339.2001 TO 399.2014 OF THE
6 MICHIGAN COMPILED LAWS, IS NOT LIABLE FOR CIVIL DAMAGES AS A
7 RESULT OF AN ACT OR OMISSION IN THE PERFORMANCE OF STRUCTURAL,
8 ELECTRICAL, MECHANICAL, OR OTHER ENGINEERING SERVICES PROVIDED AT
9 THE SCENE OF AN EMERGENCY IF THOSE SERVICES ARE PROVIDED VOLUN-
10 TARILY, WITHOUT COMPENSATION, AND AT THE REQUEST OF THE BUILDING
11 INSPECTION OFFICIAL, CHIEF EXECUTIVE OFFICER, DIRECTOR, DISTRICT
12 COORDINATOR, OR EMERGENCY MANAGEMENT COORDINATOR. THE IMMUNITY
13 PROVIDED BY THIS SECTION IS IN ADDITION TO OTHER IMMUNITY PRO-
14 VIDED BY THIS ACT OR OTHER LAW.