



HOUSE BILL No. 5149

November 30, 1999, Introduced by Reps. DeWeese, Bovin, Voorhees, Green, Tabor, Julian, Koetje and Garcia and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1976 PA 390, entitled
"Emergency management act,"
by amending section 6 (MCL 30.406), as amended by 1990 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) All persons within this state shall conduct
2 themselves and manage their affairs and property in ways that
3 will reasonably assist and will not unreasonably detract from the
4 ability of the state and the public to cope with the effects of a
5 disaster or an emergency. This obligation includes appropriate
6 personal service and the use or restriction of the use of prop-
7 erty in time of a disaster or an emergency. This act neither
8 increases nor decreases these obligations but recognizes their
9 existence under the state constitution of 1963, the statutes, and
10 the common law. Compensation for services or for the taking or
11 use of property shall be paid only if obligations recognized

1 herein are exceeded in a particular case and only if the claimant
2 has not volunteered his or her services or property without
3 compensation.

4 (2) UNLESS SPECIFICALLY PROHIBITED BY THE CIVIL SERVICE COM-
5 MISSION, A STATE EMPLOYEE SKILLED IN EMERGENCY ASSISTANCE MAY
6 TAKE A LEAVE OF ABSENCE FROM HIS OR HER EMPLOYMENT TO PROVIDE
7 DISASTER OR EMERGENCY RELIEF ASSISTANCE IN THIS STATE. THE STATE
8 SHALL NOT PENALIZE OR OTHERWISE TAKE ADVERSE ACTION AGAINST A
9 STATE EMPLOYEE WHO TAKES A LEAVE OF ABSENCE AUTHORIZED UNDER THIS
10 SECTION TO PROVIDE DISASTER OR EMERGENCY RELIEF ASSISTANCE.

11 (3) ~~(2)~~ Personal services may not be compensated by the
12 state, or a subdivision or agency of the state, except pursuant
13 to statute, local law, or ordinance.

14 (4) ~~(3)~~ Compensation for property shall be paid only if
15 the property is taken or otherwise used in coping with a disaster
16 or emergency and its use or destruction is ordered by the gover-
17 nor or the director. A record of all property taken or otherwise
18 used under this act shall be made and promptly transmitted to the
19 office of the governor.

20 (5) ~~(4)~~ A person claiming compensation for the use,
21 damage, loss, or destruction of property under this act shall
22 file a claim with the emergency management division of the
23 department in the form and manner prescribed by the division.

24 (6) ~~(5)~~ If a claimant refuses to accept the amount of com-
25 pensation offered by the state, a claim may be filed in the state
26 court of claims which court shall have exclusive jurisdiction to
27 determine the amount of compensation due the owner.

1 (7) ~~(6)~~ This section does not apply to or authorize
2 compensation for either of the following:

3 (a) The destruction or damaging of standing timber or other
4 property to provide a firebreak.

5 (b) The release of waters or the breach of impoundments to
6 reduce pressure or other danger from actual or threatened flood.