

HOUSE BILL No. 5488

December 11, 2001, Introduced by Rep. DeWeese 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~~ THIS state and the public to cope with the
5 effects of a disaster or an emergency. This obligation includes
6 appropriate personal service and the use or restriction of the
7 use of property in time of a disaster or an emergency. This act
8 neither increases nor decreases these obligations but recognizes
9 their existence under the state constitution of 1963, the
10 statutes, and the common law. Compensation for services or for
11 the taking or use of property shall be paid only if obligations

1 recognized ~~herein~~ IN THIS ACT are exceeded in a particular case
2 and only if the claimant has not volunteered his or her services
3 or property without 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. THIS
8 STATE SHALL NOT PENALIZE OR OTHERWISE TAKE ADVERSE ACTION AGAINST
9 A STATE EMPLOYEE WHO TAKES A LEAVE OF ABSENCE AUTHORIZED UNDER
10 THIS SECTION TO PROVIDE DISASTER OR EMERGENCY RELIEF ASSISTANCE.

11 (3) ~~(2)~~ Personal services may not be compensated by ~~the~~
12 THIS state, or a subdivision or agency of ~~the~~ THIS state,
13 except pursuant 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~~ THIS state, a claim may be filed in
26 the state court of claims, which ~~court shall have~~ HAS exclusive

1 jurisdiction to determine the amount of compensation due the
2 owner.

3 (7) ~~-(6)-~~ This section does not apply to or authorize com-
4 pensation for either of the following:

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

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