

HOUSE BILL No. 5061

July 20, 2005, Introduced by Reps. Green, Gosselin, Nofs, Lemmons, Jr., Hansen, Newell, Gaffney, Mortimer, Stewart and Lemmons, III 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 will
3 reasonably assist and will not unreasonably detract from the
4 ability of ~~the~~ **THIS** state and the public to cope with the effects
5 of a disaster or an emergency. This obligation includes appropriate
6 personal service and the use or restriction of the use of property
7 in time of a disaster or an emergency. This act neither increases
8 nor decreases these obligations but recognizes their existence
9 under the state constitution of 1963, the statutes, and the common

1 law. Compensation for services or for the taking or use of property
2 shall be paid only if obligations recognized ~~herein~~ **IN THIS ACT**
3 are exceeded in a particular case and only if the claimant has not
4 volunteered his or her services or property without compensation.

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

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

15 (4) ~~(3)~~ Compensation for property shall be paid only if the
16 property is taken or otherwise used in coping with a disaster or
17 emergency and its use or destruction is ordered by the governor or
18 the director. A record of all property taken or otherwise used
19 under this act shall be made and promptly transmitted to the office
20 of the governor.

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

25 (6) ~~(5)~~ If a claimant refuses to accept the amount of
26 compensation offered by ~~the~~ **THIS** state, a claim may be filed in
27 the state court of claims, which ~~court shall have~~ **HAS** exclusive

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

2 (7) ~~-(6)-~~ This section does not apply to or authorize

3 compensation for either of the following:

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

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