

# HOUSE BILL No. 4934

June 15, 1989, Introduced by Reps. Middaugh, Alley, Bartnik, DeMars, Palamara, Giese, DeBeaussiaert, Gire, Hart, Hickner, Niederstadt, Gnodtke, Kosteva, Gubow, Brown, Varga, Stupak, Trim, Dolan, Sikkema, Nye, Hillegonds, Stacey, Crandall, Allen, Knight, Muxlow, Runco, Ostling, Bandstra, Power, Strand, Hoekman, Bender, Randall, London, Camp, Bankes, Fitzgerald and Hertel and referred to the Committee on Conservation, Recreation and Environment.

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

"Emergency preparedness act,"

being section 30.402 of the Michigan Compiled Laws; and to add section 8a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2 of Act No. 390 of the Public Acts of  
2 1976, being section 30.402 of the Michigan Compiled Laws, is  
3 amended and section 8a is added to read as follows:

4       Sec. 2. As used in this act:

5       (a) "Director" or "director of emergency services" means the  
6 director of the department of state police or his OR HER autho-  
7 rized representative.

8       (b) "Council" means the Michigan emergency preparedness  
9 advisory council.

1 (c) "Department" means the ~~Michigan~~ department of state  
2 police.

3 (d) "District coordinator" means the state police emergency  
4 services division district coordinator or his OR HER authorized  
5 representative.

6 (e) "County or local coordinator" means a person appointed  
7 pursuant to section 9 to coordinate emergency planning and serv-  
8 ices within the county or municipality. In the absence of an  
9 appointed person, "county or local coordinator" ~~shall mean~~  
10 MEANS the ~~chairman~~ CHAIRPERSON of the county board of commis-  
11 sioners or the chief executive officer of a municipality.  
12 "County or local coordinator" includes a civil defense director,  
13 civil defense coordinator, emergency services coordinator, or any  
14 officer who administers federal and state disaster preparedness  
15 and assistance programs at the county or municipal level.

16 (f) "Disaster" means an occurrence or imminent threat of  
17 widespread or severe damage, injury, or loss of life or property  
18 resulting from a natural or man-made cause, including fire,  
19 flood, snow, ice, windstorm, wave action, oil spill AND HAZARDOUS  
20 SUBSTANCE SPILLS, water contamination requiring emergency action  
21 to avert danger or damage, utility failure, hazardous peacetime  
22 radiological incident, major transportation accident, epidemic,  
23 air contamination, blight, drought, infestation, explosion, or  
24 hostile military or paramilitary action. Riots and other civil  
25 disorders are not within the meaning of this term unless they  
26 directly result from and are an aggravating element of the  
27 disaster.

1 (g) "Disaster relief forces" means all agencies of state,  
2 county, and municipal government, private and volunteer person-  
3 nel, public officers and employees, and all other persons or  
4 groups of persons having duties or responsibilities under this  
5 act or pursuant to a lawful order or directive authorized by this  
6 act.

7 (h) "Municipality" means a city, village, or township.

8 SEC. 8A. (1) PRIOR TO JUNE 1, 1991, THE COUNCIL SHALL  
9 DEVELOP, OR PROVIDE FOR THE DEVELOPMENT OF, A STATEWIDE EMERGENCY  
10 SPILL PLAN TO CLEAN UP SPILLS OF HAZARDOUS SUBSTANCES IN THE  
11 WATERS OF THE STATE.

12 (2) THE COUNCIL SHALL CONFER WITH COUNTY OR LOCAL COORDINA-  
13 TORS AND MUNICIPALITIES IN PREPARING THE STATEWIDE EMERGENCY  
14 SPILL PLAN. IN ADDITION, THE COUNCIL SHALL CONDUCT PUBLIC HEAR-  
15 INGS THROUGHOUT THE STATE TO ENSURE THAT THE PUBLIC HAS AN OPPOR-  
16 TUNITY TO CONTRIBUTE TO THE DEVELOPMENT OF THE STATEWIDE EMER-  
17 GENCY SPILL PLAN.

18 (3) IN DEVELOPING OR PROVIDING FOR THE DEVELOPMENT OF THE  
19 STATEWIDE EMERGENCY SPILL PROGRAM, THE COUNCIL SHALL ENSURE THAT  
20 AVAILABLE AND RELEVANT SCIENTIFIC AND TECHNICAL INFORMATION IS  
21 CONSULTED AS WELL AS RECOGNIZED EXPERTS IN THE AREA OF OIL OR  
22 OTHER PETROLEUM PRODUCTS AND HAZARDOUS SUBSTANCE CLEANUPS.

23 (4) UPON COMPLETION OF THE STATEWIDE EMERGENCY SPILL PLAN,  
24 THE COUNCIL SHALL SUBMIT BOTH OF THE FOLLOWING TO THE GOVERNOR  
25 AND THE COMMITTEES OF BOTH HOUSES OF THE LEGISLATURE THAT ADDRESS  
26 ISSUES PERTAINING TO THE ENVIRONMENT:

1 (A) THE STATEWIDE EMERGENCY SPILL PLAN.

2 (B) A REPORT ON FINDINGS OF THE COUNCIL AS TO HOW THE STATE  
3 CAN WORK TOGETHER WITH COUNTIES AND MUNICIPALITIES TO PREVENT  
4 HAZARDOUS SUBSTANCE SPILLS IN THE STATE.

5 (5) AS USED IN THIS SECTION:

6 (A) "HAZARDOUS SUBSTANCES" MEANS A CHEMICAL OR OTHER MATE-  
7 RIAL WHICH IS OR MAY BECOME INJURIOUS TO THE PUBLIC HEALTH,  
8 SAFETY, OR WELFARE OR TO THE ENVIRONMENT, AND INCLUDES OIL OR  
9 OTHER PETROLEUM PRODUCTS.

10 (B) "SPILL" MEANS A SUDDEN, UNEXPECTED LEAKING, PUMPING,  
11 POURING, EMITTING, EMPTYING, DISCHARGING, ESCAPING, LEACHING,  
12 DUMPING, OR DISPOSING THAT OCCURS WITHOUT THE APPROVAL OF THE  
13 DEPARTMENT OF NATURAL RESOURCES.

14 (C) "WATERS OF THE STATE" MEANS ALL GROUNDWATERS, LAKES,  
15 RIVERS, STREAMS, AND OTHER WATERCOURSES INCLUDING THE GREAT LAKES  
16 AND THEIR CONNECTING WATERWAYS WITHIN THE JURISDICTION OF THE  
17 STATE.