

SENATE BILL No. 424

May 3, 1989, Introduced by Senator FESSLER and
referred to the Committee on Judiciary.

A bill to amend Act No. 451 of the Public Acts of 1976,
entitled as amended

"The school code of 1976,"

as amended, being sections 380.1 to 380.1852 of the Michigan
Compiled Laws, by adding sections 623b and 1256.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1976, as
2 amended, being sections 380.1 to 380.1852 of the Michigan
3 Compiled Laws, is amended by adding sections 623b and 1256 to
4 read as follows:

5 SEC. 623B. (1) IF THE DUTIES OF A PERSON EMPLOYED BY AN
6 INTERMEDIATE SCHOOL BOARD INCLUDE INSPECTING, MONITORING, REMOV-
7 ING, OR TREATING ASBESTOS OR MATERIAL CONTAINING ASBESTOS, OR
8 SUPERVISING THOSE ACTIVITIES, THE INTERMEDIATE SCHOOL BOARD MAY
9 CONTRACTUALLY AGREE TO PROVIDE LEGAL REPRESENTATION AND

1 INDEMNIFICATION AGAINST CIVIL LIABILITY WITH REGARD TO CLAIMS OR
2 ACTIONS RESULTING FROM OR ARISING OUT OF THE PERSON'S NEGLIGENCE
3 OR ALLEGED NEGLIGENCE IN PERFORMING THOSE DUTIES WHILE IN THE
4 COURSE OF HIS OR HER EMPLOYMENT AND WHILE ACTING WITHIN THE SCOPE
5 OF HIS OR HER AUTHORITY.

6 (2) A CONTRACTUAL AGREEMENT AUTHORIZED UNDER THIS SECTION
7 MAY BE ENTERED INTO AT ANY TIME BEFORE OR AFTER THE PERSON BEGINS
8 PERFORMING THE DUTIES DESCRIBED IN SUBSECTION (1).

9 SEC. 1256. (1) IF THE DUTIES OF A PERSON EMPLOYED BY A
10 BOARD OF A SCHOOL DISTRICT INCLUDE INSPECTING, MONITORING, REMOV-
11 ING, OR TREATING ASBESTOS OR MATERIAL CONTAINING ASBESTOS, OR
12 SUPERVISING THOSE ACTIVITIES, THE BOARD MAY CONTRACTUALLY AGREE
13 TO PROVIDE LEGAL REPRESENTATION AND INDEMNIFICATION AGAINST CIVIL
14 LIABILITY WITH REGARD TO CLAIMS OR ACTIONS RESULTING FROM OR
15 ARISING OUT OF THE PERSON'S NEGLIGENCE OR ALLEGED NEGLIGENCE IN
16 PERFORMING THOSE DUTIES WHILE IN THE COURSE OF HIS OR HER EMPLOY-
17 MENT AND WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY.

18 (2) A CONTRACTUAL AGREEMENT AUTHORIZED UNDER THIS SECTION
19 MAY BE ENTERED INTO AT ANY TIME BEFORE OR AFTER THE PERSON BEGINS
20 PERFORMING THE DUTIES DESCRIBED IN SUBSECTION (1).