

HOUSE BILL NO. 5864

June 17, 2020, Introduced by Reps. LaFave, Markkanen, Rendon, O'Malley and Crawford and referred to the Committee on Government Operations.

A bill to amend 1945 PA 302, entitled

"An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,"

by amending section 1 (MCL 10.31), as amended by 2006 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) During times of great public crisis, disaster,
- 2 rioting, catastrophe, or similar public emergency within the state,
- 3 or reasonable apprehension of immediate danger of a public



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1 emergency of that kind, when public safety is imperiled, either
 2 upon application of the mayor of a city, **the** sheriff of a county,
 3 or the ~~commissioner of the Michigan~~ **director of the department of**
 4 state police or upon his or her own volition, the governor may
 5 proclaim a state of emergency and designate the area involved.
 6 After making the proclamation or declaration, the governor may
 7 promulgate reasonable orders, rules, and regulations as he or she
 8 considers necessary to protect life and property or to bring the
 9 emergency situation within the affected area under control. Those
 10 orders, rules, and regulations may include, but are not limited to,
 11 ~~providing~~ **1 or more of the following:**

12 **(a) Providing** for the control of traffic, including public and
 13 private transportation, within the area or any section of the area.
 14 ~~;~~ ~~designation~~

15 **(b) Designation** of specific zones within the area in which
 16 occupancy and use of buildings and ingress and egress of persons
 17 and vehicles may be prohibited or regulated. ~~;~~ ~~control~~

18 **(c) Control** of places of amusement and assembly and of persons
 19 on public streets and thoroughfares. ~~;~~ ~~establishment~~

20 **(d) Establishment** of a curfew. ~~;~~ ~~control~~

21 **(e) Control** of the sale, transportation, and use of alcoholic
 22 beverages and liquors. ~~;~~ ~~and control~~

23 **(f) Control** of the storage, use, and transportation of
 24 explosives or inflammable materials or liquids ~~deemed~~ **considered** to
 25 be dangerous to public safety.

26 (2) ~~The orders,~~ **Orders**, rules, and regulations promulgated
 27 under subsection (1) are effective from the date and in the manner
 28 prescribed in the orders, rules, and regulations and shall be made
 29 public as provided in the orders, rules, and regulations. The



1 orders, rules, and regulations may be amended, modified, or
2 rescinded, in the manner in which they were promulgated, from time
3 to time by the governor during the pendency of the emergency, but
4 shall cease to be in effect upon declaration by the governor that
5 the emergency no longer exists.

6 (3) Subsection (1) does not authorize the seizure, taking, or
7 confiscation of lawfully possessed firearms, ammunition, or other
8 weapons.

9 (4) If the governor declares a state of emergency under this
10 section, the governor shall disclose public records and information
11 in the same manner that a public body discloses records and
12 information under the freedom of information act, 1976 PA 442, MCL
13 15.231 to 15.246, regardless of any order, rule, or regulation
14 issued by the governor under this section. The governor shall
15 respond to the request for public records or information within 5
16 days of the request.

