

HOUSE BILL NO. 5917

June 24, 2020, Introduced by Reps. Berman, Steven Johnson, Hornberger, Slagh, Haadsma and Yaroch 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~~ **Except as otherwise provided in this section, the**
 27 orders, rules, and regulations promulgated under subsection (1) are
 28 effective from the date and in the manner prescribed in the orders,
 29 rules, and regulations and shall be made public as provided in the



1 orders, rules, and regulations. The orders, rules, and regulations
2 may be amended, modified, or rescinded, in the manner in which they
3 were promulgated, from time to time by the governor during the
4 pendency of the emergency, but shall cease to be in effect upon
5 declaration by the governor that 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) **A state of emergency declaration under this section and**
10 **any orders, rules, or regulations issued under that declaration**
11 **shall not extend any response time or otherwise limit the scope of**
12 **a public body's duties under the freedom of information act, 1976**
13 **PA 442, MCL 15.231 to 15.246.**

