HOUSE BILL NO. 5863

A bill to amend 1976 PA 390, entitled

"Emergency management act,"

by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 3. (1) The governor is responsible for coping with

2 dangers to this state or the people of this state presented by a

3 disaster or emergency.

4   (2) The governor may issue executive orders, proclamations,
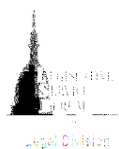
1   and directives having the force and effect of law to implement this

2   act. Except as provided in section 7(2), an executive order,

3   proclamation, or directive may be amended or rescinded by the

4   governor.

5   (3) The governor shall, by executive order or proclamation,

6   declare a state of disaster if he or she finds a disaster has

7   occurred or the threat of a disaster exists. The state of disaster

8   shall continue until the governor finds that the threat or danger

9   has passed, the disaster has been dealt with to the extent that

10 disaster conditions no longer exist, or until the declared state of

11 disaster has been in effect for 28 days. After 28 days, the

12 governor shall issue an executive order or proclamation declaring

13 the state of disaster terminated, unless a request by the governor

14 for an extension of the state of disaster for a specific number of

15 days is approved by resolution of both houses of the legislature.

16 An executive order or proclamation issued pursuant to this

17 subsection shall indicate the nature of the disaster, the area or

18 areas threatened, the conditions causing the disaster, and the

19 conditions permitting the termination of the state of disaster. An

20 executive order or proclamation shall be disseminated promptly by

21 means calculated to bring its contents to the attention of the

22 general public and shall be promptly filed with the emergency

23 management division of the department and the secretary of state,

24 unless circumstances attendant upon the disaster prevent or impede

25 its prompt filing.

26   (4) The governor shall, by executive order or proclamation,

27 declare a state of emergency if he or she finds that an emergency

28 has occurred or that the threat of an emergency exists. The state

29 of emergency shall continue until the governor finds that the

1   threat or danger has passed, the emergency has been dealt with to
2   the extent that emergency conditions no longer exist, or until the
3   declared state of emergency has been in effect for 28 days. After
4   28 days, the governor shall issue an executive order or
5   proclamation declaring the state of emergency terminated, unless a
6   request by the governor for an extension of the state of emergency
7   for a specific number of days is approved by resolution of both
8   houses of the legislature. An executive order or proclamation
9   issued pursuant to this subsection shall indicate the nature of the
10   emergency, the area or areas threatened, the conditions causing the
11   emergency, and the conditions permitting the termination of the
12   state of emergency. An executive order or proclamation shall be
13   disseminated promptly by means calculated to bring its contents to
14   the attention of the general public and shall be promptly filed
15   with the emergency management division of the department and the
16   secretary of state, unless circumstances attendant upon the
17   emergency prevent or impede its prompt filing.
18   **(5) If the governor declares a state of disaster or a state of**
19   **emergency under this section, the governor shall disclose public**
20   **records and information in the same manner that a public body**
21   **discloses records and information under the freedom of information**
22   **act, 1976 PA 442, MCL 15.231 to 15.246, regardless of any executive**
23   **order, proclamation, directive, order, rule, or regulation issued**
24   **by the governor under this section. The governor shall respond to**
25   **the request for public records or information within 5 days of the**
26   **request.**