

HOUSE BILL NO. 5646

April 23, 2024, Introduced by Reps. Bierlein, Aragona, Borton and DeBoyer and referred to the Committee on Government Operations.

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 3 and 5 (MCL 30.403 and 30.405), section 3 as amended by 2002 PA 132 and section 5 as amended by 2006 PA 545.

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

1 disaster or emergency.

2 (2) ~~The Subject to subsection (5), the~~ governor may issue
3 executive orders, proclamations, and directives having the force
4 and effect of law to implement this act. Except as provided in
5 section 7(2), an executive order, proclamation, or directive may be
6 amended or rescinded by the governor.

7 (3) ~~The Subject to subsection (5), the~~ governor shall, by
8 executive order or proclamation, declare a state of disaster if ~~he~~
9 ~~or she~~ **the governor** finds a disaster has occurred or the threat of
10 a disaster exists. The state of disaster ~~shall continue~~ **continues**
11 until the governor finds that the threat or danger has passed, the
12 disaster has been dealt with to the extent that disaster conditions
13 no longer exist, or until the declared state of disaster has been
14 in effect for 28 days. After 28 days, the governor shall issue an
15 executive order or proclamation declaring the state of disaster
16 terminated, unless a request by the governor for an extension of
17 the state of disaster for a specific number of days is approved by
18 resolution of both houses of the legislature. An executive order or
19 proclamation issued ~~pursuant to~~ **under** this subsection ~~shall~~ **must**
20 indicate the nature of the disaster, the area or areas threatened,
21 the conditions causing the disaster, and the conditions permitting
22 the termination of the state of disaster. An executive order or
23 proclamation ~~shall~~ **must** be disseminated promptly by means
24 calculated to bring its contents to the attention of the general
25 public and ~~shall~~ **must** be promptly filed with the emergency
26 management **and homeland security** division of the department and the
27 secretary of state, unless circumstances attendant upon the
28 disaster prevent or impede its prompt filing.

29 (4) ~~The Subject to subsection (5), the~~ governor shall, by

1 executive order or proclamation, declare a state of emergency if ~~he~~
2 ~~or she~~ **the governor** finds that an emergency has occurred or that
3 the threat of an emergency exists. The state of emergency ~~shall~~
4 ~~continue~~ **continues** until the governor finds that the threat or
5 danger has passed, the emergency has been dealt with to the extent
6 that emergency conditions no longer exist, or until the declared
7 state of emergency has been in effect for 28 days. After 28 days,
8 the governor shall issue an executive order or proclamation
9 declaring the state of emergency terminated, unless a request by
10 the governor for an extension of the state of emergency for a
11 specific number of days is approved by resolution of both houses of
12 the legislature. An executive order or proclamation issued ~~pursuant~~
13 ~~to~~ **under** this subsection ~~shall~~ **must** indicate the nature of the
14 emergency, the area or areas threatened, the conditions causing the
15 emergency, and the conditions permitting the termination of the
16 state of emergency. An executive order or proclamation ~~shall~~ **must**
17 be disseminated promptly by means calculated to bring its contents
18 to the attention of the general public and ~~shall~~ **must** be promptly
19 filed with the emergency management **and homeland security** division
20 of the department and the secretary of state, unless circumstances
21 attendant upon the emergency prevent or impede its prompt filing.

22 **(5) An executive order, proclamation, or directive issued**
23 **under this act must not shut down a food or drink establishment**
24 **unless the food or drink establishment is fully reimbursed under**
25 **the shutdown reimbursement act for revenue lost as a result of the**
26 **executive order, proclamation, or directive.**

27 **(6) As used in this subsection:**

28 **(a) "Food or drink establishment" means that term as defined**
29 **in section 3 of the shutdown reimbursement act.**

1 (b) "Revenue lost" means that term as defined in section 5 of
2 the shutdown reimbursement act.

3 (c) "Shut down" means that term as defined in section 5 of the
4 shutdown reimbursement act.

5 Sec. 5. (1) In addition to the general authority granted to
6 the governor by this act, **and subject to section 3(5)**, the governor
7 may, upon the declaration of a state of disaster or a state of
8 emergency do 1 or more of the following:

9 (a) Suspend a regulatory statute, order, or rule prescribing
10 the procedures for conduct of state business, when strict
11 compliance with the statute, order, or rule would prevent, hinder,
12 or delay necessary action in coping with the disaster or emergency.
13 This power does not ~~extend to~~ **authorize** the suspension of ~~criminal~~
14 **any of the following:**

15 (i) **A statute, order, or rule related to criminal** process and
16 procedures.

17 (ii) **The shutdown reimbursement act.**

18 (b) Utilize the available resources of the state and its
19 political subdivisions, and those of the federal government made
20 available to the state, as are reasonably necessary to cope with
21 the disaster or emergency.

22 (c) Transfer the direction, personnel, or functions of state
23 departments, agencies, or units thereof for the purpose of
24 performing or facilitating emergency management.

25 (d) Subject to appropriate compensation, as authorized by the
26 legislature, commandeer or utilize private property necessary to
27 cope with the disaster or emergency.

28 (e) Direct and compel the evacuation of all or part of the
29 population from a stricken or threatened area within the state if

1 necessary for the preservation of life or other mitigation,
2 response, or recovery activities.

3 (f) Prescribe routes, modes, and destination of transportation
4 in connection with an evacuation.

5 (g) Control ingress and egress to and from a stricken or
6 threatened area, removal of persons within the area, and the
7 occupancy of premises within the area.

8 (h) Suspend or limit the sale, dispensing, or transportation
9 of alcoholic beverages, explosives, and combustibles.

10 (i) Provide for the availability and use of temporary
11 emergency housing.

12 (j) Direct all other actions ~~which~~**that** are necessary and
13 appropriate under the circumstances.

14 (2) Subsection (1) does not authorize the seizure, taking, or
15 confiscation of lawfully possessed firearms or ammunition.

16 (3) A person who willfully disobeys or interferes with the
17 implementation of a rule, order, or directive issued by the
18 governor ~~pursuant to~~**under** this section is guilty of a misdemeanor.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 5647 (request no.
21 04356'23) of the 102nd Legislature is enacted into law.