DECLARATION OF STATE OF ENERGY EMERGENCY

Act 191 of 1982

AN ACT to provide for the declaration of a state of energy emergency; to provide for procedures to be followed after a declaration of a state of energy emergency; to create an energy advisory committee and prescribe its powers and duties; to prescribe the powers and duties of the governor; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1982, Act 191, Imd. Eff. June 23, 1982

The People of the State of Michigan enact:

10.81 Definitions.

Sec. 1.

As used in this act:

(a) "Energy advisory committee" means the committee created under section 2.

(b) "Energy emergency" means a condition of danger to the health, safety, or welfare of the citizens of this state due to an impending or present energy shortage.

(c) "Energy resource" means electricity, natural gas, synthetic gas, a petroleum product including a liquefied petroleum gas, coal, wood fuel, geothermal source, hydropower, nuclear material, or other source producing power or heat.

(d) "Energy resource supplier" means a person who furnishes an energy resource for the public at the wholesale or retail level.

(e) "Energy shortage" means lack of adequate available energy resources in the state, or any part of the state, as determined by the energy advisory committee or the governor.

(f) "Person" means an individual, partnership, corporation, organization, or association of any kind.

History: 1982, Act 191, Imd. Eff. June 23, 1982 ;-- Am. 1990, Act 229, Imd. Eff. Oct. 8, 1990
Compiler's Notes: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.For the transfer of powers and duties of the energy security section of the Michigan agency for energy and of the powers and duties of the executive director to the Michigan public service commission and chairperson of the Michigan public service commission, see E.R.O. 2019-1, compiled at MCL 324.99923.

10.82 Energy advisory committee; creation; membership; chairperson; notifying governor of impending energy emergency; determination.

Sec. 2.

(1) An energy advisory committee is created. The committee shall consist of the director of commerce, the director of the department of agriculture, the chairperson of the Michigan public service commission, the director of public health, the director of transportation, and the director of the department of state police. The governor shall designate 1 of the 6 members of the energy advisory committee as chairperson of the committee.

(2) The energy advisory committee shall notify the governor of an impending energy emergency. The energy advisory committee shall determine whether an energy emergency is imminent on the basis of information available to the energy advisory committee from the Michigan public service commission, other state agencies, federal agencies, and other sources of information including computer information systems.

History: 1982, Act 191, Imd. Eff. June 23, 1982 ;-- Am. 1990, Act 229, Imd. Eff. Oct. 8, 1990
Compiler's Notes: For transfer of powers of the Director of the Energy Administration associated with the Director's designation as a

member of the Energy Advisory Committee to the chairperson of Public Service Commission, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.For transfer of energy advisory committee, and its abolishment, see E.R.O. No. 2008-4, compiled at MCL 445.2025.For transfer of powers and duties of director of licensing and regulatory affairs created under MCL 10.82 to executive director of Michigan agency for energy, see E.R.O. No. 2015-3, compiled at MCL 460.21.For the transfer of powers and duties of the energy security section of the Michigan agency for energy and of the powers and duties of the executive director to the Michigan public service commission and chairperson of the Michigan public service commission, see E.R.O. 2019-1, compiled at MCL 324.99923.

10.83 State of energy emergency; declaration, continuation, extension, and termination.

Sec. 3.

(1) The governor may declare, by executive order or proclamation, a state of energy emergency upon notification of an impending energy emergency by the energy advisory committee under section 2(2), or upon the governor's own initiative if the governor finds that an energy emergency exists or is imminent.

(2) Except as provided in subsections (3) and (4), the state of an energy emergency declared by the governor pursuant to subsection (1) shall continue until the governor finds that the energy emergency no longer exists, or until the state of energy emergency has been in effect for 90 days, whichever period is shorter.

(3) After a state of energy emergency has been in effect for 90 days, the legislature may approve an extension of the state of energy emergency for a specific number of days by a concurrent resolution adopted by a record roll call vote by a majority of the members elected to and serving in each house of the legislature. If the legislature does not act to extend the state of energy emergency pursuant to this subsection, the state of energy emergency is terminated.

(4) The legislature may terminate a state of energy emergency at any time after the governor declares a state of energy emergency, by a concurrent resolution adopted by a record roll call vote by a majority of the members elected to and serving in each house of the legislature.

History: 1982, Act 191, Imd. Eff. June 23, 1982

10.84 Powers of governor during energy emergency.

Sec. 4.

During an energy emergency, the governor may do all of the following:

(a) Order specific restrictions on the use and sale of energy resources. Restrictions imposed by the governor under this subdivision may include:

(i) Restrictions on the interior temperature of public, commercial, industrial, and school buildings.

(ii) Restrictions on the hours and days during which public, commercial, industrial, and school buildings may be open.

(iii) Restrictions on the conditions under which energy resources may be sold to consumers.

(iv) Restrictions on lighting levels in public, commercial, industrial, and school buildings.

(v) Restrictions on the use of display and decorative lighting.

(vi) Restrictions on the use of privately owned vehicles or a reduction in speed limits.

(vii) Restrictions on the use of public transportation including directions to close a public transportation facility.

(viii) Restrictions on the use of pupil transportation programs operated by public schools.

(b) Direct an energy resource supplier to provide an energy resource to a health facility; school; public utility; public transit authority; fire or police station or vehicle; newspaper or television or radio station for the purpose of relaying emergency instructions or other emergency message; food producer, processor, retailer, or wholesaler; and to any other person or facility which provides essential services for the health, safety, and welfare of the residents of this state.

(c) By executive order, suspend a statute or an order or rule of a state agency or a specific provision of a statute, rule, or order, if strict compliance with the statute, rule, or order or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency. The governor may not suspend a criminal process or procedure or a statute or rule governing the operation of the legislature. At the time of the suspension of a statute, rule, or order or a specific provision of a statute, rule, or order, the governor shall state the extent of the energy shortage and shall specify the provisions of a statute, rule, or order which are suspended, the

length of time for which the provisions are suspended, and the degree to which the provisions are suspended. A suspended statute, rule, or order shall be directly related to an energy emergency.

History: 1982, Act 191, Imd. Eff. June 23, 1982

10.85 Executive order, proclamation, or directive issued by governor; rescission or amendment; duration; continuation for extended period; dissemination; notification of legislature.

Sec. 5.

(1) The governor may issue an executive order, proclamation, or directive having the force and effect of law to implement this act. The governor may rescind or amend an executive order, proclamation, or directive.

(2) An executive order, proclamation, or directive issued under this act shall be effective for the duration of a state of energy emergency as provided in section 3(2). If the legislature approves an extension of a state of energy emergency pursuant to section 3(3), an executive order, proclamation, or directive shall continue in effect for the extended period unless by a concurrent resolution adopted by a record roll call vote by a majority of the members elected to and serving in each house of the legislature disapproves the executive order, proclamation, or directive, or unless the executive order, proclamation, or directive is rescinded by the governor pursuant to subsection (1).

(3) An executive order, proclamation, or directive issued under this act shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be filed promptly with the secretary of state and the department of state police.

(4) The governor shall notify the legislature promptly of an executive order, proclamation, or directive issued under this act.

History: 1982, Act 191, Imd. Eff. June 23, 1982

10.86 Violation of act, order, proclamation, or directive as misdemeanor; penalty; separate offense; action by attorney general or prosecuting attorney.

Sec. 6.

(1) A person who knowingly violates this act or an order, proclamation, or directive issued by the governor under this act, is guilty of a misdemeanor punishable by a fine of not more than $500.00. Each day a violation continues is a separate offense.

(2) The attorney general or a prosecuting attorney of a county may bring an action in a court of competent jurisdiction to prevent a violation of this act or of an executive order, proclamation, or directive issued pursuant to this act, or to compel a person to perform a duty imposed on the person under this act or an executive order, proclamation, or directive issued under this act.

History: 1982, Act 191, Imd. Eff. June 23, 1982

10.87 Powers of governor not limited, modified, or abridged by act.

Sec. 7.

This act shall not limit, modify, or abridge the authority of the governor to proclaim a state of disaster pursuant to the emergency preparedness act, Act No. 390 of the Public Acts of 1976, being sections 30.401 to 30.420 of the Michigan Compiled Laws, or to exercise any other powers vested in the governor by the state constitution of 1963, state statutes, or the common law of the state.

History: 1982, Act 191, Imd. Eff. June 23, 1982

10.88 Repealed. 1983, Act 152, Imd. Eff. July 18, 1983.

Compiler's Notes: The repealed section pertained to the applicability of sections 1 to 7 after June 1, 1983.

10.89 Repeal of MCL 10.41 to 10.48.

Sec. 9.

Act No. 38 of the Public Acts of 1979, as amended, being sections 10.41 to 10.48 of the Compiled Laws of 1970, is repealed.

History: 1982, Act 191, Imd. Eff. June 23, 1982