

**SUBSTITUTE FOR  
HOUSE BILL NO. 6363**

A bill to amend 1976 PA 390, entitled  
"Emergency management act,"  
by amending section 5 (MCL 30.405), as amended by 1990 PA 50.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) In addition to the general authority granted to  
2 the governor by this act, the governor may, upon the declaration of  
3 a state of disaster or a state of emergency do 1 or more of the  
4 following:

5           (a) Suspend a regulatory statute, order, or rule prescribing  
6 the procedures for conduct of state business, when strict  
7 compliance with the statute, order, or rule would prevent, hinder,  
8 or delay necessary action in coping with the disaster or emergency.  
9 This power does not extend to the suspension of criminal process

1 and procedures.

2 (b) Utilize the available resources of the state and its  
3 political subdivisions, and those of the federal government made  
4 available to the state, as are reasonably necessary to cope with  
5 the disaster or emergency.

6 (c) Transfer the direction, personnel, or functions of state  
7 departments, agencies, or units thereof for the purpose of  
8 performing or facilitating emergency management.

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

12 (e) Direct and compel the evacuation of all or part of the  
13 population from a stricken or threatened area within the state if  
14 necessary for the preservation of life or other mitigation,  
15 response, or recovery activities.

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

18 (g) Control ingress and egress to and from a stricken or  
19 threatened area, removal of persons within the area, and the  
20 occupancy of premises within the area.

21 (h) Suspend or limit the sale, dispensing, or transportation  
22 of alcoholic beverages, ~~firearms,~~ explosives, and combustibles.

23 (i) Provide for the availability and use of temporary  
24 emergency housing.

25 (j) Direct all other actions which are necessary and  
26 appropriate under the circumstances.

27 (2) **SUBSECTION (1) DOES NOT AUTHORIZE THE SEIZURE, TAKING, OR**

1 **CONFISCATION OF LAWFULLY POSSESSED FIREARMS OR AMMUNITION.**

2           (3) ~~—(2)—~~ A person who willfully disobeys or interferes with  
3 the implementation of a rule, order, or directive issued by the  
4 governor pursuant to this section is guilty of a misdemeanor.