

HOUSE BILL No. 6363

August 29, 2006, Introduced by Rep. Hummel and referred to the Committee on Government Operations.

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 **HOWEVER, THIS SUBDIVISION DOES NOT AUTHORIZE THE SEIZURE, TAKING,**
24 **OR CONFISCATION OF FIREARMS THAT ARE LAWFULLY POSSESSED.**

25 (i) Provide for the availability and use of temporary
26 emergency housing.

27 (j) Direct all other actions which are necessary and

1 appropriate under the circumstances.

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