

HOUSE BILL No. 6364

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

A bill to amend 1945 PA 302, entitled

"An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,"

by amending section 1 (MCL 10.31).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. **(1)** During times of great public crisis, disaster,
2 rioting, catastrophe, or similar public emergency within the state,
3 or reasonable apprehension of immediate danger ~~thereof~~ **OF A**
4 **PUBLIC EMERGENCY OF THAT KIND**, when public safety is imperiled,
5 either upon application of the mayor of a city, sheriff of a
6 county, **OR** the commissioner of the Michigan state police ~~—~~ or
7 upon his **OR HER** own volition, the governor may proclaim a state of
8 emergency and designate the area involved. ~~Following such~~ **AFTER**

1 **MAKING THE** proclamation or declaration, the governor may promulgate
2 ~~such~~ reasonable orders, rules, and regulations as he ~~deems~~ **OR SHE**
3 **CONSIDERS** necessary to protect life and property ~~—~~ or to bring
4 the emergency situation within the affected area under control.
5 ~~Without limiting the scope of the same, said~~ **THOSE** orders, rules,
6 and regulations may ~~provide~~ **INCLUDE, BUT ARE NOT LIMITED TO,**
7 **PROVIDING** for the control of traffic, including public and private
8 transportation, within the area or any section ~~thereof~~ **OF THE**
9 **AREA**; designation of specific zones within the area in which
10 occupancy and use of buildings and ingress and egress of persons
11 and vehicles may be prohibited or regulated; control of places of
12 amusement and assembly ~~—~~ and of persons on public streets and
13 thoroughfares; establishment of a curfew; control of the sale,
14 transportation, and use of alcoholic beverages and liquors; **SUBJECT**
15 **TO SUBSECTION (3)**, control of the possession, sale, carrying, and
16 use of firearms, other dangerous weapons, and ammunition; and
17 control of the storage, use, and transportation of explosives or
18 inflammable materials or liquids deemed to be dangerous to public
19 safety. ~~Such~~

20 (2) **THE** orders, rules, and regulations ~~shall be~~ **PROMULGATED**
21 **UNDER SUBSECTION (1) ARE** effective from the date and in the manner
22 prescribed in ~~such~~ **THE** orders, rules, and regulations and shall
23 be made public as provided ~~therein~~ **IN THE ORDERS, RULES, AND**
24 **REGULATIONS**. ~~Such~~ **THE** orders, rules, and regulations may be
25 amended, modified, or rescinded, in ~~like~~ **THE** manner **IN WHICH THEY**
26 **WERE PROMULGATED**, from time to time by the governor during the
27 pendency of the emergency, but shall cease to be in effect upon

1 declaration by the governor that the emergency no longer exists.

2 (3) SUBSECTION (1) DOES NOT AUTHORIZE THE SEIZURE, TAKING, OR
3 CONFISCATION OF FIREARMS THAT ARE LAWFULLY POSSESSED.