

EMERGENCY POWERS OF GOVERNOR ACT: REPEAL

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Senate Bill 857 as passed by the Senate

Sponsor: Sen. Tom Barrett

House Committee: Government Operations

Senate Committee: Government Operations [Discharged]

Complete to 4-28-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 857 would repeal 1945 PA 302, which authorizes the governor to proclaim an emergency and prescribes his or her powers and duties with respect to that emergency.

The act authorizes the governor to proclaim a state of emergency, and designate the area involved, during times of a public crisis, disaster, or emergency, either on his or her own or at the request of a mayor, a sheriff, or the director of the Department of State Police. After making such a declaration, the governor can promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation under control, except those that would involve the taking of lawfully possessed firearms, ammunition, or other weapons. An order, rule, or regulation can specify that violation of it is a misdemeanor. The orders, rules, and regulations can be amended by the governor and end when the declared state of emergency ends.

MCL 10.31 to 10.33 (repealed)

FISCAL IMPACT:

The bill would have an unknown fiscal impact on state and local governments. While the governor would retain similar powers under the Emergency Management Act, 1976 PA 390, that act contains an explicit expiration on the state of disaster or state of emergency. To extend a state of disaster or emergency beyond the 28-day period under that act would require a resolution approved by both chambers of the legislature. Any fiscal impact would be specific to the characteristics of any future state of disaster or emergency and cannot be estimated.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.