

HOUSE BILL NO. 5709

April 16, 2020, Introduced by Rep. Sheppard 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 2006 PA 545.

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



1 the procedures for conduct of state business, when strict
2 compliance with the statute, order, or rule would prevent, hinder,
3 or delay necessary action in coping with the disaster or emergency.
4 This power does not extend to the suspension of criminal process
5 and procedures.

6 (b) Utilize the available resources of ~~the~~**this** state and its
7 political subdivisions, and those of the federal government made
8 available to ~~the~~**this** state, as are reasonably necessary to cope
9 with the disaster or emergency.

10 (c) Transfer the direction, personnel, or functions of state
11 departments, agencies, or units thereof for the purpose of
12 performing or facilitating emergency management.

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

16 (e) Direct and compel the evacuation of all or part of the
17 population from a stricken or threatened area within ~~the~~**this** state
18 if necessary for the preservation of life or other mitigation,
19 response, or recovery activities.

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

22 (g) Control ingress and egress to and from a stricken or
23 threatened area, removal of persons within the area, and the
24 occupancy of premises within the area.

25 (h) Suspend or limit the sale, dispensing, or transportation
26 of alcoholic beverages, explosives, and combustibles.

27 (i) Provide for the availability and use of temporary
28 emergency housing.

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



1 appropriate under the circumstances.

2 (2) Subsection (1) does not authorize the seizure, taking, or
3 confiscation of lawfully possessed firearms or ammunition.

4 (3) A person who willfully disobeys or interferes with the
5 implementation of a rule, order, or directive issued by the
6 governor ~~pursuant to~~**under** this section is ~~guilty of a~~
7 ~~misdemeanor~~**responsible for a state civil infraction even if that**
8 **rule, order, or directive states that the violation constitutes a**
9 **misdemeanor or state civil infraction. An individual who is**
10 **responsible for a state civil infraction under this section may be**
11 **ordered to pay a civil fine of not more than \$100.00. A person**
12 **other than an individual who is responsible for a state civil**
13 **infraction under this section may be ordered to pay a civil fine of**
14 **not more than \$500.00.**

