

SENATE BILL NO. 1025

July 23, 2020, Introduced by Senator BARRETT and referred to the Committee on Government Operations.

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 3, 5, and 17 (MCL 30.403, 30.405, and 30.417), section 3 as amended by 2002 PA 132, section 5 as amended by 2006 PA 545, and section 17 as amended by 1990 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The governor is responsible for coping with
2 dangers to this state or the people of this state presented by a
3 disaster or emergency.

1 (2) The governor may issue executive orders, proclamations,
2 and directives having the force and effect of law to implement this
3 act. Except as provided in section 7(2), an executive order,
4 proclamation, or directive may be amended or rescinded by the
5 governor.

6 (3) The governor shall, by executive order or proclamation,
7 declare a state of disaster if he or she finds a disaster has
8 occurred or the threat of a disaster exists. The state of disaster
9 shall continue until the governor finds that the threat or danger
10 has passed, the disaster has been dealt with to the extent that
11 disaster conditions no longer exist, or until the declared state of
12 disaster has been in effect for ~~28~~**14** days. After ~~28~~**14** days, the
13 governor shall issue an executive order or proclamation declaring
14 the state of disaster terminated, unless a request by the governor
15 for an extension of the state of disaster for a specific number of
16 days is approved by resolution of both houses of the legislature.
17 An executive order or proclamation issued pursuant to this
18 subsection shall indicate the nature of the disaster, the area or
19 areas threatened, the conditions causing the disaster, and the
20 conditions permitting the termination of the state of disaster. An
21 executive order or proclamation shall be disseminated promptly by
22 means calculated to bring its contents to the attention of the
23 general public and shall be promptly filed with the emergency
24 management division of the department and the secretary of state,
25 unless circumstances attendant upon the disaster prevent or impede
26 its prompt filing.

27 (4) The governor shall, by executive order or proclamation,
28 declare a state of emergency if he or she finds that an emergency
29 has occurred or that the threat of an emergency exists. The state

1 of emergency shall continue until the governor finds that the
 2 threat or danger has passed, the emergency has been dealt with to
 3 the extent that emergency conditions no longer exist, or until the
 4 declared state of emergency has been in effect for ~~28~~**14** days.
 5 After ~~28~~**14** days, the governor shall issue an executive order or
 6 proclamation declaring the state of emergency terminated, unless a
 7 request by the governor for an extension of the state of emergency
 8 for a specific number of days is approved by resolution of both
 9 houses of the legislature. An executive order or proclamation
 10 issued pursuant to this subsection shall indicate the nature of the
 11 emergency, the area or areas threatened, the conditions causing the
 12 emergency, and the conditions permitting the termination of the
 13 state of emergency. An executive order or proclamation shall be
 14 disseminated promptly by means calculated to bring its contents to
 15 the attention of the general public and shall be promptly filed
 16 with the emergency management division of the department and the
 17 secretary of state, unless circumstances attendant upon the
 18 emergency prevent or impede its prompt filing.

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

23 (a) Suspend a regulatory statute, order, or rule prescribing
 24 the procedures for conduct of state business, when strict
 25 compliance with the statute, order, or rule would prevent, hinder,
 26 or delay necessary action in coping with the disaster or emergency.
 27 This power does not extend to the suspension of criminal process
 28 and procedures.

29 (b) Utilize the available resources of ~~the~~**this** state and its

1 political subdivisions, and those of the federal government made
2 available to ~~the~~**this** state, as are reasonably necessary to cope
3 with the disaster or emergency.

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

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

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

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

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

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

21 (i) Provide for the availability and use of temporary
22 emergency housing.

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

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

27 (3) A person who willfully disobeys or interferes with the
28 implementation of a rule, order, or directive issued by the
29 governor ~~pursuant to~~**under** this section is ~~guilty of a~~

1 ~~misdemeanor~~. responsible for a state civil infraction even if that
2 rule, order, or directive states that the violation constitutes a
3 misdemeanor or state civil infraction. An individual who is
4 responsible for a state civil infraction under this section may be
5 ordered to pay a civil fine of not more than \$100.00. A person
6 other than an individual who is responsible for a state civil
7 infraction under this section may be ordered to pay a civil fine of
8 not more than \$500.00.

9 Sec. 17. This act shall not be construed to do any of the
10 following:

11 (a) Interfere with the course or conduct of a labor dispute.
12 However, actions otherwise authorized by this act or other laws may
13 be taken when necessary to forestall or mitigate imminent or
14 existing danger to public health or safety.

15 (b) Interfere with the dissemination of news or comment on
16 public affairs. However, any communications facility or
17 organization, including radio and television stations, wire
18 services, and newspapers, may be requested to transmit or print
19 public service messages furnishing information or instructions in
20 connection with a disaster or emergency.

21 (c) Affect the jurisdiction or responsibilities of law
22 enforcement agencies, fire fighting forces, and units or personnel
23 of the ~~armed forces~~ **Armed Forces** of the United States when on
24 active duty. However, state, local, and interjurisdictional
25 emergency operations plans shall place reliance upon the forces
26 available for performance of functions related to disasters or
27 emergencies.

28 ~~(d) Limit, modify, or abridge the authority of the governor to~~
29 ~~proclaim a state of emergency pursuant to Act No. 302 of the Public~~

1 ~~Acts of 1945, being sections 10.31 to 10.33 of the Michigan~~
2 ~~Compiled Laws, or exercise any other powers vested in him or her~~
3 ~~under the state constitution of 1963, statutes, or common law of~~
4 ~~this state independent of, or in conjunction with, this act.~~

5 (d) ~~(e)~~ Relieve any state or local official, department head,
6 or agency of its normal responsibilities.

7 (e) ~~(f)~~ Limit or abridge the power, duty, or responsibility of
8 the chief executive official of a county or municipality to act in
9 the event of a disaster or emergency except as expressly ~~set forth~~
10 **provided** in this act.