

# HOUSE BILL NO. 5543

March 05, 2024, Introduced by Reps. Schuette, Carra, Smit, Bierlein, Bollin, Outman, Markkanen, Hoadley, Cavitt, BeGole, Rigas, Kunse, Thompson, DeBoyer, Fox, Beeler, Borton, Friske, Neyer and Alexander and referred to the Committee on Government Operations.

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

**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.

4           (2) The governor may issue executive orders, proclamations,  
5 and directives having the force and effect of law to implement this  
6 act. Except as provided in section 7(2), an executive order,

1 proclamation, or directive may be amended or rescinded by the  
2 governor.

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

25 (4) The governor shall, by executive order or proclamation,  
26 declare a state of emergency if ~~he or she~~ **the governor** finds that  
27 an emergency has occurred or that the threat of an emergency  
28 exists. The state of emergency ~~shall continue~~ **continues** until the  
29 governor finds that the threat or danger has passed, the emergency

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

18 **(5) An executive order, proclamation, or directive issued**  
 19 **under this act must not prohibit, suspend, or limit the operations**  
 20 **of a church or religious organization for purposes of worship**  
 21 **services.**

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

26 (a) Suspend a regulatory statute, order, or rule prescribing  
 27 the procedures for conduct of state business, ~~when~~**if** strict  
 28 compliance with the statute, order, or rule would prevent, hinder,  
 29 or delay necessary action in coping with the disaster or emergency.

1 This power does not extend to the suspension of criminal process  
2 and procedures.

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

7 (c) Transfer the direction, personnel, or functions of state  
8 departments, agencies, or units thereof for the purpose of  
9 performing or facilitating emergency management.

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

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

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

19 (g) Control ingress and egress to and from a stricken or  
20 threatened area, removal of persons within the area, and the  
21 occupancy of premises within the area.

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

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

26 (j) ~~Direct~~**Except as otherwise provided in section 3(5),**  
27 **direct** all other actions ~~which~~**that** are necessary and appropriate  
28 under the circumstances.

29 (2) Subsection (1) does not authorize the seizure, taking, or

1 confiscation of lawfully possessed firearms or ammunition.

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