

HOUSE BILL NO. 5707

April 16, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Military, Veterans and Homeland Security.

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), as amended by 2006 PA 546.

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 of a public
4 emergency of that kind, when public safety is imperiled, either



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1 ~~upon-on~~ application of the mayor of a city, sheriff of a county, or
 2 the commissioner of the Michigan state police or ~~upon-on~~ his or her
 3 own volition, the governor may proclaim a state of emergency and
 4 designate the area involved. After making the proclamation or
 5 declaration, the governor may promulgate reasonable orders, rules,
 6 and regulations as he or she considers necessary to protect life
 7 and property or to bring the emergency situation within the
 8 affected area under control. Those orders, rules, and regulations
 9 may include, but are not limited to, providing for the control of
 10 traffic, including public and private transportation, within the
 11 area or any section of the area; designation of specific zones
 12 within the area in which occupancy and use of buildings and ingress
 13 and egress of persons and vehicles may be prohibited or regulated;
 14 control of places of amusement and assembly and of persons on
 15 public streets and thoroughfares; establishment of a curfew;
 16 control of the sale, transportation, and use of alcoholic beverages
 17 and liquors; and control of the storage, use, and transportation of
 18 explosives or inflammable materials or liquids deemed to be
 19 dangerous to public safety.

20 (2) The orders, rules, and regulations promulgated under
 21 subsection (1) are effective from the date and in the manner
 22 prescribed in the orders, rules, and regulations and ~~shall-must~~ be
 23 made public as provided in the orders, rules, and regulations. The
 24 orders, rules, and regulations may be amended, modified, or
 25 rescinded, in the manner in which they were promulgated, from time
 26 to time by the governor during the pendency of the emergency, but
 27 ~~shall-must~~ cease to be in effect upon declaration by the governor
 28 that the emergency no longer exists.

29 (3) Subsection (1) does not authorize the **following:**



1 **(a) The** seizure, taking, or confiscation of lawfully possessed
2 firearms, ammunition, or other weapons.

3 **(b) Banning the sale or purchase of firearms, ammunition, or**
4 **other weapons.**

