

HOUSE BILL NO. 6106

August 17, 2020, Introduced by Rep. Hoytenga and referred to the Committee on Government Operations.

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 application of the mayor of a city, **the** sheriff of a county,
 2 or the ~~commissioner of the Michigan~~ **director of the department of**
 3 state police or upon his or her own volition, the governor may
 4 proclaim a state of emergency and designate the area involved.
 5 After making the proclamation or declaration, the governor may
 6 promulgate reasonable orders, rules, and regulations as he or she
 7 considers necessary to protect life and property or to bring the
 8 emergency situation within the affected area under control. Those
 9 orders, rules, and regulations may include, but are not limited to,
 10 ~~providing~~ **1 or more of the following:**

11 (a) **Providing** for the control of traffic, including public and
 12 private transportation, within the area or any section of the area.

13 ~~;~~ ~~designation~~

14 (b) **Designation** of specific zones within the area in which
 15 occupancy and use of buildings and ingress and egress of persons
 16 and vehicles may be prohibited or regulated. ~~;~~ ~~control~~

17 (c) **Control** of places of amusement and assembly and of persons
 18 on public streets and thoroughfares. ~~;~~ ~~establishment~~

19 (d) **Establishment** of a curfew. ~~;~~ ~~control~~

20 (e) **Control** of the sale, transportation, and use of alcoholic
 21 beverages and liquors. ~~;~~ ~~and control~~

22 (f) **Control** of the storage, use, and transportation of
 23 explosives or inflammable materials or liquids ~~deemed~~ **considered** to
 24 be dangerous to public safety.

25 (2) ~~The~~ **Except as otherwise provided in this section, the**
 26 orders, rules, and regulations promulgated under subsection (1) are
 27 effective from the date and in the manner prescribed in the orders,
 28 rules, and regulations and shall be made public as provided in the
 29 orders, rules, and regulations. The orders, rules, and regulations



1 may be amended, modified, or rescinded, in the manner in which they
2 were promulgated, from time to time by the governor during the
3 pendency of the emergency, but shall cease to be in effect upon
4 declaration by the governor that the emergency no longer exists.

5 (3) Subsection (1) does not authorize the seizure, taking, or
6 confiscation of lawfully possessed firearms, ammunition, or other
7 weapons.

8 (4) If the governor declares a state of emergency under this
9 section and intends to issue any orders, rules, or regulations
10 under that declaration that treat different counties or regions of
11 this state differently, the governor shall make that order, rule,
12 or regulation specific to each county or group of counties. If any
13 order, rule, or regulation includes a stay-at-home requirement,
14 then the order, rule, or regulation shall provide that the county
15 work with local hospitals and local health systems to determine
16 when and how businesses, school districts, and other parts of the
17 economy can reopen and serve the public safely.

