

SENATE BILL NO. 860

April 16, 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 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:

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

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

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

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

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

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

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

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

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

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

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

4 **(a) The** seizure, taking, or confiscation of lawfully possessed
5 firearms or ammunition.

6 **(b) Banning the sale or purchase of firearms or ammunition.**

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