

SENATE BILL NO. 1199

October 21, 2020, Introduced by Senator NESBITT 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:

5 (a) Suspend a regulatory statute, order, or rule prescribing
6 the procedures for conduct of state business, when strict

1 compliance with the statute, order, or rule would prevent, hinder,
2 or delay necessary action in coping with the disaster or emergency.
3 This power does not extend to the suspension of criminal process
4 and procedures.

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

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

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

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

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

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

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

26 (i) Provide for the availability and use of temporary
27 emergency housing.

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

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

3 (3) ~~A-Except as otherwise provided in subsection (4), a person~~
4 who willfully disobeys or interferes with the implementation of a
5 rule, order, or directive issued by the governor ~~pursuant to~~~~under~~
6 this section is guilty of a misdemeanor.

7 (4) **If a person is charged with a misdemeanor or issued a**
8 **citation for a civil infraction for conduct that occurred after**
9 **April 30, 2020 and before October 14, 2020 that constitutes**
10 **willfully disobeying or interfering with the implementation of a**
11 **rule, order, or directive issued by the governor under this act or**
12 **for violating an order, rule, or regulation described in section 3**
13 **of 1945 PA 302, MCL 10.33, that charge or citation shall be**
14 **dismissed with prejudice. If a person has been found guilty of a**
15 **violation or found responsible for a civil infraction described in**
16 **this subsection, the court that entered that conviction shall set**
17 **aside that conviction or set aside the judgment or order for the**
18 **civil infraction and return any fine or costs collected.**