

# HOUSE BILL NO. 4448

March 04, 2021, Introduced by Reps. Steven Johnson, Slagh, Bezotte, Martin and LaFave and referred to the Committee on Oversight.

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

## **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

1 act. Except as provided in section 7(2), an executive order,  
2 proclamation, or directive may be amended or rescinded by the  
3 governor.

4 (3) The governor shall, by executive order or proclamation,  
5 declare a state of disaster if he or she finds a disaster has  
6 occurred or the threat of a disaster exists. The state of disaster  
7 shall continue until the governor finds that the threat or danger  
8 has passed, the disaster has been dealt with to the extent that  
9 disaster conditions no longer exist, or until the declared state of  
10 disaster has been in effect for 28 days. After 28 days, the  
11 governor shall issue an executive order or proclamation declaring  
12 the state of disaster terminated, unless a request by the governor  
13 for an extension of the state of disaster for a specific number of  
14 days is approved by resolution of both houses of the legislature.  
15 An executive order or proclamation issued pursuant to this  
16 subsection shall indicate the nature of the disaster, the area or  
17 areas threatened, the conditions causing the disaster, and the  
18 conditions permitting the termination of the state of disaster.  
19 **However, an executive order, proclamation, or directive issued**  
20 **under this act shall not extend any response time or otherwise**  
21 **limit the scope of a public body's duties under the freedom of**  
22 **information act, 1976 PA 442, MCL 15.231 to 15.246.** An executive  
23 order or proclamation shall be disseminated promptly by means  
24 calculated to bring its contents to the attention of the general  
25 public and shall be promptly filed with the emergency management  
26 division of the department and the secretary of state, unless  
27 circumstances attendant upon the disaster prevent or impede its  
28 prompt filing.

29 (4) The governor shall, by executive order or proclamation,

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