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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.95] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7. California Emergency Services Act [8550 - 8669.87] (Chapter 7 added by Stats. 1970, Ch. 1454.)

ARTICLE 3. Powers of the Governor [8565 - 8574] (Article 3 added by Stats. 1970, Ch. 1454.)

8565. The Governor shall have the powers granted by this article, which powers shall be in addition to any other powers granted to him by this chapter.

(Added by Stats. 1970, Ch. 1454.)

8565.1. Nothing in this chapter shall operate to prevent the Governor from establishing a committee or board composed of heads of state agencies, should the Governor deem it necessary to aid him or her in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

(Added by Stats. 2011, Ch. 36, Sec. 3. (SB 92) Effective June 30, 2011. Operative January 1, 2012, by Sec. 83 of Ch. 36.)

8566. The Governor is empowered to expend any appropriation for support of the California Emergency Services Act to carry out the provisions of this chapter.

(Added by Stats. 1970, Ch. 1454.)

8567. (a) The Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations shall have the force and effect of law. Due consideration shall be given to the plans of the federal government in preparing the orders and regulations. The Governor shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.

(b) Orders and regulations, or amendments or rescissions thereof, issued during a state of war emergency or state of emergency shall be in writing and shall take effect immediately upon their issuance. Whenever the state of war emergency or state of emergency has been terminated, the orders and regulations shall be of no further force or effect.

(c) All orders and regulations relating to the use of funds pursuant to Article 16 (commencing with Section 8645) shall be prepared in advance of any commitment or expenditure of the funds. Other orders and regulations needed to carry out the provisions of this chapter shall, whenever practicable, be prepared in advance of a state of war emergency or state of emergency.

(d) All orders and regulations made in advance of a state of war emergency or state of emergency shall be in writing, shall be exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. As soon thereafter as possible they shall be filed in the office of the Secretary of State and with the county clerk of each county.

(Amended by Stats. 2011, Ch. 36, Sec. 4. (SB 92) Effective June 30, 2011. Operative January 1, 2012, by Sec. 83 of Ch. 36.)

8568. The State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof.

(Added by Stats. 1970, Ch. 1454.)

8569. The Governor shall coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency in this state; and he shall coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of this state, such plans and programs to be integrated into and coordinated with the State Emergency Plan and the plans and programs of the federal government and of other states to the fullest possible extent.

(Added by Stats. 1970, Ch. 1454.)

8570. The Governor may, in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency in this state:

- (a) Ascertain the requirements of the state or its political subdivisions for food, clothing, and other necessities of life in the event of an emergency.
- (b) Plan for, procure, and pre-position supplies, medicines, materials, and equipment.
- (c) Use and employ any of the property, services, and resources of the state as necessary to carry out the purposes of this chapter.
- (d) Provide for the approval of local emergency plans.
- (e) Provide for mobile support units.
- (f) Provide for use of public airports.
- (g) Institute training programs and public information programs.
- (h) Make surveys of the industries, resources, and facilities, both public and private, within the state, as are necessary to carry out the purposes of this chapter.
- (i) Plan for the use of any private facilities, services, and property and, when necessary, and when in fact used, provide for payment for that use under the terms and conditions as may be agreed upon.
- (j) Take all other preparatory steps, including the partial or full mobilization of emergency organizations in advance of an actual emergency; and order those test exercises needed to insure the furnishing of adequately trained and equipped personnel in time of need.

(Amended by Stats. 1994, Ch. 644, Sec. 1. Effective January 1, 1995.)

8570.3. On or before July 31, 2015, the Office of Emergency Services shall update the State Emergency Plan to include proposed best practices for local governments and nongovernmental entities to use to mobilize and evacuate people with disabilities and others with access and functional needs during an emergency or natural disaster.

(Added by Stats. 2013, Ch. 187, Sec. 2. (AB 918) Effective January 1, 2014.)

8570.4. (a) The Office of Emergency Services shall update the State Emergency Plan on or before January 1, 2019, and every five years thereafter.

(b) (1) The office shall, when complying with subdivision (a), coordinate with representatives, including, but not limited to, social service agencies, nonprofit organizations, and transportation providers, from the access and functional needs population regarding the integration of access and functional needs into the State Emergency Plan.

(2) As used in this subdivision, "access and functional needs population" has the same meaning as described in Section 8593.3.

(c) (1) As soon as possible, but no later than January 1, 2029, and every five years thereafter, the office shall update the State Emergency Plan to include proposed policies and best practices for local government and nongovernmental entities to equitably serve lesbian, gay, bisexual, transgender, queer, questioning, and plus (LGBTQ+) communities during an emergency or natural disaster.

(2) In complying with this subdivision, the office shall coordinate with representatives, including, but not limited to, social service agencies, nonprofit organizations, advocates, and researchers, from LGBTQ+ communities regarding the integration of LGBTQ+ communities into the State Emergency Plan.

(Amended by Stats. 2024, Ch. 322, Sec. 2. (SB 990) Effective January 1, 2025.)

8570.5. The Office of Emergency Services shall develop a guidance document to the state emergency plan to specify the response of the state and its political subdivisions to agriculture-related disasters. This document shall

be completed by January 2002, and updated by January 2009, and shall include, but not be limited to, all of the following:

- (a) The roles and responsibilities of the county agricultural commissioners.
- (b) The roles and responsibilities of the Department of Agriculture and other relevant state agencies that are involved in the response to agriculture-related disasters.
- (c) Coordination of initial and ongoing crop damage assessments.
- (d) Disaster assistance between the time of the request for a federal disaster declaration and issuance of a federal declaration.
- (e) State assistance available if a requested federal declaration is not issued.
- (f) State assistance under a United States Department of Agriculture designation rather than a federal declaration.
- (g) State assistance for long-term unemployment in areas with high unemployment rates prior to an emergency.
- (h) Provision for the removal and elimination of extraordinary numbers of dead livestock for purposes of protecting public health and safety.
- (i) Strategies to assist in the development of an integrated and coordinated response by community-based organizations to the victims of agriculture-related disasters.
- (j) Procedures for the decontamination of individuals who have been or may have been exposed to hazardous materials, which may vary depending on the hazards posed by a particular hazardous material. The report shall specify that individuals shall be assisted in a humanitarian manner.
- (k) Integration of various local and state emergency response plans, including, but not limited to, plans that relate to hazardous materials, oil spills, public health emergencies, and general disasters.

(Amended by Stats. 2013, Ch. 352, Sec. 112. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

8570.6. (a) The Office of Emergency Services shall include in the next update of the State Hazard Mitigation Plan required pursuant to the federal Disaster Mitigation Act of 2000 (Public Law 106-390), within its hazard identification and risk analysis, an evaluation of risks from an electromagnetic pulse attack, a geomagnetic storm event, and from other potential causes of a long-term electrical outage. As necessary, based on that analysis, the plan shall identify cost-effective and feasible measures to lessen risks from those hazards, including, but not limited to, hardening the critical infrastructure of electrical utilities.

(b) Nothing in this section limits the authority or responsibilities of the Public Utilities Commission with respect to disaster and emergency preparedness plans pursuant to Section 768.6 of the Public Utilities Code.

(Added by Stats. 2018, Ch. 353, Sec. 2. (SB 1076) Effective January 1, 2019.)

8571. During a state of war emergency or a state of emergency the Governor may suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, including subdivision (d) of Section 1253 of the Unemployment Insurance Code, where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

(Amended by Stats. 1990, Ch. 1474, Sec. 1.)

8571.5. Nothing in this article shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition, or authorize any order to that effect, provided however, that a peace officer who is acting in his or her official capacity may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual. The officer shall return the firearm to the individual before discharging the individual, unless the officer arrests that individual or seizes the firearm as evidence pursuant to an investigation for the commission of a crime.

(Added by Stats. 2007, Ch. 715, Sec. 1. Effective January 1, 2008.)

8572. In the exercise of the emergency powers hereby vested in him during a state of war emergency or state of emergency, the Governor is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibilities hereby vested in him as Chief Executive of the state and the state shall pay the reasonable value thereof.

Notwithstanding the provisions of this section, the Governor is not authorized to commandeer any newspaper, newspaper wire service, or radio or television station, but may, during a state of war emergency or state of emergency, and if no other means of communication are available, utilize any news wire services, and the state shall pay the reasonable value of such use. In so utilizing any such facilities, the Governor shall interfere as little as possible with their use for the transmission of news.

(Added by Stats. 1970, Ch. 1454.)

8573. The Governor may cooperate with the President and the heads of the armed forces and other agencies of the United States, and with officers and agencies of other states, on matters pertaining to emergencies; and he may take any steps he deems necessary to put into effect any rules, regulations, or suggestions made by such persons or agencies.

(Added by Stats. 1970, Ch. 1454.)

8574. None of the provisions of this chapter shall limit, modify, or abridge the powers vested in the Governor under the Constitution or statutes of the state by proclamation, to declare any county, city and county, or city, or any portion thereof to be in a state of insurrection or to proclaim the existence of martial law and to exercise all the powers vested in him thereunder independent of, or in conjunction with, any of the provisions of this chapter.

(Added by Stats. 1970, Ch. 1454.)