



# SB 448 – Emergency Power Limitation Act

## *Senator Melissa Melendez*

### **Background**

On March 4<sup>th</sup>, 2020, Governor Newsom declared a State of Emergency in California as a response to the COVID-19 pandemic. A year later, the State is still operating under this Declaration, which provides the Chief Executive of our State, the Governor, with significant power.

In addition to making significant policy changes through Executive Orders, the Governor also has the ability to spend billions of taxpayer dollars through the Disaster Response-Emergency Operations Account (DREOA). The Department of Finance has the ability to then transfer these dollars to state agencies for disaster response operation costs incurred as a result of a proclamation by the Governor of a state of emergency. The accountability the Legislature has in this spending process is a notification to the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in the Senate and Assembly.

The Governor has also been taken to court for alleged over-reaching while using these emergency powers.

### **Problem Being Addressed**

SB 448 enacts the Emergency Powers Limitation Act, which requires any future emergency order(s) to be narrowly tailored to serve a compelling public health or safety purpose and be limited in duration, applicability, and scope. It would further prohibit a state agency from issuing an emergency order that infringes on an express constitutional right and would require that an emergency order issued by the Governor that infringes on an express constitutional right expire within a specified time period.

### **Which code section is affected?**

SB 448 adds a Chapter to Government Code 8662 as suggested by Pacific Legal Foundation.

### **Summary**

The State of California has been in a State of Emergency for a year. The orders enacted by the Executive Branch related to the pandemic have created a “forced recession.” This has led to excessive business closures, a rise in unemployment claims and a severe impact on public education.

The State is not meant to operate with only one branch of Government in charge. Unfortunately, during the majority of the pandemic, the Governor was left unchecked. SB 448 would provide needed change to ensure any future emergencies we face in California will be handled with a transparent and balanced approach by the Government.