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AB-2898 Emergency services: local emergencies. (2017-2018)

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Assembly Bill No. 2898

CHAPTER 395

An act to amend Section 8630 of the Government Code, relating to emergency services.

[Approved by Governor September 14, 2018. Filed with Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2898, Gloria. Emergency services: local emergencies.

Existing law, the California Emergency Services Act, establishes the Office of Emergency Services and vests the office with responsibility for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, as specified. The act also prescribes a process for the declaration of a local emergency and permits a local emergency to be proclaimed only by the governing body of a city or county or by an official designated by ordinance adopted by that governing body. Existing law requires the governing body to review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.

This bill would instead require review of a local emergency by the governing body, as described above, to occur at least once every 60 days.

This bill would incorporate additional changes to Section 8630 of the Government Code proposed by SB 531 to be operative only if this bill and SB 531 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8630 of the Government Code is amended to read:

8630. (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

(b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.

(c) The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

SEC. 1.5. Section 8630 of the Government Code is amended to read:

8630. (a) A local emergency may be proclaimed only by the governing body of a county, city and county, city, or port district or by an official designated by ordinance adopted by that governing body.

(b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.

(c) The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 8630 of the Government Code proposed by both this bill and Senate Bill 531. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 8630 of the Government Code, and (3) this bill is enacted after Senate Bill 531, in which case Section 1 of this bill shall not become operative.