
SENATE COMMITTEE ON EMERGENCY MANAGEMENT

Senator Henry Stern

Chair

2025 - 2026 Regular

Bill No:	SB 1020	Hearing Date:	4/21/2026
Author:	Niello		
Version:	4/14/2026 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Cassie Royce		

SUBJECT: State of emergency: Governor's powers and termination

SUMMARY: Makes the Governor's emergency powers authority under the California Emergency Services Act (ESA) subject to a specified renewal process and requires the notification provided to the Legislature related to emergency spending to include additional specified information.

ANALYSIS:

Existing law:

- 1) The California Emergency Services Act (ESA) empowers the Governor to proclaim a state of emergency (SOE) in an area affected, or likely to be affected, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and either when requested to do so by a local governing authority or the Governor finds that local authority is inadequate to cope with the emergency.
- 2) Empowers the Governor to expend any appropriation and to make, amend, and rescind orders and regulations necessary to carry out the provisions of the ESA, as specified. The orders and regulations shall have the force and effect of law.
- 3) Provides that orders and regulations issued during a SOE shall be in writing and shall take effect immediately upon their issuance, as specified. The temporary suspension of any statute, ordinance, regulation, or rule shall remain in effect until the order or regulation is rescinded by the Governor, the Governor proclaims the termination of the SOE, or for a period of 60 days, whichever occurs first.
- 4) Authorizes the Governor, during a SOE, to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders,

rules, or regulations of any state agency, as specified, 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.

- 5) Requires the Governor to proclaim the termination of a SOE at the earliest possible date that conditions warrant. All of the powers granted by the Governor with respect to a SOE shall terminate when the SOE has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end.
- 6) Establishes the Disaster Response-Emergency Operations Account (DREOA) to support disaster response operation costs incurred by state agencies as a result of a SOE. Provides that the Director of the Department of Finance (DOF) approves DREOA allocations upon notification to the Joint Legislative Budget Committee (JLBC).

This bill:

- 1) Expresses legislative intent for purposes of this bill, including that the ESA does not provide an alternative legislative, budget, or regulatory process and the DREOA does not provide an alternative budget process, as specified.
- 2) Defines “Legislature’s budget and policy processes” to mean the regular and extraordinary legislative appropriations, budget, and statutory processes provided under the California Constitution; the Senate Rules, Assembly Rules, and Joint Rules of the Senate and Assembly; and any related statute.
- 3) Requires the Governor to demonstrate need in cases where the Governor orders the suspension or modification of existing statutes or regulations, including the state Budget Act, or promulgates new statutes or regulations, and to provide in each order the general reasons why the Legislature’s budget and policy processes are insufficient to address these needs.
- 4) Requires an active SOE that has not been terminated by the Governor to automatically terminate at the end of the next fiscal year following the Governor’s emergency proclamation unless, after review of the SOE and corresponding executive orders to determine whether they need to remain in effect, the Governor issues a renewal proclamation.

- 5) Establishes that, in the event that a subsequent emergency occurs under the original SOE, no powers shall impede the ability to respond.
- 6) Provides that a SOE shall terminate by proclamation of the Governor, by concurrent resolution of the Legislature declaring it an end, or pursuant to the process provided in this bill.
- 7) Requires DOF to include additional specified information in the notification of DREOA allocations to the JLBC.

Background

Author's statement. According to the author, "California's susceptibility to frequent wildfires, storms, and public health crises necessitates a system for rapid action. To facilitate this, the Legislature enacted the ESA, which grants the Governor broad authority to proclaim a SOE. This delegation of power is intended to bypass the naturally slow and deliberative legislative process in favor of decisive executive action....Data shows that these emergencies often remain open for years, long after the physical threat has dissipated. The current structure creates a significant imbalance in power, as the Governor effectively determines when the standard legislative budget and policy processes no longer apply."

SB 1020 creates a framework, based off of recommendations from the LAO, to determine what normal 'budgetary and legislative processes' mean; creates an automatic sunset of SOEs at the end of the following fiscal year that the SOE was declared; with an allowance to extend the SOE if necessary; and establishes a mandatory report designed to inform the Legislature on which processes were effective and what improvements are necessary for future crisis responses."

California Emergency Services Act (ESA). The ESA grants the Governor the authority to proclaim a SOE in an area affected or likely to be affected when: a) conditions of disaster or extreme peril exist; b) the Governor is requested to do so upon request from a designated local government official; or c) the Governor finds that local authority is inadequate to cope with the emergency. Local governments may also issue local emergency proclamations, which is a prerequisite for requesting the Governor's proclamation of a SOE.

The ESA grants the Governor several powers, including the power to expend any appropriation for support of the ESA to carry out its provisions and the authority to make, amend, and rescind orders and regulations necessary to carry out the ESA. The orders and regulations shall have the force and effect of law. The Governor is required to provide widespread publicity and notice of these orders and

regulations, or amendments and rescissions thereof.

SOE Proclamations. There are currently over 50 SOE proclamations in California. Recent ongoing SOE proclamations cover the Los Angeles County fires and windstorm events of January 2025 as well as numerous other storm events throughout 2025. SOE proclamations often involve disasters that require extended recovery periods long after the immediate threat has passed. A SOE proclamation also allows the state to work with the Federal Emergency Management Agency to provide financial and other support for recovery efforts.

Recently terminated SOEs. In March 2026, the Governor signed a proclamation terminating 18 open SOEs after review and consultation with local governments. The SOEs covered various prior fires and storms, counties that remained under a drought SOE, and other incidents for which a proclaimed SOE was no longer necessary to facilitate response and recovery efforts. Upon this further review, the termination proclamation was issued to end the SOEs.

Disaster Response-Emergency Operations Account (DREOA). DREOA provides the Director of DOF with the authority to make disaster-response allocations to state agencies and departments for immediate and necessary activities that occur within 120 days after a proclamation of emergency by the Governor and extended in 120-day increments through notification to the JLBC. The Director of DOF is authorized to transfer money from the Special Fund for Economic Uncertainties to pay for expenditures from DREOA. In addition, as previously noted, the Governor can transfer any fund legally available into DREOA in order to deal with the SOE. It is a funding source that enables the state to provide a more expeditious response to, and recovery from, disasters.

LAO Report. In April 2025, the LAO published a report entitled “Improving Legislative Oversight of Emergency Authorities” describing how the Legislature has delegated some of its core powers to allow the Governor to exercise emergency authorities during a SOE. The report assessed the degree to which this is needed to facilitate emergency response and whether there are adequate oversight mechanisms in place. Lastly, the LAO included various recommendations in the report intended to allow the Legislature to exercise more of its core powers and ensure adequate oversight of the Governor during emergencies. This bill incorporates some of these recommendations.

Comments.

Establishes a new process for SOEs to terminate unless renewed. Currently, the ESA requires the Governor to proclaim the termination of a SOE at the earliest

possible date that conditions warrant. All of the powers granted to the Governor by the ESA with respect to a SOE terminate when the SOE has been terminated by proclamation of the Governor *or* by concurrent resolution of the Legislature declaring it at an end. If the Legislature wishes to end a SOE and all corresponding emergency orders, it already has the authority under the ESA to do so, absent this bill. Prior legislative efforts have attempted to do just that.

Under this bill, if the Governor does not act to terminate an open SOE, the SOE will automatically terminate at the end of the next fiscal year unless the Governor renews it after reviewing the SOE and corresponding executive orders to determine whether they need to remain in effect. Typically, SOE proclamations include the specific conditions and justifications warranting the SOE, the areas affected, the anticipated impacts, and a list of actions through executive orders that implement the Governor's emergency authority. This makes the conditional review prior to the renewal that is required in this bill redundant and unnecessary.

Troublesome fiscal year termination trigger. This bill ties the termination of an open SOE to the fiscal year following the original proclamation unless it is renewed by the Governor. Prescribing such a specific timing rule for renewing a SOE fails to consider the type, scope, scale and complexity of both the emergency and the response as it unfolds in real time, all of which necessitate ongoing and swift operation under the SOE. For example, the SOE following the January 2025 Los Angeles Fires remains in place indefinitely because of the scope and scale of the damage and the various waivers that have been granted, resources that have been committed, and contracting that has been required to facilitate continuous response and recovery that is estimated to take several years.

Recommended amendments. Rather than establishing a potentially burdensome SOE renewal process as contemplated in this bill, the Committee may wish to consider amending the bill to direct the California Office of Emergency Services (Cal OES), the state agency tasked with implementing the ESA, to review open SOEs once each year and report to the Legislature with information that justifies keeping the SOEs open or warrants their termination. This approach provides the Legislature with a lookback mechanism and the opportunity to exercise existing authority under the ESA to take action on an SOE and all corresponding emergency orders based on information from the report. Specifically, the Committee may wish to amend this bill as described below:

Amendment #1: Strike Section 4.

Amendment #2: Amend Section 5 and 6 as follows:

SEC. 5. 4. Section 8629.1 is added to the Government Code, to read:

*8629.1. (a) ~~On or before a year from the date of final termination of a state of emergency pursuant to Section 8629, the~~ **The** Office of Emergency Services shall prepare and submit ~~a~~ **an annual** report to the ~~Joint Legislative Budget Committee~~ **Legislature** and the Legislative Analyst's Office **consisting of a review of all open state of emergency proclamations.***

(b) The report required by subdivision (a) shall include all of the following information:

*(1) The conditions that warranted ~~continuing or ending the~~ **each** state of emergency.*

*(2) The amount of actual expenditures on ~~the~~ **each** state of emergency, including state spending and federal reimbursements.*

(3) The local assistance provided to political subdivisions for response and recovery, to the extent known at the time of the report.

*(4) Information on any item of concern or lesson learned relating to ~~the~~ **each** state of emergency that the Office of Emergency Services determines the Legislature should be informed of to help improve the state's emergency response process, including recommendations for statutory change.*

SEC. 6 5.

Prior/Related Legislation

SB 1368 (Dahle) of 2022 would have required a SOE to terminate 45 days after the Governor's proclamation of the SOE unless the Legislature extends it by a concurrent resolution. (Failed passage in the Senate Governmental Organization Committee)

SB 933 (Melendez) of 2022 would have required an emergency order to be narrowly tailored to serve a compelling public health or safety purpose and limited in duration, applicability, and scope, as specified, and would have removed the authority for DOF to extend DREOA allocations in 120-day increments through notification to the JLBC. (Never heard in the Senate Governmental Organization Committee)

AB 1687 (Seyarto) of 2022 would have provided that the Governor may only suspend a statute or regulation during a SOE in connection with the specific conditions of the emergency, as specified. (Vetoed by the Governor)

AB 2902 (Kiley) of 2022 would have required a SOE to terminate 30 days after the Governor’s proclamation of the SOE unless the Legislature extends it by a concurrent resolution, as specified. (Never heard in the Assembly Emergency Management Committee)

SB 209 (Dahle) of 2021 would have required a SOE to terminate 45 days after the Governor’s proclamation of the SOE unless the Legislature extends it by a concurrent resolution. (Never heard in the Senate Governmental Organization Committee)

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

Stand Up Sacramento County

OPPOSITION:

None on file

ARGUMENTS IN SUPPORT: In support of the bill, Stand Up Sacramento County writes that, “Currently, legislative checks and balances are not in place to prevent executive power overreach. Given the trend of Governors to not terminate their SOE’s in timely manners and a dysfunctional system for the Legislature to overturn them, California currently has 63 open SOEs dating back to 2015. Often, they remain open long after there is an emergency or even an inkling of a continued threat.”