

September 11, 2020

CalAlimonyReform.org
ATTN: Steve Clark
7071 Warner Avenue, Suite F385
Huntington Beach, CA 92647

RECEIVED**SEP 15 2020****INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

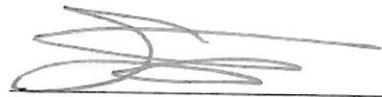
Office of the Attorney General
ATTN: Initiative Coordinator
P.O. Box 944255
Sacramento, CA 94244-2550

Dear Initiative Coordinator:

I am officially requesting that a circulating title and summary of the chief purpose and points of the proposed initiative measure be prepared.

I, Steve Clark, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Orange county, California.

I, Steve Clark, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Steve Clark
Dated this 11th day of
September, 2020

We are also requesting the following title and summary be used; as this was the content used by the California Legislative Counsel to draft the legislation:

Title: Limit Government Authority During a Health Crisis - Initiative Statute

Summary: The intent of this initiative measure is to limit the government's role to an advisory capacity during any health crisis. Allows the government to issue public service announcements and/or health advisories. Does not allow the government to issue any executive orders that impact any private businesses, public beaches, state parks, places of worship or personal freedoms.



Steve Clark

Dated this 11th day of
September, 2020

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: RomanBoldface notsmaller than12-point

We, the undersigned, registered, qualified voters of California, residents of _____ County, hereby propose amendments to the Government Code, relating to emergency powers, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments read as follows:

SECTION 1. Section 8558 of the Government Code is amended to read:
8558. ~~Three-Four~~ conditions or degrees of emergency are established by this chapter:

(a) "State of war emergency" means the condition that exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

(b) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, ~~epidemic~~, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor ~~controversy~~ or controversy, conditions causing a "state of war emergency," or conditions causing a "public health emergency." which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe

energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(c) "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, ~~epidemic~~, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor ~~controversy~~, controversy or conditions causing a "public health emergency," which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(d) "Public health emergency" means the duly proclaimed existence of conditions of epidemic, outbreak of infectious disease, or other similar conditions that threaten public health within the state or within the territorial limits of a county, city and county, or city.

SEC. 2. Section 8587 of the Government Code is amended to read:

8587. (a) During a state of war emergency, a state of emergency, ~~or a local emergency, or a public health emergency,~~ the secretary shall coordinate the emergency activities of all state agencies in connection with that emergency, and every state agency and officer shall cooperate with the secretary in rendering all possible assistance in carrying out the provisions of this chapter.

(b) In addition to the powers designated in this section, the Governor may delegate any of the powers vested in ~~him or her~~ the Governor under this chapter to the secretary except the power to make, amend, and rescind orders and regulations, and the power to proclaim a state of emergency.

SEC. 3. Section 8616 of the Government Code is amended to read:

8616. (a) ~~During any state of war emergency or emergency, state of emergency emergency, or public health emergency~~ when the need arises for outside aid in any county, city and county, or city, ~~such that~~ aid shall be rendered in accordance with approved emergency plans.

~~It~~

(b) It shall be the duty of public officials to cooperate to the fullest possible extent in carrying out ~~such~~ approved emergency plans.

SEC. 4. Section 8617 of the Government Code is amended to read:

8617. In periods other than a state of war emergency, a state of emergency, ~~or a local emergency, or a public health emergency,~~ state agencies and political subdivisions have authority to exercise mutual aid powers in accordance with the Master Mutual Aid Agreement and local ordinances, resolutions, agreements, or plans therefor.

SEC. 5. Article 14.5 (commencing with Section 8634.50) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

Article 14.5. Public Health Emergency

8634.50. (a) The Governor may proclaim a public health emergency in an area affected or likely to be affected thereby if the Governor finds that conditions exist in that area as described in subdivision (d) of Section 8558.

(b) A proclamation of a public health emergency by the Governor pursuant to this section shall take effect immediately upon its issuance. As soon thereafter as possible, the Governor shall file the proclamation with the Secretary of State. The Governor shall cause widespread publicity and notice to be given of the proclamation.

8634.51. (a) (1) The governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body, may proclaim a public health emergency within its jurisdiction if it finds that the conditions described in subdivision (d) of Section 8558 exist within all or part of the area of the city, county, or city and county.

(2) A public health emergency proclaimed by an official designated by ordinance pursuant to this section shall not remain in effect for a period in excess of seven days unless the governing body of the city, county, or city and county ratifies the proclamation.

(b) A proclamation of a public health emergency by a city, county, or city and county pursuant to this section shall take effect immediately upon its issuance. The governing body of the city, county, or city and county shall cause widespread publicity and notice to be given of the proclamation.

8634.52. (a) During a public health emergency proclaimed by the Governor, the Governor may issue, or direct an appropriate state agency to issue, public health advisories and public service announcements regarding the public health emergency. Any advisory or announcement issued pursuant to this section shall not be deemed to be an order or regulation for purposes of Section 8567 and shall not have the force and effect of law.

(b) Notwithstanding any other law, during a public health emergency proclaimed by the Governor pursuant to subdivision (a), the Governor shall not do, or direct any state agency to do, any of the following:

(1) Exercise the police power of the state in response to the public health emergency other than as expressly provided in this article.

(2) Issue any order or regulation pursuant to Section 8567, except as may be necessary to issue a public health advisory or public service announcement pursuant to this section.

(3) Take any other action that directly affects the operation of private businesses or public facilities, including, but not limited to, beaches and parks, or otherwise limits the exercise of individual liberties.

8634.53. (a) During a public health emergency proclaimed by the governing body or designated official of a city, county, or city and county, the governing body, designated official, or health officer of the city, county, or city and county may issue public health advisories and public service announcements regarding the public health emergency within the jurisdiction of the city, county, or city and county.

(b) Notwithstanding any other law, during a public health emergency proclaimed as described in subdivision (a), the governing body or any officer of a city, county, or city and county, including a charter city or charter city and county, shall not do either of the following:

(1) Exercise the police power of the city, county, or city and county pursuant Section 7 of Article XI of the California Constitution, or, if applicable, make or enforce an ordinance or regulation with respect to municipal affairs pursuant to Section 5 of Article XI of the California Constitution, in response to the public health emergency other than as expressly provided in this article.

(2) Take any other action that directly affects the operation of private businesses or public facilities, including, but not limited to, beaches and parks, or otherwise limits the exercise of individual liberties.

(c) The people find and declare that safeguarding the exercise of the liberties of the people of this state during a public health emergency is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

8634.54. During a public health emergency, state agencies or any city, county, or city and county may provide mutual aid to provide assistance in any area affected by the public health emergency in accordance with mutual aid agreements and any other law, local ordinance, resolution, emergency plans, or agreements. Mutual aid provided pursuant to this section shall comply with the limitations prescribed in subdivision (b) of Section 8634.52 or subdivision (b) of Section 8634.53, as applicable.

8634.55. (a) The Governor or the governing body of the city, county, or city and county, as applicable, shall proclaim the termination of a public health emergency proclaimed pursuant to this article at the earliest possible date conditions warrant.

(b) The Legislature may terminate a public health emergency proclaimed by the Governor pursuant to this article by concurrent resolution declaring the public health emergency conditions at an end.

(c) Upon termination of a public health emergency pursuant to this section, the powers granted to the Governor or to a city, county, or city and county by this article with respect to the public health emergency and any public health advisories or public service announcements issued pursuant to this article shall also terminate.

SEC. 6. Section 8643 of the Government Code is amended to read:

8643. During a state of war ~~emergency~~ emergency, a state of ~~emergency~~ or emergency, a local ~~emergency~~ emergency, or a public health emergency, the governing body shall:

(a) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.

(b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one member of the governing body or only one standby officer be available, that one shall have power to reconstitute the governing body.

(c) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.

(d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

SEC. 7. Section 50035 is added to the Government Code, to read:

50035. Notwithstanding any other law, during conditions that constitute a "public health emergency," as defined in subdivision (d) Section 8558, regardless of

whether the city, county, or city and county has proclaimed a public health emergency pursuant to Section 8634.51, the following shall apply:

(a) The governing body of a city, county, or city and county, or the health officer of the city, county, or city and county, may issue public health advisories and public service announcements regarding the public health emergency within the jurisdiction of the city, county, or city and county.

(b) Neither the governing body nor any officer of a city, county, or city and county, including a charter city or charter city and county, shall do either of the following:

(1) Exercise the police power of the city, county, or city and county pursuant Section 7 of Article XI of the California Constitution, or, if applicable, make or enforce an ordinance or regulation with respect to municipal affairs pursuant to Section 5 of Article XI of the California Constitution, in response to the public health emergency other than as expressly provided in this section or in Article 14.5 (commencing with Section 8634.50) of Chapter 7 of Division 1 of Title 2.

(2) Take any other action that directly affects the operation of private businesses or public facilities, including, but not limited to, beaches and parks, or otherwise limits the exercise of individual liberties.

(c) The people find and declare that safeguarding the exercise of the liberties of the people of this state during a public health emergency is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

SEC. 8. Section 101040 of the Health and Safety Code is amended to read:

101040. (a) (1) The local health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by in Section 8558 of the Government Code, ~~within his or her~~ their jurisdiction.

(b)

(2) "Preventive measure" means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a county board of supervisors or a city governing body to carry out the purposes of this section.

(b) During any "public health emergency," as defined in Section 8558 of the Government Code, the local health officer shall be limited to those actions expressly authorized in Section 50035 of the Government Code and Article 14.5 (commencing with Section 8634.50) of Chapter 7 of Division 1 of Title 2 of the Government Code, and shall not take any other preventative measure in response to the public health emergency pursuant to this section.

(c) The local health officer, upon consent of the county board of supervisors or a city governing body, may certify any public health hazard resulting from any disaster condition if certification is required for any federal or state disaster relief program.

SEC. 9. Section 101475 of the Health and Safety Code is amended to read:

101475. (a) (1) The city health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by in Section 8558 of the Government Code, within his or her ~~their~~ jurisdiction.

~~Preventive~~

(2) "Preventive measure" means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a board of supervisors of a county or governing body of a city to carry out the purposes of this section.

(b) During any "public health emergency," as defined in Section 8558 of the Government Code, the city health officer shall be limited to those actions expressly authorized in Section 50035 of the Government Code and Article 14.5 (commencing with Section 8634.50) of Chapter 7 of Division 1 of Title 2 of the Government Code, and shall not take any other preventative measure in response to the public health emergency pursuant to this section.

~~The~~

(c) The city health officer, with consent of the board of supervisors of a county or the governing body of the city, may certify any public health hazard resulting from any disaster condition if certification is required for any federal or state disaster relief program.

SEC. 10. Section 120175 of the Health and Safety Code is amended to read:

120175. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her ~~their~~ jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional ~~cases. cases,~~ subject to the limitations specified in subdivision (b) of Section 50035 of the Government Code.

SEC. 11. The provisions of this act may be amended by a majority vote of each house of the Legislature so long as the amendment is consistent with, and furthers the purposes of, this act.