

AMENDED IN ASSEMBLY MARCH 8, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 38**

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**Introduced by Assembly Member Nava**

December 4, 2006

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*An act to add Section 8587.9 to, and to repeal Section 12016 of, the Government Code, relating to the Office of Homeland Security. An act to amend Sections 6254, 8550, 8570.5, 8574.9, 8574.17, 8574.20, 8574.21, 8574.22, 8584.1, 8586, 8587, 8587.7, 8588, 8588.1, 8588.3, 8588.7, 8588.10, 8588.11, 8589, 8589.1, 8589.2, 8589.5, 8589.6, 8589.7, 8589.9, 8589.10, 8591, 8593, 8593.1, 8593.2, 8596, 8599, 8610.5, 8614, 8649, 8651, 8682, 8682.2, 8682.6, 8682.8, and 8682.9 of, to add Sections 8585.1, 8585.2, and 8585.3 to, to repeal Sections 8574.23 and 12016 of, to repeal Chapter 6.5 (commencing with Section 8549) of Division 1 of Title 2 of, and to repeal and add Section 8585 of, the Government Code, relating to emergency services and homeland security.*

LEGISLATIVE COUNSEL'S DIGEST

AB 38, as amended, Nava. State agencies: ~~Office of~~ Department of Emergency Services and Homeland Security.

(1) Existing law provides for the Office of Homeland Security within the Governor's office. The Governor is required to appoint a Director of Homeland Security to perform specified duties in coordinating all homeland security activities in the state.

The California Emergency Services Act establishes the Office of Emergency Services within the office of the Governor, under the charge of a Director of the Office of Emergency Services appointed by the Governor. The act and other existing law set forth the duties and authority of the office and the director with respect to specified

*emergency preparedness, mitigation, and response activities in the state. Any person who violates any provision of the act or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in the act, is guilty of a misdemeanor.*

*This bill would delete the provisions of law governing the Office of Homeland Security, establishing the Office of Emergency Services, and providing for the appointment of their respective directors. It would instead establish, under the provisions of the California Emergency Services Act, the Department of Emergency Services and Homeland Security, which would succeed to and be vested with the duties, powers, purposes, responsibilities, and jurisdiction vested with the Office of Homeland Security and the Office of Emergency Services. It would specify that the department would be under the supervision of a Secretary of Emergency Services and Homeland Security appointed by the Governor, who would succeed to and be vested with the duties, powers, purposes, responsibilities, and jurisdiction of the directors of the respective offices. It would additionally set forth the duties and authority of the department and the secretary with respect to specified homeland security activities in the state. It would make various conforming changes.*

*By providing for new duties relating to homeland security under the California Emergency Services Act, which imposes a criminal penalty for violation of its provisions, this bill would impose a state-mandated local program by expanding the scope of a crime.*

*(2) The act requires the Office of Emergency Services to develop and complete, by January 2002, a guidance document to the state emergency plan with respect to agriculture-related disasters.*

*This bill would require the document to be updated by January 2009, and make a conforming change with respect to the name of the office.*

*(3) Existing law establishes the Emergency Response Team for State Operations, with a specified membership, and sets forth the duties of the team in improving the ability of state agencies to resume operations after specified types of business interruptions.*

*This bill would repeal these provisions.*

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law establishes the Office of Homeland Security within the office of the Governor.~~

~~This bill would transfer the Office of Homeland Security to become a division of the Office of Emergency Services and would make conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6254 of the Government Code is amended  
2 to read:

3     6254. Except as provided in Sections 6254.7 and 6254.13,  
4 nothing in this chapter shall be construed to require disclosure of  
5 records that are any of the following:

6     (a) Preliminary drafts, notes, or interagency or intra-agency  
7 memoranda that are not retained by the public agency in the  
8 ordinary course of business, if the public interest in withholding  
9 those records clearly outweighs the public interest in disclosure.

10    (b) Records pertaining to pending litigation to which the public  
11 agency is a party, or to claims made pursuant to Division 3.6  
12 (commencing with Section 810), until the pending litigation or  
13 claim has been finally adjudicated or otherwise settled.

14    (c) Personnel, medical, or similar files, the disclosure of which  
15 would constitute an unwarranted invasion of personal privacy.

16    (d) Contained in or related to any of the following:

17    (1) Applications filed with any state agency responsible for the  
18 regulation or supervision of the issuance of securities or of financial  
19 institutions, including, but not limited to, banks, savings and loan  
20 associations, industrial loan companies, credit unions, and  
21 insurance companies.

22    (2) Examination, operating, or condition reports prepared by,  
23 on behalf of, or for the use of, any state agency referred to in  
24 paragraph (1).

25    (3) Preliminary drafts, notes, or interagency or intra-agency  
26 communications prepared by, on behalf of, or for the use of, any  
27 state agency referred to in paragraph (1).

28    (4) Information received in confidence by any state agency  
29 referred to in paragraph (1).

1 (e) Geological and geophysical data, plant production data, and  
2 similar information relating to utility systems development, or  
3 market or crop reports, that are obtained in confidence from any  
4 person.

5 (f) Records of complaints to, or investigations conducted by,  
6 or records of intelligence information or security procedures of,  
7 the office of the Attorney General and the Department of Justice,  
8 *the Department of Emergency Services and Homeland Security*,  
9 and any state or local police agency, or any investigatory or security  
10 files compiled by any other state or local police agency, or any  
11 investigatory or security files compiled by any other state or local  
12 agency for correctional, law enforcement, or licensing purposes.  
13 However, state and local law enforcement agencies shall disclose  
14 the names and addresses of persons involved in, or witnesses other  
15 than confidential informants to, the incident, the description of  
16 any property involved, the date, time, and location of the incident,  
17 all diagrams, statements of the parties involved in the incident, the  
18 statements of all witnesses, other than confidential informants, to  
19 the victims of an incident, or an authorized representative thereof,  
20 an insurance carrier against which a claim has been or might be  
21 made, and any person suffering bodily injury or property damage  
22 or loss, as the result of the incident caused by arson, burglary, fire,  
23 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,  
24 or a crime as defined by subdivision (b) of Section 13951, unless  
25 the disclosure would endanger the safety of a witness or other  
26 person involved in the investigation, or unless disclosure would  
27 endanger the successful completion of the investigation or a related  
28 investigation. However, nothing in this division shall require the  
29 disclosure of that portion of those investigative files that reflects  
30 the analysis or conclusions of the investigating officer.

31 Customer lists provided to a state or local police agency by an  
32 alarm or security company at the request of the agency shall be  
33 construed to be records subject to this subdivision.

34 Notwithstanding any other provision of this subdivision, state  
35 and local law enforcement agencies shall make public the following  
36 information, except to the extent that disclosure of a particular  
37 item of information would endanger the safety of a person involved  
38 in an investigation or would endanger the successful completion  
39 of the investigation or a related investigation:

1 (1) The full name and occupation of every individual arrested  
2 by the agency, the individual's physical description including date  
3 of birth, color of eyes and hair, sex, height and weight, the time  
4 and date of arrest, the time and date of booking, the location of  
5 the arrest, the factual circumstances surrounding the arrest, the  
6 amount of bail set, the time and manner of release or the location  
7 where the individual is currently being held, and all charges the  
8 individual is being held upon, including any outstanding warrants  
9 from other jurisdictions and parole or probation holds.

10 (2) Subject to the restrictions imposed by Section 841.5 of the  
11 Penal Code, the time, substance, and location of all complaints or  
12 requests for assistance received by the agency and the time and  
13 nature of the response thereto, including, to the extent the  
14 information regarding crimes alleged or committed or any other  
15 incident investigated is recorded, the time, date, and location of  
16 occurrence, the time and date of the report, the name and age of  
17 the victim, the factual circumstances surrounding the crime or  
18 incident, and a general description of any injuries, property, or  
19 weapons involved. The name of a victim of any crime defined by  
20 Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286,  
21 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code  
22 may be withheld at the victim's request, or at the request of the  
23 victim's parent or guardian if the victim is a minor. When a person  
24 is the victim of more than one crime, information disclosing that  
25 the person is a victim of a crime defined by Section 220, 261,  
26 261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6,  
27 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the  
28 request of the victim, or the victim's parent or guardian if the  
29 victim is a minor, in making the report of the crime, or of any  
30 crime or incident accompanying the crime, available to the public  
31 in compliance with the requirements of this paragraph.

32 (3) Subject to the restrictions of Section 841.5 of the Penal Code  
33 and this subdivision, the current address of every individual  
34 arrested by the agency and the current address of the victim of a  
35 crime, where the requester declares under penalty of perjury that  
36 the request is made for a scholarly, journalistic, political, or  
37 governmental purpose, or that the request is made for investigation  
38 purposes by a licensed private investigator as described in Chapter  
39 11.3 (commencing with Section 7512) of Division 3 of the Business  
40 and Professions Code. However, the address of the victim of any

1 crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 273a,  
2 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9  
3 of the Penal Code shall remain confidential. Address information  
4 obtained pursuant to this paragraph may not be used directly or  
5 indirectly, or furnished to another, to sell a product or service to  
6 any individual or group of individuals, and the requester shall  
7 execute a declaration to that effect under penalty of perjury.  
8 Nothing in this paragraph shall be construed to prohibit or limit a  
9 scholarly, journalistic, political, or government use of address  
10 information obtained pursuant to this paragraph.

11 (g) Test questions, scoring keys, and other examination data  
12 used to administer a licensing examination, examination for  
13 employment, or academic examination, except as provided for in  
14 Chapter 3 (commencing with Section 99150) of Part 65 of the  
15 Education Code.

16 (h) The contents of real estate appraisals or engineering or  
17 feasibility estimates and evaluations made for or by the state or  
18 local agency relative to the acquisition of property, or to  
19 prospective public supply and construction contracts, until all of  
20 the property has been acquired or all of the contract agreement  
21 obtained. However, the law of eminent domain shall not be affected  
22 by this provision.

23 (i) Information required from any taxpayer in connection with  
24 the collection of local taxes that is received in confidence and the  
25 disclosure of the information to other persons would result in unfair  
26 competitive disadvantage to the person supplying the information.

27 (j) Library circulation records kept for the purpose of identifying  
28 the borrower of items available in libraries, and library and museum  
29 materials made or acquired and presented solely for reference or  
30 exhibition purposes. The exemption in this subdivision shall not  
31 apply to records of fines imposed on the borrowers.

32 (k) Records, the disclosure of which is exempted or prohibited  
33 pursuant to federal or state law, including, but not limited to,  
34 provisions of the Evidence Code relating to privilege.

35 (l) Correspondence of and to the Governor or employees of the  
36 Governor's office or in the custody of or maintained by the  
37 Governor's Legal Affairs Secretary. However, public records shall  
38 not be transferred to the custody of the Governor's Legal Affairs  
39 Secretary to evade the disclosure provisions of this chapter.

1 (m) In the custody of or maintained by the Legislative Counsel,  
2 except those records in the public database maintained by the  
3 Legislative Counsel that are described in Section 10248.

4 (n) Statements of personal worth or personal financial data  
5 required by a licensing agency and filed by an applicant with the  
6 licensing agency to establish his or her personal qualification for  
7 the license, certificate, or permit applied for.

8 (o) Financial data contained in applications for financing under  
9 Division 27 (commencing with Section 44500) of the Health and  
10 Safety Code, where an authorized officer of the California Pollution  
11 Control Financing Authority determines that disclosure of the  
12 financial data would be competitively injurious to the applicant  
13 and the data is required in order to obtain guarantees from the  
14 United States Small Business Administration. The California  
15 Pollution Control Financing Authority shall adopt rules for review  
16 of individual requests for confidentiality under this section and for  
17 making available to the public those portions of an application that  
18 are subject to disclosure under this chapter.

19 (p) Records of state agencies related to activities governed by  
20 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
21 (commencing with Section 3525), and Chapter 12 (commencing  
22 with Section 3560) of Division 4 of Title 1, that reveal a state  
23 agency's deliberative processes, impressions, evaluations, opinions,  
24 recommendations, meeting minutes, research, work products,  
25 theories, or strategy, or that provide instruction, advice, or training  
26 to employees who do not have full collective bargaining and  
27 representation rights under these chapters. Nothing in this  
28 subdivision shall be construed to limit the disclosure duties of a  
29 state agency with respect to any other records relating to the  
30 activities governed by the employee relations acts referred to in  
31 this subdivision.

32 (q) Records of state agencies related to activities governed by  
33 Article 2.6 (commencing with Section 14081), Article 2.8  
34 (commencing with Section 14087.5), and Article 2.91  
35 (commencing with Section 14089) of Chapter 7 of Part 3 of  
36 Division 9 of the Welfare and Institutions Code, that reveal the  
37 special negotiator's deliberative processes, discussions,  
38 communications, or any other portion of the negotiations with  
39 providers of health care services, impressions, opinions,  
40 recommendations, meeting minutes, research, work product,

1 theories, or strategy, or that provide instruction, advice, or training  
 2 to employees.

3 Except for the portion of a contract containing the rates of  
 4 payment, contracts for inpatient services entered into pursuant to  
 5 these articles, on or after April 1, 1984, shall be open to inspection  
 6 one year after they are fully executed. If a contract for inpatient  
 7 services that is entered into prior to April 1, 1984, is amended on  
 8 or after April 1, 1984, the amendment, except for any portion  
 9 containing the rates of payment, shall be open to inspection one  
 10 year after it is fully executed. If the California Medical Assistance  
 11 Commission enters into contracts with health care providers for  
 12 other than inpatient hospital services, those contracts shall be open  
 13 to inspection one year after they are fully executed.

14 Three years after a contract or amendment is open to inspection  
 15 under this subdivision, the portion of the contract or amendment  
 16 containing the rates of payment shall be open to inspection.

17 Notwithstanding any other provision of law, the entire contract  
 18 or amendment shall be open to inspection by the Joint Legislative  
 19 Audit Committee and the Legislative Analyst’s Office. The  
 20 committee and that office shall maintain the confidentiality of the  
 21 contracts and amendments until the time a contract or amendment  
 22 is fully open to inspection by the public.

23 (r) Records of Native American graves, cemeteries, and sacred  
 24 places and records of Native American places, features, and objects  
 25 described in Sections 5097.9 and 5097.993 of the Public Resources  
 26 Code maintained by, or in the possession of, the Native American  
 27 Heritage Commission, another state agency, or a local agency.

28 (s) A final accreditation report of the Joint Commission on  
 29 Accreditation of Hospitals that has been transmitted to the State  
 30 Department of Health Services pursuant to subdivision (b) of  
 31 Section 1282 of the Health and Safety Code.

32 (t) Records of a local hospital district, formed pursuant to  
 33 Division 23 (commencing with Section 32000) of the Health and  
 34 Safety Code, or the records of a municipal hospital, formed  
 35 pursuant to Article 7 (commencing with Section 37600) or Article  
 36 8 (commencing with Section 37650) of Chapter 5 of Division 3  
 37 of Title 4 of this code, that relate to any contract with an insurer  
 38 or nonprofit hospital service plan for inpatient or outpatient services  
 39 for alternative rates pursuant to Section 10133 or 11512 of the

1 Insurance Code. However, the record shall be open to inspection  
2 within one year after the contract is fully executed.

3 (u) (1) Information contained in applications for licenses to  
4 carry firearms issued pursuant to Section 12050 of the Penal Code  
5 by the sheriff of a county or the chief or other head of a municipal  
6 police department that indicates when or where the applicant is  
7 vulnerable to attack or that concerns the applicant's medical or  
8 psychological history or that of members of his or her family.

9 (2) The home address and telephone number of peace officers,  
10 judges, court commissioners, and magistrates that are set forth in  
11 applications for licenses to carry firearms issued pursuant to  
12 Section 12050 of the Penal Code by the sheriff of a county or the  
13 chief or other head of a municipal police department.

14 (3) The home address and telephone number of peace officers,  
15 judges, court commissioners, and magistrates that are set forth in  
16 licenses to carry firearms issued pursuant to Section 12050 of the  
17 Penal Code by the sheriff of a county or the chief or other head of  
18 a municipal police department.

19 (v) (1) Records of the Major Risk Medical Insurance Program  
20 related to activities governed by Part 6.3 (commencing with Section  
21 12695) and Part 6.5 (commencing with Section 12700) of Division  
22 2 of the Insurance Code, and that reveal the deliberative processes,  
23 discussions, communications, or any other portion of the  
24 negotiations with health plans, or the impressions, opinions,  
25 recommendations, meeting minutes, research, work product,  
26 theories, or strategy of the board or its staff, or records that provide  
27 instructions, advice, or training to employees.

28 (2) (A) Except for the portion of a contract that contains the  
29 rates of payment, contracts for health coverage entered into  
30 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5  
31 (commencing with Section 12700) of Division 2 of the Insurance  
32 Code, on or after July 1, 1991, shall be open to inspection one year  
33 after they have been fully executed.

34 (B) If a contract for health coverage that is entered into prior to  
35 July 1, 1991, is amended on or after July 1, 1991, the amendment,  
36 except for any portion containing the rates of payment, shall be  
37 open to inspection one year after the amendment has been fully  
38 executed.

39 (3) Three years after a contract or amendment is open to  
40 inspection pursuant to this subdivision, the portion of the contract

1 or amendment containing the rates of payment shall be open to  
2 inspection.

3 (4) Notwithstanding any other provision of law, the entire  
4 contract or amendments to a contract shall be open to inspection  
5 by the Joint Legislative Audit Committee. The committee shall  
6 maintain the confidentiality of the contracts and amendments  
7 thereto, until the contract or amendments to a contract is open to  
8 inspection pursuant to paragraph (3).

9 (w) (1) Records of the Major Risk Medical Insurance Program  
10 related to activities governed by Chapter 14 (commencing with  
11 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
12 that reveal the deliberative processes, discussions, communications,  
13 or any other portion of the negotiations with health plans, or the  
14 impressions, opinions, recommendations, meeting minutes,  
15 research, work product, theories, or strategy of the board or its  
16 staff, or records that provide instructions, advice, or training to  
17 employees.

18 (2) Except for the portion of a contract that contains the rates  
19 of payment, contracts for health coverage entered into pursuant to  
20 Chapter 14 (commencing with Section 10700) of Part 2 of Division  
21 2 of the Insurance Code, on or after January 1, 1993, shall be open  
22 to inspection one year after they have been fully executed.

23 (3) Notwithstanding any other provision of law, the entire  
24 contract or amendments to a contract shall be open to inspection  
25 by the Joint Legislative Audit Committee. The committee shall  
26 maintain the confidentiality of the contracts and amendments  
27 thereto, until the contract or amendments to a contract is open to  
28 inspection pursuant to paragraph (2).

29 (x) Financial data contained in applications for registration, or  
30 registration renewal, as a service contractor filed with the Director  
31 of Consumer Affairs pursuant to Chapter 20 (commencing with  
32 Section 9800) of Division 3 of the Business and Professions Code,  
33 for the purpose of establishing the service contractor's net worth,  
34 or financial data regarding the funded accounts held in escrow for  
35 service contracts held in force in this state by a service contractor.

36 (y) (1) Records of the Managed Risk Medical Insurance Board  
37 related to activities governed by Part 6.2 (commencing with Section  
38 12693) or Part 6.4 (commencing with Section 12699.50) of  
39 Division 2 of the Insurance Code, and that reveal the deliberative  
40 processes, discussions, communications, or any other portion of

1 the negotiations with health plans, or the impressions, opinions,  
2 recommendations, meeting minutes, research, work product,  
3 theories, or strategy of the board or its staff, or records that provide  
4 instructions, advice, or training to employees.

5 (2) (A) Except for the portion of a contract that contains the  
6 rates of payment, contracts entered into pursuant to Part 6.2  
7 (commencing with Section 12693) or Part 6.4 (commencing with  
8 Section 12699.50) of Division 2 of the Insurance Code, on or after  
9 January 1, 1998, shall be open to inspection one year after they  
10 have been fully executed.

11 (B) In the event that a contract entered into pursuant to Part 6.2  
12 (commencing with Section 12693) or Part 6.4 (commencing with  
13 Section 12699.50) of Division 2 of the Insurance Code is amended,  
14 the amendment shall be open to inspection one year after the  
15 amendment has been fully executed.

16 (3) Three years after a contract or amendment is open to  
17 inspection pursuant to this subdivision, the portion of the contract  
18 or amendment containing the rates of payment shall be open to  
19 inspection.

20 (4) Notwithstanding any other provision of law, the entire  
21 contract or amendments to a contract shall be open to inspection  
22 by the Joint Legislative Audit Committee. The committee shall  
23 maintain the confidentiality of the contracts and amendments  
24 thereto until the contract or amendments to a contract are open to  
25 inspection pursuant to paragraph (2) or (3).

26 (5) The exemption from disclosure provided pursuant to this  
27 subdivision for the contracts, deliberative processes, discussions,  
28 communications, negotiations with health plans, impressions,  
29 opinions, recommendations, meeting minutes, research, work  
30 product, theories, or strategy of the board or its staff shall also  
31 apply to the contracts, deliberative processes, discussions,  
32 communications, negotiations with health plans, impressions,  
33 opinions, recommendations, meeting minutes, research, work  
34 product, theories, or strategy of applicants pursuant to Part 6.4  
35 (commencing with Section 12699.50) of Division 2 of the  
36 Insurance Code.

37 (z) Records obtained pursuant to paragraph (2) of subdivision  
38 (c) of Section 2891.1 of the Public Utilities Code.

39 (aa) A document prepared by or for a state or local agency that  
40 assesses its vulnerability to terrorist attack or other criminal acts

1 intended to disrupt the public agency’s operations and that is for  
2 distribution or consideration in a closed session.

3 (bb) Critical infrastructure information, as defined in Section  
4 131(3) of Title 6 of the United States Code, that is voluntarily  
5 submitted to the ~~California Office of Homeland Security~~  
6 *Department of Emergency Services and Homeland Security* for  
7 use by that office, including the identity of the person who or entity  
8 that voluntarily submitted the information. As used in this  
9 subdivision, “voluntarily submitted” means submitted in the  
10 absence of the office exercising any legal authority to compel  
11 access to or submission of critical infrastructure information. This  
12 subdivision shall not affect the status of information in the  
13 possession of any other state or local governmental agency.

14 (cc) All information provided to the Secretary of State by a  
15 person for the purpose of registration in the Advance Health Care  
16 Directive Registry, except that those records shall be released at  
17 the request of a health care provider, a public guardian, or the  
18 registrant’s legal representative.

19 Nothing in this section prevents any agency from opening its  
20 records concerning the administration of the agency to public  
21 inspection, unless disclosure is otherwise prohibited by law.

22 Nothing in this section prevents any health facility from  
23 disclosing to a certified bargaining agent relevant financing  
24 information pursuant to Section 8 of the National Labor Relations  
25 Act (29 U.S.C. Sec. 158).

26 *SEC. 2. Chapter 6.5 (commencing with Section 8549) of*  
27 *Division 1 of Title 2 of the Government Code, as added by Section*  
28 *3 of Chapter 1210 of the Statutes of 1990, is repealed.*

29 *SEC. 3. Section 8550 of the Government Code is amended to*  
30 *read:*

31 8550. The state has long recognized its responsibility to  
32 mitigate the effects of natural, manmade, or war-caused  
33 emergencies which result in conditions of disaster or in extreme  
34 peril to life, property, and the resources of the state, and generally  
35 to protect the health and safety and preserve the lives and property  
36 of the people of the state. To ~~insure~~ *ensure* that preparations within  
37 the state will be adequate to deal with such emergencies, it is  
38 hereby found and declared to be necessary:

39 (a) To confer upon the Governor and upon the chief executives  
40 and governing bodies of political subdivisions of this state the

1 emergency powers provided herein; and to provide for state  
2 assistance in the organization and maintenance of the emergency  
3 programs of such political subdivisions; *subdivisions*.

4 (b) To provide for a state agency to be known and referred to  
5 as the ~~Office of Emergency Services~~ *Department of Emergency*  
6 *Services and Homeland Security*, within the ~~Governor's office~~;  
7 *state government*, and to prescribe the powers and duties of the  
8 ~~director~~ *secretary* of that ~~office~~; *department*, who shall be a  
9 *member of the Governor's cabinet*.

10 (c) To provide for the assignment of functions to state agencies  
11 to be performed during an emergency and for the coordination and  
12 direction of the emergency actions of such ~~agencies~~; *agencies*.

13 (d) To provide for the rendering of mutual aid by the state  
14 government and all its departments and agencies and by the  
15 political subdivisions of this state in carrying out the purposes of  
16 this ~~chapter~~; *chapter*.

17 (e) To authorize the establishment of such organizations and  
18 the taking of such actions as are necessary and proper to carry out  
19 the provisions of this chapter.

20 It is further declared to be the purpose of this chapter and the  
21 policy of this state that all emergency services functions of this  
22 state be coordinated as far as possible with the comparable  
23 functions of its political subdivisions, of the federal government  
24 including its various departments and agencies, of other states,  
25 and of private agencies of every type, to the end that the most  
26 effective use may be made of all manpower, resources, and  
27 facilities for dealing with any emergency that may occur.

28 *SEC. 4. Section 8570.5 of the Government Code is amended*  
29 *to read:*

30 8570.5. The ~~Office of Emergency Services~~ *Department of*  
31 *Emergency Services and Homeland Security* shall develop a  
32 guidance document to the state emergency plan to specify the  
33 response of the state and its political subdivisions to  
34 agriculture-related disasters. This document shall be completed  
35 by January 2002, *and updated by January 2009*, and shall include,  
36 but not be limited to, all of the following:

37 (a) The roles and responsibilities of the county agricultural  
38 commissioners.

- 1 (b) The roles and responsibilities of the Department of
- 2 Agriculture and other relevant state agencies that are involved in
- 3 the response to agriculture-related disasters.
- 4 (c) Coordination of initial and ongoing crop damage
- 5 assessments.
- 6 (d) Disaster assistance between the time of the request for a
- 7 federal disaster declaration and issuance of a federal declaration.
- 8 (e) State assistance available if a requested federal declaration
- 9 is not issued.
- 10 (f) State assistance under a United States Department of
- 11 Agriculture designation rather than a federal declaration.
- 12 (g) State assistance for long-term unemployment in areas with
- 13 high unemployment rates prior to an emergency.
- 14 (h) Provision for the removal and elimination of extraordinary
- 15 numbers of dead livestock for purposes of protecting public health
- 16 and safety.
- 17 (i) Strategies to assist in the development of an integrated and
- 18 coordinated response by community-based organizations to the
- 19 victims of agriculture-related disasters.
- 20 (j) Procedures for the decontamination of individuals who have
- 21 been or may have been exposed to hazardous materials, which
- 22 may vary depending on the hazards posed by a particular hazardous
- 23 material. The report shall specify that individuals shall be assisted
- 24 in a humanitarian manner.
- 25 (k) Integration of various local and state emergency response
- 26 plans, including, but not limited to, plans that relate to hazardous
- 27 materials, oil spills, public health emergencies, and general
- 28 disasters.
- 29 *SEC. 5. Section 8574.9 of the Government Code is amended*
- 30 *to read:*
- 31 8574.9. (a) The State Interagency Oil Spill Committee shall
- 32 consist of all of the following persons:
- 33 (1) The administrator named by the Governor pursuant to
- 34 Section 8670.4.
- 35 (2) The Chairperson of the State Lands Commission, or his or
- 36 her designee.
- 37 (3) The Chairperson of the California Coastal Commission, or
- 38 his or her designee.
- 39 (4) The Chairperson of the San Francisco Bay Conservation
- 40 and Development Commission, or his or her designee. The

1 chairperson of the commission shall only have voting and  
2 decisionmaking authority regarding matters under the jurisdiction  
3 of the commission.

4 (5) A designated representative from all of the following  
5 agencies:

6 (A) ~~The Office of Emergency Services~~ *Department of*  
7 *Emergency Services and Homeland Security.*

8 (B) The State Water Resources Control Board.

9 (C) The Department of Justice.

10 (D) The California Highway Patrol.

11 (E) The California National Guard.

12 (F) The Division of Oil and Gas in the Department of  
13 Conservation.

14 (G) The Department of Toxic Substances Control.

15 (H) The Department of Transportation.

16 (I) The Department of Parks and Recreation.

17 (J) The Department of Water Resources.

18 (K) The Department of Forestry and Fire Protection.

19 (L) The State Fire Marshal.

20 (M) The California regional water quality control boards (one  
21 representative).

22 (N) The Resources Agency.

23 (O) The California Environmental Protection Agency.

24 (P) The California Conservation Corps.

25 (Q) The Office of Environmental Health Hazard Assessment.

26 (R) The Division of Occupational Safety and Health in the  
27 Department of Industrial Relations.

28 (b) The administrator shall be the chairperson of the committee.  
29 The administrator shall ensure that personnel serve as staff to the  
30 committee.

31 *SEC. 6. Section 8574.17 of the Government Code is amended*  
32 *to read:*

33 8574.17. (a) (1) A state toxic disaster contingency plan  
34 established pursuant to this article shall provide for an integrated  
35 and effective state procedure to respond to the occurrence of toxic  
36 disasters within the state. The plan shall provide for the designation  
37 of a lead agency to direct strategy to ameliorate the effects of a  
38 toxic disaster, for specified state agencies to implement the plan,  
39 for interagency coordination of the training conducted by state

1 agencies pursuant to the plan, and for on-scene coordination of  
2 response actions.

3 ~~Notwithstanding~~

4 (2) *Notwithstanding* any provision of the plan, the authority for  
5 the management of the scene of an on-highway toxic spill or  
6 disaster shall be vested in the appropriate law enforcement agency  
7 having primary traffic investigative authority on the highway where  
8 the incident occurs or in a local fire protection agency as provided  
9 by Section 2454 of the Vehicle Code. During the preparation of  
10 the toxic disaster contingency plan, the ~~Office of Emergency~~  
11 ~~Services~~ *Department of Emergency Services and Homeland*  
12 *Security* shall adopt the recommendations of the Department of  
13 the California Highway Patrol in developing response and on-scene  
14 procedures for toxic disasters which occur upon the highways,  
15 based upon previous studies for such procedures, insofar as the  
16 procedures are not inconsistent with the overall plan for initial  
17 notification of toxic disasters by public agencies and for  
18 after-incident evaluation and reporting.

19 (b) ~~The Office of Emergency Services~~ *Department of Emergency*  
20 *Services and Homeland Security* shall establish a central  
21 notification and reporting system to facilitate operation of the state  
22 toxic disaster response procedures designated by the toxic disaster  
23 contingency plan.

24 *SEC. 7. Section 8574.20 of the Government Code is amended*  
25 *to read:*

26 8574.20. ~~Not later than 18 months after the effective date of~~  
27 ~~this article, the Office of Emergency Services shall establish and~~  
28 ~~The Department of Emergency Services and Homeland Security~~  
29 *shall* manage the California Hazardous Substances Incident  
30 Response Training and Education Program to provide approved  
31 classes in hazardous substance response, taught by trained  
32 instructors, and to certify students who have completed these  
33 classes. To carry out this program, the ~~Office of Emergency~~  
34 ~~Services~~ *Department of Emergency Services and Homeland*  
35 *Security* shall do all of the following:

36 (a) Adopt regulations necessary to implement the program.

37 (b) Establish a training and education program by developing  
38 the curriculum to be used in the program in colleges, academies,  
39 the California Specialized Training Institute, and other educational  
40 institutions, as specified in Section 8574.21.

1 (c) Establish recommended minimum standards for training  
2 emergency response personnel and instructors, including, but not  
3 limited to, fire, police, and environmental health personnel.

4 (d) Make available a training and education program in the use  
5 of hazardous substances emergency rescue, safety, and monitoring  
6 equipment, on a voluntary basis, at the California Specialized  
7 Training Institute.

8 (e) Train and certify instructors at the California Specialized  
9 Training Institute according to standards and procedures developed  
10 by the curriculum development advisory committee, as specified  
11 in Section 8574.21.

12 (f) Approve classes, as meeting the requirements of the program,  
13 if the classes meet the curriculum developed by the ~~Office of~~  
14 ~~Emergency Services~~ *Department of Emergency Services and*  
15 *Homeland Security* pursuant to Section 8574.21 and the instructor  
16 received training and certification at the California Specialized  
17 Training Institute, as specified in subdivision (e).

18 (g) Certify students who have successfully completed a class  
19 approved as meeting the requirements of the program.

20 (h) Review and revise, as necessary, the program.

21 (i) Establish and collect admission fees and other fees that may  
22 be necessary to be charged for advanced or specialized training  
23 given at the California Specialized Training Institute. These fees  
24 shall be used to offset costs incurred pursuant to this article.

25 *SEC. 8. Section 8574.21 of the Government Code is amended*  
26 *to read:*

27 8574.21. (a) ~~The Office of Emergency Services~~ *Department*  
28 *of Emergency Services and Homeland Security* shall develop the  
29 curriculum to be used in classes that meet the program requirements  
30 and shall adopt standards and procedures for training instructors  
31 at the California Specialized Training Institute.

32 (b) The curriculum for the training and education program  
33 established pursuant to this article shall include all of the following  
34 aspects of hazardous substance incident response actions:

- 35 (1) First responder training.
- 36 (2) On-scene manager training.
- 37 (3) Hazardous substance incident response training for  
38 management personnel.
- 39 (4) Hazardous materials specialist training that equals or exceeds  
40 the standards of the National Fire Protection Association.

- 1 (5) Environmental monitoring.
- 2 (6) Hazardous substance release investigations.
- 3 (7) Hazardous substance incident response activities at ports.
- 4 (c) ~~The Office of Emergency Services~~ *Department of Emergency*
- 5 *Services and Homeland Security* shall establish a curriculum
- 6 development advisory committee, which shall consist of a
- 7 representative from each of the following agencies or organizations:
- 8 (1) ~~The Office of Emergency Services~~ *Department of Emergency*
- 9 *Services and Homeland Security*.
- 10 (2) The Office of the State Fire Marshal.
- 11 (3) The Department of Toxic Substances Control.
- 12 (4) The Department of Fish and Game.
- 13 (5) The State Water Resources Control Board.
- 14 (6) The Department of the California Highway Patrol.
- 15 (7) The California Police Chiefs’ Association.
- 16 (8) The California Fire Chiefs’ Association.
- 17 (9) The Commission on Police Officer Standards and Training.
- 18 (10) The California District Attorneys’ Association.
- 19 (11) The Department of Forestry and Fire Protection.
- 20 (12) The Emergency Medical Services Authority.
- 21 (13) The Department of Transportation.
- 22 (14) The Environmental Protection Agency.
- 23 (15) The Chemical Industry Council of California.
- 24 (16) The California Manufacturers Association.
- 25 (17) The California Conference of Local Health Officers.
- 26 (18) The University of California.
- 27 (19) The California State Fireman’s Association.
- 28 (20) The California State University.
- 29 (21) The California Professional Firefighters.
- 30 (22) The California Association of Highway Patrolmen.
- 31 (23) The Office of Environmental Health Hazard Assessment.
- 32 (d) The curriculum development advisory committee shall advise
- 33 ~~the Office of Emergency Services~~ *Department of Emergency*
- 34 *Services and Homeland Security* on the development of course
- 35 curricula and the standards and procedures specified in subdivision
- 36 (a). In advising ~~the Office of Emergency Services~~ *Department of*
- 37 *Emergency Services and Homeland Security*, the committee shall
- 38 do the following:

1 (1) Assist, and cooperate with, representatives of the Board of  
2 Governors of the California Community Colleges in developing  
3 the course curricula.

4 (2) Ensure that the curriculum developed pursuant to this section  
5 is accredited by the State Board of Fire Services.

6 (3) Define equivalent training and experience considered as  
7 meeting the initial training requirements as specified in subdivision  
8 (a) that existing employees might have already received from actual  
9 experience or formal education undertaken, and which would  
10 qualify as meeting the requirements established pursuant to this  
11 article.

12 (e) The representative from the ~~Office of Emergency Services~~  
13 *Department of Emergency Services and Homeland Security* shall  
14 serve as the chairperson of the curriculum development advisory  
15 committee.

16 (f) After the course curricula and standards are established  
17 pursuant to subdivision (a), the curriculum development advisory  
18 committee shall meet at least once each year to review the program  
19 and advise the ~~Office of Emergency Services~~ *Department of*  
20 *Emergency Services and Homeland Security* on any required  
21 revisions.

22 (g) The ~~Office of Emergency Services~~ *Department of Emergency*  
23 *Services and Homeland Security* shall make the curriculum  
24 development advisory committee a subcommittee of the  
25 Curriculum Advisory Board of the California Specialized Training  
26 Institute.

27 (h) This article does not affect the authority of the State Fire  
28 Marshal granted pursuant to Section 13142.4 or 13159 of the  
29 Health and Safety Code.

30 (i) Upon completion of instructor training and certification  
31 pursuant to subdivision (e) of Section 8574.20 by any employee  
32 of the Department of the California Highway Patrol, the  
33 Commissioner of the California Highway Patrol may deem any  
34 training programs taught by that employee to be equivalent to any  
35 training program meeting the requirements established pursuant  
36 to this article.

37 *SEC. 9. Section 8574.22 of the Government Code is amended*  
38 *to read:*

39 8574.22. The ~~Office of Emergency Services~~ *Department of*  
40 *Emergency Services and Homeland Security* may hire professional

1 and clerical staff pursuant to the State Civil Service Act (Part 2  
 2 (commencing with Section 18500) of Division 5 of Title 2).  
 3 However, any person employed pursuant to this section shall be  
 4 employed only at the California Specialized Training Institute.

5 *SEC. 10. Section 8574.23 of the Government Code is repealed.*  
 6 ~~8574.23. Not later than 18 months after the effective date of~~  
 7 ~~this article, the Office of Emergency Services shall submit a report~~  
 8 ~~to the Legislature concerning the implementation of this article,~~  
 9 ~~including the locations of any classes and any recommendations~~  
 10 ~~for future legislative or administrative action.~~

11 *SEC. 11. Section 8584.1 of the Government Code is amended*  
 12 *to read:*

13 8584.1. (a) It is the intent of the Legislature that the state have  
 14 an urban heavy rescue capability in the event of a major earthquake.  
 15 It is also the intent of the Legislature that the ~~Office of Emergency~~  
 16 ~~Services~~ *Department of Emergency Services and Homeland*  
 17 *Security* and the State Fire Marshal’s Office pursue the necessary  
 18 funding to carry out this article through the normal budget process.

19 (b) The Fire and Rescue Division of the ~~Office of Emergency~~  
 20 ~~Services~~ *Department of Emergency Services and Homeland*  
 21 *Security* shall acquire and maintain urban heavy rescue units and  
 22 transportable caches of search and rescue gear, including hand  
 23 tools and protective gear. The division shall position the units and  
 24 caches to ensure a rapid response of personnel and equipment  
 25 anywhere in the state, and ensure that a unit will be available on  
 26 the scene within one hour of a major earthquake.

27 (c) The State Fire Marshal’s Office shall coordinate the training  
 28 of personnel in the use of the units and equipment in cooperation  
 29 with the ~~Office of Emergency Services~~ *Department of Emergency*  
 30 *Services and Homeland Security*.

31 *SEC. 12. Section 8585 of the Government Code is repealed.*  
 32 ~~8585. There is in the office of the Governor the Office of~~  
 33 ~~Emergency Services, which office is the State Civil Defense~~  
 34 ~~Agency. The Director of the Office of Emergency Services, who~~  
 35 ~~shall also be the State Director of Civil Defense and the State~~  
 36 ~~Director of Emergency Planning, shall be in charge of the Office~~  
 37 ~~of Emergency Services and shall have all the rights and powers of~~  
 38 ~~a head of a department as provided by the Government Code.~~

39 ~~The Director of the Office of Emergency Services shall be~~  
 40 ~~appointed by the Governor with the consent of the Senate, and~~

1 shall serve at the pleasure of the Governor. The Governor shall  
2 also appoint a Deputy Director of the Office of Emergency Services  
3 who shall serve at the pleasure of the Governor. The Director and  
4 Deputy Director of the Disaster Office on the effective date of this  
5 section shall continue to serve as the Director and Deputy Director,  
6 respectively, of the Office of Emergency Services until their  
7 successors are appointed and qualified.

8 The Director of the Office of Emergency Services shall receive  
9 an annual salary as provided for by Chapter 6 (commencing with  
10 Section 11550) of Part 1 of Division 3 of Title 2 of the Government  
11 Code.

12 *SEC. 13. Section 8585 is added to the Government Code, to*  
13 *read:*

14 *8585. (a) (1) There is in state government the Department of*  
15 *Emergency Services and Homeland Security. The Department of*  
16 *Emergency Services and Homeland Security shall be under the*  
17 *supervision of a Secretary of Emergency Services and Homeland*  
18 *Security, who shall have all rights and powers of a head of a*  
19 *department as provided by this code.*

20 *(2) Unless the context clearly requires otherwise, whenever the*  
21 *term "Office of Emergency Services" appears in any statute,*  
22 *regulation, or contract, it shall be construed to refer to the*  
23 *Department of Emergency Services and Homeland Security, and*  
24 *whenever the term "Director of Emergency Services" or the*  
25 *"Director of the Office of Emergency Services" appears in statute,*  
26 *regulation, or contract, it shall be construed to refer to the*  
27 *Secretary of Emergency Services and Homeland Security.*

28 *(3) Unless the context clearly requires otherwise, whenever the*  
29 *term "Director of Homeland Security" or "Office of Homeland*  
30 *Security" appears in any statute, regulation, or contract, it shall*  
31 *be construed to refer to the Department of Emergency Services*  
32 *and Homeland Security, and whenever the term "Director of the*  
33 *Office of Homeland Security" appears in any statute, regulation,*  
34 *or contract, it shall be construed to refer to the Secretary of*  
35 *Emergency Services and Homeland Security.*

36 *(b) (1) The Department of Emergency Services and Homeland*  
37 *Security and the Secretary of Emergency Services and Homeland*  
38 *Security succeed to and are vested with all the duties, powers,*  
39 *purposes, responsibilities, and jurisdiction vested in the Office of*

1 *Emergency Services and the Director of the Office of Emergency*  
2 *Services, respectively.*

3 *(2) The Department of Emergency Services and Homeland*  
4 *Security and the Secretary of Emergency Services and Homeland*  
5 *Security succeed to and are vested with all the duties, powers,*  
6 *purposes, responsibilities, and jurisdiction vested in the Office of*  
7 *Homeland Security and the Director of Homeland Security,*  
8 *respectively.*

9 *(c) The Department of Emergency Services and Homeland*  
10 *Security shall be considered a law enforcement organization as*  
11 *required for receipt of criminal intelligence information pursuant*  
12 *to subdivision (f) of Section 6254 of the Government Code by*  
13 *persons employed within the department whose duties and*  
14 *responsibilities require the authority to access criminal intelligence*  
15 *information.*

16 *(d) Persons employed by the Department of Emergency Services*  
17 *and Homeland Security whose duties and responsibilities require*  
18 *the authority to access of criminal intelligence information shall*  
19 *be furnished state summary criminal history information as*  
20 *described in Section 111105 of the Penal Code, if needed in the*  
21 *course of their duties.*

22 *SEC. 14. Section 8585.1 is added to the Government Code, to*  
23 *read:*

24 *8585.1. (a) The Secretary of Emergency Services and*  
25 *Homeland Security shall be appointed by, and hold office at the*  
26 *pleasure of, the Governor. The appointment of the secretary is*  
27 *subject to confirmation by the Senate. The secretary shall*  
28 *coordinate all state disaster response, emergency planning,*  
29 *emergency preparedness, disaster recovery, disaster mitigation*  
30 *activities, and homeland security activities.*

31 *(b) The Governor may appoint an Undersecretary of Emergency*  
32 *Services and Homeland Security. The undersecretary shall hold*  
33 *office at the pleasure of the Governor.*

34 *(c) The Governor shall appoint those deputies necessary to*  
35 *assist the secretary in managing the department. Those deputies*  
36 *shall serve at the pleasure of the Governor. All positions exempt*  
37 *from civil service that existed in the predecessor agencies shall*  
38 *be transferred to the department, and may be reclassified at the*  
39 *discretion of the secretary.*

1     (d) *The secretary may appoint staff necessary for the support*  
2 *of the department pursuant to the State Civil Service Act (Part 2*  
3 *commencing with Section 18500) of Division 5).*

4     (e) *The secretary shall respond to and investigate complaints*  
5 *regarding actions of employees of the department.*

6     SEC. 15. *Section 8585.2 is added to the Government Code, to*  
7 *read:*

8     8585.2. (a) *All employees serving in the state civil service,*  
9 *other than temporary employees, who are engaged in the*  
10 *performance of functions transferred to the Department of*  
11 *Emergency Services and Homeland Security or engaged in the*  
12 *administration of law, the administration of which is transferred*  
13 *to the Department of Emergency Services and Homeland Security,*  
14 *are transferred to the department. The status, positions, and rights*  
15 *of those persons shall not be affected by their transfer and shall*  
16 *continue to be retained by them pursuant to the State Civil Service*  
17 *Act (Part 2 (commencing with Section 18500) of Division 5), except*  
18 *as to positions the duties of which are vested in a position exempt*  
19 *from civil service. The personnel records of all transferred*  
20 *employees shall be transferred to the Department of Emergency*  
21 *Services and Homeland Security.*

22     (b) *The property of any agency or department related to*  
23 *functions transferred to the Department of Emergency Services*  
24 *and Homeland Security, is transferred to the department. If any*  
25 *doubt arises as to where that property is transferred, the*  
26 *Department of General Services shall determine where the property*  
27 *is transferred.*

28     (c) *All unexpended balances of appropriations and other funds*  
29 *available for use in connection with any function or the*  
30 *administration of any law transferred to the Department of*  
31 *Emergency Services and Homeland Security shall be transferred*  
32 *to the department for use for the purpose for which the*  
33 *appropriation was originally made or the funds were originally*  
34 *available. If there is any doubt as to where those balances and*  
35 *funds are transferred, the Department of Finance shall determine*  
36 *where the balances and funds are transferred.*

37     SEC. 16. *Section 8585.3 is added to the Government Code, to*  
38 *read:*

39     8585.3. (a) *The Department of Emergency Services and*  
40 *Homeland Security shall be responsible for directing and*

1 *coordinating homeland security activities throughout the state to*  
2 *prevent, deter, and mitigate acts of terrorism.*

3 *(b) For purposes of this chapter, “homeland security” includes,*  
4 *but is not limited to, all of the following:*

5 *(1) The prevention of terrorist attacks within the state.*

6 *(2) The reduction of the vulnerability of the state to terrorism.*

7 *(3) Minimizing the damage to, and assisting in the recovery of,*  
8 *the state from terrorist attacks that occur within this state or the*  
9 *United States.*

10 *(4) Ensuring that the overall economic security of the state is*  
11 *not diminished by the efforts, activities, and programs aimed at*  
12 *securing the safety of all Californians.*

13 *(5) Monitoring connections between illegal activity and*  
14 *terrorism.*

15 *(6) Training and exercising first responders in terrorism*  
16 *prevention, preparation, response, and recovery.*

17 *(c) As used in this chapter “terrorism” means any activity that*  
18 *meets all of the following criteria:*

19 *(1) Involves an act that is dangerous to human life or potentially*  
20 *destructive of critical infrastructure or key resources.*

21 *(2) Is a violation of the criminal laws of the United States, the*  
22 *State of California, or any subdivision of the state.*

23 *(3) Appears intended to intimidate or coerce the civilian*  
24 *population.*

25 *(d) The Department of Emergency Services and Homeland*  
26 *Security shall have all of the following duties and responsibilities:*

27 *(1) Directing and coordinating homeland security activities*  
28 *throughout the State of California.*

29 *(2) Directing and coordinating the activities of all state agencies*  
30 *pertaining to homeland security issues, including, but not limited*  
31 *to, contact with federal and local agencies, training, exercise,*  
32 *public outreach activities, critical infrastructure protection,*  
33 *information analysis and threat protection, and planning and*  
34 *research.*

35 *(3) Coordinating and approving all activities between state*  
36 *agencies and the federal government on topics related to terrorism,*  
37 *including coordinating and approving all state requests for federal*  
38 *funds designated for homeland security activities, developing*  
39 *guidelines for those state requests, and approving the distribution*  
40 *of any federal funds allocated to the state.*

1 (4) Coordinating the review and assessment of the California  
2 Homeland Security Strategy, and coordinating the amendment  
3 and submission of the plan to Governor for approval.

4 (5) Assigning specific state security functions to state agencies  
5 consistent with the duties and responsibilities identified in the  
6 California Homeland Security Strategy.

7 (6) Serving as the security advisor to the Governor.

8 SEC. 17. Section 8586 of the Government Code is amended to  
9 read:

10 8586. (a) The Governor shall assign all or part of his or her  
11 powers and duties under this chapter to the ~~Office of Emergency~~  
12 ~~Services~~ Department of Emergency Services and Homeland  
13 Security.

14 ~~The Director of the Office of Emergency Services~~

15 (b) Secretary of Emergency Services and Homeland Security  
16 shall appoint pursuant to the State Civil Service Act (Part 2  
17 (commencing with Section 18500) of Division 5) such employees  
18 as are needed.

19 SEC. 18. Section 8587 of the Government Code is amended to  
20 read:

21 8587. (a) During a state of war emergency, a state of  
22 emergency, or a local emergency, the ~~director~~ secretary shall  
23 coordinate the emergency activities of all state agencies in  
24 connection with ~~such~~ that emergency, and every state agency and  
25 officer shall cooperate with the director in rendering all possible  
26 assistance in carrying out the provisions of this chapter.

27 ~~In~~

28 (b) In addition to the powers ~~herein~~ designated in this section,  
29 the Governor may delegate any of the powers vested in him or her  
30 under this chapter to the ~~Director of the Office of Emergency~~  
31 ~~Services~~ secretary except the power to make, amend, and rescind  
32 orders and regulations, and the power to proclaim a state of  
33 emergency.

34 SEC. 19. Section 8587.7 of the Government Code is amended  
35 to read:

36 8587.7. (a) The ~~Office of Emergency Services~~ Department of  
37 Emergency Services and Homeland Security, in cooperation with  
38 the State Department of Education, the Department of General  
39 Services, and the Seismic Safety Commission, shall develop an

1 educational pamphlet for use by grades K-14 personnel to identify  
2 and mitigate the risks posed by nonstructural earthquake hazards.

3 (b) ~~The office department~~ shall print and distribute the pamphlet  
4 to the governing board of each school district and community  
5 college district in the state, along with a copy of the current edition  
6 of the office's school emergency response publication. ~~The office~~  
7 ~~department~~ shall also make the pamphlet or the current edition of  
8 ~~the office's department's~~ school emergency response publication  
9 available to a private elementary or secondary school upon request.

10 (c) ~~The office department~~, as soon as feasible, shall make the  
11 pamphlet and the current edition of ~~the office's department's~~ school  
12 emergency response publication available by electronic means,  
13 including, but not limited to, the Internet.

14 *SEC. 20. Section 8588 of the Government Code is amended to*  
15 *read:*

16 8588. Whenever conditions exist within any region or regions  
17 of the state which warrant the proclamation by the Governor of a  
18 state of emergency and the Governor has not acted under the  
19 provisions of Section 8625, by reason of the fact that ~~he the~~  
20 ~~Governor~~ has been inaccessible, ~~the Director of the Office of~~  
21 ~~Emergency Services Secretary of Emergency Services and~~  
22 ~~Homeland Security~~ may proclaim the existence of a state of  
23 emergency in the name of the Governor as to any region or regions  
24 of the state. Whenever ~~the Director of the Office of Emergency~~  
25 ~~Services Secretary of Emergency Services and Homeland Security~~  
26 has so proclaimed a state of emergency, ~~such that~~ action shall be  
27 ratified by the Governor as soon as ~~he the~~ Governor becomes  
28 accessible, and in the event the Governor does not ratify the action  
29 ~~he, the~~ Governor shall immediately terminate the state of  
30 emergency as proclaimed by ~~the Director of the Office of~~  
31 ~~Emergency Services Secretary of Emergency Services and~~  
32 ~~Homeland Security~~.

33 *SEC. 21. Section 8588.1 of the Government Code is amended*  
34 *to read:*

35 8588.1. (a) The Legislature finds and declares that this state  
36 can only truly be prepared for the next disaster if the public and  
37 private sector collaborate.

38 (b) ~~The Office of Emergency Services Department of Emergency~~  
39 ~~Services and Homeland Security~~ may, as appropriate, include  
40 private businesses and nonprofit organizations within its

1 responsibilities to prepare the state for disasters under this chapter.  
2 All participation by businesses and nonprofit associations in this  
3 program shall be voluntary.

4 (c) ~~The office~~ *Department of Emergency Services and Homeland*  
5 *Security* may do any of the following:

6 (1) Provide guidance to business and nonprofit organizations  
7 representing business interests on how to integrate private sector  
8 emergency preparedness measures into governmental disaster  
9 planning programs.

10 (2) Conduct outreach programs to encourage business to work  
11 with governments and community associations to better prepare  
12 the community and their employees to survive and recover from  
13 disasters.

14 (3) Develop systems so that government, businesses, and  
15 employees can exchange information during disasters to protect  
16 themselves and their families.

17 (4) Develop programs so that businesses and government can  
18 work cooperatively to advance technology that will protect the  
19 public during disasters.

20 (d) ~~The office~~ *Department of Emergency Services and Homeland*  
21 *Security* may share facilities and systems for the purposes of  
22 subdivision (b) with the private sector to the extent the cost for  
23 their use are reimbursed by the private sector.

24 (e) Proprietary information or information protected by state or  
25 federal privacy laws, shall not be disclosed under this program.

26 (f) Notwithstanding Section 11005, donations and private grants  
27 may be accepted by the office and shall not be subject to Section  
28 11005.

29 (g) The Disaster Resistant Communities Account is hereby  
30 created in the General Fund. Upon appropriation by the Legislature,  
31 ~~the Director of the Office of Emergency Services~~ *Secretary of*  
32 *Emergency Services and Homeland Security* may expend the  
33 money in the account for the costs associated within this ~~section.~~  
34 ~~(h) section.~~

35 (h) Any new activity undertaken by the ~~office~~ *department* under  
36 this section shall be contingent upon the receipt of donations to  
37 the Disaster Resistant Communities Account.

38 *SEC. 22. Section 8588.3 of the Government Code is amended*  
39 *to read:*

1 8588.3. (a) The Legislature finds and declares that it is the  
2 responsibility of the State of California to protect and preserve the  
3 right of its citizens to a safe and peaceful existence. To accomplish  
4 this goal and to minimize the destructive impact of disasters and  
5 other massive emergencies, the actions of numerous public  
6 agencies must be coordinated to effectively manage all four phases  
7 of emergency activity: preparedness, mitigation, response, and  
8 recovery. In order to ensure that the state's response to disasters  
9 or massive emergencies is effective, specialized training is  
10 necessary.

11 (b) The California Specialized Training Institute of the office  
12 of the Adjutant General is hereby transferred to the ~~Office of~~  
13 ~~Emergency Services~~ *Department of Emergency Services and*  
14 *Homeland Security*. The institute shall assist the Governor in  
15 providing, pursuant to subdivision (f) of Section 8570, training to  
16 state agencies, cities, and counties in their planning and preparation  
17 for disasters.

18 (c) ~~The Director of the Office of Emergency Services~~ *Secretary*  
19 *of Emergency Services and Homeland Security* may solicit, receive,  
20 and administer funds or property from federal, state, or other public  
21 agency sources for the support and operation of the institute.

22 (d) ~~The Director of the Office of Emergency Services~~ *Secretary*  
23 *of Emergency Services and Homeland Security* may solicit and  
24 receive firearms, other weaponry, explosive materials, chemical  
25 agents, and other items confiscated by or otherwise in the  
26 possession of law enforcement officers as donations to the institute  
27 if he or she deems them to be appropriate for the institute's training  
28 purposes.

29 (e) Any moneys received by the ~~Director of the Office of~~  
30 ~~Emergency Services~~ *Secretary of Emergency Services and*  
31 *Homeland Security* from charges or fees imposed in connection  
32 with the operation of the institute shall be deposited in the General  
33 Fund.

34 *SEC. 23. Section 8588.7 of the Government Code is amended*  
35 *to read:*

36 8588.7. (a) ~~The Office of Emergency Services~~ *Department of*  
37 *Emergency Services and Homeland Security* shall procure mobile  
38 communication translators to enable mutual-aid emergency  
39 response agencies to communicate effectively while operating on  
40 incompatible frequencies.

1 (b) Translators shall be located in the San Francisco Bay area  
2 and the Los Angeles metropolitan area, made ready for use by  
3 local public safety officials by the Office of Emergency Services,  
4 and provided to the appropriate state-established mutual-aid region  
5 pursuant to Section 8600.

6 (c) ~~The Office of Emergency Services~~ *Department of Emergency*  
7 *Services and Homeland Security* shall implement this section only  
8 to the extent that funds are appropriated to the office for this  
9 purpose in the Budget Act or in other legislation.

10 *SEC. 24. Section 8588.10 of the Government Code is amended*  
11 *to read:*

12 8588.10. (a) The Emergency Response Training Advisory  
13 Committee shall be established pursuant to subdivision (d). The  
14 committee shall recommend the criteria for terrorism awareness  
15 curriculum content to meet the training needs of state and local  
16 emergency response personnel and volunteers. In addition, the  
17 committee shall identify any additional training that would be  
18 useful and appropriate but that may not be generally available in  
19 California, and shall make recommendations pertaining to any  
20 need for training oversight agencies for first responder disciplines  
21 to expedite their curriculum approval processes.

22 (b) Basic terrorism awareness training shall include, but not be  
23 limited to, the following:

24 (1) An overview of conventional, chemical, biological,  
25 radiological, and nuclear threats.

26 (2) Threat and hazard recognition, with an emphasis on ability  
27 to determine local vulnerabilities.

28 (3) Understanding the structure and function of an incident  
29 command system.

30 (4) Initial response actions, including preliminary assessment,  
31 notifications, resource needs, and safety considerations.

32 (5) Coordination with other emergency service first responders.

33 (6) Gathering, verifying, assessing, and communicating incident  
34 information.

35 (7) Understanding mass casualty implications and  
36 decontamination requirements.

37 (8) Balancing lifesaving activities with evidence preservation.

38 (9) General awareness and additional training for each of the  
39 first responder categories specific to each discipline.

- 1 (c) (1) The Legislature finds and declares that training on  
 2 terrorism awareness for first responders is of critical importance  
 3 to the people of California.
- 4 (2) Every agency responsible for development of terrorism  
 5 awareness training and every agency that employs or uses first  
 6 responders shall give a high priority to the completion of that  
 7 training.
- 8 (d) The Emergency Response Training Advisory Committee is  
 9 hereby created, which shall be chaired by the ~~Governor's security~~  
 10 ~~advisor~~ *Secretary of Emergency Services and Homeland Security*  
 11 and shall consist of the following members, or their representatives:
- 12 (1) ~~The Governor's security advisor~~ *Department of Emergency*  
 13 *Services and Homeland Security.*
- 14 (2) The Commissioner of the California Highway Patrol.
- 15 (3) The Executive Director of the Commission on Peace Officer  
 16 Standards and Training.
- 17 (4) The State Fire Marshal.
- 18 (5) The Director of *Public Health Services.*
- 19 ~~(6) The Director of Emergency Services.~~
- 20 ~~(7)~~
- 21 (6) The Director of the Emergency Medical Services Authority.
- 22 ~~(8)~~
- 23 (7) The Chairperson of the California Fire Fighter Joint  
 24 Apprenticeship Committee.
- 25 ~~(9)~~
- 26 (8) The Attorney General.
- 27 ~~(10)~~
- 28 (9) Nine representatives, appointed by the Governor, comprised  
 29 of all of the following:
- 30 (A) One police chief from the California Police Chiefs  
 31 Association.
- 32 (B) One county sheriff from the California State Sheriffs'  
 33 Association.
- 34 (C) One representative of port security agencies.
- 35 (D) Two fire chiefs, one from the California Fire Chiefs  
 36 Association and one from the California Metropolitan Fire Chiefs  
 37 Association.
- 38 (E) Two firefighters, one from a statewide organization that  
 39 represents career firefighters and one from a statewide organization  
 40 that represents both career and volunteer firefighters.

1 (F) Two law enforcement labor representatives, one from a state  
2 organization and one from a local organization.

3 *SEC. 25. Section 8588.11 of the Government Code is amended*  
4 *to read:*

5 8588.11. (a) ~~The Office of Emergency Services~~ *Department*  
6 *of Emergency Services and Homeland Security* shall contract with  
7 the California Fire Fighter Joint Apprenticeship Program to develop  
8 a fire service specific course of instruction on the responsibilities  
9 of first responders to terrorism incidents. The course shall include  
10 the criteria for the curriculum content recommended by the  
11 Emergency Response Training Advisory Committee established  
12 pursuant to Section 8588.10 to address the training needs of both  
13 of the following:

14 (1) Firefighters in conformance with the standards established  
15 by the State Fire Marshal.

16 (2) Paramedics and other emergency medical services fire  
17 personnel in conformance with the standards established by the  
18 State Emergency Medical Services Authority.

19 (b) The course of instruction shall be developed in consultation  
20 with individuals knowledgeable about consequence management  
21 that addresses the topics of containing and mitigating the impact  
22 of a terrorist incident, including, but not limited to, a terrorist act  
23 using hazardous materials, as well as weapons of mass destruction,  
24 including any chemical warfare agent, weaponized biological  
25 agent, or nuclear or radiological agent, as those terms are defined  
26 in Section 11417 of the Penal Code, by techniques including, but  
27 not limited to, rescue, firefighting, casualty treatment, and  
28 hazardous materials response and recovery.

29 (c) The contract shall provide for the delivery of training by the  
30 California Fire Fighter Joint Apprenticeship Program through  
31 reimbursement contracts with the state, local, and regional fire  
32 agencies who may, in turn, contract with educational institutions.

33 (d) To maximize the availability and delivery of training, the  
34 California Fire Fighter Joint Apprenticeship Program shall develop  
35 a course of instruction to train the trainers in the presentation of  
36 the first responder training of consequence management for fire  
37 service personnel.

38 *SEC. 26. Section 8589 of the Government Code is amended to*  
39 *read:*

1 8589. The ~~Office of Emergency Services~~ *Department of*  
2 *Emergency Services and Homeland Security* shall be permitted  
3 such use of all state and local fair properties as conditions require.

4 *SEC. 27. Section 8589.1 of the Government Code is amended*  
5 *to read:*

6 8589.1. (a) ~~The Office of Emergency Services~~ *Department of*  
7 *Emergency Services and Homeland Security* shall plan to establish  
8 the State Computer Emergency Data Exchange Program (SCEDEP)  
9 which shall be responsible for collection and dissemination of  
10 essential data for emergency management.

11 (b) Participating agencies in SCEDEP shall include the  
12 Department of Water Resources, Department of Forestry and Fire  
13 Protection, Department of the California Highway Patrol,  
14 Department of Transportation, Emergency Medical Services  
15 Agency, the State Fire Marshal, *State Department of Public Health*,  
16 and any other state agency ~~which~~ *that* collects critical data and  
17 information ~~which~~ *that* affects emergency response.

18 (c) It is the intent of the Legislature that the State Computer  
19 Emergency Data Exchange Program facilitate communication  
20 between state agencies and that emergency information be readily  
21 accessible to city and county emergency services offices. The  
22 ~~Office of Emergency Services~~ *Department of Emergency Services*  
23 *and Homeland Security* shall develop policies and procedures  
24 governing the collection and dissemination of emergency  
25 information and shall recommend or design the appropriate  
26 software and programs necessary for emergency communications  
27 with city and county emergency services offices.

28 *SEC. 28. Section 8589.2 of the Government Code is amended*  
29 *to read:*

30 8589.2. (a) ~~The Office of Emergency Services~~ *Department of*  
31 *Emergency Services and Homeland Security*, in consultation with  
32 the California Highway Patrol and other state and local agencies,  
33 shall establish a statewide plan for the delivery of hazardous  
34 material mutual aid.

35 ~~Within~~

36 (b) ~~Within~~ 180 days of the adoption of a plan by the ~~Office of~~  
37 ~~Emergency Services~~ *Department of Emergency Services and*  
38 *Homeland Security*, an entity ~~will~~ *shall* only be considered a  
39 candidate for training or equipment funds provided by the state

1 for hazardous material emergency response when that entity is a  
2 signatory to the plan established under this section.

3 (a)

4 (1) For the purpose of this chapter “hazardous material  
5 emergency response” includes, but is not limited to, assessment,  
6 isolation, stabilization, containment, removal, evacuation,  
7 neutralization, transportation, rescue procedures, or other activities  
8 necessary to ensure the public safety during a hazardous materials  
9 emergency.

10 (b)

11 (2) For the purpose of this chapter, “hazardous material” ~~will~~  
12 ~~be~~ is defined as in Section 25501 of the Health and Safety Code.

13 (c) Entities providing hazardous material emergency response  
14 services under this chapter shall be exempt from the fee restriction  
15 of Section 6103.

16 *SEC. 29. Section 8589.5 of the Government Code is amended*  
17 *to read:*

18 8589.5. (a) Inundation maps showing the areas of potential  
19 flooding in the event of sudden or total failure of any dam, the  
20 partial or total failure of which the ~~Office of Emergency Services~~  
21 *Department of Emergency Services and Homeland Security*  
22 determines, after consultation with the Department of Water  
23 Resources, would result in death or personal injury, shall be  
24 prepared and submitted as provided in this subdivision within six  
25 months after the effective date of this section, unless previously  
26 submitted or unless the time for submission of those maps is  
27 extended for reasonable cause by the ~~Office of Emergency Services~~  
28 *Department of Emergency Services and Homeland Security*. The  
29 local governmental organization, utility, or other public or private  
30 owner of any dam so designated shall submit to the ~~Office of~~  
31 ~~Emergency Services~~ *Department of Emergency Services and*  
32 *Homeland Security* one map that shall delineate potential flood  
33 zones that could result in the event of dam failure when the  
34 reservoir is at full capacity, or if the local governmental  
35 organization, utility, or other public or private owner of any dam  
36 shall determine it to be desirable, he or she shall submit three maps  
37 that shall delineate potential flood zones that could result in the  
38 event of dam failure when the reservoir is at full capacity, at  
39 median-storage level, and at normally low-storage level. After  
40 submission of copies of the map or maps, the ~~Office of Emergency~~

1 ~~Services~~ *Department of Emergency Services and Homeland*  
2 *Security* shall review the map or maps, and shall return any map  
3 or maps that do not meet the requirements of this subdivision,  
4 together with recommendations relative to conforming to the  
5 requirements. Maps rejected by the ~~Office of Emergency Services~~  
6 *Department of Emergency Services and Homeland Security* shall  
7 be revised to conform to those recommendations and resubmitted.  
8 ~~The Office of Emergency Services~~ *Department of Emergency*  
9 *Services and Homeland Security* shall keep on file those maps that  
10 conform to the provisions of this subdivision. Maps approved  
11 pursuant to this subdivision shall also be kept on file with the  
12 Department of Water Resources. The owner of a dam shall submit  
13 final copies of those maps to the ~~Office of Emergency Services~~  
14 *Department of Emergency Services and Homeland Security* that  
15 shall immediately submit identical copies to the appropriate public  
16 safety agency of any city, county, or city and county likely to be  
17 affected.

18 (b) (1) Based upon a review of inundation maps submitted  
19 pursuant to subdivision (a) or based upon information gained by  
20 an onsite inspection and consultation with the affected local  
21 jurisdiction when the requirement for an inundation map is waived  
22 pursuant to subdivision (d), the ~~Office of Emergency Services~~  
23 *Department of Emergency Services and Homeland Security* shall  
24 designate areas within which death or personal injury would, in  
25 its determination, result from the partial or total failure of a dam.  
26 The appropriate public safety agencies of any city, county, or city  
27 and county, the territory of which includes any of those areas, may  
28 adopt emergency procedures for the evacuation and control of  
29 populated areas below those dams. The ~~Office of Emergency~~  
30 ~~Services~~ *Department of Emergency Services and Homeland*  
31 *Security* shall review the procedures to determine whether adequate  
32 public safety measures exist for the evacuation and control of  
33 populated areas below the dams, and shall make recommendations  
34 with regard to the adequacy of those procedures to the concerned  
35 public safety agency. In conducting the review, the ~~Office of~~  
36 ~~Emergency Services~~ *Department of Emergency Services and*  
37 *Homeland Security* shall consult with appropriate state and local  
38 agencies.

39 (2) Emergency procedures specified in this subdivision shall  
40 conform to local needs, and may be required to include any of the

1 following elements or any other appropriate element, in the  
2 discretion of the ~~Office of Emergency Services~~ *Department of*  
3 *Emergency Services and Homeland Security*:

4 (A) Delineation of the area to be evacuated.

5 (B) Routes to be used.

6 (C) Traffic control measures.

7 (D) Shelters to be activated for the care of the evacuees.

8 (E) Methods for the movement of people without their own  
9 transportation.

10 (F) Identification of particular areas or facilities in the flood  
11 zones that will not require evacuation because of their location on  
12 high ground or similar circumstances.

13 (G) Identification and development of special procedures for  
14 the evacuation and care of people from unique institutions.

15 (H) Procedures for the perimeter and interior security of the  
16 area, including such things as passes, identification requirements,  
17 and antilooting patrols.

18 (I) Procedures for the lifting of the evacuation and reentry of  
19 the area.

20 (J) Details as to which organizations are responsible for the  
21 functions described in this paragraph and the material and  
22 personnel resources required.

23 (3) It is the intent of the Legislature to encourage each agency  
24 that prepares emergency procedures to establish a procedure for  
25 their review every two years.

26 (c) "Dam," as used in this section, has the same meaning as  
27 specified in Sections 6002, 6003, and 6004 of the Water Code.

28 (d) Where both of the following conditions exist, the ~~Office of~~  
29 ~~Emergency Services~~ *Department of Emergency Services and*  
30 *Homeland Security* may waive the requirement for an inundation  
31 map:

32 (1) Where the effects of potential inundation in terms of death  
33 or personal injury, as determined through onsite inspection by the  
34 ~~Office of Emergency Services~~ *Department of Emergency Services*  
35 *and Homeland Security* in consultation with the affected local  
36 jurisdictions, can be ascertained without an inundation map.

37 (2) Where adequate evacuation procedures can be developed  
38 without benefit of an inundation map.

39 (e) If development should occur in any exempted area after a  
40 waiver has been granted, the local jurisdiction shall notify the

1 ~~Office of Emergency Services~~ *Department of Emergency Services*  
2 *and Homeland Security* of that development. All waivers shall be  
3 reevaluated every two years by the ~~Office of Emergency Services~~  
4 *Department of Emergency Services and Homeland Security*.

5 (f) A notice may be posted at the offices of the county recorder,  
6 county assessor, and county planning agency that identifies the  
7 location of the map, and of any information received by the county  
8 subsequent to the receipt of the map regarding changes to  
9 inundation areas within the county.

10 *SEC. 30. Section 8589.6 of the Government Code is amended*  
11 *to read:*

12 8589.6. (a) ~~The Office of Emergency Services~~ *Department of*  
13 *Emergency Services and Homeland Security* shall develop model  
14 guidelines for local government agencies and community-based  
15 organizations planning to develop a disaster registry program.  
16 Adoption of the model guidelines shall be voluntary. Local  
17 governmental agencies or community-based organizations wishing  
18 to establish a disaster registry program may consult with the ~~Office~~  
19 ~~of Emergency Services~~ *Department of Emergency Services and*  
20 *Homeland Security* for further guidance.

21 (b) The guidelines required by subdivision (a) shall address, at  
22 a minimum, all of the following issues:

23 (1) A purpose statement specifying that the intent of the registry  
24 is not to provide immediate assistance during a local, state, or  
25 national disaster, to those who are registered, but to encourage that  
26 those registered will receive a phone call or visit from  
27 neighborhood disaster volunteers or other organizations specified  
28 in the final local plan as soon as possible after the disaster in order  
29 to check on their well-being and ask if they need assistance. This  
30 statement shall also specify that persons registered should be  
31 prepared to be self-sufficient for at least 72 hours.

32 (2) A list of persons eligible for the registry. This list shall  
33 include, but not be limited to, disabled persons, including those  
34 with developmental disabilities, the elderly, those for whom  
35 English is not a first language, persons who are unskilled or  
36 deficient in the English language, long-term health care facilities,  
37 residential community care facilities, and residential care facilities  
38 for the elderly.

1 (3) A statement specifying that the party responsible for  
2 responding to those registered will not be held liable for not  
3 responding.

4 (4) A plan for ensuring that hard data is available if computers  
5 shut down.

6 (5) A recommendation for those persons or organizations that  
7 would be appropriate to respond to persons on the disaster registry,  
8 and a plan for training the responsible party.

9 (6) A plan for community outreach to encourage those eligible  
10 to participate.

11 (7) A plan for distribution of preparedness materials to those  
12 eligible to participate in the disaster registry.

13 (8) Recommendations and assistance for obtaining federal and  
14 state moneys to establish a disaster registry.

15 (9) A recommendation that organizations currently providing  
16 services to persons who are eligible for the disaster registry  
17 program be encouraged to alter their information form to include  
18 a space on the form where the person has the option of registering  
19 for the program. By checking the box and giving approval to be  
20 registered for the program the person waives confidentiality rights.  
21 Despite this waiver of confidentiality rights, local government  
22 agencies and community-based organizations planning to develop  
23 a disaster registry are encouraged to do everything possible to  
24 maintain the confidentiality of their registries. Organizations that  
25 currently have lists of people who would be eligible to register for  
26 the program should be encouraged to share this information with  
27 persons establishing a disaster registry.

28 *SEC. 31. Section 8589.7 of the Government Code is amended*  
29 *to read:*

30 8589.7. (a) In carrying out its responsibilities pursuant to  
31 subdivision (b) of Section 8574.17, the ~~Office of Emergency~~  
32 ~~Services~~ *Department of Emergency Services and Homeland*  
33 *Security* shall serve as the central point in state government for  
34 the emergency reporting of spills, unauthorized releases, or other  
35 accidental releases of hazardous materials and shall coordinate the  
36 notification of the appropriate state and local administering  
37 agencies that may be required to respond to those spills,  
38 unauthorized releases, or other accidental releases. ~~The Office of~~  
39 ~~Emergency Services~~ *Department of Emergency Services and*

1 *Homeland Security* is the only state agency required to make the  
2 notification required by subdivision (b).

3 (b) Upon receipt of a report concerning a spill, unauthorized  
4 release, or other accidental release involving hazardous materials,  
5 as defined in Section 25501 of the Health and Safety Code, or  
6 concerning a rupture of, or an explosion or fire involving, a pipeline  
7 reportable pursuant to Section 51018, the ~~Office of Emergency~~  
8 ~~Services~~ *Department of Emergency Services and Homeland*  
9 *Security* shall immediately inform the following agencies of the  
10 incident:

11 (1) For an oil spill reportable pursuant to Section 8670.25.5, the  
12 ~~Office of Emergency Services~~ *Department of Emergency Services*  
13 *and Homeland Security* shall inform the administrator for oil spill  
14 response, the State Lands Commission, the California Coastal  
15 Commission, and the California regional water quality control  
16 board having jurisdiction over the location of the discharged oil.

17 (2) For a rupture, explosion, or fire involving a pipeline  
18 reportable pursuant to Section 51018, the ~~Office of Emergency~~  
19 ~~Services~~ *Department of Emergency Services and Homeland*  
20 *Security* shall inform the State Fire Marshal.

21 (3) For a discharge in or on any waters of the state of a  
22 hazardous substance or sewage reportable pursuant to Section  
23 13271 of the Water Code, the ~~Office of Emergency Services~~  
24 ~~Department of Emergency Services and Homeland Security~~ shall  
25 inform the appropriate California regional water quality control  
26 board.

27 (4) For a spill or other release of petroleum reportable pursuant  
28 to Section 25270.8 of the Health and Safety Code, the ~~Office of~~  
29 ~~Emergency Services~~ *Department of Emergency Services and*  
30 *Homeland Security* shall inform the local administering agency  
31 that has jurisdiction over the spill or release.

32 (5) For a crude oil spill reportable pursuant to Section 3233 of  
33 the Public Resources Code, the ~~Office of Emergency Services~~  
34 ~~Department of Emergency Services and Homeland Security~~ shall  
35 inform the Division of Oil, Gas, and Geothermal Resources and  
36 the appropriate California regional water quality control board.

37 (c) This section does not relieve a person who is responsible  
38 for an incident specified in subdivision (b) from the duty to make  
39 an emergency notification to a local agency, or the 911 emergency  
40 system, under any other law.

1 (d) A person who is subject to Section 25507 of the Health and  
2 Safety Code shall immediately report all releases or threatened  
3 releases pursuant to that section to the appropriate local  
4 administering agency and each local administering agency shall  
5 notify the ~~Office of Emergency Services~~ *Department of Emergency*  
6 *Services and Homeland Security* and businesses in their jurisdiction  
7 of the appropriate emergency telephone number that can be used  
8 for emergency notification to the administering agency on a  
9 24-hour basis. The administering agency shall notify other local  
10 agencies of releases or threatened releases within their jurisdiction,  
11 as appropriate.

12 (e) No facility, owner, operator, or other person required to  
13 report an incident specified in subdivision (b) to the ~~Office of~~  
14 ~~Emergency Services~~ *Department of Emergency Services and*  
15 *Homeland Security* shall be liable for any failure of the ~~Office of~~  
16 ~~Emergency Services~~ *Department of Emergency Services and*  
17 *Homeland Security* to make a notification required by this section  
18 or to accurately transmit the information reported.

19 *SEC. 32. Section 8589.9 of the Government Code is amended*  
20 *to read:*

21 8589.9. (a) The Legislature finds and declares that there is a  
22 growing need to find new ways to acquire firefighting apparatus  
23 and equipment for use by local agencies. Local agencies,  
24 particularly those ~~which~~ *that* serve rural areas, have had and are  
25 likely to continue to have, difficulty acquiring firefighting  
26 apparatus and equipment. The Legislature further finds and declares  
27 that this situation presents a statewide problem for the protection  
28 of the public safety.

29 ~~In~~

30 (b) *In* enacting this article, the Legislature intends to create new  
31 ways for the ~~Office of Emergency Services~~ *Department of*  
32 *Emergency Services and Homeland Security* to help local agencies  
33 acquire firefighting apparatus and equipment. Through the  
34 identification of available apparatus and equipment, the acquisition  
35 of new and used apparatus and equipment, the refurbishing and  
36 resale of used apparatus and equipment, and assisting the financing  
37 of resales, the ~~Office of Emergency Services~~ *Department of*  
38 *Emergency Services and Homeland Security* will help local  
39 agencies meet public safety needs.

1 SEC. 33. Section 8589.10 of the Government Code is amended  
 2 to read:

3 8589.10. As used in this article:

4 (a) “Acquire” means acquisition by purchase, grant, gift, or any  
 5 other lawful means.

6 (b) ~~“Director”~~ “Secretary” means the ~~Director of the Office of~~  
 7 ~~Emergency Services~~ Secretary of Emergency Services and  
 8 Homeland Security.

9 (c) “Firefighting apparatus and equipment” means any vehicle  
 10 and its associated equipment which is designed and intended for  
 11 use primarily for firefighting. “Firefighting apparatus and  
 12 equipment” does not include vehicles ~~which~~ that are designed and  
 13 intended for use primarily for emergency medical services, rescue  
 14 services, communications and command operations, or hazardous  
 15 materials operations.

16 (d) “Indirect expenses” means those items ~~which~~ that are  
 17 identified as indirect costs in the federal Office of Management  
 18 and Budget Circular A-87 on January 1, 1985.

19 (e) “Local agency” means any city, county, special district, or  
 20 any joint powers agency composed exclusively of those agencies,  
 21 ~~which~~ that provides fire suppression services. “Local agency” also  
 22 includes a fire company organized pursuant to Part 4 (commencing  
 23 with Section 14825) of Division 12 of the Health and Safety Code.

24 (f) ~~“Office”~~ “Department” means the ~~Office of Emergency~~  
 25 ~~Services~~ Department of Emergency Services and Homeland  
 26 Security.

27 (g) “Rural area” means territory ~~which~~ that is outside of any  
 28 urbanized area designated by the United States Bureau of the  
 29 Census from the 1980 federal census.

30 SEC. 34. Section 8591 of the Government Code is amended to  
 31 read:

32 8591. Nothing ~~herein in this chapter~~ shall operate to prevent  
 33 the Governor or the ~~Director of the Office of Emergency Services~~  
 34 Secretary of Emergency Services and Homeland Security from  
 35 formally recognizing committees or boards established by or with  
 36 segments of the private sector, or public agencies or both the  
 37 private sector and public agencies ~~which~~ that control facilities,  
 38 resources, or the provision of services essential to the mitigation  
 39 of the effects of an emergency or recovery therefrom, or from  
 40 assigning administrative authority or responsibility to ~~such~~ those

1 committees or boards or to members thereof with respect to the  
2 provision and effective utilization of ~~such~~ *those* resources to meet  
3 needs resulting from an emergency.

4 *SEC. 35. Section 8593 of the Government Code is amended to*  
5 *read:*

6 8593. ~~The Office of Emergency Services~~ *Department of*  
7 *Emergency Services and Homeland Security* shall work with  
8 advocacy groups representing the deaf and hearing impaired,  
9 including, but not limited to, the California Association of the Deaf  
10 and the Coalition of Deaf Access Providers, California television  
11 broadcasters, city and county emergency services coordinators,  
12 and, as appropriate, the Federal Emergency Management Agency  
13 and the Federal Communications Commission, to improve  
14 communication with deaf and hearing-impaired persons during  
15 emergencies, including the use of open captioning by California  
16 television broadcasters when transmitting emergency information.

17 *SEC. 36. Section 8593.1 of the Government Code is amended*  
18 *to read:*

19 8593.1. ~~The Office of Emergency Services~~ *Department of*  
20 *Emergency Services and Homeland Security* shall investigate the  
21 feasibility of, and the funding requirements for, establishing a  
22 “Digital Emergency Broadcast System” network, to be used by  
23 local and state government agencies for the provision of warnings  
24 and instructions in digital or printed form to California broadcast  
25 outlets for relay to the public both orally and visually, through  
26 television, and orally, through radio, during emergencies.

27 *SEC. 37. Section 8593.2 of the Government Code is amended*  
28 *to read:*

29 8593.2. ~~The Office of Emergency Services~~ *Department of*  
30 *Emergency Services and Homeland Security* shall investigate the  
31 feasibility of establishing a toll-free 800 telephone hotline,  
32 including TDD (telecommunications device for the deaf)  
33 accessibility, which would be accessible to the public, including  
34 deaf, hearing impaired, and non- English speaking persons, for  
35 use during nonemergency and emergency periods to respond to  
36 inquiries about emergency preparedness and disaster status.

37 *SEC. 38. Section 8596 of the Government Code is amended to*  
38 *read:*

39 8596. (a) Each department, division, bureau, board,  
40 commission, officer, and employee of this state shall render all

1 possible assistance to the Governor and to the Director of the ~~Office~~  
2 ~~of Emergency Services~~ *Department of Emergency Services and*  
3 *Homeland Security* in carrying out the provisions of this chapter.

4 (b) In providing ~~such that~~ assistance, state agencies shall  
5 cooperate to the fullest possible extent with each other and with  
6 political subdivisions, relief agencies, and the American National  
7 Red Cross, but nothing contained in this chapter shall be construed  
8 to limit or in any way affect the responsibilities of the American  
9 National Red Cross under the federal act approved January 5, 1905  
10 (33 Stat. 599), as amended.

11 (c) State personnel, equipment, and facilities may be used to  
12 clear and dispose of debris on private property only after the  
13 Governor finds: (1) that ~~such the~~ use is for a state purpose; (2) that  
14 ~~such the~~ use is in the public interest, serving the general welfare  
15 of the state; and (3) that ~~such the~~ personnel, equipment, and  
16 facilities are already in the emergency area.

17 *SEC. 39. Section 8599 of the Government Code is amended to*  
18 *read:*

19 8599. ~~The Office of Emergency Services~~ *Department of*  
20 *Emergency Services and Homeland Security* shall develop a plan  
21 for state and local governmental agencies to utilize volunteer  
22 resources during a state of emergency proclaimed by the Governor.  
23 The office shall consult with appropriate state and local  
24 governmental agencies and volunteer organizations in the  
25 development of this plan.

26 *SEC. 40. Section 8610.5 of the Government Code is amended*  
27 *to read:*

28 8610.5. (a) For purposes of this section, ~~the following~~  
29 ~~definitions shall apply:~~ “department” means *the Department of*  
30 *Emergency Services and Homeland Security*.

31 (1) ~~“Department” means the State Department of Health~~  
32 ~~Services:~~

33 (2) ~~“Office” means the Office of Emergency Services:~~

34 (b) (1) State and local costs to carry out activities pursuant to  
35 this section and Chapter 4 (commencing with Section 114650) of  
36 Part 9 of Division 104 of the Health and Safety Code that are not  
37 reimbursed by federal funds shall be borne by utilities operating  
38 nuclear powerplants with a generating capacity of 50 megawatts  
39 or more.

1 (2) The Public Utilities Commission shall develop and transmit  
2 to the ~~office~~ *department* an equitable method of assessing the  
3 utilities operating the powerplants for their reasonable pro rata  
4 share of state agency costs specified in paragraph (1).

5 (3) Each local government involved shall submit a statement  
6 of its costs specified in paragraph (1), as required, to the ~~office~~  
7 *department*.

8 (4) Upon each utility's notification by the ~~office~~ *department*,  
9 from time to time, of the amount of its share of the actual or  
10 anticipated state and local agency costs, the utility shall pay this  
11 amount to the Controller for deposit in the Nuclear Planning  
12 Assessment Special Account, which is continued in existence, for  
13 allocation by the Controller, upon appropriation by the Legislature,  
14 to carry out activities pursuant to this section and Chapter 4  
15 (commencing with Section 114650) of Part 9 of Division 104 of  
16 the Health and Safety Code. The Controller shall pay from this  
17 account the state and local costs relative to carrying out this section  
18 and Chapter 4 (commencing with Section 114650) of Part 9 of  
19 Division 104 of the Health and Safety Code, upon certification  
20 thereof by the ~~office~~ *department*.

21 (5) Upon appropriation by the Legislature, the Controller may  
22 disburse up to 80 percent of a fiscal year allocation from the  
23 Nuclear Planning Assessment Special Account, in advance, for  
24 anticipated local expenses, as certified by the ~~office~~ *department*  
25 pursuant to paragraph (4). The ~~office~~ *department* shall review  
26 program expenditures related to the balance of funds in the account  
27 and the Controller shall pay the portion, or the entire balance, of  
28 the account, based upon those approved expenditures.

29 (c) (1) The total annual disbursement of state costs from the  
30 utilities operating the nuclear powerplants within the state for  
31 activities pursuant to this section and Chapter 4 (commencing with  
32 Section 114650) of Part 9 of Division 104 of the Health and Safety  
33 Code, shall not exceed the lesser of the actual costs or the  
34 maximum funding levels previously established by Chapter 4  
35 (commencing with Section 114650) of Part 9 of Division 104 of  
36 the Health and Safety Code, as that chapter read on January 1,  
37 1998, subject to subdivisions (e) and (f), to be shared equally  
38 among the utilities.

39 (2) Of the initial annual amount of one million three hundred  
40 forty thousand dollars (\$1,340,000) for the 1999–2000 fiscal year,

1 the sum of eight hundred three thousand dollars (\$803,000) shall  
2 be for support of the ~~office~~ *department* for activities pursuant to  
3 this section and Chapter 4 (commencing with Section 114650) of  
4 Part 9 of Division 104 of the Health and Safety Code, and the sum  
5 of five hundred thirty-seven thousand dollars (\$537,000) shall be  
6 for support of the ~~department~~ *State Department of Health Care*  
7 *Services* for activities pursuant to this section and Chapter 4  
8 (commencing with Section 114650) of Part 9 of Division 104 of  
9 the Health and Safety Code.

10 (d) (1) The total annual disbursement for each fiscal year,  
11 commencing July 1, 1999, of local costs from the utilities shall  
12 not exceed the lesser of the actual costs or the maximum funding  
13 levels, on a site basis, previously established on a per reactor basis  
14 by Section 1 of Chapter 1607 of the Statutes of 1988, in support  
15 of activities pursuant to this section and Chapter 4 (commencing  
16 with Section 114650) of Part 9 of Division 104 of the Health and  
17 Safety Code. The maximum initial annual amount available for  
18 disbursement for local costs, subject to subdivisions (e) and (f),  
19 shall be eight hundred fifty-one thousand dollars (\$851,000) for  
20 the Diablo Canyon site and one million seventy-three thousand  
21 dollars (\$1,073,000) for the San Onofre site.

22 (2) The amounts paid by the utilities under this section shall be  
23 allowed for ratemaking purposes by the Public Utilities  
24 Commission.

25 (e) The amounts available for disbursement for state and local  
26 costs as specified in this section shall be adjusted and compounded  
27 each fiscal year by the percentage increase in the California  
28 Consumer Price Index of the previous calendar year.

29 (f) Through the date specified in subdivision (g), the amounts  
30 available for disbursement for state and local costs as specified in  
31 this section shall be cumulative biennially. Any unexpended funds  
32 from a year when the state and local governments conduct a full  
33 participation exercise, as defined in Section 350.2 of Title 44 of  
34 the Code of Federal Regulations, that is not evaluated by the  
35 Federal Emergency Management Agency, shall be carried over to  
36 the year when the state and local governments conduct such an  
37 exercise that is evaluated by the Federal Emergency Management  
38 Agency.

39 (g) This section shall become inoperative on July 1, 2009, and,  
40 as of January 1, 2010, is repealed, unless a later enacted statute,

1 which becomes effective on or before July 1, 2009, deletes or  
2 extends the dates on which it becomes inoperative and is repealed.

3 (h) Upon inoperation of this section, any amounts remaining in  
4 the special account shall be refunded pro rata to the utilities  
5 contributing thereto.

6 *SEC. 41. Section 8614 of the Government Code is amended to*  
7 *read:*

8 8614. (a) Each department, division, bureau, board,  
9 commission, officer, and employee of each political subdivision  
10 of the state shall render all possible assistance to the Governor and  
11 to the ~~Director of the Office of Emergency Services~~ *Secretary of*  
12 *Emergency Services and Homeland Security* in carrying out the  
13 provisions of this chapter.

14 (b) The emergency power ~~which~~ *that* may be vested in a local  
15 public official during a state of war emergency or a state of  
16 emergency shall be subject or subordinate to the powers ~~herein~~  
17 vested in the Governor *under this chapter* when exercised by the  
18 Governor.

19 (c) Ordinances, orders, and regulations of a political subdivision  
20 shall continue in effect during a state of war emergency or a state  
21 of emergency except as to any provision suspended or superseded  
22 by an order or regulation issued by the Governor.

23 *SEC. 42. Section 8649 of the Government Code is amended to*  
24 *read:*

25 8649. Subject to the approval of the Department of Finance,  
26 any state agency may use its personnel, property, equipment, and  
27 appropriations for carrying out the purposes of this chapter, and  
28 in that connection may loan personnel to the ~~Office of Emergency~~  
29 ~~Services~~ *Department of Emergency Services and Homeland*  
30 *Security*. The Department of Finance shall determine whether  
31 reimbursement shall be made to any state agency for expenditures  
32 heretofore or hereafter made or incurred for ~~such~~ *those* purposes  
33 from any appropriation available for the ~~Office of Emergency~~  
34 ~~Services~~ *Department of Emergency Services and Homeland*  
35 *Security*, except that as to any expenditure made or incurred by  
36 any state agency the funds of which are subject to constitutional  
37 restriction ~~which~~ *that* would prohibit their use for ~~such~~ *those*  
38 purposes, ~~such~~ *that* reimbursement shall be provided and the  
39 original expenditure shall be considered a temporary loan to the  
40 General Fund ~~of the state~~.

1     *SEC. 43. Section 8651 of the Government Code is amended to*  
2     *read:*

3     8651. ~~The Director of the Office of Emergency Services~~  
4     *Secretary of Emergency Services and Homeland Security* may  
5     procure from the federal government or any of its agencies such  
6     surplus equipment, apparatus, supplies, and storage facilities  
7     therefor as may be necessary to accomplish the purposes of this  
8     chapter.

9     *SEC. 44. Section 8682 of the Government Code is amended to*  
10    *read:*

11    8682. The ~~director~~ *secretary* shall administer this chapter. The  
12    ~~director~~ *secretary* may delegate any power or duty vested in him  
13    or her under this chapter to a state agency or to any other officer  
14    or employee of the ~~Office of Emergency Services Department of~~  
15    *Emergency Services and Homeland Security*.

16    *SEC. 45. Section 8682.2 of the Government Code is amended*  
17    *to read:*

18    8682.2. To the extent that funds are allocated therefor, a state  
19    agency, when requested by the ~~director~~ *secretary*, shall render  
20    services and perform duties within its area of responsibility when  
21    considered necessary to carry out the purposes of this chapter.

22    *SEC. 46. Section 8682.6 of the Government Code is amended*  
23    *to read:*

24    8682.6. The project proposal executed between a local agency  
25    and the ~~director~~ *secretary* pursuant to Section 8685.6 shall contain  
26    a provision under which the local agency agrees to hold the state  
27    harmless from damages due to the work for which funds are  
28    allocated.

29    *SEC. 47. Section 8682.8 of the Government Code is amended*  
30    *to read:*

31    8682.8. When certified by the ~~director~~ *secretary*, claims of  
32    local agencies for payment shall be presented to the Controller for  
33    payment out of funds made available therefor. The ~~director~~  
34    *secretary* may request the Controller to audit any claim to ensure  
35    that funds were expended in accordance with the requirements and  
36    purposes of this chapter.

37    *SEC. 48. Section 8682.9 of the Government Code is amended*  
38    *to read:*

39    8682.9. The ~~director~~ *secretary* shall adopt regulations, as  
40    necessary, to govern the administration of the disaster assistance

1 program authorized by this chapter in accordance with the  
2 Administrative Procedure Act (Chapter 3.5 (commencing with  
3 Section 11340) of Part 1 of Division 3). These regulations shall  
4 include specific project eligibility requirements, a procedure for  
5 local governments to request the implementation of programs  
6 under this chapter, and a method for evaluating these requests by  
7 the ~~Office of Emergency Services~~ *Department of Emergency*  
8 *Services and Homeland Security*.

9 *SEC. 49. Section 12016 of the Government Code is repealed.*

10 ~~12016. (a) The Governor shall appoint, to serve at his or her~~  
11 ~~pleasure, an executive officer who shall be Director of Homeland~~  
12 ~~Security. The Director of Homeland Security shall be in charge of~~  
13 ~~homeland security and shall be the state coordinator of all~~  
14 ~~homeland security activities, including, but not limited to,~~  
15 ~~homeland security strategy, information analysis related to~~  
16 ~~terrorism, and protection of critical infrastructure from terrorism.~~

17 ~~(b) The Governor shall also appoint one deputy director of~~  
18 ~~homeland security who shall serve at the pleasure of the director.~~  
19 ~~The salaries of the director and deputy director shall be fixed in~~  
20 ~~accordance with law.~~

21 *SEC. 50. No reimbursement is required by this act pursuant*  
22 *to Section 6 of Article XIII B of the California Constitution because*  
23 *the only costs that may be incurred by a local agency or school*  
24 *district will be incurred because this act creates a new crime or*  
25 *infraction, eliminates a crime or infraction, or changes the penalty*  
26 *for a crime or infraction, within the meaning of Section 17556 of*  
27 *the Government Code, or changes the definition of a crime within*  
28 *the meaning of Section 6 of Article XIII B of the California*  
29 *Constitution.*

30 ~~SECTION 1. Section 8587.9 is added to the Government Code,~~  
31 ~~to read:~~

32 ~~8587.9. (a) The Governor shall appoint, to serve at his or her~~  
33 ~~pleasure, an executive officer who shall be Director of Homeland~~  
34 ~~Security. The Director of Homeland Security shall be in charge of~~  
35 ~~homeland security and shall be the state coordinator of all~~  
36 ~~homeland security activities, including, but not limited to,~~  
37 ~~homeland security strategy, information analysis related to~~  
38 ~~terrorism, and protection of critical infrastructure from terrorism.~~

39 ~~(b) The Governor shall also appoint one deputy director of~~  
40 ~~homeland security who shall serve at the pleasure of the director.~~

- 1 ~~The salaries of the director and deputy director shall be fixed in~~
- 2 ~~accordance with law.~~
- 3 ~~(e) The Office of Homeland Security is hereby transferred to~~
- 4 ~~become a division of the Office of Emergency Services.~~
- 5 ~~SEC. 2. Section 12016 of the Government Code is repealed.~~

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