

AMENDED IN SENATE AUGUST 20, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2791

Introduced by Committee on Governmental Organization (Coto (Chair), Anderson (Vice Chair), Bradford, Chesbro, Cook, Evans, Galgiani, Hall, Hill, Jeffries, Lieu, Mendoza, Nestande, V. Manuel Pérez, Portantino, Silva, Torres, Torrico, and Tran)

March 17, 2010

An act to amend Sections 10147 and 10149 of the Business and Professions Code, to amend Section 1218 of the Code of Civil Procedure, to amend Sections 32282, 32282.5, 35296, 51264, 51266, 51266.5, 51269, 66210, 71095, and 94600 of the Education Code, to amend Section 298 of the Family Code, to amend Sections 3862 and 3863 of the Fish and Game Code, to amend Sections 179.7, 955.1, 3102, 6254.23, 8574.20, 8574.21, 8576, 8579, 8585, 8585.1, 8585.2, 8585.5, 8585.7, 8588, 8588.1, 8588.2, 8588.3, 8588.5, 8588.11, 8588.15, 8589.10, 8589.11, 8589.12, 8589.13, 8589.14, 8589.15, 8589.16, 8589.17, 8589.18, 8589.19, 8589.20, 8589.21, 8590.1, 8590.2, 8590.3, 8590.4, 8591, 8592.1, 8593.6, 8596, 8607, 8607.2, 8608, 8610, 8610.3, 8612, 8613, 8614, 8639, 8651, 8657, 8657.5, 8670.20, 8670.25.5, 8670.26, 8670.64, 8680.7, 8685, 8685.2, 8685.4, 8685.6, 8685.8, 8686.2, 8686.3, 8686.4, 8686.8, 8687, 8687.2, 8687.4, 8687.7, 8692, 8696.5, 8697, 8697.5, 8840, 8841, 8844, 8870.2, 8870.4, 8870.7, 8870.71, 8871.3, 8871.4, 8876.7, 8878.52, 8878.90, 8878.100, 8878.125, 8879.23, 8879.50, 8879.53, 8879.57, 8879.58, 8879.60, 8879.61, 11126, 11549.4, 12800, 14669.21, 19844.5, 26614, 51018, 65302, 65302.6, 66540.5, and 66540.32 of, to amend the heading of Article 5 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 of, to add Sections 8585.05 and 8588.12 to, to repeal Sections 8581.5, 8588.4, 8589.22, 8592.6, 8593.4, 8601, *and* 9147.5 of, and to repeal and add Section

8588.10 of, the Government Code, to amend Sections 1596.867, 1797.132, 1797.150, 1797.151, 1797.152, 1797.153, 11998.1, 13071, 13073, 13140.5, 13143.9, 18603, 25169.7, 25197.2, 25210.6, 25270.8, 25299.1, 25359.4, 25404.3, 25501, 25502, 25503, 25503.1, 25503.3, 25503.4, 25503.5, 25503.9, 25505.2, 25507, 25507.1, 25509, 25517.5, 25520, 25531.2, 25545, 50661.5, 51614, 101080.2, 105215, 114650, 114655, 114660, 114790, 114820, 115280, 115295, 115340, 124174.2, and 130055 of, and to amend the heading of Article 2 (commencing with Section 114660) of Chapter 4 of Part 9 of Division 104 of, the Health and Safety Code, to amend Sections 16020 and 16030 of the Insurance Code, to amend Sections 3211.91, ~~3212.1~~, and 4350 of the Labor Code, to amend Section 433.5 of the Military and Veterans Code, to amend Sections 273.82, 830.3, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11160.1, 11161.2, 11171, 11174.34, 11501, 11502, 11504, 13100.1, 13800, 13820, 13823, 13823.2, 13823.3, 13823.4, 13823.5, 13823.6, 13823.9, 13823.93, 13823.12, 13823.13, 13825, 13826.1, 13826.15, 13826.62, 13826.7, 13827, 13827.1, 13827.2, 13830, 13832, 13833, 13835.2, 13835.6, 13835.7, 13835.10, 13836, 13836.1, 13843, 13844, 13846, 13847, 13847.2, 13851, 13854, 13861, 13864, 13881, 13887.5, 13897.2, 13897.3, 13901, 14111, 14112, 14117, 14118, 14119, 14120, 14121, and 14140 of, to amend the heading of Chapter 3 (commencing with Section 13820) of Title 6 of Part 4 of, and to add Section 14113 to, the Penal Code, to amend Sections 715, 2802, 2803, 2811, 2814, 2815, 3233, 25701, and 43035 of the Public Resources Code, to amend Sections 2774.5, 2872.5, 2892.1, 7661, 7662, 7663, 7665.2, 7665.3, 7665.4, 7673, 7710, and 7718 of, and to add *Section 7665.1* to, the Public Utilities Code, to amend Section 97.2 of the Revenue and Taxation Code, to amend Sections 165, 5066, 9706, 23112.5, 25258, and 34061 of the Vehicle Code, to amend Sections 128, 6025.6, 12994, 13271, 13272, 73503, and 79522 of the Water Code, and to amend Sections 1789, 9625, 14085.54, 18277, 18278, and 18278.5 of, to add Section 18275.5 to, and to repeal Section 1789.5 of, the Welfare and Institutions Code, relating to the California Emergency Management Agency.

LEGISLATIVE COUNSEL'S DIGEST

AB 2791, as amended, Committee on Governmental Organization.
California Emergency Management Agency.

Existing law creates the California Emergency Management Agency and requires it to perform a variety of duties with respect to specified emergency preparedness, mitigation, and response activities in the state. Prior to the creation of the California Emergency Management Agency, these activities were the responsibility of the Governor's Office of Emergency Services and the Office of Homeland Security. The Budget Act of 2003 eliminated the Office of Criminal Justice Planning, and its responsibilities for administering a variety of planning, training, education, and crime suppression and mitigation programs ultimately were assigned to the Office of Emergency Services.

This bill would make conforming changes to reference the California Emergency Management Agency *and the Secretary of Emergency Management* as the ~~agency~~ *entities* responsible for the programs and activities described above. The bill would require, beginning July 1, 2011, that the agency report biennially to the Legislature, as specified, and delete other reporting requirements, both current and previously due. The bill would require the ~~Secretary of Emergency Management~~ *secretary* to establish a Curriculum Development Advisory Committee, which would make recommendations regarding terrorism awareness curriculum and response training and would eliminate the Emergency Response Training Advisory Committee. Among other things, the bill would also eliminate the requirement that the Seismic Safety Commission establish an urban search and rescue emergency response advisory committee and the responsibility of the California Emergency Management Agency to monitor, evaluate, and report on various projects related to runaway youth. *This bill would make technical nonsubstantive changes.*

Existing law defines specified persons as peace officers and provides that these peace officers may carry firearms under the terms and conditions of their employment as specified by their employing agencies. Existing law authorizes the Director of Consumer Affairs to designate 3 persons as peace officers to be assigned to the special investigations unit of the Contractors' State License Board.

This bill would authorize the director to designate 12 persons as peace officers for assignment to the special investigations unit of the Contractor's State License Board.

This bill would provide that specified sections will not become operative if AB 2408 of the 2009–10 Regular Session amends those sections and is enacted prior to this bill.

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

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

1 SECTION 1. Section 10147 of the Business and Professions
2 Code is amended to read:
3 10147. (a) On or before January 1, 1993, the Seismic Safety
4 Commission shall develop, adopt, and publish a Commercial
5 Property Owner’s Guide to Earthquake Safety for distribution to
6 licensees for purposes of Section 2079.9 of the Civil Code and,
7 upon request, to any member of the general public.
8 (b) In developing the guide, the Seismic Safety Commission
9 shall consult with the California Emergency Management Agency,
10 the Division of Mines and Geology of the Department of
11 Conservation, the Department of Real Estate, and other interested
12 agencies and persons.
13 (c) The commission shall, to the extent possible, rely on
14 currently available data to develop the guide. To the extent
15 necessary, the commission may contract for the development and
16 production of the guide. The commission shall update the contents
17 of the guide whenever it determines that information within the
18 guide is sufficiently inaccurate or incomplete so as to reduce the
19 effectiveness of the guide. The commission shall charge a fee to
20 cover the costs of production, distribution, development, and
21 updating the guide.
22 (d) The guide shall include, but need not be limited to, all of
23 the following:
24 (1) Maps and information on geologic and seismic hazard
25 conditions in the state.
26 (2) Explanations of typical structural and nonstructural
27 earthquake hazards.
28 (3) Recommendations for mitigating the hazards of an
29 earthquake, including references and explanations of what
30 constitutes “adequate wall anchorage” as defined in Section 8893.1
31 of the Government Code.
32 (4) A statement that there are no guarantees of safety or damage
33 prevention that can be made with respect to a major earthquake
34 and that only precautions, such as retrofitting, can be taken to
35 reduce the risk of various types of earthquake damage. For purposes

1 of preparing the statement, the commission shall confer with
2 insurers and design professional associations.

3 (5) Notice of the obligation to post a sign as required by Section
4 8875.8 of the Government Code.

5 SEC. 2. Section 10149 of the Business and Professions Code
6 is amended to read:

7 10149. (a) On or before July 1, 1992, the Seismic Safety
8 Commission shall develop, adopt, and publish a Homeowner's
9 Guide to Earthquake Safety for distribution to licensees for
10 purposes of Section 2079.8 of the Civil Code and, upon request,
11 to any member of the general public.

12 (b) In developing the guide, the Seismic Safety Commission
13 shall consult with the California Emergency Management Agency,
14 the Division of Mines and Geology of the Department of
15 Conservation, the Department of Real Estate, and other interested
16 agencies and persons.

17 (c) The commission shall, to the extent possible, rely on
18 currently available data to develop the guide. To the extent
19 necessary, the commission may contract for the development and
20 production of the guide. The commission shall update the contents
21 of the guide whenever it determines that information within the
22 guide is sufficiently inaccurate or incomplete so as to reduce the
23 effectiveness of the guide. The commission shall charge a fee to
24 cover the costs of production, distribution, development, and
25 updating the guide.

26 (d) The guide shall include, but need not be limited to, all of
27 the following:

28 (1) Maps and information on geologic and seismic hazard
29 conditions for all areas of the state.

30 (2) Explanations of the related structural and nonstructural
31 hazards.

32 (3) Recommendations for mitigating the hazards of an
33 earthquake.

34 (4) A statement that there are no guarantees of safety or damage
35 prevention that can be made with respect to a major earthquake
36 and that only precautions, such as retrofitting, can be taken to
37 reduce the risk of various types of earthquake damage. For purposes
38 of preparing the statement, the commission shall confer with
39 insurers and design professional associations.

1 SEC. 3. Section 1218 of the Code of Civil Procedure is
2 amended to read:

3 1218. (a) Upon the answer and evidence taken, the court or
4 judge shall determine whether the person proceeded against is
5 guilty of the contempt charged, and if it be adjudged that he or she
6 is guilty of the contempt, a fine may be imposed on him or her not
7 exceeding one thousand dollars (\$1,000), payable to the court, or
8 he or she may be imprisoned not exceeding five days, or both. In
9 addition, a person who is subject to a court order as a party to the
10 action, or any agent of this person, who is adjudged guilty of
11 contempt for violating that court order may be ordered to pay to
12 the party initiating the contempt proceeding the reasonable
13 attorney's fees and costs incurred by this party in connection with
14 the contempt proceeding.

15 (b) No party, who is in contempt of a court order or judgment
16 in a dissolution of marriage, dissolution of domestic partnership,
17 or legal separation action, shall be permitted to enforce such an
18 order or judgment, by way of execution or otherwise, either in the
19 same action or by way of a separate action, against the other party.
20 This restriction shall not affect nor apply to the enforcement of
21 child or spousal support orders.

22 (c) In any court action in which a party is found in contempt of
23 court for failure to comply with a court order pursuant to the Family
24 Code, the court shall order the following:

25 (1) Upon a first finding of contempt, the court shall order the
26 contemner to perform community service of up to 120 hours, or
27 to be imprisoned up to 120 hours, for each count of contempt.

28 (2) Upon the second finding of contempt, the court shall order
29 the contemner to perform community service of up to 120 hours,
30 in addition to ordering imprisonment of the contemner up to 120
31 hours, for each count of contempt.

32 (3) Upon the third or any subsequent finding of contempt, the
33 court shall order both of the following:

34 (A) The court shall order the contemner to serve a term of
35 imprisonment of up to 240 hours, and to perform community
36 service of up to 240 hours, for each count of contempt.

37 (B) The court shall order the contemner to pay an administrative
38 fee, not to exceed the actual cost of the contemner's administration
39 and supervision, while assigned to a community service program
40 pursuant to this paragraph.

1 (4) The court shall take parties' employment schedules into
2 consideration when ordering either community service or
3 imprisonment, or both.

4 (d) Pursuant to Section 1211 and this section, a district attorney
5 or city attorney may initiate and pursue a court action for contempt
6 against a party for failing to comply with a court order entered
7 pursuant to the Domestic Violence Protection Act (Division 10
8 commencing with Section 6200) of the Family Code). Any
9 attorney's fees and costs ordered by the court pursuant to
10 subdivision (a) against a party who is adjudged guilty of contempt
11 under this subdivision shall be paid to the California Emergency
12 Management Agency's account established for the purpose of
13 funding domestic violence shelter service providers pursuant to
14 subdivision (f) of Section 13823.15 of the Penal Code.

15 SEC. 4. Section 32282 of the Education Code is amended to
16 read:

17 32282. (a) The comprehensive school safety plan shall include,
18 but not be limited to, both of the following:

19 (1) Assessing the current status of school crime committed on
20 school campuses and at school-related functions.

21 (2) Identifying appropriate strategies and programs that will
22 provide or maintain a high level of school safety and address the
23 school's procedures for complying with existing laws related to
24 school safety, which shall include the development of all of the
25 following:

26 (A) Child abuse reporting procedures consistent with Article
27 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
28 Penal Code.

29 (B) Disaster procedures, routine and emergency, including
30 adaptations for pupils with disabilities in accordance with the
31 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
32 et seq.). The disaster procedures shall also include, but not be
33 limited to, both of the following:

34 (i) Establishing an earthquake emergency procedure system in
35 every public school building having an occupant capacity of 50
36 or more pupils or more than one classroom. A district or county
37 office may work with the California Emergency Management
38 Agency and the Seismic Safety Commission to develop and
39 establish the earthquake emergency procedure system. The system
40 shall include, but not be limited to, all of the following:

- 1 (I) A school building disaster plan, ready for implementation
2 at any time, for maintaining the safety and care of pupils and staff.
- 3 (II) A drop procedure whereby each pupil and staff member
4 takes cover under a table or desk, dropping to his or her knees,
5 with the head protected by the arms, and the back to the windows.
6 A drop procedure practice shall be held at least once each school
7 quarter in elementary schools and at least once a semester in
8 secondary schools.
- 9 (III) Protective measures to be taken before, during, and
10 following an earthquake.
- 11 (IV) A program to ensure that pupils and both the certificated
12 and classified staff are aware of, and properly trained in, the
13 earthquake emergency procedure system.
- 14 (ii) Establishing a procedure to allow a public agency, including
15 the American Red Cross, to use school buildings, grounds, and
16 equipment for mass care and welfare shelters during disasters or
17 other emergencies affecting the public health and welfare. The
18 district or county office shall cooperate with the public agency in
19 furnishing and maintaining the services as the district or county
20 office may deem necessary to meet the needs of the community.
- 21 (C) Policies pursuant to subdivision (d) of Section 48915 for
22 pupils who committed an act listed in subdivision (c) of Section
23 48915 and other school-designated serious acts which would lead
24 to suspension, expulsion, or mandatory expulsion recommendations
25 pursuant to Article 1 (commencing with Section 48900) of Chapter
26 6 of Part 27.
- 27 (D) Procedures to notify teachers of dangerous pupils pursuant
28 to Section 49079.
- 29 (E) A discrimination and harassment policy consistent with the
30 prohibition against discrimination contained in Chapter 2
31 (commencing with Section 200) of Part 1.
- 32 (F) The provisions of any schoolwide dress code, pursuant to
33 Section 35183, that prohibits pupils from wearing “gang-related
34 apparel,” if the school has adopted that type of a dress code. For
35 those purposes, the comprehensive school safety plan shall define
36 “gang-related apparel.” The definition shall be limited to apparel
37 that, if worn or displayed on a school campus, reasonably could
38 be determined to threaten the health and safety of the school
39 environment. Any schoolwide dress code established pursuant to
40 this section and Section 35183 shall be enforced on the school

1 campus and at any school-sponsored activity by the principal of
2 the school or the person designated by the principal. For the
3 purposes of this paragraph, “gang-related apparel” shall not be
4 considered a protected form of speech pursuant to Section 48950.

5 (G) Procedures for safe ingress and egress of pupils, parents,
6 and school employees to and from school.

7 (H) A safe and orderly environment conducive to learning at
8 the school.

9 (I) The rules and procedures on school discipline adopted
10 pursuant to Sections 35291 and 35291.5.

11 (J) Hate crime reporting procedures pursuant to Chapter 1.2
12 (commencing with Section 628) of Title 15 of Part 1 of the Penal
13 Code.

14 (b) It is the intent of the Legislature that schools develop
15 comprehensive school safety plans using existing resources,
16 including the materials and services of the partnership, pursuant
17 to this chapter. It is also the intent of the Legislature that schools
18 use the handbook developed and distributed by the School/Law
19 Enforcement Partnership Program entitled “Safe Schools: A
20 Planning Guide for Action” in conjunction with developing their
21 plan for school safety.

22 (c) Grants to assist schools in implementing their comprehensive
23 school safety plan shall be made available through the partnership
24 as authorized by Section 32285.

25 (d) Each schoolsite council or school safety planning committee
26 in developing and updating a comprehensive school safety plan
27 shall, where practical, consult, cooperate, and coordinate with
28 other schoolsite councils or school safety planning committees.

29 (e) The comprehensive school safety plan may be evaluated and
30 amended, as needed, by the school safety planning committee, but
31 shall be evaluated at least once a year, to ensure that the
32 comprehensive school safety plan is properly implemented. An
33 updated file of all safety-related plans and materials shall be readily
34 available for inspection by the public.

35 (f) The comprehensive school safety plan, as written and updated
36 by the schoolsite council or school safety planning committee,
37 shall be submitted for approval under subdivision (a) of Section
38 32288.

39 SEC. 5. Section 32282.5 of the Education Code is amended to
40 read:

1 32282.5. (a) The department shall electronically distribute
2 disaster preparedness educational materials and lesson plans that
3 are currently available to school districts and county offices of
4 education.

5 (b) The department shall ensure that the disaster preparedness
6 materials are available in at least the three most dominant primary
7 languages spoken by English learners in California, according to
8 the language census.

9 (c) The department shall coordinate with the California
10 Emergency Management Agency to make sure that all materials
11 are reviewed and updated annually.

12 SEC. 6. Section 35296 of the Education Code is amended to
13 read:

14 35296. The governing board of each private school shall
15 establish an earthquake emergency procedure system in every
16 private school building under its jurisdiction having an occupant
17 capacity of 50 or more pupils or more than one classroom. A
18 governing board may work with the California Emergency
19 Management Agency and the Seismic Safety Commission to
20 develop and establish the earthquake emergency procedure systems.

21 SEC. 7. Section 51264 of the Education Code is amended to
22 read:

23 51264. (a) The State Department of Education shall prepare
24 and distribute to school districts and county offices of education
25 guidelines for incorporating in-service training in gang violence
26 and drug and alcohol abuse prevention for teachers, counselors,
27 athletic directors, school board members, and other educational
28 personnel into the staff development plans of all school districts
29 and county offices of education.

30 (b) The department shall, upon request, assist school districts
31 and county offices of education in developing comprehensive gang
32 violence and drug and alcohol abuse prevention in-service training
33 programs. The department's information and guidelines, to the
34 maximum extent possible, shall encourage school districts and
35 county offices of education to avoid duplication of effort by sharing
36 resources, adapting or adopting model in-service training programs,
37 developing joint and collaborative programs, and coordinating
38 efforts with existing state staff development programs, county
39 gang violence and drug and alcohol staff development programs,
40 county health departments, county and city law enforcement

1 agencies, and other public and private agencies providing health,
2 drug, alcohol, gang violence prevention, or other related services
3 at the local level.

4 (c) The department shall assist school districts and county offices
5 of education in qualifying for the receipt of federal and state funds
6 to support their gang violence and drug and alcohol abuse
7 prevention in-service training programs.

8 (d) Each school that chooses to utilize the provisions of this
9 article related to in-service training in gang violence and drug and
10 alcohol abuse prevention, is encouraged to develop a single plan
11 to strengthen its gang violence and drug and alcohol abuse
12 prevention efforts. If a school develops or has developed a school
13 improvement plan pursuant to Article 2 (commencing with Section
14 52010) of Chapter 6 of Part 28, or a school safety plan pursuant
15 to Article 5 (commencing with Section 32280) of Chapter 2.5 of
16 Part 19, it is encouraged to incorporate into that plan, where
17 appropriate, the gang violence and drug and alcohol prevention
18 plan that it has developed.

19 (e) The department shall consult with the California Emergency
20 Management Agency regarding gang violence.

21 SEC. 8. Section 51266 of the Education Code is amended to
22 read:

23 51266. (a) The California Emergency Management Agency,
24 in collaboration with the State Department of Education, shall
25 develop a model gang violence suppression and substance abuse
26 prevention curriculum for grades 2, 4, and 6. The curriculum for
27 grades 2, 4, and 6 shall be modeled after a similar curriculum that
28 has been developed by the Orange County Office of Education for
29 grades 3, 5, and 7. The California Emergency Management Agency,
30 in collaboration with the State Department of Education, may
31 contract with a county office of education for the development of
32 the model curriculum. The model curriculum shall be made
33 available to school districts and county offices of education and
34 shall, at a minimum, provide for each of the following:

35 (1) Lessons for grades 2, 4, and 6 that are aligned with the state
36 curriculum frameworks for history, social science, and English
37 and language arts.

38 (2) Instructional resources that address issues of ethnic diversity
39 and at-risk pupils.

1 (3) The integration of the instructional resources of the
2 California Emergency Management Agency and the School/Law
3 Enforcement Partnership in order to support the school curriculum
4 and assist in the alignment of the state curriculum framework.

5 (b) The California Emergency Management Agency shall
6 develop an independent evaluation of the pupil outcomes of the
7 model gang violence suppression and substance abuse prevention
8 curriculum program.

9 SEC. 9. Section 51266.5 of the Education Code is amended to
10 read:

11 51266.5. The Rural Gang Task Force Subcommittee provided
12 for by subdivision (g) of Section 13826.1 of the Penal Code, in
13 collaboration with the Gang Violence Suppression Advisory
14 Committee provided for by subdivision (g) of Section 13826.1 of
15 the Penal Code and the California Emergency Management
16 Agency, shall review the model gang violence suppression and
17 substance abuse prevention curriculum for grades 2, 4, and 6,
18 developed pursuant to Section 51266, and identify methods by
19 which the curriculum can best be utilized in rural school settings.

20 SEC. 10. Section 51269 of the Education Code is amended to
21 read:

22 51269. (a) The State Department of Education shall
23 collaborate, to the extent possible, with other state agencies that
24 administer drug, alcohol, and tobacco abuse prevention education
25 programs to streamline and simplify the process whereby local
26 educational agencies apply for state and federal drug, alcohol, and
27 tobacco education funds.

28 (b) The State Department of Education, in consultation with the
29 Department of Justice, the California Emergency Management
30 Agency, and the State Department of Alcohol and Drug Programs,
31 shall develop, to the extent possible, an ongoing statewide
32 monitoring and assessment system to provide current and reliable
33 data on the utilization of resources for programs for prevention of
34 and early intervention for drug, alcohol, and tobacco abuse. The
35 purpose of the system shall be to facilitate improved planning and
36 program delivery among state and local agencies, including law
37 enforcement, juvenile justice, county health, and county drug and
38 alcohol agencies and programs, and communities.

39 SEC. 11. Section 66210 of the Education Code is amended to
40 read:

1 66210. (a) The California Emergency Management Agency
2 shall develop guidelines for campuses of the University of
3 California and the California State University to use in developing
4 emergency evacuation plans for all forms of student housing
5 owned, operated, and offered by the university, both on campus
6 and off campus. In developing the guidelines, the California
7 Emergency Management Agency shall consider Sections 3.09 and
8 3.13 of Title 19 of the California Code of Regulations. The
9 guidelines shall address all of the following issues:

10 (1) Plan content. The plans should include, but need not be
11 limited to, the following:

12 (A) Specific evacuation routes that recognize the needs of
13 persons with special needs, such as persons with disabilities.

14 (B) The designation of a meeting place or places upon
15 evacuation.

16 (C) The education of students and staff in emergency procedures.

17 (2) The implementation and maintenance of the evacuation plan
18 by the ~~Director of Student Housing~~ *director of student housing*,
19 or other appropriate officer, at the individual campuses. The
20 director, or other appropriate officer, is responsible for scheduling
21 periodic tests of the plan and implementing changes as needed.

22 (b) Each campus of the University of California and the
23 California State University shall establish an emergency evacuation
24 plan for its postsecondary student housing and may consult with
25 the California Emergency Management Agency for guidance in
26 developing and establishing the plan.

27 SEC. 12. Section 71095 of the Education Code is amended to
28 read:

29 71095. (a) The chancellor's office, in consultation with the
30 California Emergency Management Agency and the Office of
31 Homeland Security, shall, by January 1, 2009, develop emergency
32 preparedness standards and guidelines to assist community college
33 districts and campuses in the event of a natural disaster, hazardous
34 condition, or terrorist activity on or around a community college
35 campus.

36 (b) The standards and guidelines shall be developed in
37 accordance with the Standardized Emergency Management System
38 and the National Incident Management System, and shall be
39 reviewed by the California Emergency Management Agency in a
40 manner that is consistent with existing policy. In developing the

1 standards and guidelines, the chancellor's office shall consider,
2 but is not limited to, all of the following components:

3 (1) Information on establishing a campus emergency
4 management team.

5 (2) Provisions regarding overview training for every employee
6 within one year of commencement of employment.

7 (3) Information on specialized training for employees who may
8 be designated as part of an emergency management team.

9 (4) Information on preparedness, prevention, response, recovery,
10 and mitigation policies and procedures.

11 (5) Information on coordinating with the appropriate local, state,
12 and federal government authorities, and nongovernmental entities
13 on comprehensive emergency management and preparedness
14 activities.

15 SEC. 13. Section 94600 of the Education Code is amended to
16 read:

17 94600. (a) The California Emergency Management Agency
18 shall develop guidelines for private colleges and universities to
19 use in developing emergency evacuation plans for all forms of
20 student housing owned, operated, and offered by private colleges
21 and universities, both on campus and off campus. In developing
22 the guidelines, the California Emergency Management Agency
23 shall consider Sections 3.09 and 3.13 of Title 19 of the California
24 Code of Regulations. The guidelines shall address all of the
25 following issues:

26 (1) Plan content. The plans should include, but need not be
27 limited to, the following:

28 (A) Specific evacuation routes that recognize the needs of
29 persons with special needs, such as persons with disabilities.

30 (B) The designation of a meeting place or places upon
31 evacuation.

32 (C) The education of students and staff in emergency procedures.

33 (2) The implementation and maintenance of the evacuation plan
34 by the ~~Director of Student Housing~~ *director of student housing*,
35 or other appropriate officer, at individual campuses. The director,
36 or other appropriate officer, is responsible for scheduling periodic
37 tests of the plan and implementing changes as needed.

38 (b) Each private college or university shall establish an
39 emergency evacuation plan for its postsecondary student housing

1 and may consult with the California Emergency Management
2 Agency for guidance in developing and establishing the plan.

3 SEC. 14. Section 298 of the Family Code is amended to read:

4 298. (a) (1) The Secretary of State shall prepare forms entitled
5 “Declaration of Domestic Partnership” and “Notice of Termination
6 of Domestic Partnership” to meet the requirements of this division.
7 These forms shall require the signature and seal of an
8 acknowledgment by a notary public to be binding and valid.

9 (2) When funding allows, the Secretary of State shall include
10 on the form notice that a lesbian, gay, bisexual, and transgender
11 specific domestic abuse brochure is available upon request.

12 (b) (1) The Secretary of State shall distribute these forms to
13 each county clerk. These forms shall be available to the public at
14 the office of the Secretary of State and each county clerk.

15 (2) The Secretary of State shall, by regulation, establish fees
16 for the actual costs of processing each of these forms, and the cost
17 for preparing and sending the mailings and notices required
18 pursuant to Section 299.3, and shall charge these fees to persons
19 filing the forms.

20 (3) There is hereby established a fee of twenty-three dollars
21 (\$23) to be charged in addition to the existing fees established by
22 regulation to persons filing domestic partner registrations pursuant
23 to Section 297 for development and support of a lesbian, gay,
24 bisexual, and transgender curriculum for training workshops on
25 domestic violence, conducted pursuant to Section 13823.15 of the
26 Penal Code, and for the support of a grant program to promote
27 healthy nonviolent relationships in the lesbian, gay, bisexual, and
28 transgender community. This paragraph shall not apply to persons
29 of opposite sexes filing a domestic partnership registration and
30 who meet the qualifications described in subparagraph (B) of
31 paragraph (5) of subdivision (b) of Section 297.

32 (4) The fee established by paragraph (3) shall be deposited in
33 the Equality in Prevention and Services for Domestic Abuse Fund,
34 which is hereby established. The fund shall be administered by
35 the California Emergency Management Agency, and expenditures
36 from the fund shall be used to support the purposes of paragraph
37 (3).

38 (c) The Declaration of Domestic Partnership shall require each
39 person who wants to become a domestic partner to (1) state that
40 he or she meets the requirements of Section 297 at the time the

1 form is signed, (2) provide a mailing address, (3) state that he or
2 she consents to the jurisdiction of the Superior Courts of California
3 for the purpose of a proceeding to obtain a judgment of dissolution
4 or nullity of the domestic partnership or for legal separation of
5 partners in the domestic partnership, or for any other proceeding
6 related to the partners' rights and obligations, even if one or both
7 partners ceases to be a resident of, or to maintain a domicile in,
8 this state, (4) sign the form with a declaration that representations
9 made therein are true, correct, and contain no material omissions
10 of fact to the best knowledge and belief of the applicant, and (5)
11 have a notary public acknowledge his or her signature. Both
12 partners' signatures shall be affixed to one Declaration of Domestic
13 Partnership form, which form shall then be transmitted to the
14 Secretary of State according to the instructions provided on the
15 form. Filing an intentionally and materially false Declaration of
16 Domestic Partnership shall be punishable as a misdemeanor.

17 (d) The Declaration of Domestic Partnership form shall contain
18 an optional section for either party or both parties to indicate a
19 change in name pursuant to Section 298.6. The optional section
20 shall require a party indicating a change in name to provide his or
21 her date of birth.

22 SEC. 15. Section 3862 of the Fish and Game Code is amended
23 to read:

24 3862. The *Natural* Resources Agency, in consultation with the
25 department, the Department of Food and Agriculture, the State
26 Department of Health Services, the California Emergency
27 Management Agency, and the University of California, shall
28 develop and implement a plan for the surveillance, monitoring,
29 sampling, diagnostic testing, and reporting of avian influenza in
30 wild birds and animals in the state. The Resources Agency shall
31 consult with the United States Fish and Wildlife Service and the
32 United States Department of Food and Agriculture in developing
33 the plan.

34 SEC. 16. Section 3863 of the Fish and Game Code is amended
35 to read:

36 3863. (a) The Secretary of the *Natural* Resources Agency shall
37 formally establish the Avian Influenza Working Group to assist
38 in the development of the plan described in Section 3862. The
39 Avian Influenza Working Group shall utilize, as guidance for early
40 detection, the national protocol that has been developed to guide

1 states in developing state-specific plans, known as the Early
2 Detection System for Asian H5N1 Highly Pathogenic Avian
3 Influenza in Wild Migratory Birds. The Avian Influenza Working
4 Group shall also continue, enhance, and facilitate the work already
5 begun by the department, other state departments, and the
6 University of California, to coordinate communication of
7 information and response plans for highly pathogenic avian
8 influenza in wild birds.

9 (b) The Avian Influenza Working Group shall be composed of
10 all of the following members:

11 (1) The Secretary of the *Natural Resources Agency*, or a
12 designee.

13 (2) The director, or a designee.

14 (3) The Secretary of Food and Agriculture, or a designee.

15 (4) The Director of Health Services, or a designee.

16 (5) The Secretary of ~~the California Emergency Management~~
17 ~~Agency~~ *Emergency Management*, or a designee.

18 (6) One representative appointed by the Regents of the
19 University of California.

20 (7) Two representatives from a qualified research organization
21 or other qualified nongovernmental organization appointed by the
22 Secretary of the *Natural Resources Agency*.

23 (c) The director shall chair the Avian Influenza Working Group.

24 (d) A majority of the Avian Influenza Working Group shall
25 constitute a quorum for the transaction of business.

26 (e) The duties of the Avian Influenza Working Group shall
27 include all of the following:

28 (1) Developing strategies for the detection of, and response to,
29 the avian influenza virus in wild birds in California.

30 (2) Fostering communication among state and federal agencies
31 regarding the avian influenza surveillance program.

32 (3) Developing strategies for public outreach and education.

33 (f) The Avian Influenza Working Group may consult with other
34 public and nonprofit groups potentially affected by avian influenza
35 in wild birds.

36 SEC. 17. Section 179.7 of the Government Code is amended
37 to read:

38 179.7. (a) Notwithstanding Article 6 of the Emergency
39 Management Assistance Compact, as set forth in Section 179.5,
40 the state shall indemnify and make whole any officer or employee

1 who is a resident of California, or his or her heirs, if the officer or
2 employee is injured or killed in another state when rendering aid
3 pursuant to the compact, as if the act or acts occurred in California,
4 less any recovery obtained under the provisions of Article 6 of the
5 Emergency Management Assistance Compact.

6 (b) Local government or special district personnel who are
7 officially deployed under the provisions of the Emergency
8 Management Assistance Compact pursuant to an assignment of
9 the California Emergency Management Agency shall be defended
10 by the Attorney General or other legal counsel provided by the
11 state, and shall be indemnified subject to the same conditions and
12 limitations applicable to state employees.

13 SEC. 18. Section 955.1 of the Government Code is amended
14 to read:

15 955.1. (a) The science of earthquake prediction is developing
16 rapidly and, although still largely in a research stage, such
17 predictions are now being initiated and are certain to continue into
18 the future. Administrative procedures exist within the California
19 Emergency Management Agency to advise the Governor on the
20 validity of earthquake predictions. Numerous important actions
21 can be taken by state and local governments and special districts
22 to protect life and property in response to earthquake predictions
23 and associated warnings. It is the intent of this legislation to ~~insure~~
24 *ensure* that such actions are taken in the public interest by
25 government agencies acting in a responsible manner without fear
26 of consequent financial liabilities.

27 (b) The Governor may, at his or her discretion, issue a warning
28 as to the existence of an earthquake or volcanic prediction
29 determined to have scientific validity. The state and its agencies
30 and employees shall not be liable for any injury resulting from the
31 issuance or nonissuance of a warning pursuant to this subdivision
32 or for any acts or omissions in fact gathering, evaluation, or other
33 activities leading up to the issuance or nonissuance of a warning.

34 (c) Public entities and public employees may, on the basis of a
35 warning issued pursuant to subdivision (b), take, or fail or refuse
36 to take, any action or execute or fail or refuse to execute any
37 earthquake or volcanic prediction response plan with relation to
38 the warning which is otherwise authorized by law. In taking, or
39 failing or refusing to take, such action, neither public entities nor
40 public employees shall be liable for any injuries caused thereby

1 or for any injuries resulting from the preparation of, or failure or
2 refusal to prepare, any earthquake hazard or damage prediction
3 maps, plans for evacuation of endangered areas, and other plan
4 elements.

5 (d) An earthquake or volcanic warning issued by the Governor
6 pursuant to subdivision (b) is a sufficient basis for a declaration
7 of a state of emergency or local emergency as defined by Section
8 8558. Public entities and public employees shall be immune from
9 liability in accordance with all immunity provisions applicable
10 during such state of emergency or local emergency.

11 SEC. 19. Section 3102 of the Government Code is amended
12 to read:

13 3102. (a) All disaster service workers shall, before they enter
14 upon the duties of their employment, take and subscribe to the
15 oath or affirmation required by this chapter.

16 (b) In the case of intermittent, temporary, emergency or
17 successive employments, then in the discretion of the employing
18 agency, an oath taken and subscribed as required by this chapter
19 shall be effective for the purposes of this chapter for all successive
20 periods of employment which commence within one calendar year
21 from the date of that subscription.

22 (c) Notwithstanding subdivision (b), the oath taken and
23 subscribed by a person who is a member of an emergency
24 organization sanctioned by a state agency or an accredited disaster
25 council, whose members are duly enrolled or registered with the
26 California Emergency Management Agency, or any accredited
27 disaster council of any political subdivision, shall be effective for
28 the period the person remains a member with that organization.

29 SEC. 20. Section 6254.23 of the Government Code is amended
30 to read:

31 6254.23. Nothing in this chapter or any other provision of law
32 shall require the disclosure of a risk assessment or railroad
33 infrastructure protection program filed with the Public Utilities
34 Commission, the Director of Homeland Security, and the California
35 Emergency Management Agency pursuant to Article 7.3
36 (commencing with Section 7665) of Chapter 1 of Division 4 of
37 the Public Utilities Code.

38 SEC. 21. The heading of Article 5 (commencing with Section
39 8550) of Chapter 7 of Division 1 of Title 2 of the Government
40 Code is amended to read:

1 Article 5. California Emergency Management Agency

2
3 SEC. 22. Section 8574.20 of the Government Code is amended
4 to read:

5 8574.20. The California Emergency Management Agency shall
6 manage the California Hazardous Substances Incident Response
7 Training and Education Program to provide approved classes in
8 hazardous substance response, taught by trained instructors, and
9 to certify students who have completed these classes. To carry out
10 this program, the California Emergency Management Agency shall
11 do all of the following:

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

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

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

20 (d) Make available a training and education program in the use
21 of hazardous substances emergency rescue, safety, and monitoring
22 equipment, on a voluntary basis, at the California Specialized
23 Training Institute.

24 (e) Train and certify instructors at the California Specialized
25 Training Institute according to standards and procedures developed
26 by the curriculum development advisory committee, as specified
27 in Section 8588.10.

28 (f) Approve classes, as meeting the requirements of the program,
29 if the classes meet the curriculum developed by the California
30 Emergency Management Agency pursuant to Section 8574.21 and
31 the instructor received training and certification at the California
32 Specialized Training Institute, as specified in subdivision (e).

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

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

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

1 SEC. 23. Section 8574.21 of the Government Code is amended
2 to read:

3 8574.21. (a) The California Emergency Management Agency
4 shall develop the curriculum to be used in classes that meet the
5 program requirements and shall adopt standards and procedures
6 for training instructors at the California Specialized Training
7 Institute.

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

11 (1) First responder training.

12 (2) On-scene manager training.

13 (3) Hazardous substance incident response training for
14 management personnel.

15 (4) Hazardous materials specialist training that equals or exceeds
16 the standards of the National Fire Protection Association.

17 (5) Environmental monitoring.

18 (6) Hazardous substance release investigations.

19 (7) Hazardous substance incident response activities at ports.

20 (c) The curriculum development advisory committee described
21 in Section 8588.10 shall advise the California Emergency
22 Management Agency on the development of course curricula and
23 the standards and procedures specified in subdivision (a). In
24 advising the California Emergency Management Agency, the
25 committee shall do the following:

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

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

31 (3) Define equivalent training and experience considered as
32 meeting the initial training requirements as specified in subdivision
33 (a) that existing employees might have already received from actual
34 experience or formal education undertaken, and which would
35 qualify as meeting the requirements established pursuant to this
36 article.

37 (d) This article does not affect the authority of the State Fire
38 Marshal granted pursuant to Section 13142.4 or 13159 of the
39 Health and Safety Code.

1 (e) Upon completion of instructor training and certification
2 pursuant to subdivision (e) of Section 8574.20 by any employee
3 of the Department of the California Highway Patrol, the
4 Commissioner of the California Highway Patrol may deem any
5 training programs taught by that employee to be equivalent to any
6 training program meeting the requirements established pursuant
7 to this article.

8 SEC. 24. Section 8576 of the Government Code is amended
9 to read:

10 8576. (a) The Governor shall be ex officio Chairperson of the
11 Emergency Council.

12 (b) The California Emergency Management Agency shall
13 provide staff support to the Emergency Council as necessary.

14 SEC. 25. Section 8579 of the Government Code is amended
15 to read:

16 8579. (a) It shall be the duty of the Emergency Council, and
17 it is hereby empowered, to act as an advisory body to the Governor
18 in times of emergency and with reference thereto in order to
19 minimize the effects of those occurrences by recommending
20 ameliorative action.

21 (b) The powers and duties of the Emergency Council shall
22 include all of the following:

23 (1) To consider, recommend, and approve orders and regulations
24 that are within the province of the Governor to promulgate.

25 (2) To consider and recommend to the Governor for approval
26 the boundaries of any mutual aid regions of the state as may be
27 designated.

28 (3) To recommend to the Governor the assignment of any
29 responsibility, service, or activity relative to emergencies or
30 emergency planning to a state agency having duties related to that
31 responsibility, service, or activity.

32 (4) To consider and recommend the creation by the Governor
33 of advisory committees in order to make civilian participation and
34 cooperation in emergency planning and activities available to the
35 state.

36 (5) To consider and recommend the expenditures of moneys
37 appropriated for any of the objectives or purposes of this chapter.

38 (6) To consider and recommend to the Governor for approval
39 a State Emergency Plan built around mutual aid and the integration

1 into that plan of the several state agencies whose resources are
2 necessary in coping with emergencies.

3 (7) To encourage the development and maintenance of
4 emergency plans based on mutual aid, whereunder political
5 subdivisions may most effectively protect life and property and
6 mitigate other effects of emergencies.

7 (8) To evaluate and report to the Governor on state
8 communications systems with particular regard to their adequacy
9 in case of emergency.

10 (9) To encourage the individual and integrated emergency
11 preparedness efforts of communities, businesses, and schools.

12 (c) (1) The Emergency Council shall, at a minimum, have the
13 following two standing advisory committees, with members
14 selected by the Governor:

15 (A) An advisory committee composed of representatives of
16 volunteer organizations that aid or prepare their communities for
17 potential disasters.

18 (B) An advisory committee composed of the business leaders
19 representing businesses in the state that will work in partnership
20 with government to prepare businesses and communities for
21 potential disasters.

22 (2) The duties of the advisory committees shall include, but not
23 be limited to, all of the following:

24 (A) Developing and promoting statewide initiatives and
25 programs to better prepare communities, businesses, and schools
26 to survive disasters.

27 (B) Advising the Emergency Council on how public, private,
28 and nonprofit entities can provide resources, assets, personnel,
29 volunteers, and any other relevant services to fully integrate the
30 private sector into the state's emergency preparedness, mitigation,
31 response, and recovery plans.

32 (C) Advising the Emergency Council on appropriate agreements
33 to provide for quick access to emergency supplies and services in
34 order to minimize the need to stockpile those supplies.

35 (3) The members of the advisory committees shall receive no
36 compensation for their service.

37 (d) When the Emergency Council is not meeting, the California
38 Emergency Management Agency shall provide notice to the
39 members of the council of any state of emergency proclaimed by
40 the Governor pursuant to Section 8558, as soon as practical after

1 the issuance of the proclamation. The notification shall include
2 the status of emergency activities.

3 SEC. 26. Section 8581.5 of the Government Code is repealed.

4 SEC. 27. Section 8585 of the Government Code is amended
5 to read:

6 8585. (a) (1) There is in state government, the California
7 Emergency Management Agency. The California Emergency
8 Management Agency shall be under the supervision of the
9 Secretary of the Emergency Management Agency, who shall have
10 all rights and powers of a head of an agency as provided by this
11 code, and shall be referred to as the Secretary of Emergency
12 Management.

13 (2) Unless the context clearly requires otherwise, whenever the
14 term “Office of Emergency Services” appears in any statute,
15 regulation, or contract, it shall be construed to refer to the
16 California Emergency Management Agency, and whenever the
17 term “Director of Emergency Services” or the “Director of the
18 Office of Emergency Services” appears in statute, regulation, or
19 contract, it shall be construed to refer to the Secretary of
20 Emergency Management.

21 (3) Unless the context clearly requires otherwise, whenever the
22 term “Director of Homeland Security” or “Office of Homeland
23 Security” appears in any statute, regulation, or contract, it shall be
24 construed to refer to the California Emergency Management
25 Agency, and whenever the term “Director of Homeland Security”
26 or “Director of the Office of Homeland Security” appears in any
27 statute, regulation, or contract, it shall be construed to refer to the
28 Secretary of Emergency Management.

29 (b) (1) The California Emergency Management Agency and
30 the Secretary of Emergency Management succeed to and are vested
31 with all the duties, powers, purposes, responsibilities, and
32 jurisdiction vested in the Office of Emergency Services and the
33 Director of the Office of Emergency Services, respectively.

34 (2) The California Emergency Management Agency and the
35 Secretary of Emergency Management succeed to and are vested
36 with all the duties, powers, purposes, responsibilities, and
37 jurisdiction vested in the Office of Homeland Security and the
38 Director of Homeland Security, respectively.

39 (c) The California Emergency Management Agency shall be
40 considered a law enforcement organization as required for receipt

1 of criminal intelligence information pursuant to subdivision (f) of
2 Section 6254 of the Government Code by persons employed within
3 the agency whose duties and responsibilities require the authority
4 to access criminal intelligence information.

5 (d) Persons employed by the California Emergency Management
6 Agency whose duties and responsibilities require the authority to
7 access criminal intelligence information shall be furnished state
8 summary criminal history information as described in Section
9 11105 of the Penal Code, if needed in the course of their duties.

10 (e) The California Emergency Management Agency shall be
11 responsible for the state’s emergency and disaster response services
12 for natural, technological, or manmade disasters and emergencies,
13 including responsibility for activities necessary to prevent, respond
14 to, recover from, and mitigate the effects of emergencies and
15 disasters to people and property.

16 (f) Notwithstanding any other provision of law, nothing in this
17 section shall authorize an employee of the California Emergency
18 Management Agency to access criminal intelligence information
19 under subdivision (c) or (d) for the purpose of determining
20 eligibility for, or providing access to, disaster-related assistance
21 and services.

22 SEC. 28. Section 8585.05 is added to the Government Code,
23 to read:

24 8585.05. Unless the context otherwise requires, for purpose of
25 this article, the following definitions apply:

26 (a) “Agency” means the California Emergency Management
27 Agency.

28 (b) “Secretary” means the Secretary of Emergency Management.

29 SEC. 29. Section 8585.1 of the Government Code is amended
30 to read:

31 8585.1. (a) The secretary shall be appointed by, and hold office
32 at the pleasure of, the Governor. The appointment of the secretary
33 is subject to confirmation by the Senate. The secretary shall
34 coordinate all state disaster response, emergency planning,
35 emergency preparedness, disaster recovery, disaster mitigation,
36 and homeland security activities.

37 (b) The secretary shall receive an annual salary as set forth in
38 Section 11550.

1 (c) The Governor may appoint an undersecretary of the agency.
2 The undersecretary shall hold office at the pleasure of the
3 Governor.

4 (d) All positions exempt from civil service that existed in the
5 predecessor agencies shall be transferred to the agency.

6 (e) Neither state nor federal funds may be expended to pay the
7 salary or benefits of any deputy or employee who may be appointed
8 by the secretary or undersecretary pursuant to Section 4 of Article
9 VII of the California Constitution.

10 SEC. 30. Section 8585.2 of the Government Code is amended
11 to read:

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

23 (b) The property of any agency or department related to
24 functions transferred to the California Emergency Management
25 Agency is transferred to the agency. If any doubt arises as to where
26 that property is transferred, the Department of General Services
27 shall determine where the property 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 agency shall be
31 transferred to the agency for use for the purpose for which the
32 appropriation was originally made or the funds were originally
33 available. If there is any doubt as to where those balances and
34 funds are transferred, the Department of Finance shall determine
35 where the balances and funds are transferred.

36 (d) Beginning July 1, 2011, and biennially thereafter, the
37 California Emergency Management Agency shall submit a report
38 to the Legislature as described in this subdivision. The California
39 Emergency Management Agency may consult with other public
40 safety agencies, including the California Emergency Council, in

1 the development of this report. The report shall include information
2 on all of the following:

- 3 (1) Agency progress in all of its primary program areas.
- 4 (2) Agency allocation of grants to local agencies and nonprofit
5 organizations.
- 6 (3) Any identified gaps in program progress or efficiency.
- 7 (4) Agency strategy for program improvements, investments,
8 and goals for the next two years.

9 SEC. 31. Section 8585.5 of the Government Code is amended
10 to read:

11 8585.5. The agency shall establish by rule and regulation
12 various classes of disaster service workers and the scope of the
13 duties of each class. The agency shall also adopt rules and
14 regulations prescribing the manner in which disaster service
15 workers of each class are to be registered. All of the rules and
16 regulations shall be designed to facilitate the payment of workers'
17 compensation.

18 SEC. 32. Section 8585.7 of the Government Code is amended
19 to read:

20 8585.7. The agency may certify the accredited status of local
21 disaster councils, subject to the requirements of Section 8612.

22 SEC. 33. Section 8588 of the Government Code is amended
23 to read:

24 8588. Whenever conditions exist within any region or regions
25 of the state which warrant the proclamation by the Governor of a
26 state of emergency and the Governor has not acted under the
27 provisions of Section 8625, by reason of the fact that the Governor
28 has been inaccessible, the secretary may proclaim the existence
29 of a state of emergency in the name of the Governor as to any
30 region or regions of the state. Whenever the secretary has so
31 proclaimed a state of emergency, that action shall be ratified by
32 the Governor as soon as the Governor becomes accessible, and in
33 the event the Governor does not ratify the action, the Governor
34 shall immediately terminate the state of emergency as proclaimed
35 by the secretary.

36 SEC. 34. Section 8588.1 of the Government Code is amended
37 to read:

38 8588.1. (a) The Legislature finds and declares that this state
39 can only truly be prepared for the next disaster if the public and
40 private sector collaborate.

1 (b) The agency may, as appropriate, include private businesses
2 and nonprofit organizations within its responsibilities to prepare
3 the state for disasters under this chapter. All participation by
4 businesses and nonprofit associations in this program shall be
5 voluntary.

6 (c) The agency may do any of the following:

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

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

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

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

21 (d) The agency may share facilities and systems for the purposes
22 of subdivision (b) with the private sector to the extent the costs
23 for 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 agency and shall not be subject to Section
28 11005.

29 (g) The Disaster Resistant Communities Fund is hereby created
30 in the State Treasury. Upon appropriation by the Legislature, the
31 secretary may expend the money in the account for the costs
32 associated within this section.

33 (h) This section shall be implemented only to the extent that
34 in-kind contributions or donations are received from the private
35 sector, or grant funds are received from the federal government,
36 for these purposes.

37 SEC. 35. Section 8588.2 of the Government Code is amended
38 to read:

39 8588.2. (a) The agency may establish a statewide registry of
40 private businesses and nonprofit organizations that are interested

1 in donating services, goods, labor, equipment, resources, or
2 dispensaries or other facilities to further the purposes of Section
3 8588.1.

4 (b) If the agency establishes a statewide registry pursuant to
5 subdivision (a), the agency shall create and implement protocols
6 and procedures for inclusion onto the statewide registry that do,
7 but are not limited to, all of the following:

8 (1) Establish eligibility requirements for a private business or
9 nonprofit organization to be included on the statewide registry.

10 (2) Require the services, goods, labor, equipment, resources, or
11 dispensaries or other facilities donated by a private business or
12 nonprofit organization included on the statewide registry to be
13 provided at no cost to state governmental entities or the victims
14 of emergencies and disasters.

15 (3) Require the services, goods, labor, equipment, resources, or
16 dispensaries or other facilities donated by a private business or
17 nonprofit organization included on the statewide registry to be
18 safely collected, maintained, and managed.

19 (4) Require that federal, state, and local governmental entities
20 and nonprofit organizations that are engaged in assisting
21 communities prepare for, respond to, or recover from emergencies
22 and disasters have access to the statewide registry.

23 (c) A private business or nonprofit organization included on the
24 statewide registry shall reasonably determine all of the following:

25 (1) Donated services, goods, labor, equipment, resources, or
26 dispensaries or other facilities comply with all applicable federal
27 and state safety laws and licensing requirements.

28 (2) Donated services, goods, labor, equipment, resources, or
29 dispensaries or other facilities have not been altered, misbranded,
30 or stored under conditions contrary to the standards set forth under
31 federal or state laws or by the product manufacturer.

32 (3) Donated medicine shall be unopened, in tamper-resistant
33 packaging or modified unit dose containers that meet United States
34 Pharmacopeia standards, and show lot numbers and expiration
35 dates. Medicine that does not meet these standards shall not be
36 donated.

37 SEC. 36. Section 8588.3 of the Government Code is amended
38 to read:

39 8588.3. (a) The Legislature finds and declares that it is the
40 responsibility of the State of California to protect and preserve the

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

9 (b) The California Specialized Training Institute of the office
10 of the Adjutant General is hereby transferred to the agency. The
11 institute shall assist the Governor in providing, pursuant to
12 subdivision (f) of Section 8570, training to state agencies, cities,
13 and counties in their planning and preparation for disasters.

14 (c) The secretary may solicit, receive, and administer funds or
15 property from federal, state, or other public agency sources for the
16 support and operation of the institute.

17 (d) The secretary may solicit and receive firearms, other
18 weaponry, explosive materials, chemical agents, and other items
19 confiscated by or otherwise in the possession of law enforcement
20 officers as donations to the institute if he or she deems them to be
21 appropriate for the institute's training purposes.

22 (e) Any moneys received by the secretary from charges or fees
23 imposed in connection with the operation of the institute shall be
24 deposited in the General Fund.

25 SEC. 37. Section 8588.4 of the Government Code is repealed.

26 SEC. 38. Section 8588.5 of the Government Code is amended
27 to read:

28 8588.5. To promote an increase in the number of trained
29 disaster search dog teams, the agency shall do all of the following:

30 (a) Provide instruction to California disaster dog trainers in
31 Swiss techniques.

32 (b) Work to secure authorization to conduct training for disaster
33 search dog teams at existing facilities operated by the California
34 National Guard and the Department of Transportation on the
35 grounds of Camp San Luis Obispo.

36 (c) Engage in recruiting activities for the purpose of increasing
37 the number of disaster search dog teams in southern California.

38 (d) Reimburse disaster search dog handlers and instructors for
39 the costs of their travel and that of their dogs to training facilities
40 within California.

1 SEC. 39. Section 8588.10 of the Government Code is repealed.

2 SEC. 40. Section 8588.10 is added to the Government Code,
3 to read:

4 8588.10. (a) The secretary shall establish a Curriculum
5 Development Advisory Committee to advise the agency on the
6 development of course curricula, as specified by the secretary.

7 (b) The committee shall be chaired by the secretary, who will
8 appoint members as appropriate. In appointing members to the
9 committee, the secretary shall include representatives from the
10 following:

11 (1) State public safety, health, first responder, and emergency
12 services departments or agencies, as deemed appropriate by the
13 secretary.

14 (2) Local first responder agencies.

15 (3) Local public safety agencies.

16 (4) Nonprofit organizations, as deemed appropriate by the
17 secretary.

18 (5) Any other state, local, tribal, or nongovernmental
19 organization determined by the secretary to be appropriate.

20 SEC. 41. Section 8588.11 of the Government Code is amended
21 to read:

22 8588.11. (a) The agency shall contract with the California Fire
23 Fighter Joint Apprenticeship Program to develop a fire service
24 specific course of instruction on the responsibilities of first
25 responders to terrorism incidents. The course shall include the
26 criteria for the curriculum content recommended by the Curriculum
27 Development Advisory Committee established pursuant to Section
28 8588.10 to address the training needs of both of the following:

29 (1) Firefighters in conformance with the standards established
30 by the State Fire Marshal.

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

34 (b) The course of instruction shall be developed in consultation
35 with individuals knowledgeable about consequence management
36 that addresses the topics of containing and mitigating the impact
37 of a terrorist incident, including, but not limited to, a terrorist act
38 using hazardous materials, as well as weapons of mass destruction,
39 including any chemical warfare agent, weaponized biological
40 agent, or nuclear or radiological agent, as those terms are defined

1 in Section 11417 of the Penal Code, by techniques including, but
2 not limited to, rescue, firefighting, casualty treatment, and
3 hazardous materials response and recovery.

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

8 (d) To maximize the availability and delivery of training, the
9 California Fire Fighter Joint Apprenticeship Program shall develop
10 a course of instruction to train the trainers in the presentation of
11 the first responder training of consequence management for fire
12 service personnel.

13 SEC. 42. Section 8588.12 is added to the Government Code,
14 to read:

15 8588.12. (a) The Curriculum Development Advisory
16 Committee, described in Section 8588.10, shall recommend criteria
17 for terrorism awareness curriculum content to meet the training
18 needs of state and local emergency response personnel and
19 volunteers. In addition, the committee shall identify any additional
20 training that would be useful and appropriate, but that may not be
21 generally available in California, and shall make recommendations
22 pertaining to the need for training oversight agencies for first
23 responder disciplines to expedite their curriculum approval
24 processes.

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

27 (1) An overview of conventional, chemical, biological,
28 radiological, and nuclear threats.

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

31 (3) Understanding the structure and function of an incident
32 command system.

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

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

36 (6) Gathering, verifying, assessing, and communicating incident
37 information.

38 (7) Understanding mass casualty implications and
39 decontamination requirements.

40 (8) Balancing lifesaving activities with evidence preservation.

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

3 (c) (1) The Legislature finds and declares that training on
4 terrorism awareness for first responders is of critical importance
5 to the people of California.

6 (2) Every agency responsible for development of terrorism
7 awareness training and every agency that employs or uses first
8 responders shall give a high priority to the completion of that
9 training.

10 SEC. 43. Section 8588.15 of the Government Code is amended
11 to read:

12 8588.15. (a) The secretary shall appoint representatives of the
13 disabled community to serve on the evacuation, sheltering,
14 communication, recovery, and other pertinent Standardized
15 Emergency Management System committees, including one
16 representative to the Technical Working Group. Representatives
17 of the disabled community shall, to the extent practicable, be from
18 the following groups:

19 (1) Persons who are blind or visually impaired.

20 (2) Persons with sensory or cognitive disabilities.

21 (3) Persons with physical disabilities.

22 (b) Within the Standardized Emergency Management System
23 structure, the secretary shall ensure, to the extent practicable, that
24 the needs of the disabled community are met by ensuring all
25 committee recommendations regarding preparedness, planning,
26 and procedures relating to emergencies include the needs of people
27 with disabilities.

28 (c) The secretary shall prepare and disseminate sample brochures
29 and other relevant materials on preparedness, planning, and
30 procedures relating to emergency evacuations that include the
31 needs of the disabled community, and shall work with
32 nongovernmental associations and entities to make them available
33 in accessible formats, including, but not limited to, Braille, large
34 print, and electronic media.

35 (d) The secretary and the State Fire Marshal's office shall seek
36 research funding to assist in the development of new technologies
37 and information systems that will assist in the evacuation of the
38 groups designated in subdivision (a) during emergency and disaster
39 situations.

1 (e) It is the intent of the Legislature for the purpose of
 2 implementing this section and to the extent permitted by federal
 3 law, that funds may be used from the Federal Trust Fund from
 4 funds received from the federal Department of Homeland Security
 5 for implementation of homeland security programs.

6 SEC. 44. Section 8589.10 of the Government Code is amended
 7 to read:

8 8589.10. As used in this article:

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

11 (b) “Agency” means the California Emergency Management
 12 Agency.

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

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

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

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

31 ~~(g) “Secretary” means the Secretary of the California Emergency~~
 32 ~~Management Agency.~~

33 *(g) “Secretary” means the Secretary of Emergency*
 34 *Management.*

35 SEC. 45. Section 8589.11 of the Government Code is amended
 36 to read:

37 8589.11. The agency may acquire new or used firefighting
 38 apparatus and equipment for resale to local agencies. If the
 39 apparatus or equipment is in a used condition, the agency may
 40 contract with the Prison Industry Authority to repair or refurbish

1 the apparatus or equipment to acceptable fire service standards
2 before resale. The resale price shall recover the agency's cost of
3 acquisition, repairing, refurbishing, and associated indirect
4 expenses.

5 SEC. 46. Section 8589.12 of the Government Code is amended
6 to read:

7 8589.12. If a state agency, including the agency, proposes to
8 make firefighting apparatus or equipment which is currently owned
9 and operated by the state available to the agency for use under this
10 article, the Department of General Services shall determine whether
11 there is any immediate need by any state agency for the apparatus
12 or equipment. If there is no immediate need, the Department of
13 General Services shall release the apparatus or equipment to the
14 agency. If the office acquires firefighting apparatus or equipment
15 from another state agency, the agency shall pay the fair market
16 value of the apparatus or equipment, as determined by the
17 Department of General Services, unless the state agency agrees to
18 a lesser payment.

19 SEC. 47. Section 8589.13 of the Government Code is amended
20 to read:

21 8589.13. (a) The agency shall give first priority for the sale
22 of new or used firefighting apparatus and equipment to a local
23 agency that serves a rural area, and is authorized to contract with
24 a local agency that serves a rural area for this purpose. The agency
25 shall give second priority for the sale of new or used firefighting
26 apparatus and equipment to any local agency. If after reasonable
27 efforts by the agency to sell new or used firefighting apparatus
28 and equipment to any local agency, and not less than 90 days after
29 providing notice to these local agencies, the agency may sell any
30 remaining firefighting apparatus and equipment to public agencies
31 outside of California, the federal government, and Indian tribes,
32 subject to any applicable federal requirements.

33 (b) If a contract for the sale of new or used firefighting apparatus
34 and equipment under subdivision (a) provides for the local agency
35 to pay the sale price in more than one installment, the local agency
36 shall pay interest at a rate specified in the contract, which shall not
37 exceed 1 percent less than the rate earned by the Pooled Money
38 Investment Board, and the term of a contract shall not exceed five
39 years.

1 (c) If a contract for the sale of new or used firefighting apparatus
2 and equipment under subdivision (a) provides for a local agency
3 to obtain a loan from another source, the agency may insure the
4 other loan.

5 SEC. 48. Section 8589.14 of the Government Code is amended
6 to read:

7 8589.14. The agency shall operate an information system which
8 is capable of identifying firefighting apparatus and equipment
9 which is available for acquisition, and local agencies which are
10 interested in acquiring apparatus and equipment.

11 SEC. 49. Section 8589.15 of the Government Code is amended
12 to read:

13 8589.15. The agency may contract with the Prison Industry
14 Authority to perform any of the responsibilities or services required
15 or authorized by this article.

16 SEC. 50. Section 8589.16 of the Government Code is amended
17 to read:

18 8589.16. There is hereby created in the General Fund the State
19 Assistance for Fire Equipment Account, which, notwithstanding
20 Section 13340, is continuously appropriated to the agency for the
21 purposes of Sections 8589.11 and 8589.13. All proceeds from the
22 resale of firefighting apparatus and equipment shall be paid to the
23 account.

24 SEC. 51. Section 8589.17 of the Government Code is amended
25 to read:

26 8589.17. Every contract with a local agency for the resale of
27 firefighting apparatus and equipment shall specify that the local
28 agency shall make the apparatus or equipment available to other
29 local agencies in the same county as part of a mutual aid agreement.
30 The apparatus or equipment shall be available for mutual aid
31 responses for the length of the term of the contract with the agency.

32 SEC. 52. Section 8589.18 of the Government Code is amended
33 to read:

34 8589.18. If a local agency defaults on a contract for the resale
35 of firefighting apparatus and equipment, the agency may either
36 renegotiate the contract or take possession of the apparatus or
37 equipment for subsequent resale to another local agency.

38 SEC. 53. Section 8589.19 of the Government Code is amended
39 to read:

1 8589.19. (a) After consultation with the California Emergency
2 Management Agency Fire Advisory Committee, the secretary shall
3 adopt rules and regulations governing the operation of the programs
4 created by this article pursuant to the Administrative Procedure
5 Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of
6 Division 3.

7 (b) The rules and regulations adopted pursuant to subdivision
8 (a) shall include, but not be limited to, all of the following:

9 (1) The specific types of firefighting apparatus and equipment
10 which may be acquired, rehabilitated, and resold.

11 (2) The amount and terms of resale contracts.

12 (3) The time, format, and manner in which local agencies may
13 apply for resale contracts.

14 (4) Priorities for assisting local agencies which shall give
15 preference to local agencies which meet all of the following:

16 (A) Demonstrated need for primary response firefighting
17 apparatus and equipment.

18 (B) Will be adequately able to operate and maintain the
19 firefighting apparatus and equipment.

20 (C) Have already used other means of financing the firefighting
21 apparatus and equipment.

22 SEC. 54. Section 8589.20 of the Government Code is amended
23 to read:

24 8589.20. All state agencies, boards, and commissions shall
25 cooperate with the agency in implementing the programs created
26 by this article.

27 SEC. 55. Section 8589.21 of the Government Code is amended
28 to read:

29 8589.21. The secretary shall be responsible for the programs
30 created by this article which, except as provided by Sections
31 8589.12 and 8589.15, shall not be subject to the requirements of
32 the State Equipment Council or the Office of Fleet Administration
33 of the Department of General Services.

34 SEC. 56. Section 8589.22 of the Government Code is repealed.

35 SEC. 57. Section 8590.1 of the Government Code is amended
36 to read:

37 8590.1. As used in this article, the following ~~words~~ *terms* have
38 the following meanings:

39 (a) "Agency" means the California Emergency Management
40 Agency.

1 (b) “Local agency” means any city, county, city and county,
2 fire district, special district, or joint powers agency that provides
3 fire suppression services. “Local agency” also includes a fire
4 company organized pursuant to Part 4 (commencing with Section
5 14825) of Division 12 of the Health and Safety Code.

6 (c) “Secretary” means the Secretary of Emergency Management.

7 (d) “State agency” means any state agency providing residential
8 or institutional fire protection, including, but not limited to, the
9 California Department of Forestry and Fire Protection.

10 SEC. 58. Section 8590.2 of the Government Code is amended
11 to read:

12 8590.2. There is established in the agency a thermal imaging
13 equipment purchasing program under which the agency shall
14 acquire firefighting thermal imaging equipment on behalf of local
15 and state agencies that are interested in obtaining this equipment.

16 SEC. 59. Section 8590.3 of the Government Code is amended
17 to read:

18 8590.3. In administering the purchasing program, the secretary
19 shall do all of the following:

20 (a) No later than 45 days after the effective date of this article,
21 establish an advisory committee, which shall be comprised of
22 representatives of organizations including, but not limited to, the
23 California Fire Chiefs Association, the Fire Districts Association
24 of California, the California Professional Firefighters, the CDF
25 Firefighters, and the California State Firefighters Association, Inc.
26 The committee shall meet no later than 30 days after all members
27 are appointed.

28 (b) Consult with the advisory committee regarding equipment
29 specifications and other matters relating to the acquisition of
30 thermal imaging equipment, and require the advisory committee
31 to formulate specifications no later than 120 days after its initial
32 meeting.

33 (c) Notify all local and state agencies about the purchasing
34 program, including the opportunity to purchase additional units at
35 the contract price, and determine whether those agencies are
36 interested in obtaining thermal imaging equipment.

37 (d) Purchase thermal imaging equipment at the lowest possible
38 price from a reliable vendor that meets specified requirements. It
39 is the intent of the Legislature that the director enter into a

1 multiyear contract for this purpose no later than 180 days after the
2 committee formulates specifications pursuant to subdivision (b).

3 (e) Include a provision in the vendor contract allowing any local
4 or state agency to purchase additional units directly from the vendor
5 at the contract price.

6 (f) Any local agency that elects to participate in the thermal
7 imaging equipment purchasing program shall pay one-half of the
8 contract price for each piece of equipment purchased on its behalf
9 by the state.

10 SEC. 60. Section 8590.4 of the Government Code is amended
11 to read:

12 8590.4. (a) The secretary shall seek funding for the program
13 from the private sector, grant programs, and other appropriate
14 sources.

15 (b) The secretary, after consultation with the advisory
16 commission, shall distribute equipment purchased under the
17 program in order to maximize its utilization by firefighters based
18 on consideration of the following factors:

- 19 (1) Ability to share or move the equipment to fire locations.
- 20 (2) Availability of existing thermal imaging equipment.
- 21 (3) Geography.
- 22 (4) Need based on frequency of fires.

23 SEC. 61. Section 8591 of the Government Code is amended
24 to read:

25 8591. Nothing in this chapter shall operate to prevent the
26 Governor or ~~the Secretary of the California Emergency~~
27 ~~Management Agency~~ *Emergency Management* from formally
28 recognizing committees or boards established by or with segments
29 of the private sector, public agencies, or both the private sector
30 and public agencies, that control facilities, resources, or the
31 provision of services essential to the mitigation of the effects of
32 an emergency or recovery therefrom, or from assigning
33 administrative authority or responsibility to those committees or
34 boards or to members thereof with respect to the provision and
35 effective utilization of those resources to meet needs resulting from
36 an emergency.

37 SEC. 62. Section 8592.1 of the Government Code is amended
38 to read:

39 8592.1. For purposes of this article, the following terms have
40 the following meanings:

- 1 (a) “Backward compatibility” means that the equipment is able
2 to function with older, existing equipment.
- 3 (b) “Committee” means the Public Safety Radio Strategic
4 Planning Committee, which was established in December 1994 in
5 recognition of the need to improve existing public radio systems
6 and to develop interoperability among public safety departments
7 and between state public safety departments and local or federal
8 entities, and which consists of representatives of the following
9 state entities:
- 10 (1) The California Emergency Management Agency, the
11 representative of which shall serve as chairperson.
 - 12 (2) The Department of the California Highway Patrol.
 - 13 (3) The Department of Transportation.
 - 14 (4) The Department of Corrections and Rehabilitation.
 - 15 (5) The Department of Parks and Recreation.
 - 16 (6) The Department of Fish and Game.
 - 17 (7) The Department of Forestry and Fire Protection.
 - 18 (8) The Department of Justice.
 - 19 (9) The Department of Water Resources.
 - 20 (10) The State Department of Public Health.
 - 21 (11) The Emergency Medical Services Authority.
 - 22 (12) The Department of General Services.
 - 23 (13) The Military Department.
 - 24 (14) The Department of Finance.
- 25 (c) “First response agencies” means public agencies that, in the
26 early states of an incident, are responsible for, among other things,
27 the protection and preservation of life, property, evidence, and the
28 environment, including, but not limited to, state fire agencies, state
29 and local emergency medical services agencies, local sheriffs’
30 departments, municipal police departments, county and city fire
31 departments, and police and fire protection districts.
- 32 (d) “Nonproprietary equipment or systems” means equipment
33 or systems that are able to function with another manufacturer’s
34 equipment or system regardless of type or design.
- 35 (e) “Open architecture” means a system that can accommodate
36 equipment from various vendors because it is not a proprietary
37 system.
- 38 (f) “Public safety radio subscriber” means the ultimate end user.
39 Subscribers include individuals or organizations, including, for
40 example, local police departments, fire departments, and other

1 operators of a public safety radio system. Typical subscriber
2 equipment includes end instruments, including mobile radios,
3 hand-held radios, mobile repeaters, fixed repeaters, transmitters,
4 or receivers that are interconnected to utilize assigned public safety
5 communications frequencies.

6 (g) “Public safety spectrum” means the spectrum allocated by
7 the Federal Communications Commission for operation of
8 interoperable and general use radio communication systems for
9 public safety purposes within the state.

10 SEC. 63. Section 8592.6 of the Government Code is repealed.

11 SEC. 64. Section 8593.4 of the Government Code is repealed.

12 SEC. 65. Section 8593.6 of the Government Code is amended
13 to read:

14 8593.6. (a) No later than six months after securing funding
15 for the purposes of this section, the Secretary of ~~the California~~
16 Emergency Management Agency shall convene a working group
17 for the purpose of assessing existing and future technologies
18 available in the public and private sectors for the expansion of
19 transmission of emergency alerts to the public through a
20 public-private partnership. The working group shall advise the
21 secretary and assist in the development of policies, procedures,
22 and protocols that will lay the framework for an improved warning
23 system for the public.

24 (b) (1) The working group shall consist of the following
25 membership, to be appointed by the secretary:

26 (A) A representative of the California Emergency Management
27 Agency.

28 (B) A representative of the Attorney General’s office.

29 (C) A representative of the State Department of Public Health.

30 (D) A representative of the State Emergency Communications
31 Committee.

32 (E) A representative of the Los Angeles County Office of
33 Emergency Management, at the option of that agency.

34 (F) A representative or representatives of local government, at
35 the option of the local government or governments.

36 (G) Representatives of the private sector who possess
37 technology, experience, or insight that will aid in the development
38 of a public-private partnership to expand an alert system to the
39 public, including, but not limited to, representatives of providers
40 of mass communication systems, first responders, and broadcasters.

1 (H) Additional representatives of any public or private entity
2 as deemed appropriate by the Secretary of ~~the California~~
3 Emergency Management Agency.

4 (2) In performing its duties, the working group shall consult
5 with the Federal Communications Commission, and with respect
6 to grants and fiscal matters, the California Emergency Management
7 Agency.

8 (c) The working group shall consider and make
9 recommendations with respect to all of the following:

10 (1) Private and public programs, including pilot projects that
11 attempt to integrate a public-private partnership to expand an alert
12 system.

13 (2) Protocols, including formats, source or originator
14 identification, threat severity, hazard description, and response
15 requirements or recommendations, for alerts to be transmitted via
16 an alert system that ensures that alerts are capable of being utilized
17 across the broadest variety of communication technologies, at state
18 and local levels.

19 (3) Protocols and guidelines to prioritize assurance of the
20 greatest level of interoperability for first responders and families
21 of first responders.

22 (4) Procedures for verifying, initiating, modifying, and canceling
23 alerts transmitted via an alert system.

24 (5) Guidelines for the technical capabilities of an alert system.

25 (6) Guidelines for technical capability that provides for the
26 priority transmission of alerts.

27 (7) Guidelines for other capabilities of an alert system.

28 (8) Standards for equipment and technologies used by an alert
29 system.

30 (9) Cost estimates.

31 (10) Standards and protocols in accordance with, or in
32 anticipation of, Federal Communications Commission requirements
33 and federal statutes or regulations.

34 (11) Liability issues.

35 (d) The secretary may accept private monetary or in-kind
36 donations for the purposes of this section.

37 SEC. 66. Section 8596 of the Government Code is amended
38 to 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 Secretary of
2 Emergency Management in carrying out the provisions of this
3 chapter.

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

11 (c) Entities providing disaster-related services and assistance
12 shall strive to ensure that all victims receive the assistance that
13 they need and for which they are eligible. Public employees shall
14 assist evacuees and other individuals in securing disaster-related
15 assistance and services without eliciting any information or
16 document that is not strictly necessary to determine eligibility
17 under state and federal laws. Nothing in this subdivision shall
18 prevent public employees from taking reasonable steps to protect
19 the health or safety of evacuees and other individuals during an
20 emergency.

21 (d) State personnel, equipment, and facilities may be used to
22 clear and dispose of debris on private property only after the
23 Governor finds: (1) that the use is for a state purpose; (2) that the
24 use is in the public interest, serving the general welfare of the state;
25 and (3) that the personnel, equipment, and facilities are already in
26 the emergency area.

27 SEC. 67. Section 8601 of the Government Code is repealed.

28 SEC. 68. Section 8607 of the Government Code is amended
29 to read:

30 8607. (a) The California Emergency Management Agency, in
31 coordination with all interested state agencies with designated
32 response roles in the state emergency plan and interested local
33 emergency management agencies shall jointly establish by
34 regulation a standardized emergency management system for use
35 by all emergency response agencies. The public water systems
36 identified in Section 8607.2 may review and comment on these
37 regulations prior to adoption. This system shall be applicable, but
38 not limited to, those emergencies or disasters referenced in the
39 state emergency plan. The standardized emergency management
40 system shall include all of the following systems as a framework

1 for responding to and managing emergencies and disasters
2 involving multiple jurisdictions or multiple agency responses:

3 (1) The Incident Command Systems adapted from the systems
4 originally developed by the FIRESCOPE Program, including those
5 currently in use by state agencies.

6 (2) The multiagency coordination system as developed by the
7 FIRESCOPE Program.

8 (3) The mutual aid agreement, as defined in Section 8561, and
9 related mutual aid systems such as those used in law enforcement,
10 fire service, and coroners operations.

11 (4) The operational area concept, as defined in Section 8559.

12 (b) Individual agencies' roles and responsibilities agreed upon
13 and contained in existing laws or the state emergency plan are not
14 superseded by this article.

15 (c) The California Emergency Management Agency, in
16 coordination with the State Fire Marshal's office, the Department
17 of the California Highway Patrol, the Commission on Peace Officer
18 Standards and Training, the Emergency Medical Services
19 Authority, and all other interested state agencies with designated
20 response roles in the state emergency plan, shall jointly develop
21 an approved course of instruction for use in training all emergency
22 response personnel, consisting of the concepts and procedures
23 associated with the standardized emergency management system
24 described in subdivision (a).

25 (d) All state agencies shall use the standardized emergency
26 management system as adopted pursuant to subdivision (a), to
27 coordinate multiple jurisdiction or multiple agency emergency and
28 disaster operations.

29 (e) (1) Each local agency, in order to be eligible for any funding
30 of response-related costs under disaster assistance programs, shall
31 use the standardized emergency management system as adopted
32 pursuant to subdivision (a) to coordinate multiple jurisdiction or
33 multiple agency operations.

34 (2) Notwithstanding paragraph (1), local agencies shall be
35 eligible for repair, renovation, or any other nonpersonnel costs
36 resulting from an emergency.

37 (f) The California Emergency Management Agency shall, in
38 cooperation with involved state and local agencies, complete an
39 after-action report within 120 days after each declared disaster.
40 This report shall review public safety response and disaster

1 recovery activities and shall be made available to all interested
2 public safety and emergency management organizations.

3 SEC. 69. Section 8607.2 of the Government Code is amended
4 to read:

5 8607.2. (a) All public water systems, as defined in subdivision
6 (f) of Section 116275 of the Health and Safety Code, with 10,000
7 or more service connections shall review and revise their disaster
8 preparedness plans in conjunction with related agencies, including,
9 but not limited to, local fire departments and the California
10 Emergency Management Agency to ensure that the plans are
11 sufficient to address possible disaster scenarios. These plans should
12 examine and review pumping station and distribution facility
13 operations during an emergency, water pressure at both pumping
14 stations and hydrants, and whether there is sufficient water reserve
15 levels and alternative emergency power, including, but not limited
16 to, onsite backup generators and portable generators.

17 (b) All public water systems, as defined in subdivision (f) of
18 Section 116275 of the Health and Safety Code, with 10,000 or
19 more service connections following a declared state of emergency
20 shall furnish an assessment of their emergency response and
21 recommendations to the Legislature within six months after each
22 disaster, as well as implementing the recommendations in a timely
23 manner.

24 (c) The California Emergency Management Agency shall
25 establish appropriate and insofar as practical, emergency response
26 and recovery plans, including mutual aid plans, in coordination
27 with public water systems, as defined in subdivision (f) of Section
28 116275 of the Health and Safety Code, with 10,000 or more service
29 connections.

30 SEC. 70. Section 8608 of the Government Code is amended
31 to read:

32 8608. The California Emergency Management Agency shall
33 approve and adopt, and incorporate the California Animal Response
34 Emergency System (CARES) program developed under the
35 oversight of the Department of Food and Agriculture into the
36 standardized emergency management system established pursuant
37 to subdivision (a) of Section 8607.

38 SEC. 71. Section 8610 of the Government Code is amended
39 to read:

1 8610. Counties, cities and counties, and cities may create
 2 disaster councils by ordinance. A disaster council shall develop
 3 plans for meeting any condition constituting a local emergency or
 4 state of emergency, including, but not limited to, earthquakes,
 5 natural or manmade disasters specific to that jurisdiction, or state
 6 of war emergency; those plans shall provide for the effective
 7 mobilization of all of the resources within the political subdivision,
 8 both public and private. The disaster council shall supply a copy
 9 of any plans developed pursuant to this section to the California
 10 Emergency Management Agency. The governing body of a county,
 11 city and county, or city may, in the ordinance or by resolution
 12 adopted pursuant to the ordinance, provide for the organization,
 13 powers and duties, divisions, services, and staff of the emergency
 14 organization. The governing body of a county, city and county, or
 15 city may, by ordinance or resolution, authorize public officers,
 16 employees, and registered volunteers to command the aid of
 17 citizens when necessary in the execution of their duties during a
 18 state of war emergency, a state of emergency, or a local emergency.

19 Counties, cities and counties, and cities may enact ordinances
 20 and resolutions and either establish rules and regulations or
 21 authorize disaster councils to recommend to the director of the
 22 local emergency organization rules and regulations for dealing
 23 with local emergencies that can be adequately dealt with locally;
 24 and further may act to carry out mutual aid on a voluntary basis
 25 and, to this end, may enter into agreements.

26 SEC. 72. Section 8610.3 of the Government Code is amended
 27 to read:

28 8610.3. The Legislature hereby finds and declares as follows:

29 (a) The California Emergency Management Agency, in
 30 consultation with the State Department of Health Services and
 31 affected counties, investigated the consequences of a serious
 32 nuclear powerplant accident for each of the nuclear powerplants
 33 in California with a generating capacity of 50 megawatts or more.

34 (b) This study culminated in the establishment of emergency
 35 planning zones for nuclear powerplant emergency preparedness.

36 (c) All state and local government nuclear powerplant
 37 emergency response plans have been revised to reflect the
 38 information provided in the study.

39 SEC. 73. Section 8612 of the Government Code is amended
 40 to read:

1 8612. Any disaster council that both agrees to follow the rules
2 and regulations established by the California Emergency
3 Management Agency pursuant to Section 8585.5 and substantially
4 complies with those rules and regulations shall be certified by the
5 agency. Upon that certification, and not before, the disaster council
6 becomes an accredited disaster council.

7 SEC. 74. Section 8613 of the Government Code is amended
8 to read:

9 8613. Should an accredited disaster council fail to comply with
10 the rules and regulations of the California Emergency Management
11 Agency in any material degree, the agency may revoke its
12 certification and, upon the act of revocation, the disaster council
13 shall lose its accredited status. It may again become an accredited
14 disaster council in the same manner as is provided for a disaster
15 council that has not previously been accredited.

16 SEC. 75. Section 8614 of the Government Code is amended
17 to read:

18 8614. (a) Each department, division, bureau, board,
19 commission, officer, and employee of each political subdivision
20 of the state shall render all possible assistance to the Governor and
21 to the Secretary of the California Emergency Management Agency
22 *Emergency Management* in carrying out the provisions of this
23 chapter.

24 (b) The emergency power that may be vested in a local public
25 official during a state of war emergency or a state of emergency
26 shall be subject or subordinate to the powers vested in the Governor
27 under this chapter when exercised by the Governor.

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

32 SEC. 76. Section 8639 of the Government Code is amended
33 to read:

34 8639. The qualifications of each standby officer should be
35 carefully investigated, and the governing body may request the
36 Secretary of Emergency Management to aid in the investigation
37 of any prospective appointee. No examination or investigation
38 shall be made without the consent of the prospective appointee.

39 Consideration shall be given to places of residence and work,
40 so that for each office for which standby officers are appointed

1 there shall be the greatest probability of survivorship. Standby
2 officers may be residents or officers of a political subdivision other
3 than that to which they are appointed as standby officers.

4 SEC. 77. Section 8651 of the Government Code is amended
5 to read:

6 8651. The Secretary of Emergency Management may procure
7 from the federal government or any of its agencies such surplus
8 equipment, apparatus, supplies, and storage facilities therefor as
9 may be necessary to accomplish the purposes of this chapter.

10 SEC. 78. Section 8657 of the Government Code is amended
11 to read:

12 8657. (a) Volunteers duly enrolled or registered with the
13 California Emergency Management Agency or any disaster council
14 of any political subdivision, or unregistered persons duly impressed
15 into service during a state of war emergency, a state of emergency,
16 or a local emergency, in carrying out, complying with, or
17 attempting to comply with, any order or regulation issued or
18 promulgated pursuant to the provisions of this chapter or any local
19 ordinance, or performing any of their authorized functions or duties
20 or training for the performance of their authorized functions or
21 duties, shall have the same degree of responsibility for their actions
22 and enjoy the same immunities as officers and employees of the
23 state and its political subdivisions performing similar work for
24 their respective entities.

25 (b) No political subdivision or other public agency under any
26 circumstances, nor the officers, employees, agents, or duly enrolled
27 or registered volunteers thereof, or unregistered persons duly
28 impressed into service during a state of war emergency, a state of
29 emergency, or a local emergency, acting within the scope of their
30 official duties under this chapter or any local ordinance shall be
31 liable for personal injury or property damage sustained by any
32 duly enrolled or registered volunteer engaged in or training for
33 emergency preparedness or relief activity, or by any unregistered
34 person duly impressed into service during a state of war emergency,
35 a state of emergency, or a local emergency and engaged in such
36 service. The foregoing shall not affect the right of any such person
37 to receive benefits or compensation which may be specifically
38 provided by the provisions of any federal or state statute nor shall
39 it affect the right of any person to recover under the terms of any
40 policy of insurance.

1 (c) The California Earthquake Prediction Evaluation Council,
2 an advisory committee established pursuant to Section 8590 of
3 this chapter, may advise the Governor of the existence of an
4 earthquake or volcanic prediction having scientific validity. In its
5 review, hearings, deliberations, or other validation procedures,
6 members of the council, jointly and severally, shall have the same
7 degree of responsibility for their actions and enjoy the same
8 immunities as officers and employees of the state and its political
9 subdivisions engaged in similar work in their respective entities.
10 Any person making a presentation to the council as part of the
11 council's validation process, including presentation of a prediction
12 for validation, shall be deemed a member of the council until the
13 council has found the prediction to have or not have scientific
14 validity.

15 SEC. 79. Section 8657.5 of the Government Code is amended
16 to read:

17 8657.5. (a) (1) A private business included on the statewide
18 registry pursuant to Section 8588.2 that voluntarily and without
19 expectation and receipt of compensation donates services, goods,
20 labor, equipment, resources, or dispensaries or other facilities, in
21 compliance with Section 8588.2, during a declared state of war,
22 state of emergency, or state of local emergency shall not be civilly
23 liable for a death, injury, illness, or other damage to a person or
24 property caused by the private business's donation of services,
25 goods, labor, equipment, resources, or dispensaries or other
26 facilities.

27 (2) A private business included on the statewide registry that
28 voluntarily and without expectation and receipt of compensation
29 donates services, goods, labor, equipment, resources, or
30 dispensaries or other facilities, in compliance with Section 8588.2,
31 during an emergency medical services training program conducted
32 by the California Emergency Management Agency and a city, a
33 county, or a city and county shall not be civilly liable for damages
34 alleged to have resulted from those training programs, as described
35 in Section 1799.100 of the Health and Safety Code.

36 (b) (1) A nonprofit organization included on the statewide
37 registry pursuant to Section 8588.2 that voluntarily and without
38 expectation and receipt of compensation from victims of
39 emergencies and disasters donates services, goods, labor,
40 equipment, resources, or dispensaries or other facilities, in

1 compliance with Section 8588.2, during a declared state of war,
2 state of emergency, or state of local emergency shall not be civilly
3 liable for a death, injury, illness, or other damage to a person or
4 property caused by the nonprofit organization's donation of
5 services, goods, labor, equipment, resources, or dispensaries or
6 other facilities.

7 (2) A nonprofit organization included on the statewide registry
8 that voluntarily and without expectation and receipt of
9 compensation donates services, goods, labor, equipment, resources,
10 or dispensaries or other facilities, in compliance with Section
11 8588.2, during an emergency medical services training program
12 conducted by the California Emergency Management Agency and
13 a city, a county, or a city and county, shall not be civilly liable for
14 damages alleged to have resulted from those training programs,
15 as described in Section 1799.100 of the Health and Safety Code.

16 (c) A private business or nonprofit organization that
17 discriminates against a victim of an emergency or disaster based
18 on a protected classification under federal or state law shall not be
19 entitled to the protections in subdivision (a) or (b).

20 (d) This section shall not relieve a private business or nonprofit
21 organization from liability caused by its grossly negligent act or
22 omission, or willful or wanton misconduct.

23 SEC. 80. Section 8670.20 of the Government Code is amended
24 to read:

25 8670.20. (a) For the purposes of this section, "vessel" means
26 a vessel, as defined in Section 21 of the Harbors and Navigation
27 Code, of 300 gross registered tons or more.

28 (b) Any party responsible for a vessel shall notify the Coast
29 Guard within one hour of a disability if the disabled vessel is within
30 12 miles of the shore of this state. The administrator and the
31 California Emergency Management Agency shall request the Coast
32 Guard to notify the California Emergency Management Agency
33 as soon as possible after the Coast Guard receives notice of a
34 disabled vessel within 12 miles of the shore of this state. The
35 administrator shall attempt to negotiate an agreement with the
36 Coast Guard governing procedures for Coast Guard notification
37 to the state regarding disabled vessels.

38 (c) Whenever the California Emergency Management Agency
39 receives notice of a disabled vessel, the office shall immediately
40 notify the administrator. If the administrator receives notice from

1 any other source regarding the presence of a disabled vessel within
2 12 miles of the shore of this state, the administrator shall
3 immediately notify the California Emergency Management
4 Agency.

5 (d) For the purposes of this section, a vessel shall be considered
6 disabled if any of the following occurs:

7 (1) Any accidental or intentional grounding that creates a hazard
8 to the environment or the safety of the vessel.

9 (2) Loss of main propulsion or primary steering or any
10 component or control system that causes a reduction in the
11 maneuvering capabilities of the vessel. For the purposes of this
12 paragraph, “loss” means that any system, component, part,
13 subsystem, or control system does not perform the specified or
14 required function.

15 (3) An occurrence materially and adversely affecting the vessel’s
16 seaworthiness or fitness for service, including, but not limited to,
17 fire, flooding, or collision with another vessel.

18 (4) Any occurrence not meeting the above criteria, but that
19 creates the serious possibility of an oil spill or an occurrence that
20 may result in an oil spill.

21 (e) For the purposes of this section, a tank barge shall be
22 considered disabled if any of the following occur:

23 (1) The towing mechanism becomes disabled.

24 (2) The tugboat towing the tank barge becomes disabled through
25 occurrences specified in subdivision (d).

26 SEC. 81. Section 8670.25.5 of the Government Code is
27 amended to read:

28 8670.25.5. (a) (1) Without regard to intent or negligence, any
29 party responsible for the discharge or threatened discharge of oil
30 in marine waters shall report the discharge immediately to the
31 California Emergency Management Agency pursuant to Section
32 25507 of the Health and Safety Code.

33 (2) If the information initially reported pursuant to paragraph
34 (1) was inaccurate or incomplete, or if the quantity of oil discharged
35 has changed, any party responsible for the discharge or threatened
36 discharge of oil in marine waters shall report the updated
37 information immediately to the California Emergency Management
38 Agency pursuant to paragraph (1). The report shall contain the
39 accurate or complete information, or the revised quantity of oil
40 discharged.

1 (b) Immediately upon receiving notification pursuant to
2 subdivision (a), the California Emergency Management Agency
3 shall notify the administrator, the State Lands Commission, the
4 California Coastal Commission, the California regional water
5 quality control board having jurisdiction over the location of the
6 discharged oil, and the appropriate local governmental agencies
7 in the area surrounding the discharged oil, and take the actions
8 required by subdivision (d) of Section 8589.7. If the spill has
9 occurred within the jurisdiction of the San Francisco Bay
10 Conservation and Development Commission, the California
11 Emergency Management Agency shall notify that commission.
12 Each public agency specified in this subdivision shall adopt an
13 internal protocol over communications regarding the discharge of
14 oil and file the internal protocol with the California Emergency
15 Management Agency.

16 (c) The 24-hour emergency telephone number of the California
17 Emergency Management Agency shall be posted at every terminal,
18 at the area of control of every marine facility, and on the bridge
19 of every tankship in marine waters.

20 (d) This section does not apply to discharges, or potential
21 discharges, of less than one barrel (42 gallons) of oil unless a more
22 restrictive reporting standard is adopted in the California oil spill
23 contingency plan prepared pursuant to Section 8574.1.

24 (e) Except as otherwise provided in this section and Section
25 8589.7, a notification made pursuant to this section shall satisfy
26 any immediate notification requirement contained in any permit
27 issued by a permitting agency.

28 SEC. 82. Section 8670.26 of the Government Code is amended
29 to read:

30 8670.26. Any local or state agency responding to a spill of oil
31 shall notify the California Emergency Management Agency, if
32 notification as required under Section 8670.25.5, Section 13272
33 of the Water Code, or any other notification procedure adopted in
34 the California oil spill contingency plan has not occurred.

35 SEC. 83. Section 8670.64 of the Government Code is amended
36 to read:

37 8670.64. (a) A person who commits any of the following acts,
38 shall, upon conviction, be punished by imprisonment in a county
39 jail for not more than one year or by imprisonment in the state
40 prison:

1 (1) Except as provided in Section 8670.27, knowingly fails to
2 follow the direction or orders of the administrator in connection
3 with an oil spill.

4 (2) Knowingly fails to notify the Coast Guard that a vessel is
5 disabled within one hour of the disability and the vessel, while
6 disabled, causes a discharge of oil which enters marine waters.
7 For the purposes of this paragraph, “vessel” means a vessel, as
8 defined in Section 21 of the Harbors and Navigation Code, of 300
9 gross registered tons or more.

10 (3) Knowingly engages in or causes the discharge or spill of oil
11 into marine waters, or a person who reasonably should have known
12 that he or she was engaging in or causing the discharge or spill of
13 oil into marine waters, unless the discharge is authorized by the
14 United States, the state, or another agency with appropriate
15 jurisdiction.

16 (4) Knowingly fails to begin cleanup, abatement, or removal of
17 spilled oil as required in Section 8670.25.

18 (b) The court shall also impose upon a person convicted of
19 violating subdivision (a), a fine of not less than five thousand
20 dollars (\$5,000) or more than five hundred thousand dollars
21 (\$500,000) for each violation. For purposes of this subdivision,
22 each day or partial day that a violation occurs is a separate
23 violation.

24 (c) (1) A person who knowingly does any of the acts specified
25 in paragraph (2) shall, upon conviction, be punished by a fine of
26 not less than two thousand five hundred dollars (\$2,500) or more
27 than two hundred fifty thousand dollars (\$250,000), or by
28 imprisonment in a county jail for not more than one year, or by
29 both the fine and imprisonment. Each day or partial day that a
30 violation occurs is a separate violation. If the conviction is for a
31 second or subsequent violation of this subdivision, the person shall
32 be punished by imprisonment in the state prison or in a county jail
33 for not more than one year, or by a fine of not less than five
34 thousand dollars (\$5,000) or more than five hundred thousand
35 dollars (\$500,000), or by both the fine and imprisonment:

36 (2) The acts subject to this subdivision are all of the following:

37 (A) Failing to notify the California Emergency Management
38 Agency in violation of Section 8670.25.5.

39 (B) Knowingly making a false or misleading marine oil spill
40 report to the California Emergency Management Agency.

1 (C) Continuing operations for which an oil spill contingency
2 plan is required without an oil spill contingency plan approved
3 pursuant to Article 5 (commencing with Section 8670.28).

4 (D) Except as provided in Section 8670.27, knowingly failing
5 to follow the material provisions of an applicable oil spill
6 contingency plan.

7 SEC. 84. Section 8680.7 of the Government Code is amended
8 to read:

9 8680.7. "Secretary" means the Secretary of Emergency
10 Management.

11 SEC. 85. Section 8685 of the Government Code is amended
12 to read:

13 8685. From any moneys appropriated for that purpose, and
14 subject to the conditions specified in this article, the secretary shall
15 allocate funds to meet the cost of any one or more projects as
16 defined in Section 8680.4. Applications by school districts shall
17 be submitted to the Superintendent of Public Instruction for review
18 and approval, in accordance with instructions or regulations
19 developed by the California Emergency Management Agency,
20 prior to the allocation of funds by the secretary.

21 Moneys appropriated for the purposes of this chapter may be
22 used to provide financial assistance for the following local agency
23 and state costs:

24 (a) Local agency personnel costs, equipment costs, and the cost
25 of supplies and materials used during disaster response activities,
26 incurred as a result of a state of emergency proclaimed by the
27 Governor, excluding the normal hourly wage costs of employees
28 engaged in emergency work activities.

29 (b) To repair, restore, reconstruct, or replace facilities belonging
30 to local agencies damaged as a result of disasters as defined in
31 Section 8680.3. Mitigation measures performed pursuant to
32 subdivision (b) of Section 8686.4 shall qualify for funding pursuant
33 to this chapter.

34 (c) Matching fund assistance for cost sharing required under
35 federal disaster assistance programs, as otherwise eligible under
36 this act.

37 (d) Indirect administrative costs and any other assistance deemed
38 necessary by the director.

39 (e) Necessary and required site preparation costs for
40 mobilehomes, travel trailers, and other manufactured housing units

1 provided and operated by the Federal Emergency Management
2 Agency.

3 SEC. 86. Section 8685.2 of the Government Code is amended
4 to read:

5 8685.2. An allocation may be made to a local agency for a
6 project when, within 10 days after the actual occurrence of a
7 disaster, the local agency has proclaimed a local emergency and
8 that proclamation is acceptable to the secretary or upon the order
9 of the Governor when a state of emergency proclamation has been
10 issued, and if the Legislature has appropriated money for allocation
11 for purposes of this chapter.

12 SEC. 87. Section 8685.4 of the Government Code is amended
13 to read:

14 8685.4. A local agency shall make application to the secretary
15 for state financial assistance within 60 days after the date of the
16 proclamation of a local emergency. The secretary may extend the
17 time for this filing only under unusual circumstances. No financial
18 aid shall be provided until a state agency, upon the request of the
19 secretary, has first investigated and reported upon the proposed
20 work, has estimated the cost of the work, and has filed its report
21 with the secretary within 60 days from the date the local agency
22 made application, unless the secretary extends the time because
23 of unusual circumstances. The estimate of cost of the work may
24 include expenditures made by the local agency for the work prior
25 to the making of the estimate. If the reporting state agency fails to
26 report its findings within the 60-day period, and time is not
27 extended by the secretary, the secretary may complete the
28 investigation and recover a proportionate amount allocated to the
29 state agency for the balance of the investigation. "Unusual
30 circumstances," as used above, are unavoidable delays that result
31 from recurrence of a disaster, prolonged severe weather within a
32 one-year period, or other conditions beyond the control of the
33 applicant. Delays resulting from administrative procedures are not
34 unusual circumstances which warrant extensions of time.

35 SEC. 88. Section 8685.6 of the Government Code is amended
36 to read:

37 8685.6. No money shall be allocated for a project until the
38 local agency has indicated in writing its acceptance of the project
39 proposal and the cost-sharing related thereto in such form as the
40 secretary prescribes. The project proposal shall provide for the

1 performance of the work by the local agency, or by the state agency
 2 in whose area of responsibility such work falls, if the local agency
 3 and such state agency determine that the work should be performed
 4 by the state agency. The project proposal shall also provide for the
 5 methods of handling the funds allocated and the matching funds
 6 provided by the local agency. It shall also contain such other
 7 provisions as are deemed necessary to assure completion of the
 8 work included in the project and the proper expenditure of funds
 9 as provided herein.

10 SEC. 89. Section 8685.8 of the Government Code is amended
 11 to read:

12 8685.8. Under procedures to be prescribed by the secretary, a
 13 local agency may receive an advance of funds to initiate a project.
 14 Such advances shall be limited to not more than 90 percent of the
 15 estimated state’s share of the project, as determined pursuant to
 16 Section 8686.

17 SEC. 90. Section 8686.2 of the Government Code is amended
 18 to read:

19 8686.2. When the United States or any agency thereof is to
 20 provide disaster relief funds for any portion of the cost of a project,
 21 the amount so provided shall be deducted from the cost of the
 22 project in determining the amount to be allocated by the state and
 23 the amount to be contributed by the local agency under Section
 24 8686. It shall not be required that the disaster relief funds to be
 25 provided from federal sources shall be paid into the State Treasury,
 26 but the secretary shall, if state funds are available, authorize the
 27 work to be commenced when the secretary has received assurance,
 28 adequate in his or her opinion, that the federal disaster relief
 29 matching funds will be made available for expenditure for the
 30 work, or for payment to the state for performance thereof.

31 SEC. 91. Section 8686.3 of the Government Code is amended
 32 to read:

33 8686.3. Local agencies shall undertake to recover maximum
 34 federal participation in funding projects. No funds allocated under
 35 this chapter shall be used to supplant federal funds otherwise
 36 available in the absence of state financial relief. State contributions
 37 for such projects as determined by Section 8686 will be reduced
 38 by an amount equal to the amount local agencies would have
 39 recovered from federal disaster relief sources if they had applied
 40 for that funding and had executed the eligible projects in

1 conformity with federal requirements. When a local agency applies
2 for federal disaster relief funds, the secretary shall inform the
3 agency of available state funds.

4 SEC. 92. Section 8686.4 of the Government Code is amended
5 to read:

6 8686.4. (a) Whenever the local agency and the secretary
7 determine for projects that the general public and state interest will
8 be better served by replacing a damaged or destroyed facility with
9 a facility that will more adequately serve the present and future
10 public needs than would be accomplished merely by repairing or
11 restoring the damaged or destroyed facility, the secretary shall
12 authorize the replacement, including, in the case of a public
13 building, an increase in the square footage of the building replaced,
14 but the cost of the betterment of the facility, to the extent that it
15 exceeds the cost of repairing or restoring the damaged or destroyed
16 facility, shall be borne and contributed by the local agency, and
17 the excess cost shall be excluded in determining the amount to be
18 allocated by the state. The state contribution shall not exceed the
19 net cost of restoring each facility on the basis of the design of the
20 facility as it existed immediately prior to the disaster in conformity
21 with current codes, specifications, and standards.

22 (b) Notwithstanding subdivision (a), when the secretary
23 determines there are mitigation measures that are cost effective
24 and that substantially reduce the risk of future damage, hardship,
25 loss, or suffering in any area where a state of emergency has been
26 proclaimed by the Governor, the ~~director~~ *secretary* may authorize
27 the implementation of those measures.

28 SEC. 93. Section 8686.8 of the Government Code is amended
29 to read:

30 8686.8. If the secretary determines that a local agency is
31 financially unable to meet the matching requirements set forth in
32 Section 8686, or unable to provide funds for replacement of a
33 facility pursuant to Section 8686.4, the secretary may, if that loan
34 would not result in a violation of Section 18 of Article XVI of the
35 California Constitution and out of any state money made available
36 for purposes of this chapter, lend funds, for the completion of a
37 project or projects. The local agency shall be required by the
38 secretary to make its contribution by means of deferred payments.
39 The deferred payments shall be made in the amounts and at the
40 times provided by the agreement executed in connection with the

1 application, but in any event providing full repayment within 10
2 years, and shall include a charge to be fixed by the secretary in an
3 amount estimated by him or her to equal the revenue that the state
4 would have derived by investing the total amounts loaned at the
5 interest rate prevailing for legal state investments as of the date of
6 the loan.

7 SEC. 94. Section 8687 of the Government Code is amended
8 to read:

9 8687. Deferred payments made by a local agency pursuant to
10 Section 8686.8 shall be made by the agency:

11 (a) Out of the current revenues of the local agency.

12 (b) If the current revenues of a city, county, or city and county,
13 prove insufficient to enable the agency to meet the payments, the
14 secretary may order the State Controller to withhold from the local
15 agency funds that the local agency would be entitled from the state,
16 including, as to street and highway projects as defined by Sections
17 590 and 592 of the Vehicle Code, from the Motor Vehicle License
18 Fee Fund to the extent necessary to meet the deficiency.

19 Those sums shall be credited to the funds in the State Treasury
20 from which the loans were made.

21 SEC. 95. Section 8687.2 of the Government Code is amended
22 to read:

23 8687.2. Notwithstanding Section 8686, whenever the secretary
24 determines that a local agency to which funds are proposed to be
25 allocated for a public facilities project is financially unable to meet
26 the matching requirements set forth in Section 8686 due to
27 exhaustion of its financial resources because of disaster
28 expenditures, the provisions of Section 8686 may be suspended,
29 and the secretary may allocate funds to pay all of the cost of the
30 project or that portion of the cost which the secretary determines
31 is necessary to accomplish the project, taking into consideration
32 the financial ability of the local agency to meet the matching
33 requirements of Section 8686 and the public benefit of the proposed
34 work, less any money provided by the United States or any agency
35 thereof for any portion of the cost of the project.

36 SEC. 96. Section 8687.4 of the Government Code is amended
37 to read:

38 8687.4. Whenever the secretary determines that a local agency
39 which would otherwise be eligible for funds under the formula of
40 Section 8686 is unable to finance a project due to exhaustion of

1 its financial resources because of disaster expenditures, the
2 secretary may allocate funds to pay such portion of the cost of the
3 project as the secretary determines is necessary to accomplish the
4 projects.

5 SEC. 97. Section 8687.7 of the Government Code is amended
6 to read:

7 8687.7. (a) As used in this section, the following terms have
8 the following meanings:

9 (1) “Agency” means the California Emergency Management
10 Agency.

11 (2) “Community” means a geographic area impacted by an
12 emergency proclaimed by the Governor that includes the
13 jurisdiction of one or more local agencies.

14 (3) “Community recovery partners” means local, state, and
15 federal agencies, private nonprofit organizations, nongovernmental
16 agencies, faith-based organizations, and other private entities.

17 (b) The agency may establish a model process that would be
18 made available to assist a community in recovering from an
19 emergency proclaimed by the Governor. The model process may
20 include the following:

21 (1) The role of the agency in the community recovery process.

22 (2) Procedures for the agency to have representation onsite as
23 soon as practicable after the Governor proclaims a state of
24 emergency.

25 (3) The role of the agency to facilitate the use of temporary
26 services, including, but not limited to, direct assistance to
27 individuals, families, and businesses, crisis counseling, disaster
28 unemployment assistance, food and clothing vouchers,
29 communications systems, replacement of personal identification
30 documents, provision of potable water, housing, farm service
31 assistance, tax relief, insurance, and legal services.

32 (4) The role of the agency to facilitate the establishment of
33 temporary structures, including local assistance centers, showers
34 and bathroom facilities, and temporary administrative offices.

35 (5) Measures to encourage the participation of nongovernmental
36 organizations in the community recovery process to supplement
37 recovery activities undertaken by federal or local agencies.

38 (6) The agency may refer the model process to the standardized
39 Emergency Management System (SEMS) Advisory Board, or any

1 other advisory board it deems appropriate, for review and
2 modifications.

3 (7) It is the intent of the Legislature that the model process
4 assists and complements local procedures. The model process
5 should allow the agency to offer additional assistance when that
6 assistance is needed but not available through local agencies.

7 SEC. 98. Section 8692 of the Government Code is amended
8 to read:

9 8692. (a) If a state of emergency is proclaimed, an eligible
10 private nonprofit organization may receive state assistance for
11 distribution of supplies and other disaster or emergency assistance
12 activities resulting in extraordinary cost.

13 (b) A private nonprofit organization is eligible for assistance
14 under this section if it is eligible for disaster assistance under the
15 Robert T. Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. Sec. 5121).

17 (c) An organization is not eligible for assistance under this
18 section if it employs religious content in the provision of
19 emergency assistance.

20 (d) Any grant of assistance under this section shall comply with
21 Section 4 of Article I and Section 5 of Article XVI of the California
22 Constitution, state and federal civil rights laws, and the First
23 Amendment to the United States Constitution in regard to the
24 funding of religious organizations and activities. These legal
25 constraints include prohibitions on the discrimination against
26 beneficiaries and staff based on protected categories, on the use
27 of public funds for proselytizing of religious doctrine, religious
28 instruction, or worship, and on the use of other religious means to
29 accomplish programmatic goals.

30 (e) The California Emergency Management Agency shall adopt
31 regulations to implement this section.

32 SEC. 99. Section 8696.5 of the Government Code is amended
33 to read:

34 8696.5. As used in this chapter, the term “disaster” means those
35 conditions specified in subdivisions (b) and (c) of Section 8558 if
36 the estimated damage exceeds three billion dollars
37 (\$3,000,000,000) or the Governor orders the Secretary of
38 Emergency Management to carry out the provisions of this chapter.

39 SEC. 100. Section 8697 of the Government Code is amended
40 to read:

1 8697. (a) Upon the completion of the emergency phase and
2 the immediate recovery phase of a disaster, appropriate state
3 agencies shall take actions to provide continuity of effort conducive
4 to long-range economic recovery.

5 (b) The Secretary of Emergency Management shall invoke the
6 assignments made pursuant to Section 8595, specifying the
7 emergency functions of each agency or department.

8 (c) The Secretary of Emergency Management may make
9 assignments to assist local agencies in implementing Chapter 12.4
10 (commencing with Section 8877.1).

11 SEC. 101. Section 8697.5 of the Government Code is amended
12 to read:

13 8697.5. The Secretary of Emergency Management, in executing
14 the purposes of this chapter, shall establish appropriate task forces
15 or emergency teams to include concerned elements of federal,
16 state, and local governments and the private sector.

17 SEC. 102. Section 8840 of the Government Code is amended
18 to read:

19 8840. For purposes of this article, “eligible radio station” means
20 a radio station that, at the time of applying for a grant under this
21 article, meets both of the following requirements:

22 (a) It has met all of the following requirements for a period of
23 two years unless another time is specified:

24 (1) It is licensed by the Federal Communications Commission
25 as a noncommercial educational station, or is operating under
26 program test authority pending the grant of a license.

27 (2) It has its community of license and principal administrative
28 offices in this state and is not owned, controlled, managed, or
29 primarily financed by any corporation or entity outside of this
30 state.

31 (3) It provides a program service that meets the requirements
32 for a Community Service Grant from the Corporation for Public
33 Broadcasting.

34 (4) It provides significant locally originated programming in its
35 community of license.

36 (5) It broadcasts not less than 15 hours per day, 365 days per
37 year.

38 (6) It participates in statewide public broadcasting projects.

1 (7) It has provided, prior to its application for a grant under this
2 article, an audited financial statement for the years on which the
3 grant is based.

4 (8) It does either of the following:

5 (A) Meets the criteria for receipt of a Community Service Grant
6 from the Corporation for Public Broadcasting that were in effect
7 on June 30, 1995.

8 (B) Two months prior to applying for a grant, the station has a
9 full-time staff of at least one professional paid not less than the
10 California minimum wage, and is certified by the council as
11 providing a needed service to its community of license.

12 (b) It enters into a permanent agreement with the California
13 Emergency Management Agency to dedicate, as necessary, a
14 broadcast channel for the provision of emergency information, to
15 broadcast that information, and to ensure that it is presented in a
16 format that makes it accessible to the deaf, hearing-impaired, and
17 non-English-speaking populations throughout its broadcast area,
18 including rural and isolated populations.

19 SEC. 103. Section 8841 of the Government Code is amended
20 to read:

21 8841. For purposes of this article, “eligible television station”
22 means a television station that, at the time of applying for a grant
23 under this article, unless another time is specified, meets all of the
24 following requirements:

25 (a) It has met all of the following requirements for a period of
26 two years:

27 (1) It is licensed by the Federal Communications Commission
28 as a noncommercial educational television station, or is operating
29 under program test authority pending the grant of a license.

30 (2) It has its community of license and principal administrative
31 offices in this state, and is not owned, controlled, managed, or
32 primarily financed by any corporation or entity outside of this
33 state.

34 (3) It provides a program service that meets the requirements
35 for a Community Service Grant from the Corporation for Public
36 Broadcasting.

37 (4) It provides substantial and significant locally originated
38 programming in its community of license.

39 (5) It broadcasts not less than 2,500 hours per year.

40 (6) It participates in statewide public broadcasting projects.

1 (7) It meets the criteria for receipt of a Community Service
2 Grant or base grant from the Corporation for Public Broadcasting
3 that were in effect on June 30, 1994.

4 (8) It has provided, prior to its application for a grant under this
5 article, an audited financial statement for the years on which the
6 grant is based.

7 (b) It enters into a permanent agreement with the California
8 Emergency Management Agency to dedicate, as necessary, a
9 broadcast channel for the provision of emergency information, to
10 broadcast that information, and to ensure that it is presented in a
11 format that makes it accessible to the deaf, hearing-impaired, and
12 non-English-speaking populations throughout its broadcast area,
13 including rural and isolated populations.

14 (c) At the time of disbursement of the funds, it certifies in
15 writing by the station manager or an officer of the licensee that it
16 has in its public file a plan to address the needs of significant
17 linguistic minorities in its service area.

18 SEC. 104. Section 8844 of the Government Code is amended
19 to read:

20 8844. (a) Recognizing the necessity of converting California
21 stations to the technologies of digital broadcasting, the Legislature
22 intends that funds may be appropriated to the California Emergency
23 Management Agency for the purchase of equipment by eligible
24 stations, the installation of that equipment, or purchase of other
25 materials related to that equipment, pursuant to this article.

26 (b) The agency shall solicit applications for grant funds from
27 eligible stations throughout the state, and shall allocate funds
28 appropriated pursuant to subdivision (a) as follows:

29 (1) Seventy-five percent of any equipment purchase funds
30 appropriated pursuant to subdivision (a) shall be placed in an
31 equipment grant pool for eligible television stations, and 25 percent
32 shall be placed in an equipment grant pool for eligible radio
33 stations.

34 (2) Fifty percent of the funds in each grant pool shall be divided
35 equally among the stations in that grant pool.

36 (3) The remaining 50 percent of the funds in each grant pool
37 shall be divided among stations in that grant pool in proportion to
38 their nonfederal financial support.

39 (c) (1) Funds provided under this section shall be granted on a
40 matching basis, with each station required to raise from other

1 sources an amount equal to the funds provided to it under this
2 section.

3 (2) If any funds remain in either grant pool because of the
4 limitations set forth in paragraph (1), the remaining funds shall be
5 returned to the same pool for distribution to other stations that
6 have raised the required matching funds, in amounts proportionate
7 to the nonfederal financial support of those stations.

8 SEC. 105. Section 8870.2 of the Government Code is amended
9 to read:

10 8870.2. (a) The Alfred E. Alquist Seismic Safety Commission
11 shall consist of 15 members appointed by the Governor and
12 confirmed by the Senate, one member representing the California
13 Emergency Management Agency, one member representing the
14 Division of the State Architect in the Department of General
15 Services, one member representing the California State Building
16 Standards Commission, one member appointed by the Senate Rules
17 Committee, and one member appointed by the Speaker of the
18 Assembly. The commission shall elect annually from its
19 membership its own chairperson and vice chairperson and may
20 replace them with other commissioners by majority vote.
21 Commission members shall be residents of California.

22 (b) A quorum shall consist of 11 members if there are no
23 vacancies, or else a majority of the members of the commission
24 at the time.

25 (c) The Legislature declares that the individuals appointed to
26 the commission are intended to represent the professions of
27 architecture, planning, fire protection, public utilities, structural
28 engineering, geotechnical engineering, geology, seismology, local
29 government, insurance, social services, emergency services, and
30 the Legislature and that such representation serves the public
31 interest. Accordingly, the Legislature finds that for purposes of
32 persons who hold this office the specified professions are
33 tantamount to and constitute the public generally within the
34 meaning of Section 87103.

35 (d) The commission exists as a separate unit within the State
36 and Consumer Services Agency, and has the functions of
37 prescribing policy, holding meetings and setting dates of the
38 meetings, conducting investigations, and holding hearings insofar
39 as those powers are given by statute to the commission.

1 (e) The decisions and actions of the commission, with respect
2 to exercising its authority and carrying out its duties under this
3 chapter, or any other applicable law, are not subject to review by
4 the Secretary of the State and Consumer Services Agency, but are
5 final within the limits provided by this chapter.

6 (f) The Legislature further declares that the highest level of
7 service that the individuals appointed to the commission can
8 provide to the residents of California is to offer professional,
9 unbiased, scientifically based advice to the Governor and the
10 Legislature. To maintain this quality of service, it is imperative
11 that the commission retain its functional autonomy and access to
12 the Governor and the Legislature. As such, the commission shall
13 retain its existing authority to issue reports, publications, and
14 literature, as well as to sponsor legislation, and to take official
15 positions on proposed state and federal legislation.

16 SEC. 106. Section 8870.4 of the Government Code is amended
17 to read:

18 8870.4. (a) Except as provided in subdivision (d), the members
19 of the Alfred E. Alquist Seismic Safety Commission shall serve
20 without compensation but shall be paid per diem expenses of one
21 hundred dollars (\$100) for each day's attendance at a meeting of
22 the commission, plus actual necessary travel expenses as
23 determined by Department of Personnel Administration rules.

24 (b) The members of the commission who represent the
25 California Emergency Management Agency, the California
26 Building Standards Commission, and the Division of the State
27 Architect shall be employees in good standing of those respective
28 entities. Any per diem and travel ~~expense~~ *expenses* of those
29 members of the commission shall be paid by the agencies that they
30 represent on the commission, in compliance with applicable
31 conditions or regulations set by the Department of Personnel
32 Administration.

33 SEC. 107. Section 8870.7 of the Government Code is amended
34 to read:

35 8870.7. The commission is responsible for all of the following
36 in connection with earthquake hazard mitigation:

37 (a) Setting goals and priorities in the public and private sectors.

38 (b) Requesting appropriate state agencies to devise criteria to
39 promote earthquake and disaster safety.

- 1 (c) Scheduling a report on disaster mitigation issues from the
- 2 California Emergency Management Agency, on the commission
- 3 agenda as required. For the purposes of this subdivision, the term
- 4 disaster refers to all natural hazards which could have *an* impact
- 5 on public safety.
- 6 (d) Recommending program changes to state agencies, local
- 7 agencies, and the private sector where such changes would improve
- 8 earthquake hazards and reduction.
- 9 (e) Reviewing the recovery and reconstruction efforts after
- 10 damaging earthquakes.
- 11 (f) Gathering, analyzing, and disseminating information.
- 12 (g) Encouraging research.
- 13 (h) Sponsoring training to help improve the competence of
- 14 specialized enforcement and other technical personnel.
- 15 (i) Helping to coordinate the earthquake safety activities of
- 16 government at all levels.
- 17 (j) Establishing and maintaining necessary working relationships
- 18 with any boards, commissions, departments, and agencies, or other
- 19 public or private organizations.
- 20 SEC. 108. Section 8870.71 of the Government Code is amended
- 21 to read:
- 22 8870.71. To implement the foregoing responsibilities, the
- 23 commission may do any of the following:
- 24 (a) Review state budgets and review grant proposals, other than
- 25 those grant proposals submitted by institutions of postsecondary
- 26 education to the federal government, for earthquake-related
- 27 activities and to advise the Governor and Legislature thereon.
- 28 (b) Review legislative proposals related to earthquake safety to
- 29 advise the Governor and *the* Legislature concerning the proposals
- 30 and to propose needed legislation.
- 31 (c) Recommend the addition, deletion, or changing of state
- 32 agency standards when, in the commission’s view, the existing
- 33 situation creates undue hazards or when new developments would
- 34 promote earthquake hazard mitigation, and conduct public hearings
- 35 as deemed necessary on the subjects.
- 36 (d) In the conduct of any hearing, investigation, inquiry, or study
- 37 that is ordered or undertaken in any part of the state, administer
- 38 oaths and issue subpoenas for the attendance of witnesses and the
- 39 production of papers, records, reports, books, maps, accounts,
- 40 documents, and testimony.

1 (e) In addition, the commission may perform any of the
2 functions contained in subdivisions (a) to (d), inclusive, in relation
3 to disasters, as defined in subdivision (c) of Section 8870.7, in
4 connection with issues or items reported or discussed with the
5 California Emergency Management Agency at any commission
6 meeting.

7 SEC. 109. Section 8871.3 of the Government Code is amended
8 to read:

9 8871.3. (a) The California Emergency Management Agency
10 shall establish an interim state operations center in southern
11 California to coordinate response to a major earthquake. The
12 agency shall also develop an operational communications plan for
13 the center based upon an inventory of current communications
14 capabilities and an assessment of structural vulnerabilities.

15 (b) The California Emergency Management Agency shall
16 undertake a design analysis regarding construction of a permanent
17 state operations center in southern California, including an
18 evaluation of telecommunications and information technology
19 systems for emergency management functions.

20 (c) All appropriations for the purposes of subdivision (a) or (b)
21 shall be reviewed by the Department of Finance prior to obligation
22 of funds.

23 SEC. 110. Section 8871.4 of the Government Code is amended
24 to read:

25 8871.4. The commission shall prepare the California
26 Earthquake Hazard Reduction Program, in consultation with the
27 California Emergency Management Agency, the Division of Mines
28 and Geology in the Department of Conservation, the Office of the
29 State Architect, the Emergency Medical Services Authority, the
30 University of California and other appropriate institutions of higher
31 learning, the California National Guard, the Department of Finance,
32 other appropriate state and local agencies, the private sector,
33 volunteer groups, and the Legislature.

34 The commission may hold public hearings or joint hearings with
35 other groups and conduct other activities as necessary for the
36 development of the program.

37 SEC. 111. Section 8876.7 of the Government Code is amended
38 to read:

39 8876.7. In carrying out its responsibilities under this chapter,
40 the Seismic Safety Commission, in close consultation with the

1 Business, Transportation and Housing Agency, the California
2 Emergency Management Agency, and the State and Consumers
3 Services Agency, may do the following:

- 4 (a) Monitor the work of the center on behalf of the state.
- 5 (b) Produce and deliver for each year that the center is in
6 operation, an independent evaluation of the work conducted at the
7 center as it pertains to the objectives of the center and reducing
8 earthquake losses and earthquake risk in the state recognizing that
9 as a national center it will undertake basic research of national and
10 international consequence as well. The report shall include the
11 following tasks:

- 12 (1) Interpret the results of research to indicate how the research
13 may affect state law and policy.
- 14 (2) Recommend ways to promote the application of research.
- 15 (3) Recommend priorities that would contribute to achieving
16 the center’s objectives, provide direct benefits to California
17 residents and businesses, and lead to the completion of specific
18 recommendations in the state’s earthquake risk reduction program.

19 SEC. 112. Section 8878.52 of the Government Code is amended
20 to read:

21 8878.52. As used in this chapter, the following terms have the
22 following meanings:

- 23 (a) “Agency” means the California Emergency Management
24 Agency.
- 25 (b) “Committee” means the Earthquake Safety and Public
26 Buildings Rehabilitation Finance Committee created pursuant to
27 subdivision (a) of Section 8878.111.
- 28 (c) “Commission” means the Seismic Safety Commission.
- 29 (d) “Fund” means the Earthquake Safety and Public Buildings
30 Rehabilitation Fund of 1990 created pursuant to Section 8878.55.
- 31 (e) “Local government” means any city, county, city and county,
32 or special district.
- 33 (f) “Project” means a program of work to retrofit, reconstruct,
34 repair, replace, or relocate, for local government-owned facilities
35 only, a building, facility, or both, which is owned by any city,
36 county, city and county, or special district and which is included
37 in an application for a grant of funds.
- 38 (g) “State Architect” means the Office of the State Architect.
- 39 (h) “State building or facility” means any building or structure
40 owned by a state agency, which is identified pursuant to Section

1 8878.60, except for vehicular bridges, roadways, highways, or any
2 facilities or buildings owned by the University of California or the
3 California State University.

4 (i) “Local government building or facility” means an existing
5 essential services building, as defined in Section 16007 of the
6 Health and Safety Code, or an emergency or public safety local
7 building as identified in Section 8878.99, which is owned by a
8 city, county, city and county, or special district.

9 (j) State or local government buildings shall not include those
10 owned by private for-profit or private nonprofit corporations, or
11 those owned by any combination, consortium, or joint powers
12 agreement that includes a private nonprofit corporation.

13 (k) “Retrofit” means to either strengthen the structure of a
14 building or facility, or to provide the means necessary to reduce
15 the seismic force level experienced by a building or facility during
16 an earthquake, so as to significantly reduce hazards to life *and*
17 safety while concomitantly providing for the substantially safe
18 egress of occupants during and immediately after such an
19 earthquake.

20 SEC. 113. Section 8878.90 of the Government Code is amended
21 to read:

22 8878.90. (a) The State Architect, with the consultation of the
23 Seismic Safety Commission and the agency, shall establish criteria
24 for projects potentially eligible for an appropriation from the
25 Legislature, pursuant to subdivision (b) of Section 8878.55 based
26 on factors including the populations at risk of injury and the
27 cost-effectiveness of remedial actions.

28 (b) The State Architect shall establish the criteria for potential
29 funding pursuant to subdivision (b) of Section 8878.55 based upon
30 the following order of seismic hazard reduction priorities:

31 (1) Abatement of falling hazards, as defined by the State
32 Architect with the consultation of the Seismic Safety Commission,
33 that are structural or nonstructural components of buildings or
34 facilities and that pose serious threats to life, including, but not
35 limited to, parapets, appendages, cornices, hanging objects, and
36 building cladding.

37 (2) The seismic retrofitting of those buildings or facilities for
38 which partial, localized, or phased seismic retrofits will
39 significantly reduce collapse hazards with minimal disruption to

1 either the operation of the buildings or facilities or disruption of
2 the occupants of the buildings or facilities.

3 (3) All other buildings or facilities requiring seismic retrofitting.

4 SEC. 114. Section 8878.100 of the Government Code is
5 amended to read:

6 8878.100. Funds shall be distributed by the State Architect in
7 the following manner:

8 (a) Upon receipt of an application by a local government for a
9 grant pursuant to this article, the office or the State Architect may
10 propose improvements to the project which will meet regional
11 needs in a cost-effective manner. These improvements may include,
12 but need not be limited to, structural strengthening, hardening of
13 communication equipment, providing emergency power equipment,
14 and other capital improvements which can be demonstrated as part
15 of an emergency response plan which has a description of the
16 critical facilities needed to support emergency response. The office,
17 the State Architect, and the applicant may agree to include these
18 capital improvements in the grant.

19 (b) In coordination with the Seismic Safety Commission and
20 agency, and with the input of the potentially eligible local
21 governments, the State Architect, consistent with Section 8878.90,
22 shall establish a priority list of the types of potentially eligible
23 local government buildings and facilities which are eligible to
24 receive a state grant pursuant to this article.

25 (c) After completion of the priority list, the State Architect shall
26 present this list of potentially eligible local government buildings
27 and facilities to the Department of Finance for its review and
28 consideration of whether to recommend to the Governor to include
29 this list in the Budget Bill or other legislative proposal. The
30 Legislature may review and appropriate funds available under this
31 bond act for specific projects on the list which it deems appropriate.

32 (d) The State Architect shall allocate funds to local governments
33 for the seismic retrofit of buildings or facilities based upon projects
34 and appropriations approved in the Budget Bill or some other bill
35 by the Legislature as provided in this section. Payments shall be
36 made on a progress basis.

37 SEC. 115. Section 8878.125 of the Government Code is
38 amended to read:

39 8878.125. (a) The proceeds from the sale of the bonds pursuant
40 to this chapter shall not replace or supplant funds available from

1 the Federal Emergency Management Agency (FEMA). If funds
2 are received from FEMA for costs applied for under this chapter,
3 then proceeds from the fund shall not be allocated, or if already
4 allocated, then the fund shall be reimbursed for any ineligible
5 amount.

6 (b) No allocations shall be made from the fund for local
7 buildings or facilities that qualified for state or federal assistance
8 under the Disaster Assistance Act (Chapter 7.5 (commencing with
9 Section 8680)) for retrofitting, reconstruction, repair, replacement,
10 or relocation of structures damaged by a disaster until the agency
11 determines either: (1) that reasonable efforts have been made to
12 secure other state and federal funds, or (2) that the other sources
13 of funding are insufficient to make the necessary seismic
14 improvements. Similarly, no allocations from the fund shall be
15 made for state buildings or facilities unless the Department of
16 Finance determines either: (1) the responsible agency has made
17 reasonable efforts to secure other state and federal funds, or (2)
18 that the other sources of funding are insufficient to correct state
19 buildings or facilities that are seismically unsafe or suffer from
20 other safety deficiencies.

21 SEC. 116. Section 8879.23 of the Government Code is amended
22 to read:

23 8879.23. The Highway Safety, Traffic Reduction, Air Quality,
24 and Port Security Fund of 2006 is hereby created in the State
25 Treasury. The Legislature intends that the proceeds of bonds
26 deposited in the fund shall be used to fund the mobility, safety,
27 and air quality improvements described in this article over the
28 course of the next decade. The proceeds of bonds issued and sold
29 pursuant to this chapter for the purposes specified in this chapter
30 shall be allocated in the following manner:

31 (a) (1) Four billion five hundred million dollars
32 (\$4,500,000,000) shall be deposited in the Corridor Mobility
33 Improvement Account, which is hereby created in the fund. Funds
34 in the account shall be available to the California Transportation
35 Commission, upon appropriation in the annual Budget Bill by the
36 Legislature, for allocation for performance improvements on highly
37 congested travel corridors in California. Funds in the account shall
38 be used for performance improvements on the state highway
39 system, or major access routes to the state highway system on the
40 local road system that relieve congestion by expanding capacity,

1 enhancing operations, or otherwise improving travel times within
2 these high-congestion travel corridors, as identified by the
3 department and regional or local transportation agencies, pursuant
4 to the process in paragraph (3) or (4), as applicable.

5 (2) The commission shall develop and adopt guidelines, by
6 December 1, 2006, including regional programming targets, for
7 the program funded by this subdivision, and shall allocate funds
8 from the account to projects after reviewing project nominations
9 submitted by the Department of Transportation and by regional
10 transportation planning agencies or county transportation
11 commissions or authorities pursuant to paragraph (4).

12 (3) Subject to the guidelines adopted pursuant to paragraph (2),
13 the department shall nominate, by no later than January 15, 2007,
14 projects for the allocation of funds from the account on a statewide
15 basis. The department's nominations shall be geographically
16 balanced and shall reflect the department's assessment of a program
17 that best meets the policy objectives described in paragraph (1).

18 (4) Subject to the guidelines adopted pursuant to paragraph (2),
19 a regional transportation planning agency or county transportation
20 commission or authority responsible for preparing a regional
21 transportation improvement plan under Section 14527 may
22 nominate projects identified pursuant to paragraph (1) that best
23 meet the policy objectives described in that paragraph for funding
24 from the account. Projects nominated pursuant to this paragraph
25 shall be submitted to the commission for consideration for funding
26 by no later than January 15, 2007.

27 (5) All nominations to the California Transportation Commission
28 shall be accompanied by documentation regarding the quantitative
29 and qualitative measures validating each project's consistency
30 with the policy objectives described in paragraph (1). All projects
31 nominated to the commission for funds from this account shall be
32 included in a regional transportation plan.

33 (6) After review of the project nominations, and supporting
34 documentation, the commission, by no later than March 1, 2007,
35 shall adopt an initial program of projects to be funded from the
36 account. This program may be updated every two years in
37 conjunction with the biennial process for adoption of the state
38 transportation improvement program pursuant to guidelines adopted
39 by the commission. The inclusion of a project in the program shall

1 be based on a demonstration that the project meets all of the
2 following criteria:

3 (A) Is a high-priority project in the corridor as demonstrated by
4 either of the following: (i) its inclusion in the list of nominated
5 projects by both the department pursuant to paragraph (3) and the
6 regional transportation planning agency or county transportation
7 commission or authority, pursuant to paragraph (4); or (ii) if needed
8 to fully fund the project, the identification and commitment of
9 supplemental funding to the project from other state, local, or
10 federal funds.

11 (B) Can commence construction or implementation no later
12 than December 31, 2012.

13 (C) Improves mobility in a high-congestion corridor by
14 improving travel times or reducing the number of daily vehicle
15 hours of delay, improves the connectivity of the state highway
16 system between rural, suburban, and urban areas, or improves the
17 operation or safety of a highway or road segment.

18 (D) Improves access to jobs, housing, markets, and commerce.

19 (7) Where competing projects offer similar mobility
20 improvements to a specific corridor, the commission shall consider
21 additional benefits when determining which project shall be
22 included in the program for funding. These benefits shall include,
23 but are not limited to, the following:

24 (A) A finding that the project provides quantifiable air quality
25 benefits.

26 (B) A finding that the project substantially increases the safety
27 for travelers in the corridor.

28 (8) In adopting a program for funding pursuant to this
29 subdivision, the commission shall make a finding that the program
30 is geographically balanced, consistent with the geographic split
31 for funding described in Section 188 of the Streets and Highways
32 Code; provides mobility improvements in highly traveled or highly
33 congested corridors in all regions of California; and targets bond
34 proceeds in a manner that provides the increment of funding
35 necessary, when combined with other state, local, or federal funds,
36 to provide the mobility benefit in the earliest possible timeframe.

37 (9) The commission shall include in its annual report to the
38 Legislature, required by Section 14535, a summary of its activities
39 related to the administration of this program. The summary should,
40 at a minimum, include a description and the location of the projects

1 contained in the program, the amount of funds allocated to each
2 project, the status of each project, and a description of the mobility
3 improvements the program is achieving.

4 (b) One billion dollars (\$1,000,000,000) shall be made available,
5 upon appropriation in the annual Budget Bill by the Legislature,
6 to the department for improvements to State Route 99. Funds may
7 be used for safety, operational enhancements, rehabilitation, or
8 capacity improvements necessary to improve the State Route 99
9 corridor traversing approximately 400 miles of the central valley
10 of this state.

11 (c) Three billion one hundred million dollars (\$3,100,000,000)
12 shall be deposited in the California Ports Infrastructure, Security,
13 and Air Quality Improvement Account, which is hereby created
14 in the fund. The money in the account shall be available, upon
15 appropriation by the Legislature and subject to such conditions
16 and criteria as the Legislature may provide by statute, as follows:

17 (1) (A) Two billion dollars (\$2,000,000,000) shall be transferred
18 to the Trade Corridors Improvement Fund, which is hereby created.
19 The money in this fund shall be available, upon appropriation in
20 the annual Budget Bill by the Legislature and subject to such
21 conditions and criteria as the Legislature may provide by statute,
22 for allocation by the California Transportation Commission for
23 infrastructure improvements along federally designated "Trade
24 Corridors of National Significance" in this state or along other
25 corridors within this state that have a high volume of freight
26 movement, as determined by the commission. In determining
27 projects eligible for funding, the commission shall consult the trade
28 infrastructure and goods movement plan submitted to the
29 commission by the Secretary of Business, Transportation and
30 Housing and the Secretary for Environmental Protection. No
31 moneys shall be allocated from this fund until the report is
32 submitted to the commission for its consideration, provided the
33 report is submitted no later than January 1, 2007. The commission
34 shall also consult trade infrastructure and goods movement plans
35 adopted by regional transportation planning agencies, adopted
36 regional transportation plans required by state and federal law, and
37 the statewide port master plan prepared by the California Marine
38 and Intermodal Transportation System Advisory Council
39 (Cal-MITSAC) pursuant to Section 1760 of the Harbors and
40 Navigation Code, when determining eligible projects for funding.

1 Eligible projects for these funds include, but are not limited to, all
2 of the following:

3 (i) Highway capacity improvements and operational
4 improvements to more efficiently accommodate the movement of
5 freight, particularly for ingress and egress to and from the state's
6 seaports, including navigable inland waterways used to transport
7 freight between seaports, land ports of entry, and airports, and to
8 relieve traffic congestion along major trade or goods movement
9 corridors.

10 (ii) Freight rail system improvements to enhance the ability to
11 move goods from seaports, land ports of entry, and airports to
12 warehousing and distribution centers throughout California,
13 including projects that separate rail lines from highway or local
14 road traffic, improve freight rail mobility through mountainous
15 regions, relocate rail switching yards, and other projects that
16 improve the efficiency and capacity of the rail freight system.

17 (iii) Projects to enhance the capacity and efficiency of ports.

18 (iv) Truck corridor improvements, including dedicated truck
19 facilities or truck toll facilities.

20 (v) Border access improvements that enhance goods movement
21 between California and Mexico and that maximize the state's
22 ability to access coordinated border infrastructure funds made
23 available to the state by federal law.

24 (vi) Surface transportation improvements to facilitate the
25 movement of goods to and from the state's airports.

26 (B) The commission shall allocate funds for trade infrastructure
27 improvements from the account in a manner that (i) addresses the
28 state's most urgent needs, (ii) balances the demands of various
29 ports (between large and small ports, as well as between seaports,
30 airports, and land ports of entry), (iii) provides reasonable
31 geographic balance between the state's regions, and (iv) places
32 emphasis on projects that improve trade corridor mobility while
33 reducing emissions of diesel particulate and other pollutant
34 emissions. In addition, the commission shall also consider the
35 following factors when allocating these funds:

36 (i) "Velocity," which means the speed by which large cargo
37 would travel from the port through the distribution system.

38 (ii) "Throughput," which means the volume of cargo that would
39 move from the port through the distribution system.

1 (iii) “Reliability,” which means a reasonably consistent and
2 predictable amount of time for cargo to travel from one point to
3 another on any given day or at any given time in California.

4 (iv) “Congestion reduction,” which means the reduction in
5 recurrent daily hours of delay to be achieved.

6 (C) The commission shall allocate funds made available by this
7 paragraph to projects that have identified and committed
8 supplemental funding from appropriate local, federal, or private
9 sources. The commission shall determine the appropriate amount
10 of supplemental funding each project should have to be eligible
11 for moneys from this fund based on a project-by-project review
12 and an assessment of the project’s benefit to the state and the
13 program. Except for border access improvements described in
14 clause (v) of subparagraph (A), improvements funded with moneys
15 from this fund shall have supplemental funding that is at least equal
16 to the amount of the contribution from the fund. The commission
17 may give priority for funding to projects with higher levels of
18 committed supplemental funding.

19 (D) The commission shall include in its annual report to the
20 Legislature, required by Section 14535, a summary of its activities
21 related to the administration of this program. The summary should,
22 at a minimum, include a description and the location of the projects
23 contained in the program, the amount of funds allocated to each
24 project, the status of each project, and a description of the mobility
25 and air quality improvements the program is achieving.

26 (2) One billion dollars (\$1,000,000,000) shall be made available,
27 upon appropriation by the Legislature and subject to such
28 conditions and criteria contained in a statute enacted by the
29 Legislature, to the State Air Resources Board for emission
30 reductions, not otherwise required by law or regulation, from
31 activities related to the movement of freight along California’s
32 trade corridors. Funds made available by this paragraph are
33 intended to supplement existing funds used to finance strategies
34 and public benefit projects that reduce emissions and improve air
35 quality in trade corridors commencing at the state’s airports,
36 seaports, and land ports of entry.

37 (3) One hundred million dollars (\$100,000,000) shall be
38 available, upon appropriation by the Legislature, to the California
39 Emergency Management Agency to be allocated, as grants, for
40 port, harbor, and ferry terminal security improvements. Eligible

1 applicants shall be publicly owned ports, harbors, and ferryboat
2 and ferry terminal operators, which may submit applications for
3 projects that include, but are not limited to, the following:

- 4 (A) Video surveillance equipment.
- 5 (B) Explosives detection technology, including, but not limited
6 to, X-ray devices.
- 7 (C) Cargo scanners.
- 8 (D) Radiation monitors.
- 9 (E) Thermal protective equipment.
- 10 (F) Site identification instruments capable of providing a
11 fingerprint for a broad inventory of chemical agents.
- 12 (G) Other devices capable of detecting weapons of mass
13 destruction using chemical, biological, or other similar substances.
- 14 (H) Other security equipment to assist in any of the following:
 - 15 (i) Screening of incoming vessels, trucks, and incoming or
16 outbound cargo.
 - 17 (ii) Monitoring the physical perimeters of harbors, ports, and
18 ferry terminals.
 - 19 (iii) Providing or augmenting onsite emergency response
20 capability.
- 21 (I) Overweight cargo detection equipment, including, but not
22 limited to, intermodal crane scales and truck weight scales.
- 23 (J) Developing disaster preparedness or emergency response
24 plans.
- 25 (d) Two hundred million dollars (\$200,000,000) shall be
26 available, upon appropriation by the Legislature, for schoolbus
27 retrofit and replacement to reduce air pollution and to reduce
28 children's exposure to diesel exhaust.
- 29 (e) Two billion dollars (\$2,000,000,000) shall be available for
30 projects in the state transportation improvement program, to
31 augment funds otherwise available for this purpose from other
32 sources. The funds provided by this subdivision shall be deposited
33 in the Transportation Facilities Account which is hereby created
34 in the fund, and shall be available, upon appropriation by the
35 Legislature, to the Department of Transportation, as allocated by
36 the California Transportation Commission in the same manner as
37 funds allocated for those projects under existing law.
- 38 (f) (1) Four billion dollars (\$4,000,000,000) shall be deposited
39 in the Public Transportation Modernization, Improvement, and
40 Service Enhancement Account, which is hereby created in the

1 fund. Funds in the account shall be made available, upon
2 appropriation by the Legislature, to the Department of
3 Transportation for intercity rail projects and to commuter or urban
4 rail operators, bus operators, waterborne transit operators, and
5 other transit operators in California for rehabilitation, safety or
6 modernization improvements, capital service enhancements or
7 expansions, new capital projects, bus *or* rapid transit improvements,
8 or for rolling stock procurement, rehabilitation, or replacement.

9 (2) Of the funds made available in paragraph (1), four hundred
10 million dollars (\$400,000,000) shall be available, upon
11 appropriation by the Legislature, to the department for intercity
12 rail improvements, of which one hundred twenty-five million
13 dollars (\$125,000,000) shall be used for the procurement of
14 additional intercity railcars and locomotives.

15 (3) Of the funds remaining after the allocations in paragraph
16 (2), 50 percent shall be distributed to the Controller, for allocation
17 to eligible agencies using the formula in Section 99314 of the
18 Public Utilities Code, and 50 percent shall be distributed to the
19 Controller, for allocation to eligible agencies using the formula in
20 Section 99313 of the Public Utilities Code, subject to the provisions
21 governing funds allocated under those sections.

22 (g) One billion dollars (\$1,000,000,000) shall be deposited in
23 the State-Local Partnership Program Account, which is hereby
24 created in the fund. The funds shall be available, upon
25 appropriation by the Legislature and subject to such conditions
26 and criteria as the Legislature may provide by statute, for allocation
27 by the California Transportation Commission over a five-year
28 period to eligible transportation projects nominated by an applicant
29 transportation agency. A dollar-for-dollar match of local funds
30 shall be required for an applicant transportation agency to receive
31 state funds under this program.

32 (h) One billion dollars (\$1,000,000,000) shall be deposited in
33 the Transit System Safety, Security, and Disaster Response
34 Account, which is hereby created in the fund. Funds in the account
35 shall be made available, upon appropriation by the Legislature and
36 subject to such conditions and criteria as the Legislature may
37 provide by statute, for capital projects that provide increased
38 protection against a security and safety threat, and for capital
39 expenditures to increase the capacity of transit operators, including
40 waterborne transit operators, to develop disaster response

1 transportation systems that can move people, goods, and emergency
2 personnel and equipment in the aftermath of a disaster impairing
3 the mobility of goods, people, and equipment.

4 (i) One hundred twenty-five million dollars (\$125,000,000)
5 shall be deposited in the Local Bridge Seismic Retrofit Account,
6 which is hereby created in the fund. The funds in the account shall
7 be used, upon appropriation by the Legislature, to provide the 11.5
8 percent required match for federal Highway Bridge Replacement
9 and Repair funds available to the state for seismic work on local
10 bridges, ramps, and overpasses, as identified by the Department
11 of Transportation.

12 (j) (1) Two hundred fifty million dollars (\$250,000,000) shall
13 be deposited in the Highway-Railroad Crossing Safety Account,
14 which is hereby created in the fund. Funds in the account shall be
15 available, upon appropriation by the Legislature, to the Department
16 of Transportation for the completion of high-priority grade
17 separation and railroad crossing safety improvements. Funds in
18 the account shall be made available for allocation pursuant to the
19 process established in Chapter 10 (commencing with Section 2450)
20 of Division 3 of the Streets and Highways Code, except that a
21 dollar-for-dollar match of nonstate funds shall be provided for
22 each project, and the limitation on maximum project cost in
23 subdivision (g) of Section 2454 of the Streets and Highways Code
24 shall not be applicable to projects funded with these funds.

25 (2) Notwithstanding the funding allocation process described
26 in paragraph (1), in consultation with the department and the Public
27 Utilities Commission, the California Transportation Commission
28 shall allocate one hundred million dollars (\$100,000,000) of the
29 funds in the account to high-priority railroad crossing
30 improvements, including grade separation projects, that are not
31 part of the process established in Chapter 10 (commencing with
32 Section 2450) of Division 3 of the Streets and Highways Code.
33 The allocation of funds under this paragraph shall be made in
34 consultation and coordination with the High-Speed Rail Authority
35 created pursuant to Division 19.5 (commencing with Section
36 185000) of the Public Utilities Code.

37 (k) (1) Seven hundred fifty million dollars (\$750,000,000) shall
38 be deposited in the Highway Safety, Rehabilitation, and
39 Preservation Account, which is hereby created in the fund. Funds
40 in the account shall be available, upon appropriation by the

1 Legislature, to the Department of Transportation, as allocated by
2 the California Transportation Commission, for the purposes of the
3 state highway operation and protection program as described in
4 Section 14526.5.

5 (2) The department shall develop a program for distribution of
6 two hundred fifty million dollars (\$250,000,000) from the funds
7 identified in paragraph (1) to fund traffic light synchronization
8 projects or other technology-based improvements to improve
9 safety, operations, and the effective capacity of local streets and
10 roads.

11 (l) (1) Two billion dollars (\$2,000,000,000) shall be deposited
12 in the Local Streets and Road Improvement, Congestion Relief,
13 and Traffic Safety Account of 2006, which is hereby created in
14 the fund. The proceeds of bonds deposited into that account shall
15 be available, upon appropriation by the Legislature, for the
16 purposes specified in this subdivision to the Controller for
17 administration and allocation in the fiscal year in which the bonds
18 are issued and sold, including any interest or other return earned
19 on the investment of those moneys, in the following manner:

20 (A) Fifty percent to the counties, including a city and county,
21 in accordance with the following formulas:

22 (i) Seventy-five percent of the funds payable under this
23 subparagraph shall be apportioned among the counties in the
24 proportion that the number of fee-paid and exempt vehicles that
25 are registered in the county bears to the number of fee-paid and
26 exempt vehicles registered in the state.

27 (ii) Twenty-five percent of the funds payable under this
28 subparagraph shall be apportioned among the counties in the
29 proportion that the number of miles of maintained county roads
30 in each county bears to the total number of miles of maintained
31 county roads in the state. For the purposes of apportioning funds
32 under this clause, any roads within the boundaries of a city and
33 county that are not state highways shall be deemed to be county
34 roads.

35 (B) Fifty percent to the cities, including a city and county,
36 apportioned among the cities in the proportion that the total
37 population of the city bears to the total population of all the cities
38 in the state, provided, however, that the Controller shall allocate
39 a minimum of four hundred thousand dollars (\$400,000) to each
40 city, pursuant to this subparagraph.

1 (2) Funds received under this subdivision shall be deposited as
2 follows in order to avoid the commingling of those funds with
3 other local funds:

4 (A) In the case of a city, into the city account that is designated
5 for the receipt of state funds allocated for local streets and roads.

6 (B) In the case of an eligible county, into the county road fund.

7 (C) In the case of a city and county, into a local account that is
8 designated for the receipt of state funds allocated for local streets
9 and roads.

10 (3) For the purpose of allocating funds under this subdivision
11 to cities and a city and county, the Controller shall use the most
12 recent population estimates prepared by the Demographic Research
13 Unit of the Department of Finance. For a city that incorporated
14 after January 1, 1998, that does not appear on the most recent
15 population estimates prepared by the Demographic Research Unit,
16 the Controller shall use the population determined for that city
17 under Section 11005.3 of the Revenue and Taxation Code.

18 (4) Funds apportioned to a city, county, or city and county under
19 this subdivision, including any interest or other return earned on
20 the investment of those funds, shall be used for improvements to
21 transportation facilities that will assist in reducing local traffic
22 congestion and further deterioration, improving traffic flows, or
23 increasing traffic safety that may include, but not be limited to,
24 street and highway pavement maintenance, rehabilitation,
25 installation, construction, and reconstruction of necessary
26 associated facilities such as drainage and traffic control devices,
27 or the maintenance, rehabilitation, installation, construction, and
28 reconstruction of facilities that expand ridership on transit systems,
29 safety projects to reduce fatalities, or as a local match to obtain
30 state or federal transportation funds for similar purposes.

31 (5) At the conclusion of each fiscal year during which a city or
32 county expends the funds it has received under this subdivision,
33 including any interest or other return earned on the investment of
34 these funds, the Controller may verify the city's or county's
35 compliance with paragraph (4). Any city or county that has not
36 complied with paragraph (4) shall reimburse the state for the funds
37 it received during that fiscal year, including any interest or other
38 return earned on the investment of these funds. Any funds withheld
39 or returned as a result of a failure to comply with paragraph (4)

1 shall be reallocated to the other counties and cities whose
2 expenditures are in compliance.

3 SEC. 117. Section 8879.50 of the Government Code is amended
4 to read:

5 8879.50. (a) As used in this chapter and in Chapter 12.49
6 (commencing with Section 8879.20), the following terms have the
7 following meanings:

8 (1) "Commission" means the California Transportation
9 Commission.

10 (2) "Department" means the Department of Transportation.

11 (3) "Administrative agency" means the state agency responsible
12 for programming bond funds made available by Chapter 12.49
13 (commencing with Section 8879.20), as specified in subdivision
14 (c).

15 (4) Unless otherwise specified in this chapter, "project" includes
16 equipment purchase, construction, right-of-way acquisition, and
17 project delivery costs.

18 (5) "Recipient agency" means the recipient of bond funds made
19 available by Chapter 12.49 (commencing with Section 8879.20)
20 that is responsible for implementation of an approved project.

21 (6) "Fund" shall have the same meaning as in subdivision (c)
22 of Section 8879.20.

23 (b) Administrative costs, including audit and program oversight
24 costs for agencies, commissions, or departments administering
25 programs funded pursuant to this chapter, recoverable by bond
26 funds shall not exceed 3 percent of the program's cost.

27 (c) The administrative agency for each bond account is as
28 follows:

29 (1) The commission is the administrative agency for the Corridor
30 Mobility Improvement Account; the Trade Corridors Improvement
31 Fund; the Transportation Facilities Account; the State Route 99
32 Account; the State-Local Partnership Program Account; the Local
33 Bridge Seismic Retrofit Account; the Highway-Railroad Crossing
34 Safety Account; and the Highway Safety, Rehabilitation, and
35 Preservation Account.

36 (2) The California Emergency Management Agency is the
37 administrative agency for the Port and Maritime Security Account
38 and the Transit System Safety, Security, and Disaster Response
39 Account.

1 (3) The department is the administrative agency for the Public
2 Transportation Modernization, Improvement, and Service
3 Enhancement Account.

4 (d) The administrative agency shall not approve project fund
5 allocations for a project until the recipient agency provides a project
6 funding plan that demonstrates that the funds are expected to be
7 reasonably available and sufficient to complete the project. The
8 administrative agency may approve funding for usable project
9 segments only if the benefits associated with each individual
10 segment are sufficient to meet the objectives of the program from
11 which the individual segment is funded.

12 (e) Guidelines adopted by the administrative agency pursuant
13 to this chapter and Chapter 12.49 (commencing with Section
14 8879.20) are intended to provide internal guidance for the agency
15 and shall be exempt from the Administrative Procedure Act
16 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
17 Division 3), and shall do all of the following:

18 (1) Provide for the audit of project expenditures and outcomes.

19 (2) Require that the useful life of the project be identified as
20 part of the project nomination process.

21 (3) Require that project nominations have project delivery
22 milestones, including, but not limited to, start and completion dates
23 for environmental clearance, land acquisition, design, construction
24 bid award, construction completion, and project closeout, as
25 applicable.

26 (f) (1) As a condition for allocation of funds to a specific project
27 under Chapter 12.49 (commencing with Section 8879.20), the
28 administrative agency shall require the recipient agency to report,
29 on a semiannual basis, on the activities and progress made toward
30 implementation of the project. If it is anticipated that project costs
31 will exceed the approved project budget, the recipient agency shall
32 provide a plan to the administrative agency for achieving the
33 benefits of the project by either downscoping the project to remain
34 within budget or by identifying an alternative funding source to
35 meet the cost increase. The administrative agency may either
36 approve the corrective plan or direct the recipient agency to modify
37 its plan.

38 (2) Within six months of the project becoming operable, the
39 recipient agency shall provide a report to the administrative agency
40 on the final costs of the project as compared to the approved project

1 budget, the project duration as compared to the original project
2 schedule as of the date of allocation, and performance outcomes
3 derived from the project compared to those described in the original
4 application for funding. The administrative agency shall forward
5 the report to the Department of Finance by means approved by the
6 Department of Finance.

7 ~~SEC. 118. Section 8879.53 of the Government Code is amended~~
8 ~~to read:~~

9 ~~8879.53. (a) Funds for the program contained in paragraph~~
10 ~~(3) of subdivision (c) of Section 8879.23 shall be deposited in the~~
11 ~~Port and Maritime Security Account, which is hereby created in~~
12 ~~the fund. For purposes of this section, “agency” means the~~
13 ~~California Emergency Management Agency.~~

14 ~~(b) Funds in the account shall be available to the agency upon~~
15 ~~appropriation by the Legislature. Funds shall be made available~~
16 ~~as grants to eligible applicants, as defined in paragraph (3) of~~
17 ~~subdivision (c) of Section 8879.23, for capital projects that include,~~
18 ~~but are not limited to, those projects described in paragraph (3) of~~
19 ~~subdivision (c) of Section 8879.23.~~

20 ~~(c) Prior to allocating funds to projects from the account, the~~
21 ~~agency shall adopt guidelines to establish the criteria and process~~
22 ~~for the distribution of funds. At least 30 days prior to adopting the~~
23 ~~guidelines, the agency shall hold a public hearing on the proposed~~
24 ~~guidelines and shall provide opportunity for public review and~~
25 ~~comment.~~

26 ~~(d) In allocating funds from the account, the agency shall do~~
27 ~~the following:~~

28 ~~(1) Address the state’s most urgent maritime security needs.~~

29 ~~(2) Balance the demands of the various large and small ports.~~

30 ~~(3) Provide reasonable geographic balance in the distribution~~
31 ~~of funds.~~

32 ~~(e) The agency’s activities to implement this section shall be~~
33 ~~incorporated into the report to the Legislature required in paragraph~~
34 ~~(3) of subdivision (c) of Section 8879.23.~~

35 ~~SEC. 118. Section 8879.53 of the Government Code is amended~~
36 ~~to read:~~

37 ~~8879.53. (a) Funds for the program contained in paragraph~~
38 ~~(3) of subdivision (c) of Section 8879.23 shall be deposited in the~~
39 ~~Port and Maritime Security Account, which is hereby created in~~

1 the fund. *For purposes of this section, “agency” means the*
2 *California Emergency Management Agency.*

3 (b) Funds in the account shall be available to the ~~California~~
4 ~~Emergency Management Agency (Cal EMA)~~ *agency*, upon
5 appropriation by the Legislature. Funds shall be made available
6 as grants to eligible applicants, as defined in paragraph (3) of
7 subdivision (c) of Section 8879.23, for capital projects that include,
8 but are not limited to, those projects described in paragraph (3) of
9 subdivision (c) of Section 8879.23.

10 (c) Prior to allocating funds to projects from the account, *the*
11 *agency* shall adopt guidelines to establish the criteria and process
12 for the distribution of funds. At least 30 days prior to adopting the
13 guidelines, *the agency* shall hold a public hearing on the proposed
14 guidelines and shall provide opportunity for public review and
15 comment.

16 (d) In allocating funds from the account, *the agency* shall do
17 the following:

18 (1) Address the state’s most urgent maritime security needs.

19 (2) Balance the demands of the various *large and small* ports
20 ~~(between large and small).~~

21 (3) Provide reasonable geographic balance in the distribution
22 of funds.

23 (e) The unencumbered balance of any funds appropriated to the
24 agency prior to June 30, 2009, for purposes of this section, shall
25 remain available to the agency for encumbrance pursuant to this
26 section until June 30, 2012.

27 (f) The agency’s activities to implement this section shall be
28 incorporated into the report to the Legislature required in paragraph
29 (3) of subdivision (c) of Section 8879.23.

30 SEC. 119. Section 8879.57 of the Government Code is amended
31 to read:

32 8879.57. Funds made available, upon appropriation of the
33 Legislature, from the Transit System Safety, Security, and Disaster
34 Response Account, created in subdivision (h) of Section 8879.23,
35 shall be allocated as follows:

36 (a) (1) Sixty percent of available funds shall be allocated for
37 capital expenditures to agencies and transit operators eligible to
38 receive State Transit Assistance funds pursuant to Sections 99313
39 and 99314 of the Public Utilities Code. Of these funds, 50 percent
40 shall be allocated to eligible agencies using the formula in Section

1 99314 of the Public Utilities Code, and 50 percent shall be allocated
 2 to eligible agencies using the formula in Section 99313 of the
 3 Public Utilities Code, subject to the provisions governing funds
 4 allocated under those sections. Funds allocated to the Metropolitan
 5 Transportation Commission pursuant to Section 99313 of the
 6 Public Utilities Code shall be suballocated to transit operators
 7 within its jurisdiction pursuant to Section 99314 of the Public
 8 Utilities Code.

9 (2) Eligible capital expenditures shall include either of the
 10 following:

11 (A) A capital project that provides increased protection against
 12 a security or safety threat, including, but not limited to, the
 13 following:

14 (i) Construction or renovation projects that are designed to
 15 enhance the security of public transit stations, tunnels, guideways,
 16 elevated structures, or other transit facilities and equipment.

17 (ii) Explosive device mitigation and remediation equipment.

18 (iii) Chemical, biological, radiological, and nuclear explosives
 19 search, rescue, or response equipment.

20 (iv) Interoperable communications equipment.

21 (v) Physical security enhancement equipment.

22 (vi) The installation of fencing, barriers, gates, or related security
 23 enhancements that are designed to improve the physical security
 24 of transit stations, tunnels, guideways, elevated structures, or other
 25 transit facilities and equipment.

26 (vii) Other security-related projects approved by the California
 27 Emergency Management Agency.

28 (B) Capital expenditures to increase the capacity of transit
 29 operators to develop disaster response transportation systems that
 30 can move people, goods, and emergency personnel and equipment
 31 in the aftermath of a disaster impairing the mobility of goods,
 32 people, and equipment.

33 (b) (1) Twenty-five percent of available funds shall be allocated
 34 for capital expenditures to regional public waterborne transit
 35 agencies authorized to operate a regional public water transit
 36 system, including the operation of water transit vessels, terminals,
 37 and feeder buses, and not otherwise eligible to receive State Transit
 38 Assistance funds as of the effective date of this article. Funds shall
 39 be allocated for eligible capital expenditures that enhance the
 40 capacity of regional public waterborne transit agencies to provide

1 disaster response transportation systems that can move people,
2 goods, and emergency personnel and equipment in the aftermath
3 of a disaster or emergency.

4 (2) Eligible capital expenditures include, but are not limited to,
5 the construction or acquisition of new vessels, the capital
6 improvement or construction of docks, terminals, or other
7 waterborne transit facilities, the purchase of related equipment,
8 and the construction of fueling facilities. A project shall (A)
9 provide capital facilities and equipment to a regional public
10 waterborne transit system that enhances the ability of the system
11 to respond to a regional emergency, (B) be included in a regional
12 plan, including, but not limited to, a regional plan for waterborne
13 transit expansion or disaster response preparedness, and (C) provide
14 maximum flexibility in responding to disasters or emergencies.

15 (c) (1) Fifteen percent of available funds shall be made available
16 for capital expenditures to the intercity passenger rail system
17 described in Section 14035 and to the commuter rail systems
18 operated by the entities specified in Section 14072 and in Section
19 99314.1 of the Public Utilities Code. Operators who receive
20 funding pursuant to this subdivision shall not be eligible to receive
21 funding pursuant to subdivision (a).

22 (2) Eligible capital expenditures shall include either of the
23 following:

24 (A) A capital project that provides increased protection against
25 a security or safety threat, including, but not limited to, the
26 following:

27 (i) Construction or renovation projects that are designed to
28 enhance the security of public transit stations, tunnels, guideways,
29 elevated structures, or other transit facilities and equipment.

30 (ii) Explosive device mitigation and remediation equipment.

31 (iii) Chemical, biological, radiological, and nuclear explosives
32 search, rescue, or response equipment.

33 (iv) Interoperable communications equipment.

34 (v) Physical security enhancement equipment.

35 (vi) The installation of fencing, barriers, gates, or related security
36 enhancements that are designed to improve the physical security
37 of transit stations, tunnels, guideways, elevated structures, or other
38 transit facilities and equipment.

39 (vii) Other security-related projects approved by the California
40 Emergency Management Agency.

1 (B) Capital expenditures to increase the capacity of transit
2 operators to develop disaster response transportation systems that
3 can move people, goods, and emergency personnel and equipment
4 in the aftermath of a disaster impairing the mobility of goods,
5 people, and equipment.

6 SEC. 120. Section 8879.58 of the Government Code is amended
7 to read:

8 8879.58. (a) (1) No later than September 1 of the first fiscal
9 year in which the Legislature appropriates funds from the Transit
10 System Safety, Security, and Disaster Response Account, and no
11 later than September 1 of each fiscal year thereafter in which funds
12 are appropriated from that account, the Controller shall develop
13 and make public a list of eligible agencies and transit operators
14 and the amount of funds each is eligible to receive from the account
15 pursuant to subdivision (a) of Section 8879.57. It is the intent of
16 the Legislature that funds allocated to specified recipients pursuant
17 to this section provide each recipient with the same proportional
18 share of funds as the proportional share each received from the
19 allocation of State Transit Assistance funds, pursuant to Sections
20 99313 and 99314 of the Public Utilities Code, over fiscal years
21 2004–05, 2005–06, and 2006–07.

22 (2) In establishing the amount of funding each eligible recipient
23 is to receive under subdivision (a) of Section 8879.57 from
24 appropriated funds to be allocated based on Section 99313 of the
25 Public Utilities Code, the Controller shall make the following
26 computations:

27 (A) For each eligible recipient, compute the amounts of State
28 Transit Assistance funds allocated to that recipient pursuant to
29 Section 99313 of the Public Utilities Code during the 2004–05,
30 2005–06, and 2006–07 fiscal years.

31 (B) Compute the total statewide allocation of State Transit
32 Assistance funds pursuant to Section 99313 of the Public Utilities
33 Code during the 2004–05, 2005–06, and 2006–07 fiscal years.

34 (C) Divide subparagraph (A) by subparagraph (B).

35 (D) For each eligible recipient, multiply the allocation factor
36 computed pursuant to subparagraph (C) by 50 percent of the
37 amount available for allocation pursuant to subdivision (a) of
38 Section 8879.57.

39 (3) In establishing the amount of funding each eligible recipient
40 is eligible to receive under subdivision (a) of Section 8879.57 from

1 funds to be allocated based on Section 99314 of the Public Utilities
2 Code, the Controller shall make the following computations:

3 (A) For each eligible recipient, compute the amounts of State
4 Transit Assistance funds allocated to that recipient pursuant to
5 Section 99314 of the Public Utilities Code during the 2004–05,
6 2005–06, and 2006–07 fiscal years.

7 (B) Compute the total statewide allocation of State Transit
8 Assistance funds pursuant to Section 99314 of the Public Utilities
9 Code during the 2004–05, 2005–06, and 2006–07 fiscal years.

10 (C) Divide subparagraph (A) by subparagraph (B).

11 (D) For each eligible recipient, multiply the allocation factor
12 computed pursuant to subparagraph (C) by 50 percent of the
13 amount available for allocation pursuant to subdivision (a) of
14 Section 8879.57.

15 (4) The Controller shall notify eligible recipients of the amount
16 of funding each is eligible to receive pursuant to subdivision (a)
17 of Section 8879.57 for the duration of time that these funds are
18 made available for these purposes based on the computations
19 pursuant to subparagraph (D) of paragraph (2) and subparagraph
20 (D) of paragraph (3).

21 (b) Prior to seeking a disbursement of funds for an eligible
22 project, an agency or transit operator on the public list described
23 in paragraph (1) of subdivision (a) shall submit to the California
24 Emergency Management Agency a description of the project it
25 proposes to fund with its share of funds from the account. The
26 description shall include all of the following:

27 (1) A summary of the proposed project that describes the safety,
28 security, or emergency response benefit that the project intends to
29 achieve.

30 (2) That the useful life of the project shall not be less than the
31 required useful life for capital assets specified in subdivision (a)
32 of Section 16727.

33 (3) The estimated schedule for the completion of the project.

34 (4) The total cost of the proposed project, including
35 identification of all funding sources necessary for the project to
36 be completed.

37 (c) After receiving the information required to be submitted
38 under subdivision (b), the agency shall review the information to
39 determine all of the following:

1 (1) The project is consistent with the purposes described in
2 subdivision (h) of Section 8879.23.

3 (2) The project is an eligible capital expenditure, as described
4 in subdivision (a) of Section 8879.57.

5 (3) The project is a capital improvement that meets the
6 requirements of paragraph (2) of subdivision (b).

7 (4) The project, or a useful component thereof, is, or will
8 become, fully funded with an allocation of funds from the Transit
9 System Safety, Security, and Disaster Response Account.

10 (d) (1) Upon conducting the review required in subdivision (c)
11 and determining that a proposed project meets the requirements
12 of that subdivision, the agency shall, on a quarterly basis, provide
13 the Controller with a list of projects and the sponsoring agencies
14 or transit operators eligible to receive an allocation from the
15 account.

16 (2) The list of projects submitted to the Controller for allocation
17 for any one fiscal year shall be constrained by the total amount of
18 funds appropriated by the Legislature for the purposes of this
19 section for that fiscal year.

20 (3) For a fiscal year in which the number of projects submitted
21 for funding under this section exceeds available funds, the agency
22 shall prioritize projects contained on the lists submitted pursuant
23 to paragraph (1) so that (A) projects addressing the greatest risks
24 to the public have the highest priority and (B) to the maximum
25 extent possible, the list reflects a distribution of funding that is
26 geographically balanced.

27 (e) Upon receipt of the information from the agency required
28 by subdivision (d), the Controller's office shall commence any
29 necessary actions to allocate funds to eligible agencies and transit
30 operators sponsoring projects on the list of projects, including, but
31 not limited to, seeking the issuance of bonds for that purpose. The
32 total allocations to any one eligible agency or transit operator shall
33 not exceed that ~~agencies~~ *agency's* or transit operator's share of
34 funds from the account pursuant to the formula contained in
35 subdivision (a) of Section 8879.57.

36 (f) The Controller's office may, pursuant to Section 12410, use
37 its authority to audit the use of state bond funds on projects
38 receiving an allocation under this section. Each eligible agency or
39 transit operator sponsoring a project subject to an audit shall
40 provide any and all data requested by the Controller's office in

1 order to complete the audit. The Controller’s office shall transmit
2 copies of all completed audits to the agency and to the policy
3 committees of the Legislature with jurisdiction over transportation
4 and budget issues.

5 SEC. 121. Section 8879.60 of the Government Code is amended
6 to read:

7 8879.60. (a) For funds appropriated from the Transit System
8 Safety, Security, and Disaster Response Account for allocation to
9 intercity and commuter rail operators eligible to receive funds
10 pursuant to subdivision (c) of Section 8879.57, the California
11 Emergency Management Agency shall administer a grant
12 application and award program for those intercity and commuter
13 rail operators.

14 (b) Funds awarded to intercity and commuter rail operators
15 pursuant to this section shall be for eligible capital expenditures
16 as described in subdivision (c) of Section 8879.57.

17 (c) Prior to allocating funds to projects pursuant to this section,
18 the agency shall adopt guidelines to establish the criteria and
19 process for the distribution of funds described in this section. Prior
20 to adopting the guidelines, the agency shall hold a public hearing
21 on the proposed guidelines.

22 (d) For each fiscal year in which funds are appropriated for the
23 purposes of this section, the agency shall issue a notice of funding
24 availability no later than October 1.

25 (e) No later than December 1 of each fiscal year in which the
26 notice in subdivision (d) is issued, eligible intercity and commuter
27 rail operators may submit project nominations for funding to the
28 agency for its review and consideration. Project nominations shall
29 include all of the following:

30 (1) A description of the project, which shall illustrate the
31 physical components of the project and the security or emergency
32 response benefit to be achieved by the completion of the project.

33 (2) Identification of all nonbond sources of funding committed
34 to the project.

35 (3) An estimate of the project’s full cost and the proposed
36 schedule for the project’s completion.

37 (f) No later than February 1, the agency shall select eligible
38 projects to receive grants under this section. Grants awarded to
39 intercity and commuter rail operators pursuant to subdivision (c)
40 of Section 8879.57 shall be for eligible capital expenditures, as

1 described in subparagraphs (A) and (B) of paragraph (2) of
2 subdivision (c) of that section.

3 SEC. 122. Section 8879.61 of the Government Code is amended
4 to read:

5 8879.61. (a) Entities described in subdivisions (a), (b), and
6 (c) of Section 8879.57 receiving an allocation of funds pursuant
7 to this article shall expend those funds within three fiscal years of
8 the fiscal year in which the funds were allocated. Funds remaining
9 unexpended thereafter shall revert to the California Emergency
10 Management Agency, as applicable, for reallocation in subsequent
11 fiscal years.

12 (b) Entities that receive grant awards from funds allocated
13 pursuant to subdivisions (b) or (c) of Section 8879.57 are not
14 eligible to receive awards from the funds allocated pursuant to
15 subdivision (a) of Section 8879.57.

16 (c) Funds appropriated for the program established by this article
17 in the Budget Act of 2007 shall be allocated consistent with the
18 allocation schedule established in Section 8879.57.

19 SEC. 123. Section 9147.5 of the Government Code is repealed.

20 ~~SEC. 124. Section 11126 of the Government Code is amended~~
21 ~~to read:~~

22 ~~11126. (a) (1) Nothing in this article shall be construed to~~
23 ~~prevent a state body from holding closed sessions during a regular~~
24 ~~or special meeting to consider the appointment, employment,~~
25 ~~evaluation of performance, or dismissal of a public employee or~~
26 ~~to hear complaints or charges brought against that employee by~~
27 ~~another person or employee unless the employee requests a public~~
28 ~~hearing.~~

29 ~~(2) As a condition to holding a closed session on the complaints~~
30 ~~or charges to consider disciplinary action or to consider dismissal,~~
31 ~~the employee shall be given written notice of his or her right to~~
32 ~~have a public hearing, rather than a closed session, and that notice~~
33 ~~shall be delivered to the employee personally or by mail at least~~
34 ~~24 hours before the time for holding a regular or special meeting.~~
35 ~~If notice is not given, any disciplinary or other action taken against~~
36 ~~any employee at the closed session shall be null and void.~~

37 ~~(3) The state body also may exclude from any public or closed~~
38 ~~session, during the examination of a witness, any or all other~~
39 ~~witnesses in the matter being investigated by the state body.~~

1 ~~(4) Following the public hearing or closed session, the body~~
2 ~~may deliberate on the decision to be reached in a closed session.~~

3 ~~(b) For the purposes of this section, “employee” does not include~~
4 ~~any person who is elected to, or appointed to a public office by,~~
5 ~~any state body. However, officers of the California State University~~
6 ~~who receive compensation for their services, other than per diem~~
7 ~~and ordinary and necessary expenses, shall, when engaged in that~~
8 ~~capacity, be considered employees. Furthermore, for purposes of~~
9 ~~this section, the term employee includes a person exempt from~~
10 ~~civil service pursuant to subdivision (c) of Section 4 of Article VII~~
11 ~~of the California Constitution.~~

12 ~~(e) Nothing in this article shall be construed to do any of the~~
13 ~~following:~~

14 ~~(1) Prevent state bodies that administer the licensing of persons~~
15 ~~engaging in businesses or professions from holding closed sessions~~
16 ~~to prepare, approve, grade, or administer examinations.~~

17 ~~(2) Prevent an advisory body of a state body that administers~~
18 ~~the licensing of persons engaged in businesses or professions from~~
19 ~~conducting a closed session to discuss matters that the advisory~~
20 ~~body has found would constitute an unwarranted invasion of the~~
21 ~~privacy of an individual licensee or applicant if discussed in an~~
22 ~~open meeting, provided the advisory body does not include a~~
23 ~~quorum of the members of the state body it advises. Those matters~~
24 ~~may include review of an applicant’s qualifications for licensure~~
25 ~~and an inquiry specifically related to the state body’s enforcement~~
26 ~~program concerning an individual licensee or applicant where the~~
27 ~~inquiry occurs prior to the filing of a civil, criminal, or~~
28 ~~administrative disciplinary action against the licensee or applicant~~
29 ~~by the state body.~~

30 ~~(3) Prohibit a state body from holding a closed session to~~
31 ~~deliberate on a decision to be reached in a proceeding required to~~
32 ~~be conducted pursuant to Chapter 5 (commencing with Section~~
33 ~~11500) or similar provisions of law.~~

34 ~~(4) Grant a right to enter any correctional institution or the~~
35 ~~grounds of a correctional institution where that right is not~~
36 ~~otherwise granted by law, nor shall anything in this article be~~
37 ~~construed to prevent a state body from holding a closed session~~
38 ~~when considering and acting upon the determination of a term,~~
39 ~~parole, or release of any individual or other disposition of an~~

1 individual case, or if public disclosure of the subjects under
2 discussion or consideration is expressly prohibited by statute.

3 ~~(5) Prevent any closed session to consider the conferring of
4 honorary degrees, or gifts, donations, and bequests that the donor
5 or proposed donor has requested in writing to be kept confidential.~~

6 ~~(6) Prevent the Alcoholic Beverage Control Appeals Board from
7 holding a closed session for the purpose of holding a deliberative
8 conference as provided in Section 11125.~~

9 ~~(7) (A) Prevent a state body from holding closed sessions with
10 its negotiator prior to the purchase, sale, exchange, or lease of real
11 property by or for the state body to give instructions to its
12 negotiator regarding the price and terms of payment for the
13 purchase, sale, exchange, or lease.~~

14 ~~(B) However, prior to the closed session, the state body shall
15 hold an open and public session in which it identifies the real
16 property or real properties that the negotiations may concern and
17 the person or persons with whom its negotiator may negotiate.~~

18 ~~(C) For purposes of this paragraph, the negotiator may be a
19 member of the state body.~~

20 ~~(D) For purposes of this paragraph, "lease" includes renewal or
21 renegotiation of a lease.~~

22 ~~(E) Nothing in this paragraph shall preclude a state body from
23 holding a closed session for discussions regarding eminent domain
24 proceedings pursuant to subdivision (e).~~

25 ~~(8) Prevent the California Postsecondary Education Commission
26 from holding closed sessions to consider matters pertaining to the
27 appointment or termination of the Director of the California
28 Postsecondary Education Commission.~~

29 ~~(9) Prevent the Council for Private Postsecondary and
30 Vocational Education from holding closed sessions to consider
31 matters pertaining to the appointment or termination of the
32 Executive Director of the Council for Private Postsecondary and
33 Vocational Education.~~

34 ~~(10) Prevent the Franchise Tax Board from holding closed
35 sessions for the purpose of discussion of confidential tax returns
36 or information the public disclosure of which is prohibited by law,
37 or from considering matters pertaining to the appointment or
38 removal of the Executive Officer of the Franchise Tax Board.~~

39 ~~(11) Require the Franchise Tax Board to notice or disclose any
40 confidential tax information considered in closed sessions, or~~

1 documents executed in connection therewith, the public disclosure
2 of which is prohibited pursuant to Article 2 (commencing with
3 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
4 Revenue and Taxation Code.

5 (12) Prevent the Corrections Standards Authority from holding
6 closed sessions when considering reports of crime conditions under
7 Section 6027 of the Penal Code.

8 (13) Prevent the State Air Resources Board from holding closed
9 sessions when considering the proprietary specifications and
10 performance data of manufacturers.

11 (14) Prevent the State Board of Education or the Superintendent
12 of Public Instruction, or any committee advising the board or the
13 Superintendent, from holding closed sessions on those portions of
14 its review of assessment instruments pursuant to Chapter 5
15 (commencing with Section 60600) of, or pursuant to Chapter 9
16 (commencing with Section 60850) of, Part 33 of Division 4 of
17 Title 2 of the Education Code during which actual test content is
18 reviewed and discussed. The purpose of this provision is to
19 maintain the confidentiality of the assessments under review.

20 (15) Prevent the California Integrated Waste Management Board
21 or its auxiliary committees from holding closed sessions for the
22 purpose of discussing confidential tax returns, discussing trade
23 secrets or confidential or proprietary information in its possession,
24 or discussing other data, the public disclosure of which is
25 prohibited by law.

26 (16) Prevent a state body that invests retirement, pension, or
27 endowment funds from holding closed sessions when considering
28 investment decisions. For purposes of consideration of shareholder
29 voting on corporate stocks held by the state body, closed sessions
30 for the purposes of voting may be held only with respect to election
31 of corporate directors, election of independent auditors, and other
32 financial issues that could have a material effect on the net income
33 of the corporation. For the purpose of real property investment
34 decisions that may be considered in a closed session pursuant to
35 this paragraph, a state body shall also be exempt from the
36 provisions of paragraph (7) relating to the identification of real
37 properties prior to the closed session.

38 (17) Prevent a state body, or boards, commissions,
39 administrative officers, or other representatives that may properly
40 be designated by law or by a state body, from holding closed

1 sessions with its representatives in discharging its responsibilities
2 under Chapter 10 (commencing with Section 3500), Chapter 10.3
3 (commencing with Section 3512), Chapter 10.5 (commencing with
4 Section 3525), or Chapter 10.7 (commencing with Section 3540)
5 of Division 4 of Title 1 as the sessions relate to salaries, salary
6 schedules, or compensation paid in the form of fringe benefits.
7 For the purposes enumerated in the preceding sentence, a state
8 body may also meet with a state conciliator who has intervened
9 in the proceedings.

10 ~~(18) (A) Prevent a state body from holding closed sessions to~~
11 ~~consider matters posing a threat or potential threat of criminal or~~
12 ~~terrorist activity against the personnel, property, buildings,~~
13 ~~facilities, or equipment, including electronic data, owned, leased,~~
14 ~~or controlled by the state body, where disclosure of these~~
15 ~~considerations could compromise or impede the safety or security~~
16 ~~of the personnel, property, buildings, facilities, or equipment,~~
17 ~~including electronic data, owned, leased, or controlled by the state~~
18 ~~body.~~

19 ~~(B) Notwithstanding any other provision of law, a state body,~~
20 ~~at any regular or special meeting, may meet in a closed session~~
21 ~~pursuant to subparagraph (A) upon a two-thirds vote of the~~
22 ~~members present at the meeting.~~

23 ~~(C) After meeting in closed session pursuant to subparagraph~~
24 ~~(A), the state body shall reconvene in open session prior to~~
25 ~~adjournment and report that a closed session was held pursuant to~~
26 ~~subparagraph (A), the general nature of the matters considered,~~
27 ~~and whether any action was taken in closed session.~~

28 ~~(D) After meeting in closed session pursuant to subparagraph~~
29 ~~(A), the state body shall submit to the Legislative Analyst written~~
30 ~~notification stating that it held this closed session, the general~~
31 ~~reason or reasons for the closed session, the general nature of the~~
32 ~~matters considered, and whether any action was taken in closed~~
33 ~~session. The Legislative Analyst shall retain for no less than four~~
34 ~~years any written notification received from a state body pursuant~~
35 ~~to this subparagraph.~~

36 ~~(d) (1) Notwithstanding any other provision of law, any meeting~~
37 ~~of the Public Utilities Commission at which the rates of entities~~
38 ~~under the commission's jurisdiction are changed shall be open and~~
39 ~~public.~~

1 ~~(2) Nothing in this article shall be construed to prevent the~~
2 ~~Public Utilities Commission from holding closed sessions to~~
3 ~~deliberate on the institution of proceedings, or disciplinary actions~~
4 ~~against any person or entity under the jurisdiction of the~~
5 ~~commission.~~

6 ~~(e) (1) Nothing in this article shall be construed to prevent a~~
7 ~~state body, based on the advice of its legal counsel, from holding~~
8 ~~a closed session to confer with, or receive advice from, its legal~~
9 ~~counsel regarding pending litigation when discussion in open~~
10 ~~session concerning those matters would prejudice the position of~~
11 ~~the state body in the litigation.~~

12 ~~(2) For purposes of this article, all expressions of the~~
13 ~~lawyer-client privilege other than those provided in this subdivision~~
14 ~~are hereby abrogated. This subdivision is the exclusive expression~~
15 ~~of the lawyer-client privilege for purposes of conducting closed~~
16 ~~session meetings pursuant to this article. For purposes of this~~
17 ~~subdivision, litigation shall be considered pending when any of~~
18 ~~the following circumstances exist:~~

19 ~~(A) An adjudicatory proceeding before a court, an administrative~~
20 ~~body exercising its adjudicatory authority, a hearing officer, or an~~
21 ~~arbitrator, to which the state body is a party, has been initiated~~
22 ~~formally.~~

23 ~~(B) (i) A point has been reached where, in the opinion of the~~
24 ~~state body on the advice of its legal counsel, based on existing~~
25 ~~facts and circumstances, there is a significant exposure to litigation~~
26 ~~against the state body.~~

27 ~~(ii) Based on existing facts and circumstances, the state body~~
28 ~~is meeting only to decide whether a closed session is authorized~~
29 ~~pursuant to clause (i).~~

30 ~~(C) (i) Based on existing facts and circumstances, the state~~
31 ~~body has decided to initiate or is deciding whether to initiate~~
32 ~~litigation.~~

33 ~~(ii) The legal counsel of the state body shall prepare and submit~~
34 ~~to it a memorandum stating the specific reasons and legal authority~~
35 ~~for the closed session. If the closed session is pursuant to paragraph~~
36 ~~(1), the memorandum shall include the title of the litigation. If the~~
37 ~~closed session is pursuant to subparagraph (A) or (B), the~~
38 ~~memorandum shall include the existing facts and circumstances~~
39 ~~on which it is based. The legal counsel shall submit the~~
40 ~~memorandum to the state body prior to the closed session, if~~

1 feasible, and in any case no later than one week after the closed
2 session. The memorandum shall be exempt from disclosure
3 pursuant to Section 6254.25.

4 (iii) For purposes of this subdivision, “litigation” includes any
5 adjudicatory proceeding, including eminent domain, before a court,
6 administrative body exercising its adjudicatory authority, hearing
7 officer, or arbitrator.

8 (iv) Disclosure of a memorandum required under this
9 subdivision shall not be deemed as a waiver of the lawyer-client
10 privilege, as provided for under Article 3 (commencing with
11 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

12 (f) In addition to subdivisions (a), (b), and (c), nothing in this
13 article shall be construed to do any of the following:

14 (1) Prevent a state body operating under a joint powers
15 agreement for insurance pooling from holding a closed session to
16 discuss a claim for the payment of tort liability or public liability
17 losses incurred by the state body or any member agency under the
18 joint powers agreement.

19 (2) Prevent the examining committee established by the State
20 Board of Forestry and Fire Protection, pursuant to Section 763 of
21 the Public Resources Code, from conducting a closed session to
22 consider disciplinary action against an individual professional
23 forester prior to the filing of an accusation against the forester
24 pursuant to Section 11503.

25 (3) Prevent an administrative committee established by the
26 California Board of Accountancy pursuant to Section 5020 of the
27 Business and Professions Code from conducting a closed session
28 to consider disciplinary action against an individual accountant
29 prior to the filing of an accusation against the accountant pursuant
30 to Section 11503. Nothing in this article shall be construed to
31 prevent an examining committee established by the California
32 Board of Accountancy pursuant to Section 5023 of the Business
33 and Professions Code from conducting a closed hearing to
34 interview an individual applicant or accountant regarding the
35 applicant’s qualifications.

36 (4) Prevent a state body, as defined in subdivision (b) of Section
37 11121, from conducting a closed session to consider any matter
38 that properly could be considered in closed session by the state
39 body whose authority it exercises.

- 1 ~~(5) Prevent a state body, as defined in subdivision (d) of Section~~
2 ~~11121, from conducting a closed session to consider any matter~~
3 ~~that properly could be considered in a closed session by the body~~
4 ~~defined as a state body pursuant to subdivision (a) or (b) of Section~~
5 ~~11121.~~
- 6 ~~(6) Prevent a state body, as defined in subdivision (e) of Section~~
7 ~~11121, from conducting a closed session to consider any matter~~
8 ~~that properly could be considered in a closed session by the state~~
9 ~~body it advises.~~
- 10 ~~(7) Prevent the State Board of Equalization from holding closed~~
11 ~~sessions for either of the following:~~
 - 12 ~~(A) When considering matters pertaining to the appointment or~~
13 ~~removal of the Executive Secretary of the State Board of~~
14 ~~Equalization.~~
 - 15 ~~(B) For the purpose of hearing confidential taxpayer appeals or~~
16 ~~data, the public disclosure of which is prohibited by law.~~
- 17 ~~(8) Require the State Board of Equalization to disclose any~~
18 ~~action taken in closed session or documents executed in connection~~
19 ~~with that action, the public disclosure of which is prohibited by~~
20 ~~law pursuant to Sections 15619 and 15641 of this code and Sections~~
21 ~~833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,~~
22 ~~45982, 46751, 50159, 55381, and 60609 of the Revenue and~~
23 ~~Taxation Code.~~
- 24 ~~(9) Prevent the California Earthquake Prediction Evaluation~~
25 ~~Council, or other body appointed to advise the Secretary of the~~
26 ~~California Emergency Management Agency or the Governor~~
27 ~~concerning matters relating to volcanic or earthquake predictions,~~
28 ~~from holding closed sessions when considering the evaluation of~~
29 ~~possible predictions.~~
- 30 ~~(g) This article does not prevent either of the following:~~
 - 31 ~~(1) The Teachers' Retirement Board or the Board of~~
32 ~~Administration of the Public Employees' Retirement System from~~
33 ~~holding closed sessions when considering matters pertaining to~~
34 ~~the recruitment, appointment, employment, or removal of the chief~~
35 ~~executive officer or when considering matters pertaining to the~~
36 ~~recruitment or removal of the Chief Investment Officer of the State~~
37 ~~Teachers' Retirement System or the Public Employees' Retirement~~
38 ~~System.~~

1 ~~(2) The Commission on Teacher Credentialing from holding~~
2 ~~closed sessions when considering matters relating to the~~
3 ~~recruitment, appointment, or removal of its executive director.~~
4 ~~(h) This article does not prevent the Board of Administration~~
5 ~~of the Public Employees' Retirement System from holding closed~~
6 ~~sessions when considering matters relating to the development of~~
7 ~~rates and competitive strategy for plans offered pursuant to Chapter~~
8 ~~15 (commencing with Section 21660) of Part 3 of Division 5 of~~
9 ~~Title 2.~~
10 ~~(i) This article does not prevent the Managed Risk Medical~~
11 ~~Insurance Board from holding closed sessions when considering~~
12 ~~matters related to the development of rates and contracting strategy~~
13 ~~for entities contracting or seeking to contract with the board~~
14 ~~pursuant to Part 6.2 (commencing with Section 12693), Part 6.3~~
15 ~~(commencing with Section 12695), Part 6.4 (commencing with~~
16 ~~Section 12699.50), or Part 6.5 (commencing with Section 12700)~~
17 ~~of Division 2 of the Insurance Code.~~
18 ~~(j) Nothing in this article shall be construed to prevent the board~~
19 ~~of the State Compensation Insurance Fund from holding closed~~
20 ~~sessions in the following:~~
21 ~~(1) When considering matters related to claims pursuant to~~
22 ~~Chapter 1 (commencing with Section 3200) of Division 4 of the~~
23 ~~Labor Code, to the extent that confidential medical information~~
24 ~~or other individually identifiable information would be disclosed.~~
25 ~~(2) To the extent that matters related to audits and investigations~~
26 ~~that have not been completed would be disclosed.~~
27 ~~(3) To the extent that an internal audit containing proprietary~~
28 ~~information would be disclosed.~~
29 ~~(4) To the extent that the session would address the development~~
30 ~~of rates, contracting strategy, underwriting, or competitive strategy,~~
31 ~~pursuant to the powers granted to the board in Chapter 4~~
32 ~~(commencing with Section 11770) of Part 3 of Division 2 of the~~
33 ~~Insurance Code, when discussion in open session concerning those~~
34 ~~matters would prejudice the position of the State Compensation~~
35 ~~Insurance Fund.~~
36 ~~(k) The State Compensation Insurance Fund shall comply with~~
37 ~~the procedures specified in Section 11125.4 of the Government~~
38 ~~Code with respect to any closed session or meeting authorized by~~
39 ~~subdivision (j), and in addition shall provide an opportunity for a~~

1 ~~member of the public to be heard on the issue of the~~
2 ~~appropriateness of closing the meeting or session.~~

3 *SEC. 124. Section 11126 of the Government Code is amended*
4 *to read:*

5 11126. (a) (1) Nothing in this article shall be construed to
6 prevent a state body from holding closed sessions during a regular
7 or special meeting to consider the appointment, employment,
8 evaluation of performance, or dismissal of a public employee or
9 to hear complaints or charges brought against that employee by
10 another person or employee unless the employee requests a public
11 hearing.

12 (2) As a condition to holding a closed session on the complaints
13 or charges to consider disciplinary action or to consider dismissal,
14 the employee shall be given written notice of his or her right to
15 have a public hearing, rather than a closed session, and that notice
16 shall be delivered to the employee personally or by mail at least
17 24 hours before the time for holding a regular or special meeting.
18 If notice is not given, any disciplinary or other action taken against
19 any employee at the closed session shall be null and void.

20 (3) The state body also may exclude from any public or closed
21 session, during the examination of a witness, any or all other
22 witnesses in the matter being investigated by the state body.

23 (4) Following the public hearing or closed session, the body
24 may deliberate on the decision to be reached in a closed session.

25 (b) For the purposes of this section, “employee” does not include
26 any person who is elected to, or appointed to a public office by,
27 any state body. However, officers of the California State University
28 who receive compensation for their services, other than per diem
29 and ordinary and necessary expenses, shall, when engaged in that
30 capacity, be considered employees. Furthermore, for purposes of
31 this section, the term employee includes a person exempt from
32 civil service pursuant to subdivision (e) of Section 4 of Article VII
33 of the California Constitution.

34 (c) Nothing in this article shall be construed to do any of the
35 following:

36 (1) Prevent state bodies that administer the licensing of persons
37 engaging in businesses or professions from holding closed sessions
38 to prepare, approve, grade, or administer examinations.

39 (2) Prevent an advisory body of a state body that administers
40 the licensing of persons engaged in businesses or professions from

1 conducting a closed session to discuss matters that the advisory
2 body has found would constitute an unwarranted invasion of the
3 privacy of an individual licensee or applicant if discussed in an
4 open meeting, provided the advisory body does not include a
5 quorum of the members of the state body it advises. Those matters
6 may include review of an applicant's qualifications for licensure
7 and an inquiry specifically related to the state body's enforcement
8 program concerning an individual licensee or applicant where the
9 inquiry occurs prior to the filing of a civil, criminal, or
10 administrative disciplinary action against the licensee or applicant
11 by the state body.

12 (3) Prohibit a state body from holding a closed session to
13 deliberate on a decision to be reached in a proceeding required to
14 be conducted pursuant to Chapter 5 (commencing with Section
15 11500) or similar provisions of law.

16 (4) Grant a right to enter any correctional institution or the
17 grounds of a correctional institution where that right is not
18 otherwise granted by law, nor shall anything in this article be
19 construed to prevent a state body from holding a closed session
20 when considering and acting upon the determination of a term,
21 parole, or release of any individual or other disposition of an
22 individual case, or if public disclosure of the subjects under
23 discussion or consideration is expressly prohibited by statute.

24 (5) Prevent any closed session to consider the conferring of
25 honorary degrees, or gifts, donations, and bequests that the donor
26 or proposed donor has requested in writing to be kept confidential.

27 (6) Prevent the Alcoholic Beverage Control Appeals Board from
28 holding a closed session for the purpose of holding a deliberative
29 conference as provided in Section 11125.

30 (7) (A) Prevent a state body from holding closed sessions with
31 its negotiator prior to the purchase, sale, exchange, or lease of real
32 property by or for the state body to give instructions to its
33 negotiator regarding the price and terms of payment for the
34 purchase, sale, exchange, or lease.

35 (B) However, prior to the closed session, the state body shall
36 hold an open and public session in which it identifies the real
37 property or real properties that the negotiations may concern and
38 the person or persons with whom its negotiator may negotiate.

39 (C) For purposes of this paragraph, the negotiator may be a
40 member of the state body.

1 (D) For purposes of this paragraph, “lease” includes renewal or
2 renegotiation of a lease.

3 (E) Nothing in this paragraph shall preclude a state body from
4 holding a closed session for discussions regarding eminent domain
5 proceedings pursuant to subdivision (e).

6 (8) Prevent the California Postsecondary Education Commission
7 from holding closed sessions to consider matters pertaining to the
8 appointment or termination of the Director of the California
9 Postsecondary Education Commission.

10 (9) Prevent the Council for Private Postsecondary and
11 Vocational Education from holding closed sessions to consider
12 matters pertaining to the appointment or termination of the
13 Executive Director of the Council for Private Postsecondary and
14 Vocational Education.

15 (10) Prevent the Franchise Tax Board from holding closed
16 sessions for the purpose of discussion of confidential tax returns
17 or information the public disclosure of which is prohibited by law,
18 or from considering matters pertaining to the appointment or
19 removal of the Executive Officer of the Franchise Tax Board.

20 (11) Require the Franchise Tax Board to notice or disclose any
21 confidential tax information considered in closed sessions, or
22 documents executed in connection therewith, the public disclosure
23 of which is prohibited pursuant to Article 2 (commencing with
24 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
25 Revenue and Taxation Code.

26 (12) Prevent the Corrections Standards Authority from holding
27 closed sessions when considering reports of crime conditions under
28 Section 6027 of the Penal Code.

29 (13) Prevent the State Air Resources Board from holding closed
30 sessions when considering the proprietary specifications and
31 performance data of manufacturers.

32 (14) Prevent the State Board of Education or the Superintendent
33 of Public Instruction, or any committee advising the board or the
34 Superintendent, from holding closed sessions on those portions of
35 its review of assessment instruments pursuant to Chapter 5
36 (commencing with Section 60600) of, or pursuant to Chapter 9
37 (commencing with Section 60850) of, Part 33 of Division 4 of
38 Title 2 of the Education Code during which actual test content is
39 reviewed and discussed. The purpose of this provision is to
40 maintain the confidentiality of the assessments under review.

1 (15) Prevent the California Integrated Waste Management Board
2 or its auxiliary committees from holding closed sessions for the
3 purpose of discussing confidential tax returns, discussing trade
4 secrets or confidential or proprietary information in its possession,
5 or discussing other data, the public disclosure of which is
6 prohibited by law.

7 (16) Prevent a state body that invests retirement, pension, or
8 endowment funds from holding closed sessions when considering
9 investment decisions. For purposes of consideration of shareholder
10 voting on corporate stocks held by the state body, closed sessions
11 for the purposes of voting may be held only with respect to election
12 of corporate directors, election of independent auditors, and other
13 financial issues that could have a material effect on the net income
14 of the corporation. For the purpose of real property investment
15 decisions that may be considered in a closed session pursuant to
16 this paragraph, a state body shall also be exempt from the
17 provisions of paragraph (7) relating to the identification of real
18 properties prior to the closed session.

19 (17) Prevent a state body, or boards, commissions,
20 administrative officers, or other representatives that may properly
21 be designated by law or by a state body, from holding closed
22 sessions with its representatives in discharging its responsibilities
23 under Chapter 10 (commencing with Section 3500), Chapter 10.3
24 (commencing with Section 3512), Chapter 10.5 (commencing with
25 Section 3525), or Chapter 10.7 (commencing with Section 3540)
26 of Division 4 of Title 1 as the sessions relate to salaries, salary
27 schedules, or compensation paid in the form of fringe benefits.
28 For the purposes enumerated in the preceding sentence, a state
29 body may also meet with a state conciliator who has intervened
30 in the proceedings.

31 (18) (A) Prevent a state body from holding closed sessions to
32 consider matters posing a threat or potential threat of criminal or
33 terrorist activity against the personnel, property, buildings,
34 facilities, or equipment, including electronic data, owned, leased,
35 or controlled by the state body, where disclosure of these
36 considerations could compromise or impede the safety or security
37 of the personnel, property, buildings, facilities, or equipment,
38 including electronic data, owned, leased, or controlled by the state
39 body.

1 (B) Notwithstanding any other provision of law, a state body,
2 at any regular or special meeting, may meet in a closed session
3 pursuant to subparagraph (A) upon a two-thirds vote of the
4 members present at the meeting.

5 (C) After meeting in closed session pursuant to subparagraph
6 (A), the state body shall reconvene in open session prior to
7 adjournment and report that a closed session was held pursuant to
8 subparagraph (A), the general nature of the matters considered,
9 and whether any action was taken in closed session.

10 (D) After meeting in closed session pursuant to subparagraph
11 (A), the state body shall submit to the Legislative Analyst written
12 notification stating that it held this closed session, the general
13 reason or reasons for the closed session, the general nature of the
14 matters considered, and whether any action was taken in closed
15 session. The Legislative Analyst shall retain for no less than four
16 years any written notification received from a state body pursuant
17 to this subparagraph.

18 (d) (1) Notwithstanding any other provision of law, any meeting
19 of the Public Utilities Commission at which the rates of entities
20 under the commission's jurisdiction are changed shall be open and
21 public.

22 (2) Nothing in this article shall be construed to prevent the
23 Public Utilities Commission from holding closed sessions to
24 deliberate on the institution of proceedings, or disciplinary actions
25 against any person or entity under the jurisdiction of the
26 commission.

27 (e) (1) Nothing in this article shall be construed to prevent a
28 state body, based on the advice of its legal counsel, from holding
29 a closed session to confer with, or receive advice from, its legal
30 counsel regarding pending litigation when discussion in open
31 session concerning those matters would prejudice the position of
32 the state body in the litigation.

33 (2) For purposes of this article, all expressions of the
34 lawyer-client privilege other than those provided in this subdivision
35 are hereby abrogated. This subdivision is the exclusive expression
36 of the lawyer-client privilege for purposes of conducting closed
37 session meetings pursuant to this article. For purposes of this
38 subdivision, litigation shall be considered pending when any of
39 the following circumstances exist:

1 (A) An adjudicatory proceeding before a court, an administrative
2 body exercising its adjudicatory authority, a hearing officer, or an
3 arbitrator, to which the state body is a party, has been initiated
4 formally.

5 (B) (i) A point has been reached where, in the opinion of the
6 state body on the advice of its legal counsel, based on existing
7 facts and circumstances, there is a significant exposure to litigation
8 against the state body.

9 (ii) Based on existing facts and circumstances, the state body
10 is meeting only to decide whether a closed session is authorized
11 pursuant to clause (i).

12 (C) (i) Based on existing facts and circumstances, the state
13 body has decided to initiate or is deciding whether to initiate
14 litigation.

15 (ii) The legal counsel of the state body shall prepare and submit
16 to it a memorandum stating the specific reasons and legal authority
17 for the closed session. If the closed session is pursuant to paragraph
18 (1), the memorandum shall include the title of the litigation. If the
19 closed session is pursuant to subparagraph (A) or (B), the
20 memorandum shall include the existing facts and circumstances
21 on which it is based. The legal counsel shall submit the
22 memorandum to the state body prior to the closed session, if
23 feasible, and in any case no later than one week after the closed
24 session. The memorandum shall be exempt from disclosure
25 pursuant to Section 6254.25.

26 (iii) For purposes of this subdivision, “litigation” includes any
27 adjudicatory proceeding, including eminent domain, before a court,
28 administrative body exercising its adjudicatory authority, hearing
29 officer, or arbitrator.

30 (iv) Disclosure of a memorandum required under this
31 subdivision shall not be deemed as a waiver of the lawyer-client
32 privilege, as provided for under Article 3 (commencing with
33 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

34 (f) In addition to subdivisions (a), (b), and (c), nothing in this
35 article shall be construed to do any of the following:

36 (1) Prevent a state body operating under a joint powers
37 agreement for insurance pooling from holding a closed session to
38 discuss a claim for the payment of tort liability or public liability
39 losses incurred by the state body or any member agency under the
40 joint powers agreement.

1 (2) Prevent the examining committee established by the State
2 Board of Forestry and Fire Protection, pursuant to Section 763 of
3 the Public Resources Code, from conducting a closed session to
4 consider disciplinary action against an individual professional
5 forester prior to the filing of an accusation against the forester
6 pursuant to Section 11503.

7 (3) Prevent ~~an administrative~~ *the enforcement advisory*
8 committee established by the California Board of Accountancy
9 pursuant to Section 5020 of the Business and Professions Code
10 from conducting a closed session to consider disciplinary action
11 against an individual accountant prior to the filing of an accusation
12 against the accountant pursuant to Section 11503. Nothing in this
13 article shall be construed to prevent ~~an~~ *the qualifications* examining
14 committee established by the California Board of Accountancy
15 pursuant to Section 5023 of the Business and Professions Code
16 from conducting a closed hearing to interview an individual
17 applicant or accountant regarding the applicant's qualifications.

18 (4) Prevent a state body, as defined in subdivision (b) of Section
19 11121, from conducting a closed session to consider any matter
20 that properly could be considered in closed session by the state
21 body whose authority it exercises.

22 (5) Prevent a state body, as defined in subdivision (d) of Section
23 11121, from conducting a closed session to consider any matter
24 that properly could be considered in a closed session by the body
25 defined as a state body pursuant to subdivision (a) or (b) of Section
26 11121.

27 (6) Prevent a state body, as defined in subdivision (c) of Section
28 11121, from conducting a closed session to consider any matter
29 that properly could be considered in a closed session by the state
30 body it advises.

31 (7) Prevent the State Board of Equalization from holding closed
32 sessions for either of the following:

33 (A) When considering matters pertaining to the appointment or
34 removal of the Executive Secretary of the State Board of
35 Equalization.

36 (B) For the purpose of hearing confidential taxpayer appeals or
37 data, the public disclosure of which is prohibited by law.

38 (8) Require the State Board of Equalization to disclose any
39 action taken in closed session or documents executed in connection
40 with that action, the public disclosure of which is prohibited by

1 law pursuant to Sections 15619 and 15641 of this code and Sections
2 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,
3 45982, 46751, 50159, 55381, and 60609 of the Revenue and
4 Taxation Code.

5 (9) Prevent the California Earthquake Prediction Evaluation
6 Council, or other body appointed to advise the ~~Director of the~~
7 ~~Office of Emergency Services~~ *Secretary of Emergency*
8 *Management* or the Governor concerning matters relating to
9 volcanic or earthquake predictions, from holding closed sessions
10 when considering the evaluation of possible predictions.

11 (g) This article does not prevent either of the following:

12 (1) The Teachers' Retirement Board or the Board of
13 Administration of the Public Employees' Retirement System from
14 holding closed sessions when considering matters pertaining to
15 the recruitment, appointment, employment, or removal of the chief
16 executive officer or when considering matters pertaining to the
17 recruitment or removal of the Chief Investment Officer of the State
18 Teachers' Retirement System or the Public Employees' Retirement
19 System.

20 (2) The Commission on Teacher Credentialing from holding
21 closed sessions when considering matters relating to the
22 recruitment, appointment, or removal of its executive director.

23 (h) This article does not prevent the Board of Administration
24 of the Public Employees' Retirement System from holding closed
25 sessions when considering matters relating to the development of
26 rates and competitive strategy for plans offered pursuant to Chapter
27 15 (commencing with Section 21660) of Part 3 of Division 5 of
28 Title 2.

29 (i) This article does not prevent the Managed Risk Medical
30 Insurance Board from holding closed sessions when considering
31 matters related to the development of rates and contracting strategy
32 for entities contracting or seeking to contract with the board,
33 entities with which the board is considering a contract, or entities
34 with which the board is considering or enters into any other
35 arrangement under which the board provides, receives, or arranges
36 services or reimbursement, pursuant to Part 6.2 (commencing with
37 Section 12693), Part 6.3 (commencing with Section 12695), Part
38 6.4 (commencing with Section 12699.50), Part 6.5 (commencing
39 with Section 12700), Part 6.6 (commencing with Section 12739.5),

1 or Part 6.7 (commencing with Section 12739.70) of Division 2 of
2 the Insurance Code.

3 (j) Nothing in this article shall be construed to prevent the board
4 of the State Compensation Insurance Fund from holding closed
5 sessions in the following:

6 (1) When considering matters related to claims pursuant to
7 Chapter 1 (commencing with Section 3200) of Division 4 of the
8 Labor Code, to the extent that confidential medical information
9 or other individually identifiable information would be disclosed.

10 (2) To the extent that matters related to audits and investigations
11 that have not been completed would be disclosed.

12 (3) To the extent that an internal audit containing proprietary
13 information would be disclosed.

14 (4) To the extent that the session would address the development
15 of rates, contracting strategy, underwriting, or competitive strategy,
16 pursuant to the powers granted to the board in Chapter 4
17 (commencing with Section 11770) of Part 3 of Division 2 of the
18 Insurance Code, when discussion in open session concerning those
19 matters would prejudice the position of the State Compensation
20 Insurance Fund.

21 (k) The State Compensation Insurance Fund shall comply with
22 the procedures specified in Section 11125.4 of the Government
23 Code with respect to any closed session or meeting authorized by
24 subdivision (j), and in addition shall provide an opportunity for a
25 member of the public to be heard on the issue of the
26 appropriateness of closing the meeting or session.

27 SEC. 125. Section 11549.4 of the Government Code is amended
28 to read:

29 11549.4. The office shall consult with the State Chief
30 Information Officer, the California Emergency Management
31 Agency, the Director of General Services, the Director of Finance,
32 and any other relevant agencies concerning policies, standards,
33 and procedures related to information security and privacy.

34 SEC. 126. Section 12800 of the Government Code is amended
35 to read:

36 12800. There are in the state government the following
37 agencies: State and Consumer Services; Business, Transportation
38 and Housing; California Emergency Management; California
39 Environmental Protection; California Health and Human Services;

1 Labor and Workforce Development; Natural Resources; and Youth
2 and Adult Correctional.

3 Whenever the term “Agriculture and Services Agency” appears
4 in any law, it means the “State and Consumer Services Agency,”
5 and whenever the term “Secretary of Agriculture and Services
6 Agency” appears in any law, it means the “Secretary of State and
7 Consumer Services.”

8 Whenever the term “Business and Transportation Agency”
9 appears in any law, it means the “Business, Transportation and
10 Housing Agency,” and whenever the term “Secretary of the
11 Business and Transportation Agency” appears in any law, it means
12 the “Secretary of Business, Transportation and Housing.”

13 Whenever the term “Health and Welfare Agency” appears in
14 any law, it means the “California Health and Human Services
15 Agency,” and whenever the term “Secretary of the Health and
16 Welfare Agency” appears in any law, it means the “Secretary of
17 California Health and Human Services.”

18 Whenever the term “Resources Agency” appears in any law, it
19 means the “Natural Resources Agency,” and whenever the term
20 “Secretary of the Resources Agency” appears in any law, it means
21 the “Secretary of the Natural Resources Agency.”

22 SEC. 127. Section 14669.21 of the Government Code is
23 amended to read:

24 14669.21. (a) The Director of the Department of General
25 Services is authorized to acquire, develop, design, and construct,
26 according to plans and specifications approved by the Los Angeles
27 Regional Crime Laboratory Facility Authority, an approximately
28 200,000 gross square foot regional criminal justice laboratory,
29 necessary infrastructure, and related surface parking to
30 accommodate approximately 600 cars on the Los Angeles campus
31 of the California State University. In accordance with this
32 authorization, the director is authorized to enter into any
33 agreements, contracts, leases, or other documents necessary to
34 effectuate and further the transaction. Further, the Los Angeles
35 Regional Crime Laboratory Facility Authority is authorized to
36 assign, and the director is authorized to accept, all contracts already
37 entered into by the Los Angeles Regional Crime Laboratory
38 Facility Authority for the development and design of this project.
39 It is acknowledged that these contracts will have to be modified
40 to make them consistent with the standards for state projects. The

1 director is additionally authorized to enter into a long-term ground
2 lease for 75 years with the Trustees of the California State
3 University for the land within the Los Angeles campus on which
4 the project is to be constructed. At the end of the ground lease
5 term, unencumbered title to the land shall return to the trustees
6 and, at the option of the trustees, ownership of any improvements
7 constructed pursuant to this section shall vest in the trustees. The
8 trustees are authorized and directed to fully cooperate and enter
9 into a ground lease with the Department of General Services upon
10 the terms and conditions that will facilitate the financing of this
11 project by the State Public Works Board. The trustees shall obtain
12 concurrence from the Los Angeles Regional Crime Laboratory
13 Facility Authority in the development of the long-term ground
14 lease referenced in this section. In his or her capacity, the director
15 is directed to obtain concurrence and approval from the trustees
16 relating to the design and construction of the facility consistent
17 with the trustees' reasonable requirements.

18 (b) The State Public Works Board is authorized to issue lease
19 revenue bonds, negotiable notes, or negotiable bond anticipation
20 notes pursuant to the State Building Construction Act of 1955 (Part
21 10b (commencing with Section 15800) for the acquisition,
22 development, design, and construction of the regional crime
23 laboratory as described in this section. The project shall be
24 acquired, developed, designed, and constructed on behalf of the
25 State Public Works Board and the California Emergency
26 Management Agency by the Department of General Services in
27 accordance with state laws applicable to state projects provided,
28 however, that the contractor prequalification specified in Section
29 20101 of the Public Contract Code may be utilized. For purposes
30 of compliance with the California Environmental Quality Act
31 (Division 13 (commencing with Section 21000) of the Public
32 Resources Code) the agency or agencies designated by the Director
33 of Finance pursuant to Section 13820 of the Penal Code is the lead
34 agency, and the trustees, acting through *the* California State
35 University at Los Angeles, and the Los Angeles Regional Crime
36 Laboratory Facility Authority are responsible agencies.

37 (c) The State Public Works Board and the agency or agencies
38 designated by the Director of Finance pursuant to Section 13820
39 of the Penal Code may borrow funds for project costs from the
40 Pooled Money Investment Account, pursuant to Sections 16312

1 and 16313, or from any other appropriate source. In the event the
2 bonds authorized by this section for the project are not sold, the
3 agency or agencies designated by the Director of Finance pursuant
4 to Section 13820 of the Penal Code shall commit a sufficient
5 amount of its support appropriation to repay any loans made for
6 the project.

7 (d) The amount of lease revenue bonds, negotiable notes, or
8 negotiable bond anticipation notes to be issued by the State Public
9 Works Board shall not exceed ninety-two million dollars
10 (\$92,000,000) and any additional sums necessary to pay interim
11 and permanent financing costs. The additional sums may also
12 include interest and a reasonably required reserve fund. This
13 amount includes additional estimated project costs associated with
14 reformatting the initial local assistance appropriation into a state
15 managed and constructed regional crime laboratory project.

16 (e) The agency or agencies designated by the Director of Finance
17 pursuant to Section 13820 of the Penal Code may execute a
18 contract with the State Public Works Board for the lease of the
19 regional crime laboratory facilities described in this section that
20 are financed with the proceeds of the board's bonds. Further, and
21 notwithstanding any other provision of law, the agency or agencies
22 designated by the Director of Finance pursuant to Section 13820
23 of the Penal Code is authorized to enter into contracts and subleases
24 with the trustees, the Los Angeles Regional Crime Laboratory
25 Facility Authority, the Department of Justice, and any other
26 appropriate state or local agency, with the consent of the State
27 Public Works Board and the Department of General Services, for
28 the use, maintenance, and operation of the financed regional crime
29 laboratory facilities described in this section.

30 (f) When all of the bonds or notes authorized pursuant to
31 subdivision (d) have been paid in full or provided for in accordance
32 with their terms, notwithstanding any other provision of law, the
33 Department of General Services shall assign the ground lease
34 entered into pursuant to subdivision (a) to the Los Angeles
35 Regional Crime Laboratory Facility Authority or its successor
36 agency. At that time, the ground lease may be amended as agreed
37 to by the trustees and the Los Angeles Regional Crime Laboratory
38 Facility Authority or its successor agency.

39 SEC. 128. Section 19844.5 of the Government Code is amended
40 to read:

1 19844.5. (a) A state employee who is called into service by
2 the California Emergency Management Agency pursuant to a
3 mission assignment number for the purpose of engaging in a search
4 and rescue operation, disaster mission, or other life-saving mission
5 conducted within the state is entitled to administrative time off
6 from his or her appointing power. The appointing power shall not
7 be liable for payment of any disability or death benefits in the
8 event the employee is injured or killed in the course of service to
9 the California Emergency Management Agency, but the employee
10 shall remain entitled to any benefits currently provided by the
11 agency.

12 (b) The period of the duty described in subdivision (a) shall not
13 exceed 10 calendar days per fiscal year, including the time involved
14 in going to and returning from the duty. A single mission shall not
15 exceed three days, unless an extension of time is granted by the
16 office and the appointing power.

17 (c) This section shall apply only to volunteers participating in
18 the California Explorer Search and Rescue Team, Drowning
19 Accident Rescue Team, Wilderness Organization of Finders,
20 California Rescue Dog Association, and the California Wing of
21 the Civil Air Patrol.

22 (d) A state employee engaging in a duty as described in this
23 section shall not receive overtime compensation for the hours of
24 time off taken but shall receive normal compensation.

25 (e) A state employee shall be released to engage in a duty
26 described in this section at the discretion of the appointing power.
27 However, leave shall not be unreasonably denied. The appointing
28 power shall also establish a procedure whereby state employees
29 who receive weekend or evening requests to serve may be released
30 to do so.

31 SEC. 129. Section 26614 of the Government Code is amended
32 to read:

33 26614. The board of supervisors of a county may authorize the
34 sheriff to search for and rescue persons who are lost or are in
35 danger of their lives within or in the immediate vicinity of the
36 county. The expense incurred by the sheriff in the performance of
37 those duties shall be a proper county charge. Authorization for
38 search and rescue activities shall be consistent with guidelines and
39 operating plans contained in the Search and Rescue Model
40 Operating Plan, as developed and adopted by the California

1 Emergency Management Agency in consultation with fire
2 protection and law enforcement service providers. The California
3 Emergency Management Agency shall make the plan available to
4 counties and fire protection and law enforcement agencies for use
5 and adoption by the board of supervisors and the governing boards
6 of all search and rescue providers. If the board assigns
7 responsibility for search and rescue activities in a manner that is
8 inconsistent with these model operating guidelines, the board shall
9 adopt a resolution to clarify why the local model provides better
10 protections than the Search and Rescue Model Operating Plan, as
11 developed by the California Emergency Management Agency, to
12 residents in need of county search and rescue services. Counties
13 are encouraged to adopt their countywide search and rescue plans
14 and to review them on a regular basis. A review of a countywide
15 search and rescue plan shall include, but is not limited to, changes
16 made to the Search and Rescue Model Operating Plan by the
17 California Emergency Management Agency. This section shall
18 not be construed to vest any additional powers for search and
19 rescue upon sheriffs or any other public safety agency that provides
20 search and rescue.

21 SEC. 130. Section 51018 of the Government Code is amended
22 to read:

23 51018. (a) Every rupture, explosion, or fire involving a
24 pipeline, including a pipeline system otherwise exempted by
25 subdivision (a) of Section 51010.5, and including a pipeline
26 undergoing testing, shall be immediately reported by the pipeline
27 operator to the fire department having fire suppression
28 responsibilities and to the California Emergency Management
29 Agency. In addition, the pipeline operator shall, within 30 days of
30 the rupture, explosion, or fire, file a report with the State Fire
31 Marshal containing all the information that the State Fire Marshal
32 may reasonably require to prepare the report required pursuant to
33 subdivision (d).

34 (b) (1) The California Emergency Management Agency shall
35 immediately notify the State Fire Marshal of the incident, who
36 shall immediately dispatch his or her employees to the scene. The
37 State Fire Marshal or his or her employees, upon arrival, shall
38 provide technical expertise and advise the operator and all public
39 agencies on activities needed to mitigate the hazard.

1 (2) For purposes of this subdivision, the Legislature does not
2 intend to hinder or disrupt the workings of the “incident
3 commander system,” but does intend to establish a recognized
4 element of expertise and direction for the incident command to
5 consult and acknowledge as an authority on the subject of pipeline
6 incident mitigation. Furthermore, it is expected that the State Fire
7 Marshal will recognize the expertise of the pipeline operator and
8 any other emergency agency personnel who may be familiar with
9 the particular location of the incident and respect their
10 knowledgeable input regarding the mitigation of the incident.

11 (c) For purposes of this section, “rupture” includes every
12 unintentional liquid leak, including any leak that occurs during
13 hydrostatic testing, except that a crude oil leak of less than five
14 barrels from a pipeline or flow line in a rural area, or any crude
15 oil or petroleum product leak in any in-plant piping system of less
16 than five barrels, when no fire, explosion, or bodily injury results
17 or no waterway is contaminated thereby, does not constitute a
18 rupture for purposes of the reporting requirements of subdivision
19 (a).

20 (d) The State Fire Marshal shall, every fifth year commencing
21 in 1999, issue a report identifying pipeline leak incident rate trends,
22 reviewing current regulatory effectiveness with regard to pipeline
23 safety, and recommending any necessary changes to the
24 Legislature. This report shall include an assessment of the condition
25 of each pipeline and shall include all of the following: total length
26 of regulated pipelines, total length of regulated piggable pipeline,
27 total number of line sections, average length of each section,
28 number of leaks during study period, average spill size, average
29 damage per incident, average age of leak pipe, average diameter
30 of leak pipe, injuries during study period, cause of the leak or spill,
31 fatalities during study period, and other information as deemed
32 appropriate by the State Fire Marshal.

33 (e) This section does not preempt any other applicable federal
34 or state reporting requirement.

35 (f) Except as otherwise provided in this section and Section
36 8589.7, a notification made pursuant to this section shall satisfy
37 any immediate notification requirement contained in any permit
38 issued by a permitting agency.

1 (g) This section does not apply to pipeline ruptures involving
2 nonreportable crude oil spills under Section 3233 of the Public
3 Resources Code, unless the spill involves a fire or explosion.

4 SEC. 131. Section 65302 of the Government Code is amended
5 to read:

6 65302. The general plan shall consist of a statement of
7 development policies and shall include a diagram or diagrams and
8 text setting forth objectives, principles, standards, and plan
9 proposals. The plan shall include the following elements:

10 (a) A land use element that designates the proposed general
11 distribution and general location and extent of the uses of the land
12 for housing, business, industry, open space, including agriculture,
13 natural resources, recreation, and enjoyment of scenic beauty,
14 education, public buildings and grounds, solid and liquid waste
15 disposal facilities, and other categories of public and private uses
16 of land. The location and designation of the extent of the uses of
17 the land for public and private uses shall consider the identification
18 of land and natural resources pursuant to paragraph (3) of
19 subdivision (d). The land use element shall include a statement of
20 the standards of population density and building intensity
21 recommended for the various districts and other territory covered
22 by the plan. The land use element shall identify and annually
23 review those areas covered by the plan that are subject to flooding
24 identified by flood plain mapping prepared by the Federal
25 Emergency Management Agency (FEMA) or the Department of
26 Water Resources. The land use element shall also do both of the
27 following:

28 (1) Designate in a land use category that provides for timber
29 production those parcels of real property zoned for timberland
30 production pursuant to the California Timberland Productivity Act
31 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
32 of Division 1 of Title 5).

33 (2) Consider the impact of new growth on military readiness
34 activities carried out on military bases, installations, and operating
35 and training areas, when proposing zoning ordinances or
36 designating land uses covered by the general plan for land, or other
37 territory adjacent to military facilities, or underlying designated
38 military aviation routes and airspace.

39 (A) In determining the impact of new growth on military
40 readiness activities, information provided by military facilities

1 shall be considered. Cities and counties shall address military
2 impacts based on information from the military and other sources.

3 (B) The following definitions govern this paragraph:

4 (i) “Military readiness activities” mean all of the following:

5 (I) Training, support, and operations that prepare the men and
6 women of the military for combat.

7 (II) Operation, maintenance, and security of any military
8 installation.

9 (III) Testing of military equipment, vehicles, weapons, and
10 sensors for proper operation or suitability for combat use.

11 (ii) “Military installation” means a base, camp, post, station,
12 yard, center, homeport facility for any ship, or other activity under
13 the jurisdiction of the United States Department of Defense as
14 defined in paragraph (1) of subsection (e) of Section 2687 of Title
15 10 of the United States Code.

16 (b) (1) A circulation element consisting of the general location
17 and extent of existing and proposed major thoroughfares,
18 transportation routes, terminals, any military airports and ports,
19 and other local public utilities and facilities, all correlated with the
20 land use element of the plan.

21 (2) (A) Commencing January 1, 2011, upon any substantive
22 revision of the circulation element, the legislative body shall
23 modify the circulation element to plan for a balanced, multimodal
24 transportation network that meets the needs of all users of streets,
25 roads, and highways for safe and convenient travel in a manner
26 that is suitable to the rural, suburban, or urban context of the
27 general plan.

28 (B) For purposes of this paragraph, “users of streets, roads, and
29 highways” means bicyclists, children, persons with disabilities,
30 motorists, movers of commercial goods, pedestrians, users of public
31 transportation, and seniors.

32 (c) A housing element as provided in Article 10.6 (commencing
33 with Section 65580).

34 (d) (1) A conservation element for the conservation,
35 development, and utilization of natural resources including water
36 and its hydraulic force, forests, soils, rivers and other waters,
37 harbors, fisheries, wildlife, minerals, and other natural resources.
38 The conservation element shall consider the effect of development
39 within the jurisdiction, as described in the land use element, on
40 natural resources located on public lands, including military

1 installations. That portion of the conservation element including
2 waters shall be developed in coordination with any countywide
3 water agency and with all district and city agencies, including
4 flood management, water conservation, or groundwater agencies
5 that have developed, served, controlled, managed, or conserved
6 water of any type for any purpose in the county or city for which
7 the plan is prepared. Coordination shall include the discussion and
8 evaluation of any water supply and demand information described
9 in Section 65352.5, if that information has been submitted by the
10 water agency to the city or county.

11 (2) The conservation element may also cover all of the
12 following:

13 (A) The reclamation of land and waters.

14 (B) Prevention and control of the pollution of streams and other
15 waters.

16 (C) Regulation of the use of land in stream channels and other
17 areas required for the accomplishment of the conservation plan.

18 (D) Prevention, control, and correction of the erosion of soils,
19 beaches, and shores.

20 (E) Protection of watersheds.

21 (F) The location, quantity and quality of the rock, sand and
22 gravel resources.

23 (3) Upon the next revision of the housing element on or after
24 January 1, 2009, the conservation element shall identify rivers,
25 creeks, streams, flood corridors, riparian habitats, and land that
26 may accommodate floodwater for purposes of groundwater
27 recharge and stormwater management.

28 (e) An open-space element as provided in Article 10.5
29 (commencing with Section 65560).

30 (f) (1) A noise element that shall identify and appraise noise
31 problems in the community. The noise element shall recognize the
32 guidelines established by the Office of Noise Control and shall
33 analyze and quantify, to the extent practicable, as determined by
34 the legislative body, current and projected noise levels for all of
35 the following sources:

36 (A) Highways and freeways.

37 (B) Primary arterials and major local streets.

38 (C) Passenger and freight online railroad operations and ground
39 rapid transit systems.

1 (D) Commercial, general aviation, heliport, helistop, and military
2 airport operations, aircraft overflights, jet engine test stands, and
3 all other ground facilities and maintenance functions related to
4 airport operation.

5 (E) Local industrial plants, including, but not limited to, railroad
6 classification yards.

7 (F) Other ground stationary noise sources, including, but not
8 limited to, military installations, identified by local agencies as
9 contributing to the community noise environment.

10 (2) Noise contours shall be shown for all of these sources and
11 stated in terms of community noise equivalent level (CNEL) or
12 day-night average level (L_{dn}). The noise contours shall be prepared
13 on the basis of noise monitoring or following generally accepted
14 noise modeling techniques for the various sources identified in
15 paragraphs (1) to (6), inclusive.

16 (3) The noise contours shall be used as a guide for establishing
17 a pattern of land uses in the land use element that minimizes the
18 exposure of community residents to excessive noise.

19 (4) The noise element shall include implementation measures
20 and possible solutions that address existing and foreseeable noise
21 problems, if any. The adopted noise element shall serve as a
22 guideline for compliance with the state's noise insulation standards.

23 (g) (1) A safety element for the protection of the community
24 from any unreasonable risks associated with the effects of
25 seismically induced surface rupture, ground shaking, ground
26 failure, tsunami, seiche, and dam failure; slope instability leading
27 to mudslides and landslides; subsidence, liquefaction, and other
28 seismic hazards identified pursuant to Chapter 7.8 (commencing
29 with Section 2690) of Division 2 of the Public Resources Code,
30 and other geologic hazards known to the legislative body; flooding;
31 and wildland and urban fires. The safety element shall include
32 mapping of known seismic and other geologic hazards. It shall
33 also address evacuation routes, military installations, peakload
34 water supply requirements, and minimum road widths and
35 clearances around structures, as those items relate to identified fire
36 and geologic hazards.

37 (2) The safety element, upon the next revision of the housing
38 element on or after January 1, 2009, shall also do the following:

39 (A) Identify information regarding flood hazards, including,
40 but not limited to, the following:

1 (i) Flood hazard zones. As used in this subdivision, “flood
2 hazard zone” means an area subject to flooding that is delineated
3 as either a special hazard area or an area of moderate or minimal
4 hazard on an official flood insurance rate map issued by the Federal
5 Emergency Management Agency. The identification of a flood
6 hazard zone does not imply that areas outside the flood hazard
7 zones or uses permitted within flood hazard zones will be free
8 from flooding or flood damage.

9 (ii) National Flood Insurance Program maps published by
10 FEMA.

11 (iii) Information about flood hazards that is available from the
12 United States Army Corps of Engineers.

13 (iv) Designated floodway maps that are available from the
14 Central Valley Flood Protection Board.

15 (v) Dam failure inundation maps prepared pursuant to Section
16 8589.5 that are available from the California Emergency
17 Management Agency.

18 (vi) Awareness Floodplain Mapping Program maps and 200-year
19 flood plain maps that are or may be available from, or accepted
20 by, the Department of Water Resources.

21 (vii) Maps of levee protection zones.

22 (viii) Areas subject to inundation in the event of the failure of
23 project or nonproject levees or floodwalls.

24 (ix) Historical data on flooding, including locally prepared maps
25 of areas that are subject to flooding, areas that are vulnerable to
26 flooding after wildfires, and sites that have been repeatedly
27 damaged by flooding.

28 (x) Existing and planned development in flood hazard zones,
29 including structures, roads, utilities, and essential public facilities.

30 (xi) Local, state, and federal agencies with responsibility for
31 flood protection, including special districts and local offices of
32 emergency services.

33 (B) Establish a set of comprehensive goals, policies, and
34 objectives based on the information identified pursuant to
35 subparagraph (A), for the protection of the community from the
36 unreasonable risks of flooding, including, but not limited to:

37 (i) Avoiding or minimizing the risks of flooding to new
38 development.

39 (ii) Evaluating whether new development should be located in
40 flood hazard zones, and identifying construction methods or other

1 methods to minimize damage if new development is located in
2 flood hazard zones.

3 (iii) Maintaining the structural and operational integrity of
4 essential public facilities during flooding.

5 (iv) Locating, when feasible, new essential public facilities
6 outside of flood hazard zones, including hospitals and health care
7 facilities, emergency shelters, fire stations, emergency command
8 centers, and emergency communications facilities or identifying
9 construction methods or other methods to minimize damage if
10 these facilities are located in flood hazard zones.

11 (v) Establishing cooperative working relationships among public
12 agencies with responsibility for flood protection.

13 (C) Establish a set of feasible implementation measures designed
14 to carry out the goals, policies, and objectives established pursuant
15 to subparagraph (B).

16 (3) After the initial revision of the safety element pursuant to
17 paragraph (2), upon each revision of the housing element, the
18 planning agency shall review and, if necessary, revise the safety
19 element to identify new information that was not available during
20 the previous revision of the safety element.

21 (4) Cities and counties that have flood plain management
22 ordinances that have been approved by FEMA that substantially
23 comply with this section, or have substantially equivalent
24 provisions to this subdivision in their general plans, may use that
25 information in the safety element to comply with this subdivision,
26 and shall summarize and incorporate by reference into the safety
27 element the other general plan provisions or the flood plain
28 ordinance, specifically showing how each requirement of this
29 subdivision has been met.

30 (5) Prior to the periodic review of its general plan and prior to
31 preparing or revising its safety element, each city and county shall
32 consult the California Geological Survey of the Department of
33 Conservation, the Central Valley Flood Protection Board, if the
34 city or county is located within the boundaries of the Sacramento
35 and San Joaquin Drainage District, as set forth in Section 8501 of
36 the Water Code, and the California Emergency Management
37 Agency for the purpose of including information known by and
38 available to the department, the agency, and the board required by
39 this subdivision.

1 (6) To the extent that a county’s safety element is sufficiently
2 detailed and contains appropriate policies and programs for
3 adoption by a city, a city may adopt that portion of the county’s
4 safety element that pertains to the city’s planning area in
5 satisfaction of the requirement imposed by this subdivision.

6 SEC. 132. Section 65302.6 of the Government Code is amended
7 to read:

8 65302.6. (a) A city, county, or a city and county may adopt
9 with its safety element pursuant to subdivision (g) of Section 65302
10 a local hazard mitigation plan (HMP) specified in the federal
11 Disaster Mitigation Act of 2000 (Public Law 106-390). The hazard
12 mitigation plan shall include all of the following elements called
13 for in the federal act requirements:

14 (1) An initial earthquake performance evaluation of public
15 facilities that provide essential services, shelter, and critical
16 governmental functions.

17 (2) An inventory of private facilities that are potentially
18 hazardous, including, but not limited to, multiunit, soft story,
19 concrete tilt-up, and concrete frame buildings.

20 (3) A plan to reduce the potential risk from private and
21 governmental facilities in the event of a disaster.

22 (b) Local jurisdictions that have not adopted a local hazard
23 mitigation plan shall be given preference by the California
24 Emergency Management Agency in recommending actions to be
25 funded from the Pre-Disaster Mitigation Program, the Hazard
26 Mitigation Grant Program, and the Flood Mitigation Assistance
27 Program to assist the local jurisdiction in developing and adopting
28 a local hazard mitigation plan, subject to available funding from
29 the Federal Emergency Management Agency.

30 SEC. 133. Section 66540.5 of the Government Code is amended
31 to read:

32 66540.5. The authority shall have the authority to plan, manage,
33 operate, and coordinate the emergency activities of all water
34 transportation and related facilities within the bay area region,
35 except those provided or owned by the Golden Gate Bridge,
36 Highway and Transportation District. During a state of war
37 emergency, a state of emergency, or a local emergency, as
38 described in Section 8558, the authority, in cooperation with the
39 California Emergency Management Agency, the United States
40 Coast Guard, the Federal Emergency Management Agency, and

1 the Metropolitan Transportation Commission, shall coordinate the
2 emergency activities for all water transportation services in the
3 bay area region and, for such purposes, shall be known as the Bay
4 Area Maritime Emergency Transportation Coordinator.

5 SEC. 134. Section 66540.32 of the Government Code is
6 amended to read:

7 66540.32. (a) The authority shall create and adopt, on or before
8 July 1, 2009, an emergency water transportation system
9 management plan for water transportation services in the bay area
10 region in the event that bridges, highways, and other facilities are
11 rendered wholly or significantly inoperable.

12 (b) (1) The authority shall create and adopt, on or before July
13 1, 2009, a transition plan to facilitate the transfer of existing public
14 transportation ferry services within the bay area region to the
15 authority pursuant to this title. In the preparation of the transition
16 plan, priority shall be given to ensuring continuity in the programs,
17 services, and activities of existing public transportation ferry
18 services.

19 (2) The plan required by this subdivision shall include all of the
20 following:

21 (A) A description of existing ferry services in the bay area
22 region, as of January 1, 2008, that are to be transferred to the
23 authority pursuant to Section 66540.11 and a description of any
24 proposed changes to those services.

25 (B) A description of any proposed expansion of ferry services
26 in the bay area region.

27 (C) An inventory of the ferry and ferry-related capital assets or
28 leasehold interests, including, but not limited to, vessels, terminals,
29 maintenance facilities, and existing or planned parking facilities
30 or parking structures, and of the personnel, operating costs, and
31 revenues of public agencies operating public transportation ferries
32 and providing water transportation services as of January 1, 2008,
33 and those facilities that are to be transferred, in whole or in part,
34 to the authority pursuant to Section 66540.11.

35 (D) A description of those capital assets, leasehold interests,
36 and personnel identified in subparagraph (C) that the authority
37 proposes to be transferred pursuant to Section 66540.11.

38 (E) An operating plan that includes, at a minimum, an estimate
39 of the costs to continue the ferry services described in subparagraph
40 (A) for at least five years and a detailed description of current and

1 historically available revenues and proposed sources of revenue
2 to meet those anticipated costs. Further, the operating plan shall
3 identify options for closing any projected deficits or for addressing
4 increased cost inputs, such as fuel, for at least the five-year period.

5 (F) A description of the proposed services, duties, functions,
6 responsibilities, and liabilities of the authority and those of agencies
7 providing or proposed to provide water transportation services for
8 the authority.

9 (G) To the extent the plan may include the transfer of assets or
10 services from a local agency to the authority pursuant to Section
11 66540.11, that transfer shall be subject to negotiation and
12 agreement by the local agency. The authority and the local agency
13 shall negotiate and agree on fair terms, including just
14 compensation, prior to any transfer authorized by this title.

15 (H) An initial five-year Capital Improvement Program (CIP)
16 detailing how the authority and its local agency partners plan to
17 support financing and completion of capital improvement projects,
18 including, but not limited to, those described in subparagraph (C),
19 that are required to support the operation of transferred ferry
20 services. Priority shall be given to emergency response projects
21 and those capital improvement projects for which a Notice of
22 Determination pursuant to the California Environmental Quality
23 Act has been filed and which further the expansion, efficiency, or
24 effectiveness of the ferry system.

25 (I) A description of how existing and expanded water
26 transportation services will provide seamless connections to other
27 transit providers in the bay area region, including, but not limited
28 to, a description of how the authority will coordinate with all local
29 agencies to ensure optimal public transportation services, including
30 supplemental bus services that existed on January 1, 2008, that
31 support access to the ferry system for the immediate and
32 surrounding communities.

33 (J) The date on which the ferry services are to be transferred to
34 the authority.

35 (3) To the extent the plan required by this subdivision includes
36 proposed changes to water transportation services or related
37 facilities historically provided by the City of Vallejo or the City
38 of Alameda, the proposed changes shall be consistent with that
39 city's general plan, its redevelopment plans, and its development
40 and disposition agreements for projects related to the provision of

1 water transportation services. Those projects include, but are not
2 limited to, the construction of parking facilities and transit transfer
3 facilities within close proximity of a ferry terminal or the relocation
4 of a ferry terminal.

5 (c) In developing the plans described in subdivisions (a) and
6 (b), the authority shall cooperate to the fullest extent possible with
7 the Metropolitan Transportation Commission, the California
8 Emergency Management Agency, the Association of Bay Area
9 Governments, and the San Francisco Bay Conservation and
10 Development Commission, and shall, to the fullest extent possible,
11 coordinate its planning with local agencies, including those local
12 agencies that operated, or contracted for the operation of, public
13 water transportation services as of the effective date of this title.
14 To avoid duplication of work, the authority shall make maximum
15 use of data and information available from the planning programs
16 of the Metropolitan Transportation Commission, the California
17 Emergency Management Agency, the Association of Bay Area
18 Governments, the San Francisco Bay Conservation and
19 Development Commission, the cities and counties in the San
20 Francisco Bay area, and other public and private planning agencies.

21 In addition, the authority shall consider both of the following:

22 (1) The San Francisco Bay Area Water Transit Implementation
23 and Operations Plan adopted by the San Francisco Bay Area Water
24 Transit Authority on July 10, 2003.

25 (2) Any other plan concerning water transportation within the
26 bay area region developed or adopted by any general purpose local
27 government or special district that operates or sponsors water
28 transit, including, but not limited to, those water transportation
29 services provided under agreement with a private operator.

30 (d) The authority shall prepare a specific transition plan for any
31 transfer not anticipated by the transition plan required under
32 subdivision (b).

33 (e) Prior to adopting the plans required by this section, the
34 authority shall establish a process for taking public input on the
35 plans in consultation with existing operators of public ferry services
36 affected by the plans. The public input process shall include at
37 least one public hearing conducted at least 60 days prior to the
38 adoption of the plans in each city where an operational ferry facility
39 existed as of January 1, 2008.

1 SEC. 135. Section 1596.867 of the Health and Safety Code is
2 amended to read:

3 1596.867. (a) All child day care facilities, as defined in Section
4 1596.750, shall include an Earthquake Preparedness Checklist as
5 an attachment to the disaster plan prescribed by Section 1596.95
6 or 1597.54. However, the Earthquake Preparedness Checklist shall
7 not be considered a requirement for obtaining or maintaining a
8 license for a child day care center or family day care home. The
9 Earthquake Preparedness Checklist shall be made accessible to
10 the public at the child day care center, or family day care home.
11 The licensing agency shall not monitor or be responsible for
12 enforcing any provision contained in the Earthquake Preparedness
13 Checklist or ensuring that the checklist is made accessible to the
14 public.

15 (b) The Earthquake Preparedness Checklist shall not exceed
16 two typewritten pages and the department may add to or delete
17 from the list, as it deems appropriate. The checklist may include,
18 but not be limited to, all of the procedures that are listed in the
19 following proposed Earthquake Preparedness Checklist. A licensee
20 of a child day care center or family day care home shall have the
21 option of selecting from the checklist the procedures, if any, the
22 licensee chooses to use in the child day care center or family day
23 care home.

24
25 *Earthquake Preparedness Checklist (EPC)**
26 _____

27
28 *Earthquake Preparedness Checklist (EPC)**
29

30 Eliminate potential hazards in classrooms and throughout the
31 site:

- 32 _____ Bolt bookcases in high traffic areas securely to wall studs
- 33 _____ Move heavy books and items from high to low shelves
- 34 _____ Secure and latch filing cabinets
- 35 _____ Secure cabinets in high traffic areas with child safety latches
- 36 _____ Secure aquariums, computers, typewriters, TV-VCR
37 equipment to surfaces, such as by using Velcro tabs
- 38 _____ Make provisions for securing rolling portable items such as
39 TV-VCRs, pianos, refrigerators

- 1 _____ Move children’s activities and play areas away from
- 2 windows, or protect windows with blinds or adhesive
- 3 plastic sheeting
- 4 _____ Secure water heater to wall using plumber’s tape
- 5 _____ Assess and determine possible escape routes
- 6
- 7 Establish a coordinated response plan involving all of the following:
- 8 Involving children:
- 9 _____ Teach children about earthquakes and what to do (see
- 10 resource list below)
- 11 _____ Practice “duck, cover, and hold” earthquake drills under
- 12 tables or desks no less than 4 times a year
- 13 Involving parents:
- 14 _____ Post, or make available to parents, copies of the school
- 15 earthquake safety plan (including procedures for
- 16 reuniting parents or alternate guardians with children,
- 17 location of planned evacuation site, method for leaving
- 18 messages and communicating)
- 19 _____ Enlist parent and community resource assistance in securing
- 20 emergency supplies or safeguarding the child day care
- 21 site:
- 22 _____ store a 3-day supply of nonperishable food (including
- 23 juice, canned food items, snacks, and infant
- 24 formula)
- 25 _____ store a 3-day supply of water and juice
- 26 _____ store food and water in an accessible location, such as
- 27 portable plastic storage containers
- 28 _____ store other emergency supplies such as flashlights, a
- 29 radio with extra batteries, heavy gloves, trash bags,
- 30 and tools
- 31 _____ maintain a complete, up-to-date listing of children,
- 32 emergency numbers, and contact people for each
- 33 classroom stored with emergency supplies
- 34 Involving child day care personnel and local emergency
- 35 agencies:
- 36 _____ Identify and assign individual responsibilities for staff
- 37 following an earthquake (including accounting for and
- 38 evacuating children, injury control, damage assessment)

- 1 _____ Involve and train all staff members about the earthquake
- 2 safety plan, including location and procedure for turning
- 3 off utilities and gas
- 4 _____ Contact nearby agencies (including police, fire, Red Cross,
- 5 and local government) for information and materials in
- 6 developing the child day care center earthquake safety plan

7

8 *For more free resources contact:

9

- 10 (1) Federal Emergency Management Agency (FEMA)
- 11 (2) California Emergency Management Agency (Cal EMA)
- 12 (3) Red Cross

13

14 (c) Nothing in this section shall be construed to prevent the

15 adoption or enforcement of earthquake safety standards for child

16 day care facilities by local ordinance.

17 (d) Nothing in this section shall be construed to prevent the

18 department from adopting or enforcing regulations on earthquake

19 safety or making earthquake safety drills mandatory.

20 SEC. 136. Section 1797.132 of the Health and Safety Code is

21 amended to read:

22 1797.132. An Interdepartmental Committee on Emergency

23 Medical Services is hereby established. This committee shall advise

24 the authority on the coordination and integration of all state

25 activities concerning emergency medical services. The committee

26 shall include a representative from each of the following state

27 agencies and departments: the California Emergency Management

28 Agency, the Department of the California Highway Patrol, the

29 Department of Motor Vehicles, a representative of the administrator

30 of the California Traffic Safety Program as provided by Chapter

31 5 (commencing with Section 2900) of Division 2 of the Vehicle

32 Code, the Medical Board of California, the State Department of

33 Health Services, the Board of Registered Nursing, the State

34 Department of Education, the National Guard, the Office of

35 Statewide Health Planning and Development, the State Fire

36 Marshal, the California Conference of Local Health Officers, the

37 Department of Forestry and Fire Protection, the Chancellor’s Office

38 of the California Community Colleges, and the Department of

39 General Services.

1 SEC. 137. Section 1797.150 of the Health and Safety Code is
2 amended to read:

3 1797.150. In cooperation with the California Emergency
4 Management Agency, the authority shall respond to any medical
5 disaster by mobilizing and coordinating emergency medical
6 services mutual aid resources to mitigate health problems.

7 SEC. 138. Section 1797.151 of the Health and Safety Code is
8 amended to read:

9 1797.151. The authority shall coordinate, through local EMS
10 agencies, medical and hospital disaster preparedness with other
11 local, state, and federal agencies and departments having a
12 responsibility relating to disaster response, and shall assist the
13 California Emergency Management Agency in the preparation of
14 the emergency medical services component of the State Emergency
15 Plan as defined in Section 8560 of the Government Code.

16 SEC. 139. Section 1797.152 of the Health and Safety Code is
17 amended to read:

18 1797.152. (a) The director, and the Director of Health Services
19 may jointly appoint a regional disaster medical and health
20 coordinator for each mutual aid region of the state. A regional
21 disaster medical and health coordinator shall be either a county
22 health officer, a county coordinator of emergency services, an
23 administrator of a local EMS agency, or a medical director of a
24 local EMS agency. Appointees shall be chosen from among persons
25 nominated by a majority vote of the local health officers in a mutual
26 aid region.

27 (b) In the event of a major disaster which results in a
28 proclamation of emergency by the Governor, and in the need to
29 deliver medical or public and environmental health mutual aid to
30 the area affected by the disaster, at the request of the authority, the
31 State Department of Health Services, or the California Emergency
32 Management Agency, a regional disaster medical and health
33 coordinator in a region unaffected by the disaster may coordinate
34 the acquisition of requested mutual aid resources from the
35 jurisdictions in the region.

36 (c) A regional disaster medical and health coordinator may
37 develop plans for the provision of medical or public health mutual
38 aid among the counties in the region.

39 (d) No person may be required to serve as a regional disaster
40 medical and health coordinator. No state compensation shall be

1 paid for a regional disaster medical and health coordinator position,
2 except as determined appropriate by the state, if funds become
3 available.

4 SEC. 140. Section 1797.153 of the Health and Safety Code is
5 amended to read:

6 1797.153. (a) In each operational area the county health officer
7 and the local EMS agency administrator may act jointly as the
8 medical health operational area coordinator (MHOAC). If the
9 county health officer and the local EMS agency administrator are
10 unable to fulfill the duties of the MHOAC they may jointly appoint
11 another individual to fulfill these responsibilities. If an operational
12 area has a MHOAC, the MHOAC in cooperation with the county
13 office of emergency services, local public health department, the
14 local office of environmental health, the local department of mental
15 health, the local EMS agency, the local fire department, the
16 regional disaster and medical health coordinator (RDMHC), and
17 the regional office of the California Emergency Management
18 Agency, shall be responsible for ensuring the development of a
19 medical and health disaster plan for the operational area. The
20 medical and disaster plans shall follow the Standard Emergency
21 Management System and National Incident Management System.
22 The MHOAC shall recommend to the operational area coordinator
23 of the ~~Office of Emergency Services~~ *California Emergency*
24 *Management Agency* a medical and health disaster plan for the
25 provision of medical and health mutual aid within the operational
26 area.

27 (b) For purposes of this section, “operational area” has the same
28 meaning as that term is defined in subdivision (b) of Section 8559
29 of the Government Code.

30 (c) The medical and health disaster plan shall include
31 preparedness, response, recovery, and mitigation functions
32 consistent with the State Emergency Plan, as established under
33 Sections 8559 and 8560 of the Government Code, and, at a
34 minimum, the medical and health disaster plan, policy, and
35 procedures shall include all of the following:

- 36 (1) Assessment of immediate medical needs.
- 37 (2) Coordination of disaster medical and health resources.
- 38 (3) Coordination of patient distribution and medical evaluations.
- 39 (4) Coordination with inpatient and emergency care providers.
- 40 (5) Coordination of out-of-hospital medical care providers.

- 1 (6) Coordination and integration with fire agencies personnel,
2 resources, and emergency fire prehospital medical services.
- 3 (7) Coordination of providers of nonfire based prehospital
4 emergency medical services.
- 5 (8) Coordination of the establishment of temporary field
6 treatment sites.
- 7 (9) Health surveillance and epidemiological analyses of
8 community health status.
- 9 (10) Assurance of food safety.
- 10 (11) Management of exposure to hazardous agents.
- 11 (12) Provision or coordination of mental health services.
- 12 (13) Provision of medical and health public information
13 protective action recommendations.
- 14 (14) Provision or coordination of vector control services.
- 15 (15) Assurance of drinking water safety.
- 16 (16) Assurance of the safe management of liquid, solid, and
17 hazardous wastes.
- 18 (17) Investigation and control of communicable disease.
- 19 (d) In the event of a local, state, or federal declaration of
20 emergency, the MHOAC shall assist the agency operational area
21 coordinator in the coordination of medical and health disaster
22 resources within the operational area, and be the point of contact
23 in that operational area, for coordination with the RDMHC, the
24 agency, the regional office of the agency, the State Department of
25 Public Health, and the authority.
- 26 (e) Nothing in this section shall be construed to revoke or alter
27 the current authority for disaster management provided under either
28 of the following:
- 29 (1) The State Emergency Plan established pursuant to Section
30 8560 of the Government Code.
- 31 (2) The California standardized emergency management system
32 established pursuant to Section 8607 of the Government Code.
- 33 SEC. 141. Section 11998.1 of the Health and Safety Code is
34 amended to read:
- 35 11998.1. It is the intent of the Legislature that the following
36 long-term five-year goals be achieved:
- 37 (a) With regard to education and prevention of drug and alcohol
38 abuse programs, the following goals:

- 1 (1) Drug and alcohol abuse education has been included within
2 the mandatory curriculum in kindergarten and grades 1 to 12,
3 inclusive, in every public school in California.
- 4 (2) Basic training on how to recognize, and understand what to
5 do about, drug and alcohol abuse has been provided to
6 administrators and all teachers of kindergarten and grades 1 to 12,
7 inclusive.
- 8 (3) All school counselors and school nurses have received
9 comprehensive drug and alcohol abuse training.
- 10 (4) Each school district with kindergarten and grades 1 to 12,
11 inclusive, has appointed a drug and alcohol abuse advisory team
12 of school administrators, teachers, counselors, students, parents,
13 community representatives, and health care professionals, all of
14 whom have expertise in drug and alcohol abuse prevention. The
15 team coordinates with and receives consultation from the county
16 alcohol and drug program administrators.
- 17 (5) Every school board member has received basic drug and
18 alcohol abuse information.
- 19 (6) Each school district has a drug and alcohol abuse specialist
20 to assist the individual schools.
- 21 (7) Each school in grades 7 to 12, inclusive, has student peer
22 group drug and alcohol abuse programs.
- 23 (8) Every school district with kindergarten and grades 1 to 12,
24 inclusive, has updated written drug and alcohol abuse policies and
25 procedures including disciplinary procedures which will be given
26 to every school employee, every student, and every parent.
- 27 (9) The California State University and the University of
28 California have evaluated and, if feasible, established educational
29 programs and degrees in the area of drug and alcohol abuse.
- 30 (10) Every school district with kindergarten and grades 1 to 12,
31 inclusive, has an established parent teachers group with drug and
32 alcohol abuse prevention goals.
- 33 (11) Every school district has instituted a drug and alcohol abuse
34 education program for parents.
- 35 (12) Drug and alcohol abuse training has been imposed as a
36 condition for teacher credentialing and license renewal, and
37 knowledge on the issue is measured on the California Basic
38 Education Skills Test.

1 (13) Drug and alcohol abuse knowledge has been established
2 as a component on standardized competency tests as a requirement
3 for graduation.

4 (14) Every school district has established a parent support group.

5 (15) Every school district has instituted policies that address
6 the special needs of children who have been rehabilitated for drug
7 or alcohol abuse problems and who are reentering school. These
8 policies shall consider the loss of schooltime, the loss of academic
9 credits, and the sociological problems associated with drug and
10 alcohol abuse, its rehabilitation, and the educational delay it causes.

11 (16) The number of drug and alcohol abuse related incidents
12 on school grounds has decreased by 20 percent.

13 (b) With regard to community programs, the following goals:

14 (1) Every community-based social service organization that
15 receives state and local financial assistance has drug and alcohol
16 abuse information available for clients.

17 (2) All neighborhood watch, business watch, and community
18 conflict resolution programs have included drug and alcohol abuse
19 prevention efforts.

20 (3) All community-based programs that serve schoolaged
21 children have staff trained in drug and alcohol abuse and give a
22 clear, drug- and alcohol-free message.

23 (c) With regard to drug and alcohol abuse programs of the
24 media, the following goals:

25 (1) The state has established a comprehensive media campaign
26 that involves all facets of the drug and alcohol abuse problem,
27 including treatment, education, prevention, and intervention that
28 will result in increasing the public's knowledge and awareness of
29 the detrimental effects of alcohol and drug use, reducing the use
30 of alcohol and drugs, and increasing healthy lifestyle choices.

31 (2) The department on a statewide basis, and the county board
32 of supervisors or its designees at the local level, have:

33 (A) Assisted the entertainment industry in identifying ways to
34 use the entertainment industry effectively to encourage lifestyles
35 free of substance abuse.

36 (B) Assisted the manufacturers of drug and alcohol products in
37 identifying ways to use product advertising effectively to
38 discourage substance abuse.

1 (C) Assisted television stations in identifying ways to use
2 television programming effectively to encourage lifestyles free of
3 substance abuse.

4 (3) A statewide cooperative fundraising program with recording
5 artists and the entertainment industry has been encouraged to fund
6 drug and alcohol abuse prevention efforts in the state.

7 (d) With regard to drug and alcohol abuse health care programs,
8 the following goals:

9 (1) The number of drug and alcohol abuse-related medical
10 emergencies has decreased by 4 percent per year.

11 (2) All general acute care hospitals and AIDS medical service
12 providers have provided information to their patients on drug and
13 alcohol abuse.

14 (3) The Medical Board of California, the Psychology Examining
15 Committee, the Board of Registered Nursing, and the Board of
16 Behavioral Science Examiners have developed and implemented
17 the guidelines or regulations requiring drug and alcohol abuse
18 training for their licensees, and have developed methods of
19 providing training for those professionals.

20 (e) With regard to private sector drug and alcohol abuse
21 programs, the following goals:

22 (1) A significant percentage of businesses in the private sector
23 have developed personnel policies that discourage drug and alcohol
24 abuse and encourage supervision, training, and employee education.

25 (2) Noteworthy and publicly recognized figures and private
26 industry have been encouraged to sponsor fundraising events for
27 drug and alcohol abuse prevention.

28 (3) Every public or private athletic team has been encouraged
29 to establish policies forbidding drug and alcohol abuse.

30 (4) The private sector has established personnel policies that
31 discourage drug and alcohol abuse but encourage treatment for
32 those employees who require this assistance.

33 (f) With regard to local government drug and alcohol abuse
34 programs, the following goals:

35 (1) Every county has a five-year master plan to eliminate drug
36 and alcohol abuse developed jointly by the county-designated
37 alcohol and drug program administrators, reviewed jointly by the
38 advisory boards set forth in paragraph (2), and approved by the
39 board of supervisors. For those counties in which the alcohol and
40 drug programs are jointly administered, the administrator shall

1 develop the five-year master plan. To the degree possible, all
2 existing local plans relating to drug or alcohol abuse shall be
3 incorporated into the master plan.

4 (2) Every county has an advisory board on alcohol problems
5 and an advisory board on drug programs. The membership of these
6 advisory boards is representative of the county's population and
7 is geographically balanced. To the maximum extent possible, the
8 county advisory board on alcohol problems and the county advisory
9 board on drug programs will have representatives of the following:

10 (A) Law enforcement.

11 (B) Education.

12 (C) The treatment and recovery community, including a
13 representative with expertise in AIDS treatment services.

14 (D) Judiciary.

15 (E) Students.

16 (F) Parents.

17 (G) Private industry.

18 (H) Other community organizations involved in drug and alcohol
19 services.

20 (I) A representative of organized labor responsible for the
21 provision of Employee Assistance Program services.

22 If any of these areas is not represented on the advisory bodies,
23 the administrator designated in paragraph (1) shall solicit input
24 from a representative of the nonrepresented area prior to the
25 development of a master plan pursuant to paragraph (1).

26 (3) Every county public social service agency has established
27 policies that discourage drug and alcohol abuse and encourage
28 treatment and recovery services when necessary.

29 (4) Every local unit of government has an employee assistance
30 program that addresses drug and alcohol abuse problems.

31 (5) Every local unit of government has considered the potential
32 for drug and alcohol abuse problems when developing zoning
33 ordinances and issuing conditional use permits.

34 (6) Every county master plan includes treatment and recovery
35 services.

36 (6.5) Every county master plan includes specialized provisions
37 to ensure optimum alcohol and drug abuse service delivery for
38 handicapped and disabled persons.

1 (7) Every local unit of government has been encouraged to
2 establish an employee assistance program that includes the
3 treatment of drug and alcohol abuse-related programs.

4 (8) Every local governmental social service provider has
5 established a referral system under which clients with drug and
6 alcohol abuse problems can be referred for treatment.

7 (9) Every county drug and alcohol abuse treatment or recovery
8 program that serves women gives priority for services to pregnant
9 women.

10 (10) Every alcohol and drug abuse program provides acquired
11 immune deficiency syndrome (AIDS) information to all program
12 participants.

13 (g) With regard to state and federal government drug and alcohol
14 abuse programs, the following goals:

15 (1) The Department of Alcoholic Beverage Control has informed
16 all alcohol retailers of the laws governing liquor sales and has
17 provided training available to all personnel selling alcoholic
18 beverages, on identifying and handling minors attempting to
19 purchase alcohol.

20 (2) The California Emergency Management Agency has required
21 all applicants for crime prevention and juvenile justice and
22 delinquency prevention funds to include drug and alcohol abuse
23 prevention efforts in their programs.

24 (3) All county applications for direct or indirect drug and alcohol
25 services funding from the department include a prevention
26 component.

27 (4) The Superintendent of Public Instruction has employed drug
28 and alcohol abuse school prevention specialists and assisted school
29 districts with the implementation of prevention programs.

30 (5) The State Department of Mental Health has staff trained in
31 drug and alcohol abuse prevention who can assist local mental
32 health programs with prevention efforts.

33 (6) The Department of the California Highway Patrol, as
34 permitted by the United States Constitution, has established routine
35 statewide sobriety checkpoints for driving while under the
36 influence.

37 (7) The Department of Corrections and the Department of the
38 Youth Authority have provided drug and alcohol abuse education
39 and prevention services for all inmates, wards, and parolees. Both
40 departments have provided drug and alcohol abuse treatment

1 services for any inmate, ward, or parolee determined to be in need
2 of these services, or who personally requests these services.

3 (8) The Department of Motor Vehicles has distributed prevention
4 materials with each driver's license or certificate of renewal and
5 each vehicle registration renewal mailed by the Department of
6 Motor Vehicles.

7 (9) Federal prevention programs have been encouraged to follow
8 the master plan.

9 (10) State licensing and program regulations for drug and
10 alcohol abuse treatment programs have been consolidated and
11 administered by one state agency.

12 (11) State treatment funding priorities have been included to
13 specially recognize the multiple diagnosed client who would be
14 eligible for services from more than one state agency.

15 (12) Every state agency has formalized employee assistance
16 programs that include the treatment of drug and alcohol
17 abuse-related problems.

18 (13) The state master plan includes specialized provisions to
19 ensure optimum drug and alcohol abuse service delivery for
20 handicapped and disabled persons.

21 (h) With regard to private sector direct service providers, the
22 following goals:

23 (1) Drinking drivers programs have provided clear
24 measurements of successful completion of the program to the
25 courts for each court-ordered client.

26 (2) Sufficient drug and alcohol treatment and recovery services
27 exist throughout the state to meet all clients' immediate and
28 long-range needs.

29 (3) Each county to the extent possible provides localized alcohol
30 and drug treatment and recovery services designed for individuals
31 seeking assistance for polydrug abuse.

32 (4) Adequate nonresidential and residential services are available
33 statewide for juveniles in need of alcohol or drug abuse services.

34 (5) Each provider of alcohol or drug services has been certified
35 by the state.

36 (6) Drug and alcohol abuse treatment providers provide general
37 acquired immune deficiency syndrome (AIDS) information during
38 treatment.

39 (i) With regard to supply regulation and reduction in conjunction
40 with drug and alcohol abuse, the following goals:

1 (1) The California National Guard supports federal, state, and
2 local drug enforcement agencies in counternarcotic operations as
3 permitted by applicable laws and regulations.

4 (2) Each county has a drug and alcohol abuse enforcement team,
5 designated by the board of supervisors. This team includes all
6 components of the criminal justice system. This team shall be
7 responsible to the board of supervisors, shall coordinate with the
8 drug and alcohol abuse advisory board and the county on all
9 criminal justice matters relating to drug and alcohol abuse, and
10 shall coordinate, and actively participate, with the county alcohol
11 and drug program administrators throughout the development and
12 implementation of the five-year master plan.

13 (3) The California Emergency Management Agency, the Youth
14 and Adult Correctional Agency, the Department of the California
15 Highway Patrol, the Office of Traffic Safety, and the Department
16 of Justice have established a state level drug and alcohol abuse
17 enforcement team that includes representatives from all facets of
18 criminal justice. The lead agency for the enforcement team has
19 been designated by the Governor. This team advises the state and
20 assists the local teams.

21 (4) The California Emergency Management Agency, the Youth
22 and Adult Correctional Agency, and the Department of Justice
23 have, as a priority when determining training subjects, prevention
24 seminars on drug and alcohol abuse. The Commission on Peace
25 Officer Standards and Training has, as a priority, when determining
26 training subjects, drug and alcohol enforcement.

27 (5) The Department of the California Highway Patrol, as
28 permitted by the United States Constitution, will, in conjunction
29 with establishing sobriety checkpoints statewide, assist local law
30 enforcement agencies with the establishment of local programs.

31 (6) Counties with more than 10 superior court judgeships have
32 established programs under which drug cases receive swift
33 prosecution by well-trained prosecutors before judges who are
34 experienced in the handling of drug cases.

35 (7) The courts, when determining bail eligibility and the amount
36 of bail for persons suspected of a crime involving a controlled
37 substance, shall consider the quantity of the substance involved
38 when measuring the danger to society if the suspect is released.

39 (8) Drunk driving jails have been established that provide
40 offender education and treatment during incarceration.

1 (9) All probation and parole officers have received drug and
2 alcohol abuse training, including particular training on drug
3 recognition.

4 (10) All parolees and persons on probation with a criminal
5 history that involves drug or alcohol abuse have conditions of
6 parole or probation that prohibit drug and alcohol abuse.

7 (11) The Judicial Council has provided training on drug and
8 alcohol abuse for the judges.

9 (12) The courts, when sentencing offenders convicted of selling
10 drugs, consider “street value” of the drugs involved in the
11 underlying crime.

12 (13) Judges have been encouraged to include drug and alcohol
13 abuse treatment and prevention services in sentences for all
14 offenders. Judges are requiring, as a condition of sentencing, drug
15 and alcohol abuse education and treatment services for all persons
16 convicted of driving under the influence of alcohol or drugs.

17 (14) Juvenile halls and jails provide clients with information on
18 drug and alcohol abuse.

19 (15) The estimated number of clandestine labs operating in
20 California has decreased by 10 percent per year.

21 (16) Each local law enforcement agency has developed, with
22 the schools, protocol on responding to school drug and alcohol
23 abuse problems.

24 (17) Every county has instituted a mandatory ~~driving while~~
25 ~~under the influence~~ *driving-under-the-influence* presentence
26 offender evaluation program.

27 SEC. 142. Section 13071 of the Health and Safety Code is
28 amended to read:

29 13071. The California Emergency Management Agency shall
30 establish and administer a program, which shall be denominated
31 the FIRESCOPE Program (FIrefighting RESources of California
32 Organized for Potential Emergencies), to maintain and enhance
33 the efficiency and effectiveness of managing multiagency
34 firefighting resources in responding to an incident. The program
35 shall be based on the concepts and components developed or under
36 development by the Firescope project chartered by the United
37 States Congress in 1972. The program shall provide for the
38 research, development, and implementation of technologies,
39 facilities, and procedures to assist state and local fire agencies in

1 the better utilization and coordination of firefighting resources in
2 responding to incidents.

3 SEC. 143. Section 13073 of the Health and Safety Code is
4 amended to read:

5 13073. The California Emergency Management Agency shall
6 carry out this chapter in cooperation with the Department of
7 Forestry and Fire Protection, including the Office of the State Fire
8 Marshal, and with the advice of the Fire and Rescue Service
9 Advisory Committee/FIRESCOPE Board of Directors within the
10 California Emergency Management Agency.

11 SEC. 144. Section 13140.5 of the Health and Safety Code is
12 amended to read:

13 13140.5. The board shall be composed of the following voting
14 members: the State Fire Marshal, the Chief Deputy Director of the
15 Department of Forestry and Fire Protection who is not the State
16 Fire Marshal, the Secretary of Emergency Management, the
17 Chairperson of the California Fire Fighter Joint Apprenticeship
18 Program, one representative of the insurance industry, one
19 volunteer firefighter, three fire chiefs, five fire service labor
20 representatives, one representative from city government, one
21 representative from a fire district, and one representative from
22 county government.

23 The following members shall be appointed by the Governor:
24 one representative of the insurance industry, one volunteer
25 firefighter, three fire chiefs, five fire service labor representatives,
26 one representative from city government, one representative from
27 a fire district, and one representative from county government.
28 Each member appointed shall be a resident of this state. The
29 volunteer firefighter shall be selected from a list of names
30 submitted by the California State Firefighters Association. One
31 fire chief shall be selected from a list of names submitted by the
32 California Fire Chiefs' Association; one fire chief shall be selected
33 from a list of names submitted by the Fire Districts Association
34 of California; and one fire chief shall be selected from a list of
35 names submitted by the California Metropolitan Fire Chiefs. One
36 fire service labor representative shall be selected from a list of
37 names submitted by the California Labor Federation; one fire
38 service labor representative shall be selected from a list of names
39 submitted by the California Professional Firefighters; one fire
40 service labor representative shall be selected from a list of names

1 submitted by the International Association of Fire Fighters; one
2 fire service labor representative shall be selected from a list of
3 names submitted by the California Department of Forestry
4 Firefighters; and one fire service labor representative shall be
5 selected from a list of names submitted by the California State
6 Firefighters Association. The city government representative shall
7 be selected from elected or appointed city chief administrative
8 officers or elected city mayors or council members. The fire district
9 representative shall be selected from elected or appointed directors
10 of fire districts. The county government representative shall be
11 selected from elected or appointed county chief administrative
12 officers or elected county supervisors. The appointed members
13 shall be appointed for a term of four years. Any member chosen
14 by the Governor to fill a vacancy created other than by expiration
15 of a term shall be appointed for the unexpired term of the member
16 he or she is to succeed.

17 SEC. 145. Section 13143.9 of the Health and Safety Code is
18 amended to read:

19 13143.9. (a) The State Fire Marshal shall, in carrying out
20 Section 13143, prepare, adopt, and submit building standards and
21 other fire and life safety regulations for approval pursuant to
22 Chapter 4 (commencing with Section 18935) of Part 2.5 of Division
23 13 establishing minimum requirements for the storage, handling,
24 and use of hazardous materials, as defined, in Article 9 of the 1988
25 Uniform Fire Code, and any subsequent editions, published by the
26 Western Fire Chiefs Association and the International Conference
27 of Building Officials. The State Fire Marshal shall seek the advice
28 of the California Emergency Management Agency in establishing
29 these requirements. This section does not prohibit a city, county,
30 or district from adopting an ordinance, resolution, or regulation
31 imposing stricter or more stringent requirements than a standard
32 adopted pursuant to this section.

33 (b) A business which files the annual inventory form in
34 compliance with Chapter 6.95 (commencing with Section 25500)
35 of Division 20, including the addendum adopted pursuant to
36 Section 25503.9, shall be deemed to have met the requirements of
37 subdivision (c) of Section 80.103 of the Uniform Fire Code, as
38 adopted by the State Fire Marshal pursuant to this section.

39 (c) A business which is not required to file a hazardous materials
40 inventory form pursuant to Section 25509 but which is required

1 by the local fire chief to comply with subdivision (c) of Section
2 80.103 of the Uniform Fire Code, as adopted by the State Fire
3 Marshal pursuant to this section, shall, notwithstanding Chapter
4 6.95 (commencing with Section 25500) of Division 20, file the
5 inventory form adopted pursuant to Section 25503.3 and the
6 addendum adopted pursuant to Section 25503.9 with the local fire
7 chief for purposes of complying with this requirement, if
8 determined to be necessary by the fire chief.

9 SEC. 146. Section 18603 of the Health and Safety Code is
10 amended to read:

11 18603. (a) In every park there shall be a person available by
12 telephonic or like means, including telephones, cellular phones,
13 telephone answering machines, answering services or pagers, or
14 in person who shall be responsible for, and who shall reasonably
15 respond in a timely manner to emergencies concerning, the
16 operation and maintenance of the park. In every park with 50 or
17 more units, that person or his or her designee shall reside in the
18 park, have knowledge of emergency procedures relative to utility
19 systems and common facilities under the ownership and control
20 of the owner of the park, and shall be familiar with the emergency
21 preparedness plans for the park.

22 (b) (1) On or before September 1, 2010, an owner or operator
23 of an existing park shall adopt an emergency preparedness plan.

24 (2) For a park constructed after September 1, 2010, an owner
25 or operator of a park shall adopt a plan in accordance with this
26 section prior to the issuance of the permit to operate.

27 (3) An owner or operator may comply with paragraph (1) by
28 either of the following methods:

29 (A) Adopting the emergency procedures and plans approved
30 by the Standardized Emergency Management System Advisory
31 Board on November 21, 1997, entitled “Emergency Plans for
32 Mobilehome Parks,” and compiled by the California Emergency
33 Management Agency in compliance with the Governor’s Executive
34 Order W-156-97, or any subsequent version.

35 (B) Adopting a plan that is developed by the park management
36 and is comparable to the procedures and plans specified in
37 subparagraph (A).

38 (c) For an existing park, and in the case of a park constructed
39 after September 10, 2010, prior to the issuance of the permit to

1 operate, an owner or operator of a park shall do both of the
2 following:

3 (1) Post notice of the emergency preparedness plan in the park
4 clubhouse or in another conspicuous area within the mobilehome
5 park.

6 (2) On or before September 10, 2010, provide notice of how to
7 access the plan and information on individual emergency
8 preparedness information from the appropriate state or local
9 agencies, including, but not limited to, the California Emergency
10 Management Agency, to all existing residents and, upon approval
11 of tenancy, for all new residents thereafter. This may be
12 accomplished in a manner that includes, but is not limited to,
13 distribution of materials and posting notice of the plan or
14 information on how to access the plan via the Internet.

15 (d) An enforcement agency shall determine whether park
16 management is in compliance with this section. The agency may
17 ascertain compliance by receipt of a copy of the plan; during site
18 inspections conducted in response to complaints of alleged
19 violations, or for any other reason.

20 (e) Notwithstanding any other provision of this part, a violation
21 of this section shall constitute an unreasonable risk to life, health,
22 or safety and shall be corrected by park management within 60
23 days of notice of the violation.

24 SEC. 147. Section 25169.7 of the Health and Safety Code is
25 amended to read:

26 25169.7. Except as specified otherwise in subdivision (b), on
27 and after July 1, 2003, all of the following requirements, including
28 any regulations adopted by the department pursuant to Section
29 25169.8, shall apply to any person handling any hazardous waste
30 of concern:

31 (a) (1) If a hazardous waste transporter or the owner or operator
32 of a hazardous waste facility discovers that a hazardous waste of
33 concern is missing during transportation or storage, and the amount
34 of waste missing equals or exceeds the reportable quantity specified
35 in the regulations adopted pursuant to Section 25169.6, the
36 hazardous waste transporter or the owner or operator shall
37 immediately, as specified in the regulations adopted by the
38 department, provide a verbal notification to the department and
39 report the discrepancy to the department in writing by letter within
40 five days after the discovery. The transporter or the owner or

1 operator shall also comply with the applicable manifest discrepancy
2 reporting requirements specified in the regulations adopted by the
3 department pursuant to this chapter.

4 (2) Within 24 hours after receiving a notification of a missing
5 hazardous waste of concern pursuant to paragraph (1), the
6 department shall make a preliminary determination whether there
7 is a potential risk to public safety. If, after making that preliminary
8 determination, or at any time thereafter, the department determines
9 the missing hazardous waste of concern presents a significant
10 potential risk to public safety from its use in a terrorist or other
11 criminal act, the department shall notify the California Emergency
12 Management Agency and the Department of the California
13 Highway Patrol.

14 (3) The Department of the California Highway Patrol may enter
15 and inspect any hazardous waste facility at the department's request
16 to perform an investigation of any hazardous waste that the
17 department determines may be missing.

18 (b) (1) Notwithstanding Section 25200.4, any person applying
19 for a hazardous waste facilities permit or other grant of
20 authorization to use and operate a hazardous waste facility that
21 would handle hazardous waste of concern shall submit to the
22 department a disclosure statement containing the information
23 specified in Section 25112.5.

24 (2) On or before January 1, 2004, and at any time upon the
25 request of the department, any person owning or operating a
26 hazardous waste facility that handles any hazardous waste of
27 concern shall submit to the department a disclosure statement
28 containing the information specified in Section 25112.5.

29 (3) (A) Except as provided in subparagraph (B), on and after
30 January 1, 2004, any person applying for registration as a hazardous
31 waste transporter who will transport hazardous waste of concern
32 shall submit to the department a disclosure statement containing
33 the information specified in Section 25112.5.

34 (B) Subparagraph (A) does not apply to a transporter who has
35 submitted a disclosure statement to the department within the
36 two-year period immediately preceding the application for
37 registration, unless there has been a change in the information
38 required to be contained in the disclosure statement or the
39 department requests the transporter to submit a disclosure
40 statement.

1 (4) At any time upon the request of the department, any
2 registered hazardous waste transporter who transports any
3 hazardous waste of concern shall submit to the department a
4 disclosure statement containing the information specified in Section
5 25112.5.

6 (5) Whenever any change pertaining to the information required
7 to be contained in a disclosure statement filed pursuant to
8 paragraphs (1) to (4), inclusive, occurs after the date of the filing
9 of the disclosure statement, the transporter or the facility owner
10 or operator shall provide the updated information in writing to the
11 department within 30 days of the change.

12 (6) On or before 180 days after receiving a disclosure statement
13 pursuant to this subdivision, the department shall conduct a
14 background check, as defined in subdivision (a) of Section 25169.5.

15 (7) This subdivision does not apply to any federal, state, or local
16 agency or any person operating pursuant to a permit-by-rule,
17 conditional authorization, or conditional exemption.

18 SEC. 148. Section 25197.2 of the Health and Safety Code is
19 amended to read:

20 25197.2. (a) The department shall establish a statewide
21 Hazardous Waste Strike Force which shall consist of a
22 representative from each of the following agencies:

- 23 (1) The Department of Transportation.
- 24 (2) The Department of Industrial Relations.
- 25 (3) The Department of Food and Agriculture.
- 26 (4) The State Water Resources Control Board.
- 27 (5) The State Air Resources Board.
- 28 (6) The Department of the California Highway Patrol.
- 29 (7) The Office of the State Fire Marshal in the Department of
30 Forestry and Fire Protection.
- 31 (8) The California Integrated Waste Management Board.
- 32 (9) The Department of Fish and Game.
- 33 (10) The California Emergency Management Agency.
- 34 (11) The Department of Toxic Substances Control.
- 35 (12) The Attorney General.
- 36 (13) The Department of Pesticide Regulation.
- 37 (b) The director, or the director's designee, shall direct and
38 coordinate the activities of the Hazardous Waste Strike Force.
- 39 (c) The Hazardous Waste Strike Force shall do all of the
40 following:

1 (1) Recommend standardized programs among the agencies
2 represented on the Hazardous Waste Strike Force for the purposes
3 of uniformly enforcing state hazardous waste statutes and
4 regulations and reporting violators of these statutes and regulations.

5 (2) Recommend programs to publicize and improve the
6 statewide telephone number established pursuant to paragraph (5)
7 of subdivision (b) of Section 25197.1.

8 (3) Recommend local and regional programs to report
9 information concerning violations of this chapter and any other
10 hazardous waste statutes and regulations.

11 SEC. 149. Section 25210.6 of the Health and Safety Code is
12 amended to read:

13 25210.6. (a) On or before December 31, 2005, the department
14 shall adopt regulations specifying the best management practices
15 for a person managing perchlorate materials. These practices may
16 include, but are not limited to, all of the following:

17 (1) Procedures for documenting the amount of perchlorate
18 materials managed by the facility.

19 (2) Management practices necessary to prevent releases of
20 perchlorate materials, including, but not limited to, containment
21 standards, usage, processing and transferring practices, and spill
22 response procedures.

23 (b) (1) The department shall consult with the State Air
24 Resources Board, the Office of Environmental Health Hazard
25 Assessment, the State Water Resources Control Board, the
26 California Emergency Management Agency, the State Fire
27 Marshal, and the California certified unified program agencies
28 forum before adopting regulations pursuant to subdivision (a).

29 (2) The department shall also, before adopting regulations
30 pursuant to subdivision (a), review existing federal, state, and local
31 laws governing the management of perchlorate materials to
32 determine the degree to which uniform and adequate requirements
33 already exist, so as to avoid any unnecessary duplication of, or
34 interference with the application of, those existing requirements.

35 (3) In adopting regulations pursuant to subdivision (a), the
36 department shall ensure that those regulations are at least as
37 stringent as, and to the extent practical consistent with, the existing
38 requirements of Chapter 6.95 (commencing with Section 25500)
39 and the Uniform Fire Code governing the management of
40 perchlorate materials.

1 (c) The regulations adopted by the department pursuant to this
2 section shall be adopted as emergency regulations in accordance
3 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
4 Division 3 of Title 2 of the Government Code, and for the purposes
5 of that chapter, including Section 11349.6 of the Government
6 Code, the adoption of these regulations is an emergency and shall
7 be considered by the Office of Administrative Law as necessary
8 for the immediate preservation of the public peace, health and
9 safety, and general welfare. Notwithstanding Chapter 3.5
10 (commencing with Section 11340) of Part 1 of Division 3 of Title
11 2 of the Government Code, including subdivision (e) of Section
12 11346.1 of the Government Code, any emergency regulations
13 adopted pursuant to this section shall be filed with, but not be
14 repealed by, the Office of Administrative Law and shall remain
15 in effect until revised by the department.

16 (d) The department may implement an outreach effort to educate
17 persons who manage perchlorate materials concerning the
18 regulations promulgated pursuant to subdivision (a).

19 SEC. 150. Section 25270.8 of the Health and Safety Code is
20 amended to read:

21 25270.8. Each owner or operator of a tank facility shall
22 immediately, upon discovery, notify the California Emergency
23 Management Agency and the UPA using the appropriate 24-hour
24 emergency number or the 911 number, as established by the UPA,
25 or by the governing body of the UPA, of the occurrence of a spill
26 or other release of one barrel (42 gallons) or more of petroleum
27 that is required to be reported pursuant to subdivision (a) of Section
28 13272 of the Water Code.

29 SEC. 151. Section 25299.1 of the Health and Safety Code is
30 amended to read:

31 25299.1. (a) Any city or county which prior to January 1, 1984,
32 adopted an ordinance which, at a minimum, met the requirements
33 set forth in Sections 25284 and 25284.1, as they read on January
34 1, 1984, prior to being amended and renumbered, providing for
35 double containment, and monitoring of underground storage tanks
36 which was exempt from this chapter as of December 31, 1989, is
37 not exempt from implementing this chapter and shall implement
38 this chapter on or before January 1, 1991.

1 (b) Until a city or county specified in subdivision (a) implements
 2 this chapter, the city or the county shall, at a minimum, do all of
 3 the following:

4 (1) Submit to the board the application form and annual
 5 information specified by Section 25286 and submit a written report
 6 of any unauthorized release from an underground storage tank to
 7 the California Emergency Management Agency within 10 working
 8 days from the time the local agency is notified of the unauthorized
 9 release.

10 (2) Collect and transmit to the board the surcharge specified in
 11 subdivision (b) of Section 25287.

12 (3) Issue permits for the operation of an underground storage
 13 tank, which, at a minimum, ensure compliance with any applicable
 14 requirement of the federal act and any applicable regulation adopted
 15 by the board pursuant to Section 25299.3 which the board
 16 determines is necessary to ~~assure~~ *ensure* consistency with the
 17 federal act.

18 (c) A permit issued on or after January 1, 1991, by a city or
 19 county specified in subdivision (a) shall require compliance with
 20 all applicable requirements of this chapter and with the regulations
 21 adopted by the board pursuant to Section 25299.3.

22 (d) This chapter does not limit or abridge the authority of any
 23 city or county to adopt an ordinance requiring information,
 24 conducting investigations, inspections, or implementing and
 25 enforcing this chapter.

26 SEC. 152. Section 25359.4 of the Health and Safety Code is
 27 amended to read:

28 25359.4. (a) A person shall not release, or allow or cause a
 29 release of, a reportable quantity of a hazardous substance into the
 30 environment that is not authorized or permitted pursuant to state
 31 law.

32 (b) Any release of a reportable quantity of hazardous substance
 33 shall be reported to the department in writing within 30 days of
 34 discovery, unless any of the following apply:

- 35 (1) The release is permitted or in the permit process.
- 36 (2) The release is authorized by state law.
- 37 (3) The release requires immediate reporting to the California
 38 Emergency Management Agency pursuant to Section 11002 or
 39 11004 of Title 42 of the United States Code, or pursuant to Section
 40 25507.

1 (4) The release has previously been reported to the department
2 or the California Emergency Management Agency.

3 (5) The release occurred prior to January 1, 1994.

4 (c) For the purposes of this section, “reportable quantity” means
5 either of the following:

6 (1) The quantity of a hazardous substance established in Part
7 302 (commencing with Section 302.1) of Title 40 of the Code of
8 Federal Regulations, the release of which requires notification
9 pursuant to that part.

10 (2) Any quantity of a hazardous substance that is not reportable
11 pursuant to paragraph (1), but that may pose a significant threat
12 to public health and safety or to the environment. The department
13 may establish guidelines for determining which releases are
14 reportable under this paragraph.

15 (d) The owner of property on which a reportable release has
16 occurred and any person who releases, or causes a reportable
17 release and who fails to make the written report required by
18 subdivision (b), shall be liable for a penalty not to exceed
19 twenty-five thousand dollars (\$25,000) for each separate violation
20 and for each day that a violation continues. Each day on which the
21 released hazardous substance remains is a separate violation unless
22 the person has either filed the report or is in compliance with an
23 order issued by a local, state, or federal agency with regard to the
24 release.

25 (e) Liability under this section may be imposed in a civil action
26 or may be administratively imposed by the department pursuant
27 to Section 25359.3.

28 (f) If the violation of subdivision (b) results in, or significantly
29 contributes to, an emergency, including, but not limited to, a fire,
30 to which a county, city, or district is required to respond, the
31 responsible party may be assessed the full cost of the emergency
32 response by the city, county, or district.

33 SEC. 153. Section 25404.3 of the Health and Safety Code is
34 amended to read:

35 25404.3. (a) The secretary shall, within a reasonable time after
36 submission of a complete application for certification pursuant to
37 Section 25404.2, and regulations adopted pursuant to that section,
38 but not to exceed 180 days, review the application, and, after
39 holding a public hearing, determine if the application should be
40 approved. Before disapproving an application for certification, the

1 secretary shall submit to the applicant agency a notification of the
2 secretary's intent to disapprove the application, in which the
3 secretary shall specify the reasons why the applicant agency does
4 not have the capability or the resources to fully implement and
5 enforce the unified program in a manner that is consistent with the
6 regulations implementing the unified program adopted by the
7 secretary pursuant to this chapter. The secretary shall provide the
8 applicant agency with a reasonable time to respond to the reasons
9 specified in the notification and to correct deficiencies in its
10 application. The applicant agency may request a second public
11 hearing, at which the secretary shall hear the applicant agency's
12 response to the reasons specified in the notification.

13 (b) In determining whether an applicant agency should be
14 certified, or designated as certified, the secretary, after receiving
15 comments from the director, the ~~Director of the California~~
16 ~~Emergency Management Agency~~, *Secretary of Emergency*
17 *Management*, the State Fire Marshal, and the Executive Officers
18 and Chairpersons of the State Water Resources Control Board and
19 the California regional water quality control boards, shall consider
20 at least all of the following factors:

21 (1) Adequacy of the technical expertise possessed by each
22 unified program agency that will be implementing each element
23 of the unified program, including, but not limited to, whether the
24 agency responsible for implementing and enforcing the
25 requirements of Chapter 6.5 (commencing with Section 25100)
26 satisfies the requirements of Section 15260 of Title 27 of the
27 California Code of Regulations.

28 (2) Adequacy of staff resources.

29 (3) Adequacy of budget resources and funding mechanisms.

30 (4) Training requirements.

31 (5) Past performance in implementing and enforcing
32 requirements related to the handling of hazardous materials and
33 hazardous waste.

34 (6) Recordkeeping and cost accounting systems.

35 (7) Compliance with the criteria in Section 15170 of Title 27
36 of the California Code of Regulations.

37 (c) (1) In making the determination of whether or not to certify
38 a particular applicant agency as a certified unified program agency,
39 the secretary shall consider the applications of every other applicant
40 agency applying to be a certified unified program agency within

1 the same county, in order to determine the impact of each
2 certification decision on the county. If the secretary identifies that
3 there may be adverse impacts on the county if any particular agency
4 in a county is certified, the secretary shall work cooperatively with
5 each affected agency to address the secretary's concerns.

6 (2) The secretary shall not certify an agency to be a certified
7 unified program agency unless the secretary finds both of the
8 following:

9 (A) The unified program will be implemented in a coordinated
10 and consistent manner throughout the entire county in which the
11 applicant agency is located.

12 (B) The administration of the unified program throughout the
13 entire county in which the applicant agency is located will be less
14 fragmented between jurisdictions, as compared to before January
15 1, 1994, with regard to the administration of the provisions
16 specified in subdivision (c) of Section 25404.

17 (d) (1) The secretary shall not certify an applicant agency that
18 proposes to allow participating agencies to implement certain
19 elements of the unified program unless the secretary makes all of
20 the following findings:

21 (A) The applicant agency has adequate authority, and has in
22 place adequate systems, protocols, and agreements, to ensure that
23 the actions of the other agencies proposed to implement certain
24 elements of the unified program are fully coordinated and
25 consistent with each other and with those of the applicant agency,
26 and to ensure full compliance with the regulations implementing
27 the unified program adopted by the secretary pursuant to this
28 chapter.

29 (B) An agreement between the applicant and other agencies
30 proposed to implement any elements of the unified program
31 contains procedures for removing any agencies proposed and
32 engaged to implement any element of the unified program. The
33 procedures in the agreement shall include, at a minimum,
34 provisions for providing notice, stating causes, taking public
35 comment, making appeals, and resolving disputes.

36 (C) The other agencies proposed to implement certain elements
37 of the unified program have the capability and resources to
38 implement those elements, taking into account the factors
39 designated in subdivision (b).

1 (D) All other agencies proposed to implement certain elements
2 of the unified program shall maintain an agreement with the
3 applicant agency that ensures that the requirements of Section
4 25404.2 will be fully implemented.

5 (E) If the applicant agency proposes that any agency other than
6 itself will be responsible for implementing aspects of the single
7 fee system imposed pursuant to Section 25404.5, the applicant
8 agency maintains an agreement with that agency that ensures that
9 the fee system is implemented in a fully consistent and coordinated
10 manner, and that ensures that each participating agency receives
11 the amount that it determines to constitute its necessary and
12 reasonable costs of implementing the element or elements of the
13 unified program that it is responsible for implementing.

14 (2) After the secretary has certified an applicant agency pursuant
15 to this subdivision, that agency shall obtain the approval of the
16 secretary before removing and replacing a participating agency
17 that is implementing an element of the unified program.

18 (3) Any state agency, including, but not limited to, the State
19 Department of Health Services, acting as a participating agency,
20 may contract with a unified program agency to implement or
21 enforce the unified program.

22 (e) Until a city's or county's application for certification to
23 implement the unified program is acted upon by the secretary, the
24 roles, responsibilities, and authority for implementing the programs
25 identified in subdivision (c) of Section 25404 that existed in that
26 city or county pursuant to statutory authorization as of December
27 31, 1993, shall remain in effect.

28 (f) (1) Except as provided in subparagraph (C) of paragraph
29 (2) or in Section 25404.8, if no local agency has been certified by
30 January 1, 1997, to implement the unified program within a city,
31 the secretary shall designate either the county in which the city is
32 located or another agency pursuant to subparagraph (A) of
33 paragraph (2) as the unified program agency.

34 (2) (A) Except as provided in subparagraph (C), if no local
35 agency has been certified by January 1, 2001, to implement the
36 unified program within the unincorporated or an incorporated area
37 of a county, the secretary shall determine how the unified program
38 shall be implemented in the unincorporated area of the county,
39 and in any city in which there is no agency certified to implement
40 the unified program. In such an instance, the secretary shall work

1 in consultation with the county and cities to determine which state
2 or local agency or combination of state and local agencies should
3 implement the unified program, and shall determine which state
4 or local agency shall be designated as the certified unified program
5 agency.

6 (B) The secretary shall determine the method by which the
7 unified program shall be implemented throughout the county and
8 may select any combination of the following implementation
9 methods:

10 (i) The certification of a state or local agency as a certified
11 unified program agency.

12 (ii) The certification of an agency from another county as the
13 certified unified program agency.

14 (iii) The certification of a joint powers agency as the certified
15 unified program agency.

16 (C) Notwithstanding paragraph (1) and subparagraphs (A) and
17 (B), if the Cities of Sunnyvale, Anaheim, and Santa Ana prevail
18 in litigation filed in 1997 against the secretary, and, to the extent
19 the secretary determines that these three cities meet the
20 requirements for certification, the secretary may certify these cities
21 as certified unified program agencies.

22 (g) (1) If a certified unified program agency wishes to withdraw
23 from its obligations to implement the unified program and is a city
24 or a joint powers agency implementing the unified program within
25 a city, the agency may withdraw after providing 180 days' notice
26 to the secretary and to the county within which the city is located,
27 or to the joint powers agency with which the county has an
28 agreement to implement the unified program.

29 (2) Whenever a certified unified program agency withdraws
30 from its obligations to implement the unified program, or the
31 secretary withdraws an agency's certification pursuant to Section
32 25404.4, the successor certified unified program agency shall be
33 determined in accordance with subdivision (f).

34 SEC. 154. Section 25501 of the Health and Safety Code is
35 amended to read:

36 25501. Unless the context indicates otherwise, the following
37 definitions govern the construction of this chapter:

38 (a) "Administering agency" means the local agency authorized,
39 pursuant to Section 25502, to implement and enforce this chapter.

1 (b) “Agency” means the California Emergency Management
2 Agency.

3 (c) “Agricultural handler” means an entity identified in
4 paragraph (5) of subdivision (c) of Section 25503.5.

5 (d) “Area plan” means a plan established pursuant to Section
6 25503 by an administering agency for emergency response to a
7 release or threatened release of a hazardous material within a city
8 or county.

9 (e) “Business” means an employer, self-employed individual,
10 trust, firm, joint stock company, corporation, partnership, or
11 association. For purposes of this chapter, “business” includes a
12 business organized for profit and a nonprofit business.

13 (f) “Business plan” means a separate plan for each facility, site,
14 or branch of a business that meets the requirements of Section
15 25504.

16 (g) “Certification statement” means a statement signed by the
17 business owner, operator, or officially designated representative
18 that attests to all of the following:

19 (1) The information contained in the annual inventory form
20 most recently submitted to the administering agency is complete,
21 accurate, and up to date.

22 (2) There has been no change in the quantity of any hazardous
23 material as reported in the most recently submitted annual
24 inventory form.

25 (3) No hazardous materials subject to the inventory requirements
26 of this chapter are being handled that are not listed on the most
27 recently submitted annual inventory form.

28 (4) The most recently submitted annual inventory form contains
29 the information required by Section 11022 of Title 42 of the United
30 States Code.

31 (h) (1) “Certified Unified Program Agency” or “CUPA” means
32 the agency certified by the secretary to implement the unified
33 program specified in Chapter 6.11 (commencing with Section
34 25404) within a jurisdiction.

35 (2) “Participating Agency” or “PA” means an agency that has
36 a written agreement with the CUPA pursuant to subdivision (d)
37 of Section 25404.3, and is approved by the secretary, to implement
38 or enforce one or more of the unified program elements specified
39 in paragraphs (4) and (5) of subdivision (c) of Section 25404, in
40 accordance with the provisions of Sections 25404.1 and 25404.2.

1 (3) “Unified Program Agency” or “UPA” means the CUPA, or
2 its participating agencies to the extent each PA has been designated
3 by the CUPA, pursuant to a written agreement, to implement or
4 enforce a particular unified program element specified in
5 paragraphs (4) and (5) of subdivision (c) of Section 25404. For
6 purposes of this chapter, the UPAs have the responsibility and
7 authority, to the extent provided by this chapter and Sections
8 25404.1 and 25404.2, to implement and enforce only those
9 requirements of this chapter listed in paragraphs (4) and (5) of
10 subdivision (c) of Section 25404. The UPAs also have the
11 responsibility and authority, to the extent provided by this chapter
12 and Sections 25404.1 and 25404.2, to implement and enforce the
13 regulations adopted to implement the requirements of this chapter
14 listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.
15 After a CUPA has been certified by the secretary, the unified
16 program agencies shall be the only local agencies authorized to
17 enforce the requirements of this chapter listed in paragraphs (4)
18 and (5) of subdivision (c) of Section 25404 within the jurisdiction
19 of the CUPA.

20 (i) “City” includes any city and county.

21 (j) “Chemical name” means the scientific designation of a
22 substance in accordance with the nomenclature system developed
23 by the International Union of Pure and Applied Chemistry or the
24 system developed by the Chemical Abstracts Service.

25 (k) “Common name” means any designation or identification,
26 such as a code name, code number, trade name, or brand name,
27 used to identify a substance by other than its chemical name.

28 (l) “Department” means the Department of Toxic Substances
29 Control and “director” means the Director of Toxic Substances
30 Control.

31 (m) “Emergency rescue personnel” means any public employee,
32 including, but not limited to, any fireman, firefighter, or emergency
33 rescue personnel, as defined in Section 245.1 of the Penal Code,
34 or personnel of a local EMS agency, as designated pursuant to
35 Section 1797.200, or a poison control center, as defined by Section
36 1797.97, who responds to any condition caused, in whole or in
37 part, by a hazardous material that jeopardizes, or could jeopardize,
38 public health or safety or the environment.

1 (n) “Handle” means to use, generate, process, produce, package,
2 treat, store, emit, discharge, or dispose of a hazardous material in
3 any fashion.

4 (o) “Handler” means any business that handles a hazardous
5 material.

6 (p) “Hazardous material” means any material that, because of
7 its quantity, concentration, or physical or chemical characteristics,
8 poses a significant present or potential hazard to human health and
9 safety or to the environment if released into the workplace or the
10 environment. “Hazardous materials” include, but are not limited
11 to, hazardous substances, hazardous waste, and any material that
12 a handler or the administering agency has a reasonable basis for
13 believing that it would be injurious to the health and safety of
14 persons or harmful to the environment if released into the
15 workplace or the environment.

16 (q) “Hazardous substance” means any substance or chemical
17 product for which one of the following applies:

18 (1) The manufacturer or producer is required to prepare a MSDS
19 for the substance or product pursuant to the Hazardous Substances
20 Information and Training Act (Chapter 2.5 (commencing with
21 Section 6360) of Part 1 of Division 5 of the Labor Code) or
22 pursuant to any applicable federal law or regulation.

23 (2) The substance is listed as a radioactive material in Appendix
24 B of Chapter 1 of Title 10 of the Code of Federal Regulations,
25 maintained and updated by the Nuclear Regulatory Commission.

26 (3) The substances listed pursuant to Title 49 of the Code of
27 Federal Regulations.

28 (4) The materials listed in subdivision (b) of Section 6382 of
29 the Labor Code.

30 (r) “Hazardous waste” means hazardous waste, as defined by
31 Sections 25115, 25117, and 25316.

32 (s) “Release” means any spilling, leaking, pumping, pouring,
33 emitting, emptying, discharging, injecting, escaping, leaching,
34 dumping, or disposing into the environment, unless permitted or
35 authorized by a regulatory agency.

36 (t) “Secretary” means the Secretary for Environmental
37 Protection.

38 (u) “SIC Code” means the identification number assigned by
39 the Standard Industrial Classification Code to specific types of
40 businesses.

1 (v) “Threatened release” means a condition creating a substantial
2 probability of harm, when the probability and potential extent of
3 harm make it reasonably necessary to take immediate action to
4 prevent, reduce, or mitigate damages to persons, property, or the
5 environment.

6 (w) “Trade secret” means trade secrets as defined in subdivision
7 (d) of Section 6254.7 of the Government Code and Section 1060
8 of the Evidence Code.

9 (x) “Unified Program Facility” means all contiguous land and
10 structures, other appurtenances, and improvements on the land
11 that are subject to the requirements of paragraphs (4) and (5) of
12 subdivision (c) of Section 25404.

13 SEC. 155. Section 25502 of the Health and Safety Code is
14 amended to read:

15 25502. (a) (1) This chapter, as it pertains to the handling of
16 hazardous material, shall be implemented by one of the following:

17 (A) If there is a CUPA, the Unified Program Agency.

18 (B) If there is no CUPA, the agency authorized pursuant to
19 subdivision (f) of Section 25404.3.

20 (2) The agency responsible for implementing this chapter shall
21 ensure full access to, and the availability of, information submitted
22 under this chapter to emergency rescue personnel and other
23 appropriate governmental entities within its jurisdiction.

24 (b) (1) If there is no CUPA, a city may, by ordinance or
25 resolution, assume responsibility for the implementation of this
26 chapter and, if so, shall have exclusive jurisdiction within the
27 boundary of the city for the purposes of carrying out this chapter.
28 The ordinance shall require that a person who violates Section
29 25507 shall be subject to the penalties specified in Section 25515.
30 A city that assumes responsibility for implementation of this
31 chapter shall provide notice of its ordinance or resolution to the
32 agency and to the administering agency of its county. It shall also
33 consult with, and coordinate its activities with, the county in which
34 the city is located to avoid duplicating efforts or any
35 misunderstandings regarding the areas, duties, and responsibilities
36 of each administering agency.

37 (2) A city may not assume responsibility for the implementation
38 of this chapter unless it has enacted an implementing ordinance
39 or adopted an implementing resolution not later than 60 days after
40 the agency adopts regulations pursuant to Section 25503, except

1 that a city may enact an implementing ordinance or adopt an
 2 implementing resolution after this 60-day period, if it has an
 3 agreement with the county to do so. A new city has one year from
 4 the date of incorporation to enact an ordinance or adopt a resolution
 5 implementing this chapter.

6 (3) The local agency responsible for administering and enforcing
 7 this chapter shall be the agency so authorized pursuant to
 8 subdivision (f) of Section 25404.3.

9 (c) If there is no CUPA, the county and any city that assume
 10 responsibility pursuant to subdivision (b) shall designate a
 11 department, office, or other agency of the county or city, as the
 12 case may be, or the city or county may designate a fire district, as
 13 the administering agency responsible for administering and
 14 enforcing this chapter. The county and any city that assume
 15 responsibility pursuant to subdivision (b) shall notify the agency
 16 immediately upon making a designation. The local agency
 17 responsible for administering and enforcing this chapter shall be
 18 the agency so authorized pursuant to subdivision (f) of Section
 19 25404.3.

20 SEC. 156. Section 25503 of the Health and Safety Code is
 21 amended to read:

22 25503. (a) Not later than September 1, 1986, the agency shall
 23 adopt, after public hearing and consultation with the ~~office~~ *Office*
 24 of the State Fire Marshal and other appropriate public entities,
 25 regulations for minimum standards for business plans and area
 26 plans. All business plans and area plans shall meet the standards
 27 adopted by the agency.

28 (b) The standards for business plans in the regulations adopted
 29 pursuant to subdivision (a) shall do all of the following:

30 (1) Set forth minimum requirements of adequacy, and not
 31 preclude the imposition of additional or more stringent
 32 requirements by local government.

33 (2) Take into consideration and adjust for the size and nature
 34 of the business, the proximity of the business to residential areas
 35 and other populations, and the nature of the damage potential of
 36 its hazardous materials in establishing standards for subdivisions
 37 (b) and (c) of Section 25504.

38 (3) Take into account the existence of local area and business
 39 plans which meet the requirements of this chapter so as to minimize

1 the duplication of local efforts, consistent with the objectives of
2 this chapter.

3 (4) Define what releases and threatened releases are required
4 to be reported pursuant to Section 25507. The agency shall consider
5 the existing federal reporting requirements in determining a
6 definition of reporting releases pursuant to Section 25507.

7 (c) An administering agency shall establish an area plan for
8 emergency response to a release or threatened release of a
9 hazardous material within its jurisdiction. An area plan is not a
10 statute, ordinance, or regulation for purposes of Section 669 of the
11 Evidence Code. The standards for area plans in the regulations
12 adopted pursuant to subdivision (a) shall provide for all of the
13 following:

14 (1) Procedures and protocols for emergency rescue personnel,
15 including the safety and health of those personnel.

16 (2) Preemergency planning.

17 (3) Notification and coordination of onsite activities with state,
18 local, and federal agencies, responsible parties, and special districts.

19 (4) Training of appropriate employees.

20 (5) Onsite public safety and information.

21 (6) Required supplies and equipment.

22 (7) Access to emergency response contractors and hazardous
23 waste disposal sites.

24 (8) Incident critique and followup.

25 (9) Requirements for notification to the agency of reports made
26 pursuant to Section 25507.

27 (d) (1) The administering agency shall submit a copy of its
28 proposed area plan, within 180 days after adoption of regulations
29 by the agency establishing area plan standards, to the agency for
30 review. The agency shall notify the administering agency as to
31 whether the area plan is adequate and meets the area plan standards.
32 The administering agency shall within 45 days of this notice submit
33 a corrected area plan.

34 (2) The administering agency shall certify to the agency every
35 three years that it has conducted a complete review of its area plan
36 and has made any necessary revisions. Any time an administering
37 agency makes any substantial changes to its area plan, it shall
38 forward the changes to the agency within 14 days after the changes
39 have been made.

1 (e) An administering agency shall submit to the agency, along
2 with its area plan, both of the following:

3 (1) The basic provisions of a plan to conduct onsite inspections
4 of businesses subject to this chapter by either the administering
5 agency or other designated entity. These inspections shall ensure
6 compliance with this chapter and shall identify existing safety
7 hazards that could cause or contribute to a release and, where
8 appropriate, enforce any applicable laws and suggest preventative
9 measures designed to minimize the risk of the release of hazardous
10 material into the workplace or environment. The requirements of
11 this paragraph do not alter or affect the immunity provided a public
12 entity pursuant to Section 818.6 of the Government Code.

13 (2) A plan to institute a data management system which will
14 assist in the efficient access to and utilization of information
15 collected under this chapter. This data management system shall
16 be in operation within two years after the business plans are
17 required to be submitted to the administering agency pursuant to
18 Section 25505.

19 (f) The regulations adopted by the agency pursuant to
20 subdivision (a) shall include an optional model reporting form for
21 business and area plans.

22 SEC. 157. Section 25503.1 of the Health and Safety Code is
23 amended to read:

24 25503.1. The agency and each administering agency shall adopt
25 reporting requirements, in cooperation with the Chemical
26 Emergency Planning and Response Commission, established by
27 the Governor as the state emergency response commission pursuant
28 to subsection (a) of Section 11001 of Title 42 of the United States
29 Code, which are consistent with the intent and provisions of this
30 chapter and with Chapter 116 (commencing with Section 11001)
31 of Title 42 of the United States Code, for the purpose of eliminating
32 duplicative reporting requirements, to the extent achievable and
33 practicable.

34 SEC. 158. Section 25503.3 of the Health and Safety Code is
35 amended to read:

36 25503.3. (a) The agency shall, in consultation with the
37 administering agencies, in accordance with Section 25503.1, adopt
38 by regulation a single comprehensive hazardous material reporting
39 form for businesses to submit to administering agencies for
40 purposes of Section 25509. The form shall include a section for

1 additional information that may be requested by the administering
2 agency. The regulations shall also specify criteria for sharing data
3 electronically. Except as provided in subdivisions (b) and (c), after
4 January 1, 1997, each administering agency shall require businesses
5 to use this form annually when complying with Section 25509.

6 (b) (1) Except as provided in paragraph (2), an administering
7 agency may allow a business to submit a form designated by the
8 administering agency for purposes of the inventory required by
9 Section 25509 instead of the single comprehensive hazardous
10 material reporting form adopted pursuant to subdivision (a). Any
11 form designated by an administering agency pursuant to this
12 paragraph shall ensure that all of the information required by
13 Section 25509 is reported. The form shall be developed in
14 consultation with the other agencies within the jurisdiction that
15 are responsible for fire protection, emergency response, and
16 environmental health. If the administering agency permits inventory
17 information to be submitted by electronic means, the format and
18 mode of submittal shall be developed in consultation with those
19 other agencies and, following the adoption of standards for the
20 sharing of electronic data pursuant to subdivision (e) of Section
21 25404, shall be consistent with those standards.

22 (2) If a business chooses to submit the single comprehensive
23 hazardous material reporting form adopted pursuant to subdivision
24 (a), the administering agency shall accept that form.

25 (c) Notwithstanding Section 25509, a business may comply
26 with the annual inventory reporting requirements of this article by
27 submitting a certification statement to the administering agency
28 if both of the following apply:

29 (1) The business has previously filed the single comprehensive
30 hazardous material reporting form required by subdivision (a) or
31 the alternative form designated by the administering agency
32 pursuant to subdivision (b).

33 (2) The business can attest to the statements set forth in
34 paragraphs (1) to (4), inclusive, of subdivision (f) of Section 25501.

35 SEC. 159. Section 25503.4 of the Health and Safety Code is
36 amended to read:

37 25503.4. (a) The agency shall adopt a format that allows
38 persons subject to two or more of the following requirements to
39 meet those requirements in one document:

40 (1) The business plan required by this chapter.

1 (2) The risk management plan required by Section 25534.

2 (3) The contingency plan required by Division 4.5 (commencing
3 with Section 66001) of Title 22 of the California Code of
4 Regulations and by Part 262 (commencing with Section 262.10),
5 Part 264 (commencing with Section 264.1), or Part 265
6 (commencing with Section 265.1) of Title 40 of the Code of
7 Federal Regulations.

8 (4) The spill prevention control and countermeasure plan
9 required by Section 25270.4.5 and by Part 112 (commencing with
10 Section 112.1) or by Part 300 (commencing with Section 300.1)
11 of Title 40 of the Code of Federal Regulations.

12 (5) Any accident or spill prevention plan or response plan
13 required by Chapter 6.7 (commencing with Section 25280) or by
14 regulations adopted pursuant to that chapter or required by an
15 underground storage tank ordinance adopted by a city or county.

16 (6) The interim marine facility oil spill contingency plan
17 required by Section 8670.29 of the Government Code and the
18 marine facility oil spill contingency plan required by Section
19 8670.31 of the Government Code.

20 (b) The format required by subdivision (a) shall be organized
21 as follows:

22 (1) A central element that will enable persons using the format
23 to report information and data common to all of the requirements
24 described in subdivision (a).

25 (2) Appendices that will contain the additional information
26 unique to each individual requirement described in subdivision
27 (a).

28 (c) The agency shall adopt the format required by subdivision
29 (a) in consultation with administering agencies and the Information
30 Management Subcommittee of the Chemical Emergency Planning
31 and Response Commission and in cooperation with the State Water
32 Resources Control Board, the Department of Fish and Game, and
33 the department. The adoption of the format is not subject to Chapter
34 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
35 Title 2 of the Government Code and shall be completed by January
36 1, 1995. To the extent feasible, and within the limits of budgetary
37 constraints, the agency, the State Water Resources Control Board,
38 the Department of Fish and Game, and the department shall
39 convene workshops and other public meetings to obtain public
40 assistance on the development of the format.

1 SEC. 160. Section 25503.5 of the Health and Safety Code is
2 amended to read:

3 25503.5. (a) (1) A business, except as provided in subdivisions
4 (b), (c), and (d), shall establish and implement a business plan for
5 emergency response to a release or threatened release of a
6 hazardous material in accordance with the standards prescribed in
7 the regulations adopted pursuant to Section 25503, if the business
8 handles a hazardous material or a mixture containing a hazardous
9 material that has a quantity at any one time during the reporting
10 year that is any of the following:

11 (A) Equal to, or greater than, a total weight of 500 pounds or a
12 total volume of 55 gallons.

13 (B) Equal to, or greater than, 200 cubic feet at standard
14 temperature and pressure, if the substance is compressed gas.

15 (C) If the substance is a radioactive material, it is handled in
16 quantities for which an emergency plan is required to be adopted
17 pursuant to Part 30 (commencing with Section 30.1), Part 40
18 (commencing with Section 40.1), or Part 70 (commencing with
19 Section 70.1), of Chapter 1 of Title 10 of the Code of Federal
20 Regulations, or pursuant to any regulations adopted by the state
21 in accordance with those regulations.

22 (2) In meeting the requirements of this subdivision, a business
23 may, if it elects to do so, use the format adopted pursuant to Section
24 25503.4.

25 (b) (1) Oxygen, nitrogen, and nitrous oxide, ordinarily
26 maintained by a physician, dentist, podiatrist, veterinarian, or
27 pharmacist, at his or her office or place of business, stored at each
28 office or place of business in quantities of not more than 1,000
29 cubic feet of each material at any one time, are exempt from this
30 section and from Section 25505. The administering agency may
31 require a one-time inventory of these materials for a fee not to
32 exceed fifty dollars (\$50) to pay for the costs incurred by the
33 agency in processing the inventory forms.

34 (2) (A) Lubricating oil is exempt from this section and Sections
35 25505 and 25509, for a single business facility, if the total volume
36 of each type of lubricating oil handled at that facility does not
37 exceed 55 gallons and the total volume of all types of lubricating
38 oil handled at that facility does not exceed 275 gallons, at any one
39 time.

1 (B) For purposes of this paragraph, “lubricating oil” means any
2 oil intended for use in an internal combustion crankcase, or the
3 transmission, gearbox, differential, or hydraulic system of an
4 automobile, bus, truck, vessel, ~~plane~~ *airplane*, heavy equipment,
5 or other machinery powered by an internal combustion or electric
6 powered engine. “Lubricating oil” does not include used oil, as
7 defined in subdivision (a) of Section 25250.1.

8 (c) (1) Hazardous material contained solely in a consumer
9 product for direct distribution to, and use by, the general public is
10 exempt from the business plan requirements of this chapter unless
11 the administering agency has found, and has provided notice to
12 the business handling the product, that the handling of certain
13 quantities of the product requires the submission of a business
14 plan, or any portion thereof, in response to public health, safety,
15 or environmental concerns.

16 (2) In addition to the authority specified in paragraph (4), the
17 administering agency may, in exceptional circumstances, following
18 notice and public hearing, exempt from the inventory provisions
19 of this chapter any hazardous substance specified in subdivision
20 (p) of Section 25501 if the administering agency finds that the
21 hazardous substance would not pose a present or potential danger
22 to the environment or to human health and safety if the hazardous
23 substance was released into the environment. The administering
24 agency shall specify in writing the basis for granting any exemption
25 under this paragraph. The administering agency shall send a notice
26 to the agency within five days from the effective date of any
27 exemption granted pursuant to this paragraph.

28 (3) The administering agency, upon application by a handler,
29 may exempt the handler, under conditions that the administering
30 agency determines to be proper, from any portion of the business
31 plan, upon a written finding that the exemption would not pose a
32 significant present or potential hazard to human health or safety
33 or to the environment or affect the ability of the administering
34 agency and emergency rescue personnel to effectively respond to
35 the release of a hazardous material, and that there are unusual
36 circumstances justifying the exemption. The administering agency
37 shall specify in writing the basis for any exemption under this
38 paragraph.

39 (4) The administering agency, upon application by a handler,
40 may exempt a hazardous material from the inventory provisions

1 of this chapter upon proof that the material does not pose a
2 significant present or potential hazard to human health and safety
3 or to the environment if released into the workplace or
4 environment. The administering agency shall specify in writing
5 the basis for any exemption under this paragraph.

6 (5) An administering agency shall exempt a business operating
7 a farm for purposes of cultivating the soil or raising or harvesting
8 any agricultural or horticultural commodity from filing the
9 information in the business plan required by subdivisions (b) and
10 (c) of Section 25504 if all of the following requirements are met:

11 (A) The handler annually provides the inventory of information
12 required by Section 25509 to the county agricultural commissioner
13 before January 1 of each year.

14 (B) Each building in which hazardous materials subject to this
15 chapter are stored is posted with signs, in accordance with
16 regulations that the agency shall adopt, that provide notice of the
17 storage of any of the following:

18 (i) Pesticides.

19 (ii) Petroleum fuels and oil.

20 (iii) Types of fertilizers.

21 (C) Each county agricultural commissioner forwards the
22 inventory to the administering agency within 30 days from the
23 date of receipt of the inventory.

24 (6) The administering agency shall exempt a business operating
25 an unstaffed remote facility located in an isolated sparsely
26 populated area from the hazardous materials business plan and
27 inventory requirements of this article if the facility is not otherwise
28 subject to the requirements of applicable federal law, and all of
29 the following requirements are met:

30 (A) The types and quantities of materials onsite are limited to
31 one or more of the following:

32 (i) Five hundred standard cubic feet of compressed inert gases
33 (asphyxiation and pressure hazards only).

34 (ii) Five hundred gallons of combustible liquid used as a fuel
35 source.

36 (iii) Two hundred gallons of corrosive liquids used as
37 electrolytes in closed containers.

38 (iv) Five hundred gallons of lubricating and hydraulic fluids.

39 (v) ~~Twelve~~ *One thousand two* hundred gallons of flammable
40 gas used as a fuel source.

1 (B) The facility is secured and not accessible to the public.

2 (C) Warning signs are posted and maintained for hazardous
3 materials pursuant to the California Fire Code.

4 (D) A one-time notification and inventory ~~is~~ *are* provided to
5 the administering agency along with a processing fee in lieu of the
6 existing fee. The fee shall not exceed the actual cost of processing
7 the notification and inventory, including a verification inspection,
8 if necessary.

9 (E) If the information contained in the initial notification or
10 inventory changes and the time period of the change is longer than
11 30 days, the notification or inventory shall be resubmitted within
12 30 days to the administering agency to reflect the change, along
13 with a processing fee, in lieu of the existing fee, that does not
14 exceed the actual cost of processing the amended notification or
15 inventory, including a verification inspection, if necessary.

16 (F) The administering agency shall forward a copy of the
17 notification and inventory to those agencies that share responsibility
18 for emergency response.

19 (G) The administering agency may require an unstaffed remote
20 facility to submit a hazardous materials business plan and inventory
21 in accordance with this article if the agency finds that special
22 circumstances exist such that development and maintenance of the
23 business plan and inventory ~~is~~ *are* necessary to protect public
24 health and safety and the environment.

25 (d) Onpremise use, storage, or both, of propane in an amount
26 not to exceed 300 gallons that is for the sole purpose of heating
27 the employee working areas ~~with~~ *within* that business is exempt
28 from this section, unless the administering agency finds, and
29 provides notice to the business handling the propane, that the
30 handling of the onpremise propane requires the submission of a
31 business plan, or any portion thereof, in response to public health,
32 safety, or environmental concerns.

33 (e) The administering agency shall provide all information
34 obtained from completed inventory forms, upon request, to
35 emergency rescue personnel on a 24-hour basis.

36 (f) The administering agency shall adopt procedures to provide
37 for public input when approving any applications submitted
38 pursuant to paragraph (3) or (4) of subdivision (c).

39 SEC. 161. Section 25503.9 of the Health and Safety Code is
40 amended to read:

1 25503.9. On or before January 1, 1995, the agency shall, in
2 consultation with the administering agencies and the State Fire
3 Marshal, adopt by regulation; a single comprehensive addendum
4 to the hazardous materials reporting form for businesses to submit
5 to administering agencies for purposes of complying with
6 subdivisions (b) and (c) of Section 13143.9 and subdivision (b) of
7 Section 25509. The regulations shall also specify criteria for
8 sharing data electronically. Not later than two years after the
9 effective date of those regulations, and annually thereafter, each
10 administering agency shall require businesses to use that addendum
11 when complying with subdivisions (b) and (c) of Section 13143.9
12 and subdivision (b) of Section 25509. The addendum shall be filed
13 with the administering agency, when required by the local fire
14 chief.

15 SEC. 162. Section 25505.2 of the Health and Safety Code is
16 amended to read:

17 25505.2. (a) Notwithstanding any other provision of this
18 chapter, any city or county which, on September 1, 1985, had in
19 effect a local ordinance containing business inventory reporting
20 requirements substantially similar to this chapter, as amended by
21 the act enacting this section, is exempt from having to implement
22 any regulations adopted by the agency concerning business plans
23 upon meeting both of the following requirements:

24 (1) Not later than 90 days after the effective date of the act
25 enacting this section, the city or county enacts an ordinance, or
26 amends its existing ordinance, so that its requirements for business
27 plans are the same as, or more restrictive than, this chapter,
28 including subdivision (a) of Section 25503.5 and Sections 25504
29 and 25509.

30 (2) The agency certifies that the ordinance's requirements are
31 in compliance with paragraph (1) and that the city or county is
32 implementing the ordinance, based upon evidence submitted by
33 the city or county. Applications for exemption shall be filed with
34 the agency not later than 120 days from the effective date of the
35 act enacting this section and the agency shall certify or reject the
36 applications within 60 days after receipt. The city or county may
37 file an appeal of the decision of the agency with the secretary of
38 the agency, under procedures established by the agency.

39 (b) This section does not exempt any administering agency from
40 compliance with any other provision of this chapter.

1 (c) Any business located in a city or county which is exempt
2 from the regulations adopted pursuant to this chapter concerning
3 business plans, shall comply with the ordinance adopted by the
4 city or county.

5 SEC. 163. Section 25507 of the Health and Safety Code is
6 amended to read:

7 25507. (a) Except as provided in subdivision (b), the handler
8 or any employee, authorized representative, agent, or designee of
9 a handler shall, upon discovery, immediately report any release or
10 threatened release of a hazardous material to the administering
11 agency, and to the agency, in accordance with the regulations
12 adopted pursuant to Section 25503. Each handler and any
13 employee, authorized representative, agent, or designee of a handler
14 shall provide all state, city, or county fire or public health or safety
15 personnel and emergency rescue personnel with access to the
16 handler's facilities.

17 (b) Subdivision (a) does not apply to any person engaged in the
18 transportation of a hazardous material on a highway which is
19 subject to, and in compliance with, the requirements of Sections
20 2453 and 23112.5 of the Vehicle Code.

21 SEC. 164. Section 25507.1 of the Health and Safety Code is
22 amended to read:

23 25507.1. (a) Any business required to submit a followup
24 emergency notice pursuant to subdivision (c) of Section 11004 of
25 Title 42 of the United States Code, as that section ~~reads~~ *read* on
26 January 1, 1989, or as it may be subsequently amended, shall
27 submit the notice on a form approved by the agency.

28 (b) The agency may adopt guidelines for the use of the forms
29 required by subdivision (a).

30 SEC. 165. Section 25509 of the Health and Safety Code is
31 amended to read:

32 25509. (a) The annual inventory form shall include, but shall
33 not be limited to, information on all of the following which are
34 handled in quantities equal to or greater than the quantities
35 specified in subdivision (a) of Section 25503.5:

36 (1) A listing of the chemical name and common names of every
37 hazardous substance or chemical product handled by the business.

38 (2) The category of waste, including the general chemical and
39 mineral composition of the waste listed by probable maximum

1 and minimum concentrations, of every hazardous waste handled
2 by the business.

3 (3) A listing of the chemical name and common names of every
4 other hazardous material or mixture containing a hazardous
5 material handled by the business which is not otherwise listed
6 pursuant to paragraph (1) or (2).

7 (4) The maximum amount of each hazardous material or mixture
8 containing a hazardous material disclosed in paragraphs (1), (2),
9 and (3) which is handled at any one time by the business over the
10 course of the year.

11 (5) Sufficient information on how and where the hazardous
12 materials disclosed in paragraphs (1), (2), and (3) are handled by
13 the business to allow fire, safety, health, and other appropriate
14 personnel to prepare adequate emergency responses to potential
15 releases of the hazardous materials.

16 (6) The SIC Code number of the business if applicable.

17 (7) The name and ~~phone~~ *telephone* number of the person
18 representing the business and able to assist emergency personnel
19 in the event of an emergency involving the business during
20 nonbusiness hours.

21 (b) If the local fire chief requires the business to comply with
22 the requirements of subdivision (c) of Section 80.103 of the
23 Uniform Fire Code, as adopted by the State Fire Marshal pursuant
24 to Section 13143.9, the business shall also file the addendum
25 required by Section 25503.9 with the administering agency.

26 (c) The administering agency may permit the reporting of the
27 amount of hazardous material under this section by ranges, rather
28 than a specific amount, as long as those ranges provide the
29 information necessary to meet the needs of emergency rescue
30 personnel, to determine the potential hazard from a release of the
31 materials, and meets the purposes of this chapter.

32 (d) (1) Except as provided in subdivision (e), the annual
33 inventory form required by this section shall also include all
34 inventory information required by Section 11022 of Title 42 of
35 the United States Code, as that section read on January 1, 1989,
36 or as it may be subsequently amended.

37 (2) The agency may adopt or amend existing regulations
38 specifying the inventory information required by this subdivision.

39 (e) If, pursuant to federal law or regulation, as it currently exists
40 or as it may be amended, there is a determination that the inventory

1 information required by subdivisions (a) and (c) is substantially
2 equivalent to the inventory information required under the
3 Emergency Planning and Community Right-to-Know Act of 1986
4 (42 U.S.C. Sec. 11001 et seq.), the requirements of subdivision
5 (d) shall not apply.

6 SEC. 166. Section 25517.5 of the Health and Safety Code is
7 amended to read:

8 25517.5. (a) The agency may develop materials, such as
9 guidelines and informational pamphlets, to assist businesses to
10 fulfill their obligations under this chapter.

11 (b) The agency may adopt emergency regulations for the purpose
12 of implementing Sections 25503 and 25509. These emergency
13 regulations shall be adopted by the agency in accordance with
14 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
15 3 of Title 2 of the Government Code, and for purposes of that
16 chapter, the adoption of these regulations is an emergency and
17 shall be considered by the Office of Administrative Law as
18 necessary for the immediate preservation of the public peace,
19 health, and safety, or general welfare.

20 SEC. 167. Section 25520 of the Health and Safety Code is
21 amended to read:

22 25520. The agency, not later than January 10, 1986, shall adopt
23 emergency regulations for the immediate report of release or
24 threatened release of a hazardous material as required by Section
25 25507 until regulations are adopted pursuant to Section 25503.
26 Regulations adopted pursuant to this section are not subject to
27 review by the Office of Administrative Law.

28 SEC. 168. Section 25531.2 of the Health and Safety Code is
29 amended to read:

30 25531.2. (a) The Legislature finds and declares that as the
31 state implements the federal accidental release prevention program
32 pursuant to this article, the California Emergency Management
33 Agency will play a vital and increased role in preventing accidental
34 releases of extremely hazardous substances. The Legislature further
35 finds and declares that as an element of the unified program
36 established pursuant to Chapter 6.11 (commencing with Section
37 25404), a single fee system surcharge mechanism is established
38 by Section 25404.5 to cover the costs incurred by the agency
39 pursuant to this article. It is the intent of the Legislature that this
40 existing authority, together with any federal assistance that may

1 become available to implement the accidental release program, be
2 used to fully fund the activities of the agency necessary to
3 implement this article.

4 (b) The agency shall use any federal assistance received to
5 implement Chapter 6.11 (commencing with Section 25404) to
6 offset any fees or charges levied to cover the costs incurred by the
7 agency pursuant to this article.

8 SEC. 169. Section 25545 of the Health and Safety Code is
9 amended to read:

10 25545. The agency shall develop informational guidelines for
11 facilities required to comply with Chapter 116 (commencing with
12 Section 11001) of Title 42 of the United States Code and with this
13 chapter, and shall assist the administering agencies in ~~assuring~~
14 *ensuring* full distribution of these guidelines to those facilities.

15 SEC. 170. Section 50661.5 of the Health and Safety Code is
16 amended to read:

17 50661.5. (a) There is hereby created in the State Treasury the
18 California Disaster Housing Repair Fund, into which shall be paid
19 all moneys appropriated by the Legislature pursuant to subdivision
20 (b) or transferred pursuant to subdivision (c) for housing repair
21 loans pursuant to Sections 50662.7, 50671.5, and 50671.6. All
22 interest or other increments resulting from the investment of
23 moneys in the California Disaster Housing Repair Fund shall be
24 deposited in the fund, notwithstanding Section 16305.7 of the
25 Government Code. Notwithstanding Section 13340 of the
26 Government Code, all money in that fund is continuously
27 appropriated to the department for the following purposes:

28 (1) For making deferred payment loans and predevelopment
29 loans pursuant to Sections 50662.7, 50671.5, and 50671.6.

30 (2) For related administrative expenses of the department.

31 (3) For related administrative expenses of any entity contracting
32 with the department, pursuant to Sections 50662.7, 50671.5, and
33 50671.6 in an amount, if any, as determined by the department, to
34 enable the entities to implement a program pursuant to those
35 sections.

36 (4) For providing loan guarantees for disaster-related loans made
37 by private institutional lending sources.

38 (b) There shall be paid into the fund the following:

39 (1) Any moneys appropriated and made available by the
40 Legislature for purposes of the fund.

1 (2) Any moneys transferred from the Special Fund for Economic
2 Uncertainties prior to July 1, 1996, pursuant to subdivision (c).

3 (3) Any other moneys which may be made available to the
4 department prior to July 1, 1996, for the purposes of this section
5 from any other source or sources.

6 (4) The director may authorize the sale of the beneficiary interest
7 of loans made pursuant to Section 50662.7. The proceeds from
8 that sale prior to July 1, 1996, shall be deposited into the California
9 Disaster Housing Repair Fund. Proceeds from that sale after July
10 1, 1996, shall be deposited in the General Fund.

11 (c) (1) To the extent that funds are not available, the Department
12 of Housing and Community Development shall submit to the
13 Department of Finance, within 90 days after a disaster, a deficiency
14 request based on a minimum funding level based on a damage
15 survey completed by the California Emergency Management
16 Agency and the Federal Emergency Management Agency. The
17 request shall distinguish between owner-occupied housing of one
18 to four units and rental housing of five or more units.

19 (2) Upon receipt of the deficiency request from the Department
20 of Housing and Community Development pursuant to paragraph
21 (1), the Department of Finance shall make a funding determination
22 and notify the Legislature of the approval or disapproval of the
23 deficiency amount. Any deficiency amount approved shall
24 distinguish between owner-occupied housing of one to four units
25 and rental housing of five or more units.

26 (3) Any payments made pursuant to this subdivision from funds
27 made available under Section 50671.5 shall be matched by a
28 corresponding and equal payment from funds made available under
29 Section 50671.6, except that, upon the determination of the Director
30 of Finance that one of the two rental repair programs has excess
31 funds, moneys from that fund may be used for either of the other
32 two disaster repair programs.

33 (d) In the event of a natural disaster, as defined in Section 8680.3
34 of the Government Code, the Director of Finance may transfer
35 moneys from the Special Fund for Economic Uncertainties
36 established by Section 16418 of the Government Code to the
37 California Disaster Housing Repair Fund, provided the transfer is
38 not made sooner than 30 days after notification in writing of the
39 necessity therefor is provided to the Joint Legislative Budget
40 Committee.

1 (e) Notwithstanding any other provision of law, on or after July
2 1, 1996, the unencumbered fund balance and reserves shall be
3 transferred to the Housing Rehabilitation Loan Fund and
4 subsequent income and other resources payable pursuant to
5 Sections 50662.7, 50671.5, and 50671.6, shall be deposited to the
6 Housing Rehabilitation Loan Fund, except that payments of
7 principal and interest on loans issued pursuant to Sections 50662.7,
8 50671.5, and 50671.6 shall be deposited in the General Fund.

9 (f) In making funds available to disaster victims pursuant to
10 Sections 50662.7, 50671.5, and 50671.6, the department shall
11 impose a one-year deadline for submission of applications.

12 (g) Any changes made on or after January 1, 1994, to any
13 program funded by the California Disaster Housing Repair Fund
14 shall not apply to applications submitted on or before December
15 31, 1993. The department may administer the program in
16 accordance with guidelines until regulations are adopted.

17 SEC. 171. Section 51614 of the Health and Safety Code is
18 amended to read:

19 51614. (a) The agency is hereby vested with full power,
20 authority, and jurisdiction over the insurance fund. The agency
21 may perform all acts necessary or convenient in the exercise of
22 any power, authority, or jurisdiction over the insurance fund, either
23 in the administration thereof or in connection with the business
24 administered under this part, as fully and completely as the
25 governing body of a private insurance carrier.

26 (b) The agency may create task forces and advisory committees,
27 when appropriate and as the members deem necessary, for the
28 purpose of obtaining advice on issues arising as a result of the
29 agency's activities under this part. Ex officio members of those
30 task forces and advisory committees may include, but are not
31 limited to, the Insurance Commissioner or his or her designee, the
32 Director of Housing and Community Development or his or her
33 designee, the Director of the Seismic Safety Commission or his
34 or her designee, and the Secretary of Emergency Management or
35 his or her designee.

36 SEC. 172. Section 101080.2 of the Health and Safety Code is
37 amended to read:

38 101080.2. (a) The local health officer may issue, and first
39 responders may execute, an order authorizing first responders to
40 immediately isolate exposed individuals that may have been

1 exposed to biological, chemical, toxic, or radiological agents that
2 may spread to others. An order issued pursuant to this section shall
3 not be in effect for a period longer than two hours and shall only
4 be issued if the means are both necessary and the least restrictive
5 possible to prevent human exposure.

6 (b) Before any implementation of the authority in subdivision
7 (a), the local health officer shall establish a related memorandum
8 of understanding with first responders in his or her jurisdiction
9 that shall require consultation with the California Emergency
10 Management Agency operational area coordinator, consistent with
11 the standardized emergency management system established
12 pursuant to Section 8607 of the Government Code, and shall
13 include where and how exposed subjects will be held pending
14 decontamination in the local jurisdiction. That memorandum of
15 understanding shall be made available to the public.

16 (c) A violation of an order issued by the local health officer and
17 executed by a first responder pursuant to subdivision (a) is a
18 misdemeanor, punishable by a fine of up to one thousand dollars
19 (\$1000), or by imprisonment in the county jail for a period of up
20 to 90 days, or by both.

21 SEC. 173. Section 105215 of the Health and Safety Code is
22 amended to read:

23 105215. (a) Any public employee, as defined in Section 811.4
24 of the Government Code, whose responsibilities include matters
25 relating to health and safety, protection of the environment, or the
26 use or transportation of any pesticide and who knows, or has
27 reasonable cause to believe, that a pesticide has been spilled or
28 otherwise accidentally released, shall promptly notify the local
29 health officer or the notification point specified in the local
30 hazardous materials response plan, where the plan has been
31 approved by the California Emergency Management Agency and
32 is in operation. The operator of the notification point shall
33 immediately notify the local health officer of the pesticide spill
34 report.

35 (b) The local health officer shall immediately notify the county
36 agricultural commissioner and, at his or her discretion, shall
37 immediately notify the Director of Environmental Health Hazard
38 Assessment of each report received. Within seven days after receipt
39 of any report, the local health officer shall notify the Director of
40 Pesticide Regulation, the Director of Environmental Health Hazard

1 Assessment, and the Director of Industrial Relations, on a form
2 prescribed by the Director of Environmental Health Hazard
3 Assessment, of each case reported to him or her pursuant to this
4 section.

5 (c) The Office of Environmental Health Hazard Assessment
6 shall designate a ~~phone~~ *telephone* number or numbers for use by
7 local health officers in the immediate notification of the office of
8 a pesticide spill report. The office shall from time to time establish
9 criteria for use by the local health officers in determining whether
10 the circumstances of a pesticide spill warrants the immediate
11 notification of the office.

12 SEC. 174. Section 114650 of the Health and Safety Code is
13 amended to read:

14 114650. (a) As used in this chapter, the following definitions
15 shall apply:

16 (1) "Agency" means the California Emergency Management
17 Agency.

18 (2) "Department" means the State Department of Health
19 Services.

20 (3) "Disburse or disbursement" means a payment in advance
21 from the Nuclear Planning Assessment Special Account, as
22 specified in paragraph (5) of subdivision (b) of Section 8610.5 of
23 the Government Code.

24 (4) "Emergency planning zone" means a zone identified in state
25 and local government emergency plans where immediate decisions
26 for effective public protective action from radiation may be
27 necessary.

28 (5) "Exercise" means an event that tests emergency plans and
29 organizations and that the Federal Emergency Management Agency
30 evaluates pursuant to Part 350 (commencing with Section 350.1)
31 of Subchapter E of Chapter I of Title 44 of the Code of Federal
32 Regulations.

33 (6) "Ingestion pathway phase" means the period beginning after
34 any release of radioactive material from a nuclear powerplant
35 accident when the plume emergency phase has ceased, and reliable
36 environmental measurements are available for making decisions
37 on additional protective actions to protect the food chain. The main
38 concern is to prevent exposure from ingestion of contaminated
39 water or food, such as milk, fresh vegetables, or aquatic foodstuffs.

1 (7) “Ingestion pathway zone” means the 50-mile radius around
2 each of the state’s nuclear powerplants in which protective actions
3 may be required to protect the food chain in the event of an
4 emergency.

5 (8) “Interjurisdictional Planning Committee” means the planning
6 committee, comprised of representatives of the Counties of Orange
7 and San Diego, the Cities of Dana Point, San Clemente, and San
8 Juan Capistrano, the Camp Pendleton Marine Corps Base, the State
9 Department of Parks and Recreation, and the Southern California
10 Edison Company, established as a mechanism for coordinating
11 integrated preparedness and response in the event of an emergency
12 at the San Onofre Nuclear Generating Station.

13 (9) “Local government” means a city or county that provides
14 emergency response for a nuclear powerplant emergency.

15 (10) “Local jurisdiction” means an entity that provides
16 emergency response for a nuclear powerplant emergency in
17 accordance with the plans of a local government.

18 (11) “Plume emergency phase” means the period beginning at
19 the onset of an emergency at a nuclear powerplant when immediate
20 decisions for public protective actions are needed.

21 (12) “Recovery phase” means the period when actions designed
22 to reduce radiation levels in the environment to acceptable levels
23 for unrestricted use are commenced, and ending when all recovery
24 actions have been completed.

25 (13) “Site” means the location of a nuclear powerplant and its
26 surrounding emergency planning zone.

27 SEC. 175. Section 114655 of the Health and Safety Code is
28 amended to read:

29 114655. (a) The Legislature hereby finds and declares as
30 follows:

31 (1) Existing law requires the development and maintenance of
32 a nuclear powerplant emergency response program by state and
33 local governments based on federal and state criteria.

34 (2) The agency, in consultation with the department and the
35 counties, has investigated the consequences of a serious nuclear
36 powerplant accident and has established plume emergency phase
37 and ingestion pathway phase planning zones for each site. These
38 zones imply mutually supportive emergency planning and
39 preparedness arrangements by all levels of government.

1 (3) An integrated emergency planning program is necessary for
2 the benefit of the citizens within the planning zones.

3 (b) Nothing in this chapter limits the activities of any
4 government in carrying out its general responsibilities pertaining
5 to the public health and the safety aspects of emergency response.

6 SEC. 176. The heading of Article 2 (commencing with Section
7 114660) of Chapter 4 of Part 9 of Division 104 of the Health and
8 Safety Code is amended to read:

9
10 Article 2. Responsibilities of the California Emergency
11 Management Agency
12

13 SEC. 177. Section 114660 of the Health and Safety Code is
14 amended to read:

15 114660. (a) The agency is responsible for the coordination
16 and integration of all emergency planning programs and response
17 plans under this chapter. If there is a nuclear powerplant accident,
18 the agency shall coordinate information and resources to support
19 local governments in a joint state and local government
20 decisionmaking process.

21 (b) The agency shall perform all of the following duties and
22 functions:

23 (1) Coordinate the activities of all state agencies relating to
24 preparation and implementation of the State Nuclear Power Plant
25 Emergency Response Plan. The agency shall be the focal point for
26 coordinating nuclear powerplant emergency preparedness activities
27 with local governments, other state agencies, federal agencies, and
28 other organizations.

29 (2) Exercise explicit ultimate authority for allocating funds from
30 the Nuclear Planning Assessment Special Account to local
31 governments.

32 (3) Coordinate and participate in exercises of the state's nuclear
33 emergency response plan with each site during its federally
34 evaluated exercise.

35 (4) Ensure that state personnel are adequately trained to respond
36 in the event of an actual emergency. The exercises shall include
37 the department and other relevant state agencies.

38 (5) In consultation with the department, review protective action
39 recommendations developed by the utilities and local government
40 representatives.

1 (6) Coordinate planning guidance to state agencies and local
2 governments.

3 (7) Ensure the development and maintenance of the State
4 Nuclear Power Plant Emergency Response Plan and procedures
5 necessary to carry out those responsibilities and review and approve
6 state agency plans in draft prior to publication.

7 (8) Exercise discretionary authority regarding the formation of
8 interagency agreements with state agencies having local emergency
9 responsibilities, to ensure state agencies have updated emergency
10 plans and trained emergency response personnel to respond during
11 the plume emergency phase.

12 (9) Conduct a study similar to that described in Section 8610.3
13 of the Government Code, for any nuclear powerplant with a
14 generating capacity of 50 megawatts or more that is proposed for
15 licensing in this state.

16 SEC. 178. Section 114790 of the Health and Safety Code is
17 amended to read:

18 114790. The information transmitted to the radiation monitoring
19 displays in the technical support center or emergency operating
20 facility of a nuclear powerplant shall be simultaneously transmitted
21 to the California Emergency Management Agency State Warning
22 Center.

23 SEC. 179. Section 114820 of the Health and Safety Code is
24 amended to read:

25 114820. (a) The department, with the assistance of the
26 California Emergency Management Agency, the State Energy
27 Resources Conservation and Development Commission, and the
28 Department of the California Highway Patrol shall, with respect
29 to any fissile radioactive material coming within the definition of
30 “fissile class II,” “fissile class III,” “large quantity radioactive
31 materials,” or “low-level radioactive waste” provided by the
32 regulations of the United States Department of Transportation (49
33 C.F.R. 173.389), do all of the following:

34 (1) Study the adequacy of current packaging requirements for
35 radioactive materials.

36 (2) Study the effectiveness of special routing and timing of
37 radioactive materials shipments for the protection of the public
38 health.

39 (3) Study the advantages of establishing a tracking system for
40 shipments of most hazardous radioactive materials.

1 (b) The department, with the assistance of the California
2 Emergency Management Agency, the State Energy Resources
3 Conservation and Development Commission, and the Department
4 of the California Highway Patrol, shall extend the nuclear ~~threat~~
5 emergency response plan to include radioactive materials in transit
6 and provide training for law enforcement officers in dealing with
7 those threats.

8 (c) Subject to Section 114765, the department, in cooperation
9 with the Department of the California Highway Patrol, shall adopt,
10 in accordance with Chapter 3.5 (commencing with Section 11340)
11 of Part 1 of Division 3 of Title 2 of the Government Code,
12 reasonable regulations that, in the judgment of the department,
13 promote the safe transportation of radioactive materials. The
14 regulations shall (1) prescribe the use of signs designating
15 radioactive material cargo; shall designate, in accordance with the
16 results of the studies done pursuant to subdivision (a), the manner
17 in which the shipper shall give notice of the shipment to appropriate
18 authorities; (2) prescribe the packing, marking, loading, and
19 handling of radioactive materials, and the precautions necessary
20 to determine whether the material when offered is in proper
21 condition to transport, but shall not include the equipment and
22 operation of the carrier vehicle; and (3) be reviewed and amended,
23 as required, pursuant to Section 114765. The regulations shall be
24 compatible with those established by the federal agency or agencies
25 required or permitted by federal law to establish the regulations.

26 (d) Subject to Section 114765, the Department of the California
27 Highway Patrol, after consulting with the department, shall adopt
28 regulations specifying the time at which shipments may occur and
29 the routes that are to be used in the transportation of cargoes of
30 hazardous radioactive materials, as those materials are defined in
31 regulations of the department.

32 SEC. 180. Section 115280 of the Health and Safety Code is
33 amended to read:

34 115280. (a) Each privately owned and publicly owned public
35 utility operating a nuclear powerplant with a generating capacity
36 of 50 megawatts or more shall install an automated alert system
37 that will activate alarms in the California State Warning Center of
38 the California Emergency Management Agency in a manner to be
39 determined by the agency in consultation with the department and
40 the appropriate county emergency services agency. This automated

1 alert system shall duplicate the following alarms in the control
2 rooms of each nuclear powerplant:

3 (1) Safety injection actuation (operation of the emergency core
4 cooling system).

5 (2) High radiation alarm of the radioactive gas effluent stack
6 monitor.

7 (b) The automated alert system shall be operative within 12
8 months of the effective date of this chapter.

9 (c) In no event shall the capital costs of complying with this
10 section exceed two hundred thousand dollars (\$200,000) per
11 nuclear powerplant. The operator of each nuclear powerplant shall
12 be responsible for any maintenance or recurring charges. The funds
13 expended by privately owned utilities under this section shall be
14 allowed for ratemaking purposes by the Public Utilities
15 Commission. Publicly owned public utilities shall include funds
16 expended under this section in their rates.

17 (d) The automated alert system shall be operational whenever
18 corresponding alarms in the control rooms of each nuclear
19 powerplant are required to be operational under the terms of the
20 operating license issued by the Nuclear Regulatory Commission,
21 except for periods of time required for maintenance, repair,
22 calibration, or testing.

23 (e) Nothing in this section shall require plant modifications or
24 the conduct of operations that may be in conflict with conditions
25 of a license to operate issued by the Nuclear Regulatory
26 Commission or other activities authorized by the Nuclear
27 Regulatory Commission.

28 (f) The California Emergency Management Agency shall make
29 provision for immediate notification of appropriate local officials
30 upon activation of the automated alert system pursuant to this
31 section.

32 SEC. 181. Section 115295 of the Health and Safety Code is
33 amended to read:

34 115295. If the Humboldt Bay Nuclear Generating Station is
35 not in operation on the effective date of this section, the local
36 emergency plan for it shall not be required to meet the revised
37 emergency response plan requirements of Section 8610.5 of the
38 Government Code until the Nuclear Regulatory Commission
39 determines that the powerplant meets Nuclear Regulatory
40 Commission seismic safety criteria, or until the Nuclear Regulatory

1 Commission issues an order rescinding the restrictions imposed
2 on the Humboldt Bay Nuclear Generating Station in its order of
3 May 21, 1976.

4 In the event that the Nuclear Regulatory Commission determines
5 that the Humboldt Bay Nuclear Generating Station meets Nuclear
6 Regulatory Commission seismic safety standards, or issues an
7 order rescinding the restrictions in its order of May 21, 1976, a
8 draft county emergency plan meeting the requirements of Section
9 8610.5 of the Government Code shall be submitted to the California
10 Emergency Management Agency for review within 180 days of
11 the determination or rescission. Within 90 days after submission
12 of the draft county emergency plan, approval of a final plan shall
13 be completed by the California Emergency Management Agency.

14 SEC. 182. Section 115340 of the Health and Safety Code is
15 amended to read:

16 115340. (a) The State Department of Health Services shall
17 work with the KI working group, which is coordinated by the
18 California Emergency Management Agency, to establish and
19 implement a program to oversee the distribution of potassium
20 iodide (KI) tablets to all persons who reside, work, visit, or attend
21 school within the state-designated emergency planning zone of an
22 operational nuclear powerplant, in order to provide protection to
23 members of the public in the event of an accident causing leakage
24 of radioactive iodine, pursuant to the offer of the Nuclear
25 Regulatory Commission to provide the state with a supply of KI
26 tablets.

27 (b) In order to implement the program required by subdivision
28 (a), the department, in consultation with local health departments
29 and local emergency management agencies, shall develop and
30 implement a plan for both of the following:

31 (1) The prompt distribution of the tablets to persons at risk in
32 the event of a nuclear emergency, in a manner to best protect the
33 public health.

34 (2) The dissemination of instructions on the use of the tablets,
35 including the possible need for medical consultation, if indicated.

36 (c) The department shall work with the KI working group
37 described in subdivision (a) to develop and implement a plan and
38 method for the efficient storage of KI tablets.

39 (d) The department, in consultation with the KI working group,
40 shall evaluate areas in the state, other than those described in

1 subdivision (a), in which leakage of radioactive iodine is possible,
2 and evaluate the need to store quantities of KI tablets in those
3 areas.

4 (e) No later than July 1, 2004, the department shall submit a
5 plan to the Governor and the Legislature on the establishment and
6 implementation of the program required pursuant to subdivisions
7 (a) and (b), and on the development and implementation of the
8 plan and method required in subdivision (c). No later than July 1,
9 2004, the department shall also submit to the Governor and the
10 Legislature the evaluation required in subdivision (d).

11 SEC. 183. Section 124174.2 of the Health and Safety Code is
12 amended to read:

13 124174.2. (a) The department, in cooperation with the State
14 Department of Education, shall establish a Public School Health
15 Center Support Program.

16 (b) The program, in collaboration with the State Department of
17 Education, shall perform the following program functions:

18 (1) Provide technical assistance to school health centers on
19 effective outreach and enrollment strategies to identify children
20 who are eligible for, but not enrolled in, the Medi-Cal program,
21 the Healthy Families Program, or any other applicable program.

22 (2) Serve as a liaison between organizations within the
23 department, including, but not limited to, prevention services,
24 primary care, and family health.

25 (3) Serve as a liaison between other state entities, as appropriate,
26 including, but not limited to, the State Department of Health Care
27 Services, the State Department of Mental Health, the State
28 Department of Alcohol and Drug Programs, the Department of
29 Managed Health Care, the California Emergency Management
30 Agency, and the Managed Risk Medical Insurance Board.

31 (4) Provide technical assistance to facilitate and encourage the
32 establishment, retention, or expansion of, school health centers.
33 For purposes of this paragraph, technical assistance may include,
34 but is not limited to, identifying available public and private
35 sources of funding, which may include federal Medicaid funds,
36 funds from third-party reimbursements, and available federal or
37 foundation grant moneys.

38 (c) The department shall consult with interested parties and
39 appropriate stakeholders, including the California School Health

1 Centers Association and representatives of youth and parents, in
2 carrying out its responsibilities under this article.

3 SEC. 184. Section 130055 of the Health and Safety Code is
4 amended to read:

5 130055. Within 60 days following the office’s approval of the
6 report submitted pursuant to subdivision (b) of Section 130050,
7 general acute hospital building owners shall do all of the following:

8 (a) Inform the local office of emergency services or the
9 equivalent agency, the California Emergency Management Agency,
10 and the office, of each building’s expected earthquake performance.

11 (b) Include all pertinent information regarding the building’s
12 expected earthquake performance in emergency training, response,
13 and recovery plans.

14 (c) Include all pertinent information regarding the building’s
15 expected earthquake performance in capital outlay plans.

16 SEC. 185. Section 16020 of the Insurance Code is amended
17 to read:

18 16020. The commissioner, in consultation with the California
19 Emergency Management Agency and other emergency service
20 agencies, shall establish a method for identification of
21 representatives of insurers.

22 SEC. 186. Section 16030 of the Insurance Code is amended
23 to read:

24 16030. (a) The commissioner, in cooperation with insurers,
25 the California Emergency Management Agency, and other
26 emergency service agencies, shall establish procedures for the
27 coordination of efforts between insurers and their representatives
28 and those of emergency response agencies.

29 (b) The commissioner shall assign a representative of the
30 commissioner to work within the state’s regional emergency
31 operations centers. The representative shall complete the
32 appropriate Standardized Emergency Management Systems
33 training.

34 (c) All insurance disaster assessment team members shall
35 complete the appropriate Standardized Emergency Management
36 Systems training.

37 SEC. 187. Section 3211.91 of the Labor Code is amended to
38 read:

39 3211.91. “Accredited disaster council” means a disaster council
40 that is certified by the California Emergency Management Agency

1 as conforming with the rules and regulations established by the
2 office pursuant to Article 10 (commencing with Section 8610) of
3 Chapter 7 of Division 1 of Title 2 of the Government Code. A
4 disaster council remains accredited only while the certification of
5 the California Emergency Management Agency is in effect and is
6 not revoked.

7 ~~SEC. 188. Section 3212.1 of the Labor Code is amended to~~
8 ~~read:~~

9 ~~3212.1. (a) This section applies to all of the following:~~

10 ~~(1) Active firefighting members, whether volunteers, partly~~
11 ~~paid, or fully paid, of all of the following fire departments:~~

12 ~~(A) A fire department of a city, county, city and county, district,~~
13 ~~or other public or municipal corporation or political subdivision.~~

14 ~~(B) A fire department of the University of California and the~~
15 ~~California State University.~~

16 ~~(C) The Department of Forestry and Fire Protection.~~

17 ~~(D) A county forestry or firefighting department or unit.~~

18 ~~(2) Active firefighting members of a fire department that serves~~
19 ~~a United States Department of Defense installation and who are~~
20 ~~certified by the Department of Defense as meeting its standards~~
21 ~~for firefighters.~~

22 ~~(3) Peace officers, as defined in Section 830.1, subdivision (a)~~
23 ~~of Section 830.2, and subdivisions (a) and (b) of Section 830.37,~~
24 ~~of the Penal Code, who are primarily engaged in active law~~
25 ~~enforcement activities.~~

26 ~~(4) (A) Fire and rescue services coordinators who work for the~~
27 ~~California Emergency Management Agency.~~

28 ~~(B) For purposes of this paragraph, "fire and rescue services~~
29 ~~coordinator" means a coordinator with any of the following job~~
30 ~~classifications: coordinator, senior coordinator, or chief~~
31 ~~coordinator.~~

32 ~~(b) The term "injury," as used in this division, includes cancer,~~
33 ~~including leukemia, that develops or manifests itself during a period~~
34 ~~in which any member described in subdivision (a) is in the service~~
35 ~~of the department or unit, if the member demonstrates that he or~~
36 ~~she was exposed, while in the service of the department or unit,~~
37 ~~to a known carcinogen as defined by the International Agency for~~
38 ~~Research on Cancer, or as defined by the director.~~

1 ~~(e) The compensation that is awarded for cancer shall include~~
2 ~~full hospital, surgical, medical treatment, disability indemnity, and~~
3 ~~death benefits, as provided by this division.~~

4 ~~(d) The cancer so developing or manifesting itself in these cases~~
5 ~~shall be presumed to arise out of and in the course of the~~
6 ~~employment. This presumption is disputable and may be~~
7 ~~controverted by evidence that the primary site of the cancer has~~
8 ~~been established and that the carcinogen to which the member has~~
9 ~~demonstrated exposure is not reasonably linked to the disabling~~
10 ~~cancer. Unless so controverted, the appeals board is bound to find~~
11 ~~in accordance with the presumption. This presumption shall be~~
12 ~~extended to a member following termination of service for a period~~
13 ~~of three calendar months for each full year of the requisite service,~~
14 ~~but not to exceed 60 months in any circumstance, commencing~~
15 ~~with the last date actually worked in the specified capacity.~~

16 ~~(e) The amendments to this section enacted during the 1999~~
17 ~~portion of the 1999–2000 Regular Session shall be applied to~~
18 ~~claims for benefits filed or pending on or after January 1, 1997,~~
19 ~~including, but not limited to, claims for benefits filed on or after~~
20 ~~that date that have previously been denied, or that are being~~
21 ~~appealed following denial.~~

22 SEC. 189. Section 4350 of the Labor Code is amended to read:

23 4350. The California Emergency Management Agency shall
24 administer this chapter as it relates to volunteer disaster service
25 workers.

26 SEC. 190. Section 433.5 of the Military and Veterans Code is
27 amended to read:

28 433.5. All state armories may be used for emergency purposes
29 on such terms and conditions as shall be mutually agreeable to the
30 Military Department and the California Emergency Management
31 Agency.

32 SEC. 191. Section 273.82 of the Penal Code is amended to
33 read:

34 273.82. Spousal abuser prosecution units receiving funds under
35 this chapter shall concentrate enhanced prosecution efforts and
36 resources upon individuals identified under selection criteria set
37 forth in Section 273.83. Enhanced prosecution efforts and resources
38 shall include, but not be limited to, all of the following:

39 (a) (1) Vertical prosecutorial representation, whereby the
40 prosecutor who, or prosecution unit that, makes all major court

1 appearances on that particular case through its conclusion,
2 including bail evaluation, preliminary hearing, significant law and
3 motion litigation, trial, and sentencing.

4 (2) Vertical counselor representation, whereby a trained
5 domestic violence counselor maintains liaison from initial court
6 appearances through the case's conclusion, including the sentencing
7 phase.

8 (b) The assignment of highly qualified investigators and
9 prosecutors to spousal abuser cases. "Highly qualified" for the
10 purposes of this chapter means any of the following:

11 (1) Individuals with one year of experience in the investigation
12 and prosecution of felonies.

13 (2) Individuals with at least two years of experience in the
14 investigation and prosecution of misdemeanors.

15 (3) Individuals who have attended a program providing domestic
16 violence training as approved by the California Emergency
17 Management Agency or the Department of Justice.

18 (c) A significant reduction of caseloads for investigators and
19 prosecutors assigned to spousal abuser cases.

20 (d) Coordination with local rape victim counseling centers,
21 spousal abuse services programs, and victim-witness assistance
22 programs. That coordination shall include, but not be limited to:
23 referrals of individuals to receive client services; participation in
24 local training programs; membership and participation in local
25 task forces established to improve communication between criminal
26 justice system agencies and community service agencies; and
27 cooperating with individuals serving as liaison representatives of
28 local rape victim counseling centers, spousal abuse victim
29 programs, and victim-witness assistance programs.

30 SEC. 192. Section 830.3 of the Penal Code is amended to read:

31 830.3. The following persons are peace officers whose authority
32 extends to any place in the state for the purpose of performing
33 their primary duty or when making an arrest pursuant to Section
34 836 of the Penal Code as to any public offense with respect to
35 which there is immediate danger to person or property, or of the
36 escape of the perpetrator of that offense, or pursuant to Section
37 8597 or 8598 of the Government Code. These peace officers may
38 carry firearms only if authorized and under those terms and
39 conditions as specified by their employing agencies:

1 (a) Persons employed by the Division of Investigation of the
2 Department of Consumer Affairs and investigators of the Medical
3 Board of California and the Board of Dental Examiners, who are
4 designated by the Director of Consumer Affairs, provided that the
5 primary duty of these peace officers shall be the enforcement of
6 the law as that duty is set forth in Section 160 of the Business and
7 Professions Code.

8 (b) Voluntary fire wardens designated by the Director of
9 Forestry and Fire Protection pursuant to Section 4156 of the Public
10 Resources Code, provided that the primary duty of these peace
11 officers shall be the enforcement of the law as that duty is set forth
12 in Section 4156 of that code.

13 (c) Employees of the Department of Motor Vehicles designated
14 in Section 1655 of the Vehicle Code, provided that the primary
15 duty of these peace officers shall be the enforcement of the law as
16 that duty is set forth in Section 1655 of that code.

17 (d) Investigators of the California Horse Racing Board
18 designated by the board, provided that the primary duty of these
19 peace officers shall be the enforcement of Chapter 4 (commencing
20 with Section 19400) of Division 8 of the Business and Professions
21 Code and Chapter 10 (commencing with Section 330) of Title 9
22 of Part 1 of this code.

23 (e) The State Fire Marshal and assistant or deputy state fire
24 marshals appointed pursuant to Section 13103 of the Health and
25 Safety Code, provided that the primary duty of these peace officers
26 shall be the enforcement of the law as that duty is set forth in
27 Section 13104 of that code.

28 (f) Inspectors of the food and drug section designated by the
29 chief pursuant to subdivision (a) of Section 106500 of the Health
30 and Safety Code, provided that the primary duty of these peace
31 officers shall be the enforcement of the law as that duty is set forth
32 in Section 106500 of that code.

33 (g) All investigators of the Division of Labor Standards
34 Enforcement designated by the Labor Commissioner, provided
35 that the primary duty of these peace officers shall be the
36 enforcement of the law as prescribed in Section 95 of the Labor
37 Code.

38 (h) All investigators of the State Departments of Health Care
39 Services, Public Health, Social Services, Mental Health, and
40 Alcohol and Drug Programs, the Department of Toxic Substances

1 Control, the Office of Statewide Health Planning and Development,
2 and the Public Employees' Retirement System, provided that the
3 primary duty of these peace officers shall be the enforcement of
4 the law relating to the duties of his or her department or office.
5 Notwithstanding any other provision of law, investigators of the
6 Public Employees' Retirement System shall not carry firearms.

7 (i) The Chief of the Bureau of Fraudulent Claims of the
8 Department of Insurance and those investigators designated by the
9 chief, provided that the primary duty of those investigators shall
10 be the enforcement of Section 550.

11 (j) Employees of the Department of Housing and Community
12 Development designated under Section 18023 of the Health and
13 Safety Code, provided that the primary duty of these peace officers
14 shall be the enforcement of the law as that duty is set forth in
15 Section 18023 of that code.

16 (k) Investigators of the office of the Controller, provided that
17 the primary duty of these investigators shall be the enforcement
18 of the law relating to the duties of that office. Notwithstanding any
19 other law, except as authorized by the Controller, the peace officers
20 designated pursuant to this subdivision shall not carry firearms.

21 (l) Investigators of the Department of Corporations designated
22 by the Commissioner of Corporations, provided that the primary
23 duty of these investigators shall be the enforcement of the
24 provisions of law administered by the Department of Corporations.
25 Notwithstanding any other provision of law, the peace officers
26 designated pursuant to this subdivision shall not carry firearms.

27 (m) Persons employed by the Contractors' State License Board
28 designated by the Director of Consumer Affairs pursuant to Section
29 7011.5 of the Business and Professions Code, provided that the
30 primary duty of these persons shall be the enforcement of the law
31 as that duty is set forth in Section 7011.5, and in Chapter 9
32 (commencing with Section 7000) of Division 3, of that code. The
33 Director of Consumer Affairs may designate as peace officers not
34 more than ~~three~~ 12 persons who shall at the time of their
35 designation be assigned to the special investigations unit of the
36 board. Notwithstanding any other provision of law, the persons
37 designated pursuant to this subdivision shall not carry firearms.

38 (n) The Chief and coordinators of the Law Enforcement Branch
39 of the California Emergency Management Agency.

1 (o) Investigators of the office of the Secretary of State designated
2 by the Secretary of State, provided that the primary duty of these
3 peace officers shall be the enforcement of the law as prescribed
4 in Chapter 3 (commencing with Section 8200) of Division 1 of
5 Title 2 of, and Section 12172.5 of, the Government Code.
6 Notwithstanding any other provision of law, the peace officers
7 designated pursuant to this subdivision shall not carry firearms.

8 (p) The Deputy Director for Security designated by Section
9 8880.38 of the Government Code, and all lottery security personnel
10 assigned to the California State Lottery and designated by the
11 director, provided that the primary duty of any of those peace
12 officers shall be the enforcement of the laws related to ~~assuring~~
13 *ensuring* the integrity, honesty, and fairness of the operation and
14 administration of the California State Lottery.

15 (q) Investigators employed by the Investigation Division of the
16 Employment Development Department designated by the director
17 of the department, provided that the primary duty of those peace
18 officers shall be the enforcement of the law as that duty is set forth
19 in Section 317 of the Unemployment Insurance Code.

20 Notwithstanding any other provision of law, the peace officers
21 designated pursuant to this subdivision shall not carry firearms.

22 (r) The chief and assistant chief of museum security and safety
23 of the California Science Center, as designated by the executive
24 director pursuant to Section 4108 of the Food and Agricultural
25 Code, provided that the primary duty of those peace officers shall
26 be the enforcement of the law as that duty is set forth in Section
27 4108 of the Food and Agricultural Code.

28 (s) Employees of the Franchise Tax Board designated by the
29 board, provided that the primary duty of these peace officers shall
30 be the enforcement of the law as set forth in Chapter 9
31 (commencing with Section 19701) of Part 10.2 of Division 2 of
32 the Revenue and Taxation Code.

33 (t) Notwithstanding any other provision of this section, a peace
34 officer authorized by this section shall not be authorized to carry
35 firearms by his or her employing agency until that agency has
36 adopted a policy on the use of deadly force by those peace officers,
37 and until those peace officers have been instructed in the employing
38 agency's policy on the use of deadly force.

1 Every peace officer authorized pursuant to this section to carry
2 firearms by his or her employing agency shall qualify in the use
3 of the firearms at least every six months.

4 (u) Investigators of the Department of Managed Health Care
5 designated by the Director of the Department of Managed Health
6 Care, provided that the primary duty of these investigators shall
7 be the enforcement of the provisions of laws administered by the
8 Director of the Department of Managed Health Care.
9 Notwithstanding any other provision of law, the peace officers
10 designated pursuant to this subdivision shall not carry firearms.

11 (v) The Chief, Deputy Chief, supervising investigators, and
12 investigators of the Office of Protective Services of the State
13 Department of Developmental Services, provided that the primary
14 duty of each of those persons shall be the enforcement of the law
15 relating to the duties of his or her department or office.

16 SEC. 193. Section 999c of the Penal Code is amended to read:

17 999c. (a) There is hereby established in the California
18 Emergency Management Agency a program of financial and
19 technical assistance for district attorneys' offices, designated the
20 California Career Criminal Prosecution Program. All funds
21 appropriated to the agency for the purposes of this chapter shall
22 be administered and disbursed by the executive director of that
23 agency in consultation with the California Council on Criminal
24 Justice, and shall to the greatest extent feasible be coordinated or
25 consolidated with federal funds that may be made available for
26 these purposes.

27 (b) The Secretary of ~~the California Emergency Management~~
28 ~~Agency~~ *Emergency Management* is authorized to allocate and
29 award funds to counties in which career criminal prosecution units
30 are established in substantial compliance with the policies and
31 criteria set forth below in Sections 999d, 999e, 999f, and 999g.

32 (c) The allocation and award of funds shall be made upon
33 application executed by the county's district attorney and approved
34 by its board of supervisors. Funds disbursed under this chapter
35 shall not supplant local funds that would, in the absence of the
36 California Career Criminal Prosecution Program, be made available
37 to support the prosecution of felony cases. Funds available under
38 this program shall not be subject to review as specified in Section
39 14780 of the Government Code.

40 SEC. 194. Section 999j of the Penal Code is amended to read:

1 999j. (a) There is hereby established in the California
2 Emergency Management Agency a program of financial and
3 technical assistance for district attorneys' offices, designated the
4 Repeat Sexual Offender Prosecution Program. All funds
5 appropriated to the agency for the purposes of this chapter shall
6 be administered and disbursed by the secretary of the agency, and
7 shall to the greatest extent feasible, be coordinated or consolidated
8 with any federal or local funds that may be made available for
9 these purposes.

10 The California Emergency Management Agency shall establish
11 guidelines for the provision of grant awards to proposed and
12 existing programs prior to the allocation of funds under this
13 chapter. These guidelines shall contain the criteria for the selection
14 of agencies to receive funding, as developed in consultation with
15 an advisory group to be known as the Repeat Sexual Offender
16 Prosecution Program Steering Committee. The membership of the
17 steering committee shall be designated by the secretary of the
18 agency.

19 A draft of the guidelines shall be developed and submitted to
20 the Chairpersons of the Assembly Criminal Law and Public Safety
21 Committee and the Senate Judiciary Committee within 60 days of
22 the effective date of this chapter and issued within 90 days of the
23 same effective date. These guidelines shall set forth the terms and
24 conditions upon which the California Emergency Management
25 Agency is prepared to offer grants pursuant to statutory authority.
26 The guidelines shall not constitute rules, regulations, orders, or
27 standards of general application.

28 (b) The Secretary of ~~the California~~ Emergency Management
29 Agency is authorized to allocate and award funds to counties in
30 which repeat sexual offender prosecution units are established or
31 are proposed to be established in substantial compliance with the
32 policies and criteria set forth below in Sections 999k, 999l, and
33 999m.

34 (c) The allocation and award of funds shall be made upon
35 application executed by the county's district attorney and approved
36 by its board of supervisors. Funds disbursed under this chapter
37 shall not supplant local funds that would, in the absence of the
38 California Repeat Sexual Offender Prosecution Program, be made
39 available to support the prosecution of repeat sexual offender
40 felony cases. Local grant awards made under this program shall

1 not be subject to review as specified in Section 14780 of the
2 Government Code.

3 SEC. 195. Section 999k of the Penal Code is amended to read:

4 999k. Repeat sexual offender prosecution units receiving funds
5 under this chapter shall concentrate enhanced prosecution efforts
6 and resources upon individuals identified under selection criteria
7 set forth in Section 999l. Enhanced prosecution efforts and
8 resources shall include, but not be limited to:

9 (a) Vertical prosecutorial representation, whereby the prosecutor
10 who makes the initial filing or appearance in a repeat sexual
11 offender case will perform all subsequent court appearances on
12 that particular case through its conclusion, including the sentencing
13 phase.

14 (b) The assignment of highly qualified investigators and
15 prosecutors to repeat sexual offender cases. “Highly qualified” for
16 the purposes of this chapter shall be defined as: (1) individuals
17 with one year of experience in the investigation and prosecution
18 of felonies or specifically the felonies listed in subdivision (a) of
19 Section 999l; or (2) individuals whom the district attorney has
20 selected to receive training as set forth in Section 13836; or (3)
21 individuals who have attended a program providing equivalent
22 training as approved by the California Emergency Management
23 Agency.

24 (c) A significant reduction of caseloads for investigators and
25 prosecutors assigned to repeat sexual offender cases.

26 (d) Coordination with local rape victim counseling centers, child
27 abuse services programs, and victim witness assistance programs.
28 Coordination shall include, but not be limited to: referrals of
29 individuals to receive client services; participation in local training
30 programs; membership and participation in local task forces
31 established to improve communication between criminal justice
32 system agencies and community service agencies; and cooperating
33 with individuals serving as liaison representatives of local rape
34 victim counseling centers and victim witness assistance programs.

35 SEC. 196. Section 999n of the Penal Code is amended to read:

36 999n. (a) The selection criteria set forth in Section 999l shall
37 be adhered to for each repeat sexual offender case unless, in the
38 reasonable exercise of prosecutor’s discretion, extraordinary
39 circumstances require departure from those policies in order to
40 promote the general purposes and intent of this chapter.

1 (b) Each district attorney's office establishing a repeat sexual
2 offender prosecution unit and receiving state support under this
3 chapter shall submit the following information, on a quarterly
4 basis, to the California Emergency Management Agency:

5 (1) The number of sexual assault cases referred to the district
6 attorney's office for possible filing.

7 (2) The number of sexual assault cases filed for felony
8 prosecution.

9 (3) The number of sexual assault cases taken to trial.

10 (4) The percentage of sexual assault cases tried which resulted
11 in conviction.

12 SEC. 197. Section 999p of the Penal Code is amended to read:

13 999p. The California Emergency Management Agency is
14 encouraged to utilize any federal funds which may become
15 available in order to implement the provisions of this chapter.

16 SEC. 198. Section 999r of the Penal Code is amended to read:

17 999r. (a) There is hereby established in the California
18 Emergency Management Agency a program of financial and
19 technical assistance for district attorneys' offices, designated the
20 Child Abuser Prosecution Program. All funds appropriated to the
21 agency for the purposes of this chapter shall be administered and
22 disbursed by the executive director of that agency or agencies, and
23 shall to the greatest extent feasible, be coordinated or consolidated
24 with any federal or local funds that may be made available for
25 these purposes.

26 The California Emergency Management Agency shall establish
27 guidelines for the provision of grant awards to proposed and
28 existing programs prior to the allocation of funds under this
29 chapter. These guidelines shall contain the criteria for the selection
30 of agencies to receive funding and the terms and conditions upon
31 which the agency is prepared to offer grants pursuant to statutory
32 authority. The guidelines shall not constitute rules, regulations,
33 orders, or standards of general application. The guidelines shall
34 be submitted to the appropriate policy committees of the
35 Legislature prior to their adoption.

36 (b) The Secretary of Emergency Management is authorized to
37 allocate and award funds to counties in which child abuser offender
38 prosecution units are established or are proposed to be established
39 in substantial compliance with the policies and criteria set forth
40 below in Sections 999s, 999t, and 999u.

1 (c) The allocation and award of funds shall be made upon
2 application executed by the county's district attorney and approved
3 by its board of supervisors. Funds disbursed under this chapter
4 shall not supplant local funds that would, in the absence of the
5 California Child Abuser Prosecution Program, be made available
6 to support the prosecution of child abuser felony cases. Local grant
7 awards made under this program shall not be subject to review as
8 specified in Section 14780 of the Government Code.

9 SEC. 199. Section 999s of the Penal Code is amended to read:

10 999s. Child abuser prosecution units receiving funds under this
11 chapter shall concentrate enhanced prosecution efforts and
12 resources upon individuals identified under selection criteria set
13 forth in Section 999t. Enhanced prosecution efforts and resources
14 shall include, but not be limited to:

15 (a) Vertical prosecutorial representation, whereby the prosecutor
16 who, or prosecution unit which, makes the initial filing or
17 appearance in a case performs all subsequent court appearances
18 on that particular case through its conclusion, including the
19 sentencing phase.

20 (b) The assignment of highly qualified investigators and
21 prosecutors to child abuser cases. "Highly qualified" for the
22 purposes of this chapter means: (1) individuals with one year of
23 experience in the investigation and prosecution of felonies or
24 specifically the felonies listed in subdivision (a) of Section 999/
25 or 999t; or (2) individuals whom the district attorney has selected
26 to receive training as set forth in Section 13836; or (3) individuals
27 who have attended a program providing equivalent training as
28 approved by the California Emergency Management Agency.

29 (c) A significant reduction of caseloads for investigators and
30 prosecutors assigned to child abuser cases.

31 (d) Coordination with local rape victim counseling centers, child
32 abuse services programs, and victim witness assistance programs.
33 That coordination shall include, but not be limited to: referrals of
34 individuals to receive client services; participation in local training
35 programs; membership and participation in local task forces
36 established to improve communication between criminal justice
37 system agencies and community service agencies; and cooperating
38 with individuals serving as liaison representatives of child abuse
39 and child sexual abuse programs, local rape victim counseling
40 centers and victim witness assistance programs.

1 SEC. 200. Section 999v of the Penal Code is amended to read:
2 999v. (a) The selection criteria set forth in Section 999t shall
3 be adhered to for each child abuser case unless, in the reasonable
4 exercise of prosecutor's discretion, extraordinary circumstances
5 require departure from those policies in order to promote the
6 general purposes and intent of this chapter.

7 (b) Each district attorney's office establishing a child abuser
8 prosecution unit and receiving state support under this chapter
9 shall submit the following information, on a quarterly basis, to the
10 California Emergency Management Agency:

11 (1) The number of child abuser cases referred to the district
12 attorney's office for possible filing.

13 (2) The number of child abuser cases filed for felony
14 prosecution.

15 (3) The number of sexual assault cases taken to trial.

16 (4) The number of child abuser cases tried which resulted in
17 conviction.

18 SEC. 201. Section 999x of the Penal Code is amended to read:

19 999x. The California Emergency Management Agency is
20 encouraged to utilize any federal funds which may become
21 available in order to implement the provisions of this chapter.

22 SEC. 202. Section 999y of the Penal Code is amended to read:

23 999y. The California Emergency Management Agency shall
24 report annually to the Legislature concerning the program
25 established by this chapter. The agency shall prepare and submit
26 to the Legislature on or before December 15, 2002, and within six
27 months of the completion of subsequent funding cycles for this
28 program, an evaluation of the Child Abuser Prosecution Program.
29 This evaluation shall identify outcome measures to determine the
30 effectiveness of the programs established under this chapter, which
31 shall include, but not be limited to, both of the following, to the
32 extent that data is available:

33 (a) Child abuse conviction rates of Child Abuser Prosecution
34 Program units compared to those of nonfunded counties.

35 (b) Quantification of the annual per capita costs of the Child
36 Abuser Prosecution Program compared to the costs of prosecuting
37 child abuse crimes in nonfunded counties.

38 SEC. 203. Section 1174.2 of the Penal Code is amended to
39 read:

1 1174.2. (a) Notwithstanding any other law, the unencumbered
2 balance of Item 5240-311-751 of Section 2 of the Budget Act of
3 1990 shall revert to the unappropriated surplus of the 1990 Prison
4 Construction Fund. The sum of fifteen million dollars
5 (\$15,000,000) is hereby appropriated to the Department of
6 Corrections from the 1990 Prison Construction Fund for site
7 acquisition, site studies, environmental studies, master planning,
8 architectural programming, schematics, preliminary plans, working
9 drawings, construction, and long lead and equipment items for the
10 purpose of constructing facilities for pregnant and parenting
11 women's alternative sentencing programs. These funds shall not
12 be expended for any operating costs, including those costs
13 reimbursed by the department pursuant to subdivision (c) of Section
14 1174.3. Funds not expended pursuant to this chapter shall be used
15 for planning, construction, renovation, or remodeling by, or under
16 the supervision of, the Department of Corrections *and*
17 *Rehabilitation*, of community-based facilities for programs
18 designed to reduce drug use and recidivism, including, but not
19 limited to, restitution centers, facilities for the incarceration and
20 rehabilitation of drug offenders, multipurpose correctional centers,
21 and centers for intensive programs for parolees. These funds shall
22 not be expended until legislation authorizing the establishment of
23 these programs is enacted. If the Legislature finds that the
24 Department of Corrections *and Rehabilitation* has made a good
25 faith effort to site community-based facilities, but funds designated
26 for these community-based facilities are unexpended as of January
27 1, 1998, the Legislature may appropriate these funds for other
28 Level I housing.

29 (b) The Department of Corrections *and Rehabilitation* shall
30 purchase, design, construct, and renovate facilities in counties or
31 multicounty areas with a population of more than 450,000 people
32 pursuant to this chapter. The department shall target for selection,
33 among other counties, Los Angeles County, San Diego County,
34 and a bay area, central valley, and an inland empire county as
35 determined by the Director of Corrections. The department, in
36 consultation with the State Department of Alcohol and Drug
37 Programs, shall design core alcohol and drug treatment programs,
38 with specific requirements and standards. Residential facilities
39 shall be licensed by the State Department of Alcohol and Drug
40 Programs in accordance with provisions of the Health and Safety

1 Code governing licensure of alcoholism or drug abuse recovery
2 or treatment facilities. Residential and nonresidential programs
3 shall be certified by the State Department of Alcohol and Drug
4 Programs as meeting its standards for perinatal services. Funds
5 shall be awarded to selected agency service providers based upon
6 all of the following criteria and procedures:

7 (1) A demonstrated ability to provide comprehensive services
8 to pregnant women or women with children who are substance
9 abusers consistent with this chapter. Criteria shall include, but not
10 be limited to, each of the following:

11 (A) The success records of the types of programs proposed
12 based upon standards for successful programs.

13 (B) Expertise and actual experience of persons who will be in
14 charge of the proposed program.

15 (C) Cost-effectiveness, including the costs per client served.

16 (D) A demonstrated ability to implement a program as
17 expeditiously as possible.

18 (E) An ability to accept referrals and participate in a process
19 with the probation department determining eligible candidates for
20 the program.

21 (F) A demonstrated ability to seek and obtain supplemental
22 funding as required in support of the overall administration of this
23 facility from any county, state, or federal source that may serve to
24 support this program, including the State Department of Alcohol
25 and Drug Programs, the California Emergency Management
26 Agency, the State Department of Social Services, the State
27 Department of Mental Health, or any county public health
28 department. In addition, the agency shall also attempt to secure
29 other available funding from all county, state, or federal sources
30 for program implementation.

31 (G) An ability to provide intensive supervision of the program
32 participants to ensure complete daily programming.

33 (2) Staff from the department shall be available to selected
34 agencies for consultation and technical services in preparation and
35 implementation of the selected proposals.

36 (3) The department shall consult with existing program operators
37 that are then currently delivering similar program services, the
38 State Department of Alcohol and Drug Programs, and others it
39 may identify in the development of the program.

1 (4) Funds shall be made available by the department to the
2 agencies selected to administer the operation of this program.

3 (5) Agencies shall demonstrate an ability to provide offenders
4 a continuing supportive network of outpatient drug treatment and
5 other services upon the women's completion of the program and
6 reintegration into the community.

7 (6) The department may propose any variation of types and
8 sizes of facilities to carry out the purposes of this chapter.

9 (7) The department shall secure all other available funding for
10 its eligible population from all county, state, or federal sources.

11 (8) Each program proposal shall include a plan for the required
12 12-month residential program, plus a 12-month outpatient
13 transitional services program to be completed by participating
14 women and children.

15 SEC. 204. Section 1191.21 of the Penal Code is amended to
16 read:

17 1191.21. (a) (1) The California Emergency Management
18 Agency shall develop and make available a "notification of
19 eligibility" card for victims and derivative victims of crimes as
20 defined in subdivision (c) of Section 13960 of the Government
21 Code that includes, but is not limited to, the following information:
22 "If you have been the victim of a crime that meets the required
23 definition, you or others may be eligible to receive payment from
24 the California State Restitution Fund for losses directly resulting
25 from the crime. To learn about eligibility and receive an application
26 to receive payments, call the Victims of Crime Program at (800)
27 777-9229 or call your local county Victim Witness Assistance
28 Center."

29 (2) At a minimum, the California Emergency Management
30 Agency shall develop a template available for downloading on its
31 Internet Web site the information requested in subdivision (b).

32 (b) In a case involving a crime as defined in subdivision (c) of
33 Section 13960 of the Government Code, the law enforcement
34 officer with primary responsibility for investigating the crime
35 committed against the victim and the district attorney may provide
36 the "notification of eligibility" card to the victim and derivative
37 victim of a crime.

38 (c) The terms "victim" and "derivative victim" shall be given
39 the same meaning given those terms in Section 13960 of the
40 Government Code.

1 SEC. 205. Section 6241 of the Penal Code is amended to read:

2 6241. (a) The Substance Abuse Community Correctional
3 Detention Centers Fund is hereby created within the State Treasury.
4 The Board of Corrections is authorized to provide funds, as
5 appropriated by the Legislature, for the purpose of establishing
6 substance abuse community correctional detention centers. These
7 facilities shall be operated locally in order to manage parole
8 violators, those select individuals sentenced to state prison for
9 short periods of time, and other sentenced local offenders with a
10 known history of substance abuse, and as further defined by this
11 chapter.

12 (b) The facilities constructed with funds disbursed pursuant to
13 this chapter in a county shall contain no less than 50 percent of
14 total beds for use by the Department of Corrections *and*
15 *Rehabilitation*.

16 (1) Upon agreement, the county and the department may
17 negotiate any other mix of state and local bed space, providing the
18 state's proportionate share shall not be less than 50 percent in the
19 portion of the facilities financed through state funding.

20 (2) Nothing in this chapter shall prohibit the county from using
21 county funds or nonrestricted jail bond funds to build and operate
22 additional facilities in conjunction with the centers provided for
23 in this chapter.

24 (c) Thirty million dollars (\$30,000,000) in funds shall be
25 provided from the 1990 Prison Construction Fund and the 1990-B
26 Prison Construction Fund, with fifteen million dollars
27 (\$15,000,000) each from the June 1990 bond issue and the
28 November 1990 bond issue, for construction purposes set forth in
29 this chapter, provided that funding is appropriated in the state
30 budget from the June and November 1990, prison bond issues for
31 purposes of this chapter.

32 (d) Funds shall be awarded to counties based upon the following
33 policies and criteria:

34 (1) Priority shall be given to urban counties with populations
35 of 450,000 or more, as determined by Department of Finance
36 figures. The board may allocate up to 10 percent of the funding to
37 smaller counties or combinations of counties as pilot projects, if
38 it concludes that proposals meet the requirements of this chapter,
39 commensurate with the facilities and programming that a smaller
40 county can provide.

1 (2) Upon application and submission of proposals by eligible
2 counties, representatives of the board shall evaluate proposals and
3 select recipients.

4 To help ensure that state-of-the-art drug rehabilitation and related
5 programs are designed, implemented, and updated under this
6 chapter, the board shall consult with not less than three authorities
7 recognized nationwide with experience or expertise in the design
8 or operation of successful programs in order to assist the board in
9 all of the following:

10 (A) Drawing up criteria on which requests for proposals will
11 be sought.

12 (B) Selecting proposals to be funded.

13 (C) Assisting the board in evaluation and operational problems
14 of the programs, if those services are approved by the board.

15 Funding also shall be sought by the board from the federal
16 government and private foundation sources in order to defray the
17 costs of the board's responsibilities under this chapter.

18 (3) Preference shall be given to counties that can demonstrate
19 a financial ability and commitment to operate the programs it is
20 proposing for a period of at least three years and to make
21 improvements as proposed by the department and the board.

22 (4) Applicants receiving awards under this chapter shall be
23 selected from among those deemed appropriate for funding
24 according to the criteria, policies, and procedures established by
25 the board. Criteria shall include success records of the types of
26 programs proposed based on nationwide standards for successful
27 programs, if available, expertise and hands-on experience of
28 persons who will be in charge of proposed programs,
29 cost-effectiveness, including cost per bed, speed of construction,
30 a demonstrated ability to construct the maximum number of beds
31 which shall result in an overall net increase in the number of beds
32 in the county for state and local offenders, comprehensiveness of
33 services, location, participation by private or community-based
34 organizations, and demonstrated ability to seek and obtain
35 supplemental funding as required in support of the overall
36 administration of this facility from sources such as the Department
37 of Alcohol and Drug Programs, the California Emergency
38 Management Agency, the National Institute of Corrections, the
39 Department of Justice, and other state and federal sources.

1 (5) Funds disbursed under subdivision (c) shall be used for
2 construction of substance abuse community correctional centers,
3 with a level of security in each facility commensurate with public
4 safety for the types of offenders being housed in or utilizing the
5 facilities.

6 (6) Funds disbursed under this chapter shall not be used for the
7 purchase of the site. Sites shall be provided by the county.
8 However, a participating county may negotiate with the state for
9 use of state land at nearby corrections facilities or other state
10 facilities, provided that the locations fit in with the aims of the
11 programs established by this chapter.

12 The county shall be responsible for ensuring the siting,
13 acquisition, design, and construction of the center consistent with
14 the California Environmental Quality Act pursuant to Division 13
15 (commencing with Section 21000) of the Public Resources Code.

16 (7) Staff of the department and the board, as well as persons
17 selected by the board, shall be available to counties for consultation
18 and technical services in preparation and implementation of
19 proposals accepted by the board.

20 (8) The board also shall seek advice from the Department of
21 Alcohol and Drug Programs in exercising its responsibilities under
22 this chapter.

23 (9) Funds shall be made available to the county and county
24 agency which is selected to administer the program by the board
25 of supervisors of that county.

26 (10) Area of greatest need can be a factor considered in awarding
27 contracts to counties.

28 (11) Particular consideration shall be given to counties that can
29 demonstrate an ability to provide continuing counseling and
30 programming for offenders in programs established under this
31 chapter, once the offenders have completed the programs and have
32 returned to the community.

33 (12) A county may propose a variety of types and sizes of
34 facilities to meet the needs of its plan and to provide the services
35 for varying types of offenders to be served under this chapter.
36 Funds granted to a county may be utilized for construction of more
37 than one facility.

38 Any county wishing to use existing county-owned sites or
39 facilities may negotiate those arrangements with the Department

1 of Corrections and the Board of Corrections to meet the needs of
2 its plan.

3 SEC. 206. Section 11160 of the Penal Code is amended to read:

4 11160. (a) Any health practitioner employed in a health
5 facility, clinic, physician's office, local or state public health
6 department, or a clinic or other type of facility operated by a local
7 or state public health department who, in his or her professional
8 capacity or within the scope of his or her employment, provides
9 medical services for a physical condition to a patient whom he or
10 she knows or reasonably suspects is a person described as follows,
11 shall immediately make a report in accordance with subdivision
12 (b):

13 (1) Any person suffering from any wound or other physical
14 injury inflicted by his or her own act or inflicted by another where
15 the injury is by means of a firearm.

16 (2) Any person suffering from any wound or other physical
17 injury inflicted upon the person where the injury is the result of
18 assaultive or abusive conduct.

19 (b) Any health practitioner employed in a health facility, clinic,
20 physician's office, local or state public health department, or a
21 clinic or other type of facility operated by a local or state public
22 health department shall make a report regarding persons described
23 in subdivision (a) to a local law enforcement agency as follows:

24 (1) A report by telephone shall be made immediately or as soon
25 as practically possible.

26 (2) A written report shall be prepared on the standard form
27 developed in compliance with paragraph (4) of this subdivision,
28 and Section 11160.2, and adopted by the California Emergency
29 Management Agency, or on a form developed and adopted by
30 another state agency that otherwise fulfills the requirements of the
31 standard form. The completed form shall be sent to a local law
32 enforcement agency within two working days of receiving the
33 information regarding the person.

34 (3) A local law enforcement agency shall be notified and a
35 written report shall be prepared and sent pursuant to paragraphs
36 (1) and (2) even if the person who suffered the wound, other injury,
37 or assaultive or abusive conduct has expired, regardless of whether
38 or not the wound, other injury, or assaultive or abusive conduct
39 was a factor contributing to the death, and even if the evidence of

1 the conduct of the perpetrator of the wound, other injury, or
2 assaultive or abusive conduct was discovered during an autopsy.

3 (4) The report shall include, but shall not be limited to, the
4 following:

5 (A) The name of the injured person, if known.

6 (B) The injured person's whereabouts.

7 (C) The character and extent of the person's injuries.

8 (D) The identity of any person the injured person alleges
9 inflicted the wound, other injury, or assaultive or abusive conduct
10 upon the injured person.

11 (c) For the purposes of this section, "injury" shall not include
12 any psychological or physical condition brought about solely
13 through the voluntary administration of a narcotic or restricted
14 dangerous drug.

15 (d) For the purposes of this section, "assaultive or abusive
16 conduct" shall include any of the following offenses:

17 (1) Murder, in violation of Section 187.

18 (2) Manslaughter, in violation of Section 192 or 192.5.

19 (3) Mayhem, in violation of Section 203.

20 (4) Aggravated mayhem, in violation of Section 205.

21 (5) Torture, in violation of Section 206.

22 (6) Assault with intent to commit mayhem, rape, sodomy, or
23 oral copulation, in violation of Section 220.

24 (7) Administering controlled substances or anesthetic to aid in
25 commission of a felony, in violation of Section 222.

26 (8) Battery, in violation of Section 242.

27 (9) Sexual battery, in violation of Section 243.4.

28 (10) Incest, in violation of Section 285.

29 (11) Throwing any vitriol, corrosive acid, or caustic chemical
30 with intent to injure or disfigure, in violation of Section 244.

31 (12) Assault with a stun gun or taser, in violation of Section
32 244.5.

33 (13) Assault with a deadly weapon, firearm, assault weapon, or
34 machinegun, or by means likely to produce great bodily injury, in
35 violation of Section 245.

36 (14) Rape, in violation of Section 261.

37 (15) Spousal rape, in violation of Section 262.

38 (16) Procuring any female to have sex with another man, in
39 violation of Section 266, 266a, 266b, or 266c.

1 (17) Child abuse or endangerment, in violation of Section 273a
2 or 273d.

3 (18) Abuse of spouse or cohabitant, in violation of Section
4 273.5.

5 (19) Sodomy, in violation of Section 286.

6 (20) Lewd and lascivious acts with a child, in violation of
7 Section 288.

8 (21) Oral copulation, in violation of Section 288a.

9 (22) Sexual penetration, in violation of Section 289.

10 (23) Elder abuse, in violation of Section 368.

11 (24) An attempt to commit any crime specified in paragraphs
12 (1) to (23), inclusive.

13 (e) When two or more persons who are required to report are
14 present and jointly have knowledge of a known or suspected
15 instance of violence that is required to be reported pursuant to this
16 section, and when there is an agreement among these persons to
17 report as a team, the team may select by mutual agreement a
18 member of the team to make a report by telephone and a single
19 written report, as required by subdivision (b). The written report
20 shall be signed by the selected member of the reporting team. Any
21 member who has knowledge that the member designated to report
22 has failed to do so shall thereafter make the report.

23 (f) The reporting duties under this section are individual, except
24 as provided in subdivision (e).

25 (g) No supervisor or administrator shall impede or inhibit the
26 reporting duties required under this section and no person making
27 a report pursuant to this section shall be subject to any sanction
28 for making the report. However, internal procedures to facilitate
29 reporting and apprise supervisors and administrators of reports
30 may be established, except that these procedures shall not be
31 inconsistent with this article. The internal procedures shall not
32 require any employee required to make a report under this article
33 to disclose his or her identity to the employer.

34 (h) For the purposes of this section, it is the Legislature's intent
35 to avoid duplication of information.

36 SEC. 207. Section 11160.1 of the Penal Code is amended to
37 read:

38 11160.1. (a) Any health practitioner employed in any health
39 facility, clinic, physician's office, local or state public health
40 department, or a clinic or other type of facility operated by a local

1 or state public health department who, in his or her professional
2 capacity or within the scope of his or her employment, performs
3 a forensic medical examination on any person in the custody of
4 law enforcement from whom evidence is sought in connection
5 with the commission or investigation of a crime of sexual assault,
6 as described in subdivision (d) of Section 11160, shall prepare a
7 written report. The report shall be on a standard form developed
8 by, or at the direction of, the California Emergency Management
9 Agency, and shall be immediately provided to the law enforcement
10 agency who has custody of the individual examined.

11 (b) The examination and report is subject to the confidentiality
12 requirements of the Confidentiality of Medical Information Act
13 (Chapter 1 (commencing with Section 56) of Part 2.6 of Division
14 1 of the Civil Code), the physician-patient privilege pursuant to
15 Article 6 (commencing with Section 990) of Chapter 4 of Division
16 8 of the Evidence Code, and the privilege of official information
17 pursuant to Article 9 (commencing with Section 1040) of Chapter
18 4 of Division 8 of the Evidence Code.

19 (c) The report shall be released upon request, oral or written, to
20 any person or agency involved in any related investigation or
21 prosecution of a criminal case, including, but not limited to, a law
22 enforcement officer, district attorney, city attorney, crime
23 laboratory, county licensing agency, or coroner. The report may
24 be released to defense counsel or another third party only through
25 discovery of documents in the possession of a prosecuting agency
26 or following the issuance of a lawful court order authorizing the
27 release of the report.

28 (d) A health practitioner who makes a report in accordance with
29 this section shall not incur civil or criminal liability. No person,
30 agency, or their designee required or authorized to report pursuant
31 to this section who takes photographs of a person suspected of
32 being a person subject to a forensic medical examination as
33 described in this section shall incur any civil or criminal liability
34 for taking the photographs, causing the photographs to be taken,
35 or disseminating the photographs to a law enforcement officer,
36 district attorney, city attorney, crime laboratory, county licensing
37 agency, or coroner with the reports required in accordance with
38 this section. However, this subdivision shall not be deemed to
39 grant immunity from civil or criminal liability with respect to any
40 other use of the photographs.

1 (e) Section 11162 does not apply to this section.

2 (f) With the exception of any health practitioner who has entered
3 into a contractual agreement to perform forensic medical
4 examinations, no health practitioner shall be required to perform
5 a forensic medical examination as part of his or her duties as a
6 health practitioner.

7 SEC. 208. Section 11161.2 of the Penal Code is amended to
8 read:

9 11161.2. (a) The Legislature finds and declares that adequate
10 protection of victims of domestic violence and elder and dependent
11 adult abuse has been hampered by lack of consistent and
12 comprehensive medical examinations. Enhancing examination
13 procedures, documentation, and evidence collection will improve
14 investigation and prosecution efforts.

15 (b) The California Emergency Management Agency shall, in
16 cooperation with the State Department of Health Services, the
17 Department of Aging and the ombudsman program, the State
18 Department of Social Services, law enforcement agencies, the
19 Department of Justice, the California Association of Crime Lab
20 Directors, the California District Attorneys Association, the
21 California State ~~Sheriff's~~ *Sheriffs'* Association, the California
22 Medical Association, the California Police Chiefs' Association,
23 domestic violence advocates, the California Medical Training
24 Center, adult protective services, and other appropriate experts:

25 (1) Establish medical forensic forms, instructions, and
26 examination protocol for victims of domestic violence and elder
27 and dependent adult abuse and neglect using as a model the form
28 and guidelines developed pursuant to Section 13823.5. The form
29 should include, but not be limited to, a place for a notation
30 concerning each of the following:

31 (A) Notification of injuries and a report of suspected domestic
32 violence or elder or dependent adult abuse and neglect to law
33 enforcement authorities, Adult Protective Services, or the State
34 Long-Term Care Ombudsmen, in accordance with existing
35 reporting procedures.

36 (B) Obtaining consent for the examination, treatment of injuries,
37 collection of evidence, and photographing of injuries. Consent to
38 treatment shall be obtained in accordance with the usual hospital
39 policy. A victim shall be informed that he or she may refuse to
40 consent to an examination for evidence of domestic violence and

1 elder and dependent adult abuse and neglect, including the
2 collection of physical evidence, but that refusal is not a ground for
3 denial of treatment of injuries and disease, if the person wishes to
4 obtain treatment and consents thereto.

5 (C) Taking a patient history of domestic violence or elder or
6 dependent adult abuse and neglect and other relevant medical
7 history.

8 (D) Performance of the physical examination for evidence of
9 domestic violence or elder or dependent adult abuse and neglect.

10 (E) Collection of physical evidence of domestic violence or
11 elder or dependent adult abuse.

12 (F) Collection of other medical and forensic specimens, as
13 indicated.

14 (G) Procedures for the preservation and disposition of evidence.

15 (H) Complete documentation of medical forensic exam findings.

16 (2) Determine whether it is appropriate and forensically sound
17 to develop separate or joint forms for documentation of medical
18 forensic findings for victims of domestic violence and elder and
19 dependent adult abuse and neglect.

20 (3) The forms shall become part of the patient's medical record
21 pursuant to guidelines established by the agency or agencies
22 designated by the California Emergency Management Agency
23 advisory committee and subject to the confidentiality laws
24 pertaining to release of medical forensic examination records.

25 (c) The forms shall be made accessible for use on the Internet.

26 SEC. 209. Section 11171 of the Penal Code is amended to read:

27 11171. (a) (1) The Legislature hereby finds and declares that
28 adequate protection of victims of child physical abuse or neglect
29 has been hampered by the lack of consistent and comprehensive
30 medical examinations.

31 (2) Enhancing examination procedures, documentation, and
32 evidence collection relating to child abuse or neglect will improve
33 the investigation and prosecution of child abuse or neglect as well
34 as other child protection efforts.

35 (b) The California Emergency Management Agency shall, in
36 cooperation with the State Department of Social Services, the
37 Department of Justice, the California Association of Crime Lab
38 Directors, the California District Attorneys Association, the
39 California State Sheriffs' Association, the California Peace
40 Officers Association, the California Medical Association, the

1 California Police Chiefs' Association, child advocates, the
2 California Medical Training Center, child protective services, and
3 other appropriate experts, establish medical forensic forms,
4 instructions, and examination protocols for victims of child
5 physical abuse or neglect using as a model the form and guidelines
6 developed pursuant to Section 13823.5.

7 (c) The forms shall include, but not be limited to, a place for
8 notation concerning each of the following:

9 (1) Any notification of injuries or any report of suspected child
10 physical abuse or neglect to law enforcement authorities or
11 children's protective services, in accordance with existing reporting
12 procedures.

13 (2) Addressing relevant consent issues, if indicated.

14 (3) The taking of a patient history of child physical abuse or
15 neglect that includes other relevant medical history.

16 (4) The performance of a physical examination for evidence of
17 child physical abuse or neglect.

18 (5) The collection or documentation of any physical evidence
19 of child physical abuse or neglect, including any recommended
20 photographic procedures.

21 (6) The collection of other medical or forensic specimens,
22 including drug ingestion or toxication, as indicated.

23 (7) Procedures for the preservation and disposition of evidence.

24 (8) Complete documentation of medical forensic exam findings
25 with recommendations for diagnostic studies, including blood tests
26 and X-rays.

27 (9) An assessment as to whether there are findings that indicate
28 physical abuse or neglect.

29 (d) The forms shall become part of the patient's medical record
30 pursuant to guidelines established by the advisory committee of
31 the California Emergency Management Agency and subject to the
32 confidentiality laws pertaining to the release of a medical forensic
33 examination records.

34 (e) The forms shall be made accessible for use on the Internet.

35 SEC. 210. Section 11174.34 of the Penal Code is amended to
36 read:

37 11174.34. (a) (1) The purpose of this section shall be to
38 coordinate and integrate state and local efforts to address fatal
39 child abuse or neglect, and to create a body of information to
40 prevent child deaths.

1 (2) It is the intent of the Legislature that the California State
2 Child Death Review Council, the Department of Justice, the State
3 Department of Social Services, the State Department of Health
4 Services, and state and local child death review teams shall share
5 data and other information necessary from the Department of
6 Justice Child Abuse Central Index and Supplemental Homicide
7 File, the State Department of Health Services Vital Statistics and
8 the Department of Social Services Child Welfare Services/Case
9 Management System files to establish accurate information on the
10 nature and extent of child~~abuse~~ *abuse-* or ~~neglect~~ *neglect-related*
11 *neglect-related* fatalities in California as those documents relate
12 to child fatality cases. Further, it is the intent of the Legislature to
13 ensure that records of child abuse or neglect related fatalities are
14 entered into the State Department of Social Services, Child Welfare
15 Services/Case Management System. It is also the intent that training
16 and technical assistance be provided to child death review teams
17 and professionals in the child protection system regarding
18 multiagency case review.

19 (b) (1) It shall be the duty of the California State Child Death
20 Review Council to oversee the statewide coordination and
21 integration of state and local efforts to address fatal child abuse or
22 neglect and to create a body of information to prevent child deaths.
23 The Department of Justice, the State Department of Social Services,
24 the State Department of Health Services, the California Coroner's
25 Association, the County Welfare Directors Association, Prevent
26 Child Abuse California, the California Homicide Investigators
27 Association, the California Emergency Management Agency, the
28 Inter-Agency Council on Child Abuse and Neglect/National Center
29 on Child Fatality Review, the California Conference of Local
30 Health Officers, the California Conference of Local Directors of
31 Maternal, Child, and Adolescent Health, the California Conference
32 of Local Health Department Nursing Directors, the California
33 District Attorneys Association, and at least three regional
34 representatives, chosen by the other members of the council,
35 working collaboratively for the purposes of this section, shall be
36 known as the California State Child Death Review Council. The
37 council shall select a chairperson or cochairpersons from the
38 members.

39 (2) The Department of Justice is hereby authorized to carry out
40 the purposes of this section by coordinating council activities and

1 working collaboratively with the agencies and organizations in
2 paragraph (1), and may consult with other representatives of other
3 agencies and private organizations, to help accomplish the purpose
4 of this section.

5 (c) Meetings of the agencies and organizations involved shall
6 be convened by a representative of the Department of Justice. All
7 meetings convened between the Department of Justice and any
8 organizations required to carry out the purpose of this section shall
9 take place in this state. There shall be a minimum of four meetings
10 per calendar year.

11 (d) To accomplish the purpose of this section, the Department
12 of Justice and agencies and organizations involved shall engage
13 in the following activities:

14 (1) Analyze and interpret state and local data on child death in
15 an annual report to be submitted to local child death review teams
16 with copies to the Governor and the Legislature, no later than July
17 1 each year. Copies of the report shall also be distributed to public
18 officials in the state who deal with child abuse issues and to those
19 agencies responsible for child death investigation in each county.
20 The report shall contain, but not be limited to, information provided
21 by state agencies and the county child death review teams for the
22 preceding year.

23 The state data shall include the Department of Justice Child
24 Abuse Central Index and Supplemental Homicide File, the State
25 Department of Health Services Vital Statistics, and the State
26 Department of Social Services Child Welfare Services/Case
27 Management System.

28 (2) In conjunction with the California Emergency Management
29 Agency, coordinate statewide and local training for county death
30 review teams and the members of the teams, including, but not
31 limited to, training in the application of the interagency child death
32 investigation protocols and procedures established under Sections
33 11166.7 and 11166.8 to identify child deaths associated with abuse
34 or neglect.

35 (e) The State Department of Health Services, in collaboration
36 with the California State Child Death Review Council, shall design,
37 test and implement a statewide child abuse or neglect fatality
38 tracking system incorporating information collected by local child
39 death review teams. The department shall:

1 (1) Establish a minimum case selection criteria and review
2 protocols of local child death review teams.

3 (2) Develop a standard child death review form with a minimum
4 core set of data elements to be used by local child death review
5 teams, and collect and analyze that data.

6 (3) Establish procedural safeguards in order to maintain
7 appropriate confidentiality and integrity of the data.

8 (4) Conduct annual reviews to reconcile data reported to the
9 State Department of Health Services Vital Statistics, Department
10 of Justice Homicide Files and Child Abuse Central Index, and the
11 State Department of Social Services Child Welfare Services/Case
12 Management System data systems, with data provided from local
13 child death review teams.

14 (5) Provide technical assistance to local child death review teams
15 in implementing and maintaining the tracking system.

16 (6) This subdivision shall become operative on July 1, 2000,
17 and shall be implemented only to the extent that funds are
18 appropriated for its purposes in the Budget Act.

19 (f) Local child death review teams shall participate in a statewide
20 child abuse or neglect fatalities monitoring system by:

21 (1) Meeting the minimum standard protocols set forth by the
22 State Department of Health Services in collaboration with the
23 California State Child Death Review Council.

24 (2) Using the standard data form to submit information on child
25 abuse or neglect fatalities in a timely manner established by the
26 State Department of Health Services.

27 (g) The California State Child Death Review Council shall
28 monitor the implementation of the monitoring system and
29 incorporate the results and findings of the system and review into
30 an annual report.

31 (h) The Department of Justice shall direct the creation,
32 maintenance, updating, and distribution electronically and by paper,
33 of a statewide child death review team directory, which shall
34 contain the names of the members of the agencies and private
35 organizations participating under this section, and the members of
36 local child death review teams and local liaisons to those teams.
37 The department shall work in collaboration with members of the
38 California State Child Death Review Council to develop a directory
39 of professional experts, resources, and information from relevant
40 agencies and organizations and local child death review teams,

1 and to facilitate regional working relationships among teams. The
2 Department of Justice shall maintain and update these directories
3 annually.

4 (i) The agencies or private organizations participating under
5 this section shall participate without reimbursement from the state.
6 Costs incurred by participants for travel or per diem shall be borne
7 by the participant agency or organization. The participants shall
8 be responsible for collecting and compiling information to be
9 included in the annual report. The Department of Justice shall be
10 responsible for printing and distributing the annual report using
11 available funds and existing resources.

12 (j) The California Emergency Management Agency, in
13 coordination with the State Department of Social Services, the
14 Department of Justice, and the California State Child Death Review
15 Council shall contract with state or nationally recognized
16 organizations in the area of child death review to conduct statewide
17 training and technical assistance for local child death review teams
18 and relevant organizations, develop standardized definitions for
19 fatal child abuse or neglect, develop protocols for the investigation
20 of fatal child abuse or neglect, and address relevant issues such as
21 grief and mourning, data collection, training for medical personnel
22 in the identification of child abuse or neglect fatalities, domestic
23 violence fatality review, and other related topics and programs.
24 The provisions of this subdivision shall only be implemented to
25 the extent that the agency can absorb the costs of implementation
26 within its current funding, or to the extent that funds are
27 appropriated for its purposes in the Budget Act.

28 (k) Law enforcement and child welfare agencies shall
29 cross-report all cases of child death suspected to be related to child
30 abuse or neglect whether or not the deceased child has any known
31 surviving siblings.

32 (l) County child welfare agencies shall create a record in the
33 Child Welfare Services/Case Management System (CWS/CMS)
34 on all cases of child death suspected to be related to child abuse
35 or neglect, whether or not the deceased child has any known
36 surviving siblings. Upon notification that the death was determined
37 not to be related to child abuse or neglect, the child welfare agency
38 shall enter that information into the Child Welfare Services/Case
39 Management System.

40 SEC. 211. Section 11501 of the Penal Code is amended to read:

1 11501. (a) There is hereby established in the California
2 Emergency Management Agency, a program of financial assistance
3 to provide for statewide programs of education, training, and
4 research for local public prosecutors and public defenders. All
5 funds made available to the agency for the purposes of this chapter
6 shall be administered and distributed by the secretary of the agency.

7 (b) The Secretary of Emergency Management is authorized to
8 allocate and award funds to public agencies or private nonprofit
9 organizations for purposes of establishing statewide programs of
10 education, training, and research for public prosecutors and public
11 defenders, which programs meet criteria established pursuant to
12 Section 11502.

13 (c) Annually, the secretary shall submit a report to the
14 Legislature describing the operation and accomplishments of the
15 statewide programs authorized by this title.

16 SEC. 212. Section 11502 of the Penal Code is amended to read:

17 11502. (a) Criteria for selection of education, training, and
18 research programs for local public prosecutors and public defenders
19 shall be developed by the California Emergency Management
20 Agency in consultation with an advisory group entitled the
21 Prosecutors and Public Defenders Education and Training Advisory
22 Committee.

23 (b) The Prosecutors and Public Defenders Education and
24 Training Advisory Committee shall be composed of six local public
25 prosecutors and six local public defender representatives, all of
26 whom are appointed by the Secretary of Emergency Management,
27 who shall provide staff services to the advisory committee. In
28 appointing the members of the committee, the secretary shall invite
29 the Attorney General, the State Public Defender, the Speaker of
30 the Assembly, and the Senate President pro Tempore to participate
31 as ex officio members of the committee.

32 (c) The California Emergency Management Agency, in
33 consultation with the advisory committee, shall develop specific
34 guidelines including criteria for selection of organizations to
35 provide education, training, and research services.

36 (d) In determining the equitable allocation of funds between
37 prosecution and defense functions, the California Emergency
38 Management Agency and the advisory committee shall give
39 consideration to the amount of local government expenditures on
40 a statewide basis for the support of those functions.

1 (e) The administration of the overall program shall be performed
2 by the California Emergency Management Agency. The agency
3 may, out of any appropriation for this program, expend an amount
4 not to exceed 7.5 percent for any fiscal year for those purposes.

5 (f) No funds appropriated pursuant to this title shall be used to
6 support a legislative advocate.

7 (g) To the extent necessary to meet the requirements of the State
8 Bar of California relating to certification of training for legal
9 specialists, the executive director shall ensure that, where
10 appropriate, all programs funded under this title are open to all
11 members of the State Bar of California. The program guidelines
12 established pursuant to subdivision (c) shall provide for the
13 reimbursement of costs for all participants deemed eligible by the
14 California Emergency Management Agency, in conjunction with
15 the Legal Training Advisory Committee, by means of course
16 attendance.

17 SEC. 213. Section 11504 of the Penal Code is amended to read:

18 11504. To the extent funds are appropriated from the
19 Assessment Fund to the Local Public Prosecutors and Public
20 Defenders Training Fund established pursuant to Section 11503,
21 the California Emergency Management Agency shall allocate
22 financial resources for statewide programs of education, training,
23 and research for local public prosecutors and public defenders.

24 SEC. 214. Section 13100.1 of the Penal Code is amended to
25 read:

26 13100.1. (a) The Attorney General shall appoint an advisory
27 committee to the California-Criminal Index and Identification
28 (Cal-CII) system to assist in the ongoing management of the system
29 with respect to operating policies, criminal records content, and
30 records retention. The committee shall serve at the pleasure of the
31 Attorney General, without compensation, except for reimbursement
32 of necessary expenses.

33 (b) The committee shall consist of the following representatives:

34 (1) One representative from the California Police Chiefs'
35 Association.

36 (2) One representative from the California Peace Officers'
37 Association.

38 (3) Three representatives from the California State Sheriffs'
39 Association.

40 (4) One trial judge appointed by the Judicial Council.

1 (5) One representative from the California District
2 ~~Attorneys~~^{Attorneys} Association.

3 (6) One representative from the California Court Clerks’
4 Association.

5 (7) One representative from the California Emergency
6 Management Agency.

7 (8) One representative from the Chief Probation Officers’
8 Association.

9 (9) One representative from the Department of Corrections *and*
10 *Rehabilitation*.

11 (10) One representative from the Department of the California
12 Highway Patrol.

13 (11) One member of the public, appointed by the Senate
14 Committee on Rules, who is knowledgeable and experienced in
15 the process of utilizing background clearances.

16 (12) One member of the public, appointed by the Speaker of
17 the Assembly, who is knowledgeable and experienced in the
18 process of utilizing background clearances.

19 SEC. 215. Section 13800 of the Penal Code is amended to read:
20 13800. Unless otherwise required by context, as used in this
21 title:

22 (a) “Agency” means the California Emergency Management
23 Agency.

24 (b) “Council” means the California Council on Criminal Justice.

25 (c) “Federal acts” means the Federal Omnibus Crime Control
26 and Safe Streets Act of 1968, the Federal Juvenile Delinquency
27 Prevention and Control Act of 1968, and any act or acts amendatory
28 or supplemental thereto.

29 (d) “Local boards” means local criminal justice planning boards.

30 (e) “Secretary” means the Secretary of Emergency Management.

31 SEC. 216. The heading of Chapter 3 (commencing with Section
32 13820) of Title 6 of Part 4 of the Penal Code is amended to read:

33

34 CHAPTER 3. CRIMINAL JUSTICE PLANNING

35

36 SEC. 217. Section 13820 of the Penal Code is amended to read:

37 13820. (a) The Office of Criminal Justice Planning is hereby
38 abolished. The duties and obligations of that office, and all powers
39 and authority formerly exercised by that office, shall be transferred
40 to and assumed by the agency.

1 (b) Except for this section, the phrase “Office of Criminal Justice
 2 Planning” or any reference to that phrase in this code shall be
 3 construed to mean or refer to the agency. Any reference to the
 4 executive director of the Office of Criminal Justice Planning in
 5 this code shall be construed to mean the secretary.

6 SEC. 218. Section 13823 of the Penal Code is amended to read:

7 13823. (a) In cooperation with local boards, the agency shall:

8 (1) Develop with the advice and approval of the council, the
 9 comprehensive statewide plan for the improvement of criminal
 10 justice and delinquency prevention activity throughout the state.

11 (2) Define, develop, and correlate programs and projects for the
 12 state criminal justice agencies.

13 (3) Receive and disburse federal funds, perform all necessary
 14 and appropriate staff services required by the council, and
 15 otherwise assist the council in the performance of its duties as
 16 established by federal acts.

17 (4) Develop comprehensive, unified, and orderly procedures to
 18 ~~insure~~ ensure that all local plans and all state and local projects
 19 are in accord with the comprehensive state plan, and that all
 20 applications for grants are processed efficiently.

21 (5) Cooperate with and render technical assistance to the
 22 Legislature, state agencies, units of general local government,
 23 combinations of those units, or other public or private agencies,
 24 organizations, or institutions in matters relating to criminal justice
 25 and delinquency prevention.

26 (6) Conduct evaluation studies of the programs and activities
 27 assisted by the federal acts.

28 (b) The agency may:

29 (1) Collect, evaluate, publish, and disseminate statistics and
 30 other information on the condition and progress of criminal justice
 31 in the state.

32 (2) Perform other functions and duties as required by federal
 33 acts, rules, regulations, or guidelines in acting as the administrative
 34 office of the state planning agency for distribution of federal grants.

35 SEC. 219. Section 13823.2 of the Penal Code is amended to
 36 read:

37 13823.2. (a) The Legislature hereby finds and declares all of
 38 the following:

39 (1) That violent and serious crimes are being committed against
 40 the elderly on an alarmingly regular basis.

1 (2) That in 1985, the United States Department of Justice
2 reported that approximately 1 in every 10 elderly households in
3 the nation would be touched by crime.

4 (3) That the California Department of Justice, based upon limited
5 data received from local law enforcement agencies, reported that
6 approximately 10,000 violent crimes were committed against
7 elderly victims in 1985.

8 (4) That while the elderly may not be the most frequent targets
9 of crime, when they are victimized the impact of each vicious
10 attack has long-lasting effects. Injuries involving, for example, a
11 broken hip may never heal properly and often leave the victim
12 physically impaired. The loss of money used for food and other
13 daily living expenses for these costs may be life-threatening for
14 the older citizen on a fixed income. In addition, stolen or damaged
15 property often cannot be replaced.

16 (5) Although the State of California currently funds programs
17 to provide assistance to victims of crime and to provide general
18 crime prevention information, there are limited specialized efforts
19 to respond directly to the needs of elderly victims or to provide
20 prevention services tailored for the senior population.

21 (b) It is the intent of the Legislature that victim services, crime
22 prevention, and criminal justice training programs funded by the
23 agency shall include, consistent with available resources,
24 specialized components that respond to the diverse needs of elderly
25 citizens residing in the state.

26 SEC. 220. Section 13823.3 of the Penal Code is amended to
27 read:

28 13823.3. The agency may expend funds for local domestic
29 violence programs, subject to the availability of funds therefor.

30 SEC. 221. Section 13823.4 of the Penal Code is amended to
31 read:

32 13823.4. (a) The Legislature finds the problem of family
33 violence to be of serious and increasing magnitude. The Legislature
34 also finds that acts of family violence often result in other crimes
35 and social problems.

36 (b) There is in the agency, a Family Violence Prevention
37 Program. This program shall provide financial and technical
38 assistance to local domestic and family violence centers in
39 implementing family violence prevention programs.

1 The goals and functions of the program shall include all of the
2 following:

3 (1) Promotion of community involvement through public
4 education geared specifically toward reaching and educating the
5 friends and neighbors of members of violent families.

6 (2) Development and dissemination of model protocols for the
7 training of criminal justice system personnel in domestic violence
8 intervention and prevention.

9 (3) Increasing citizen involvement in family violence prevention.

10 (4) Identification and testing of family violence prevention
11 models.

12 (5) Replication of successful models, as appropriate, through
13 the state.

14 (6) Identification and testing of domestic violence model
15 protocols and intervention systems in major service delivery
16 institutions.

17 (7) Development of informational materials and seminars to
18 enable emulation or adaptation of the models by other communities.

19 (8) Provision of domestic violence prevention education and
20 skills to students in schools.

21 (c) The secretary shall allocate funds to local centers meeting
22 the criteria for funding that shall be established by the agency in
23 consultation with practitioners and experts in the field of family
24 violence prevention. All centers receiving funds pursuant to this
25 section shall have had an ongoing recognized program, supported
26 by either public or private funds, dealing with an aspect of family
27 violence, for at least two years prior to the date specified for
28 submission of applications for funding pursuant to this section.
29 All centers funded pursuant to this section shall utilize volunteers
30 to the greatest extent possible.

31 The centers may seek, receive, and make use of any funds which
32 may be available from all public and private sources to augment
33 any state funds received pursuant to this section. Sixty percent of
34 the state funds received pursuant to this section shall be used to
35 develop and implement model program protocols and materials.
36 Forty percent of the state funds received pursuant to this section
37 shall be allocated to programs to disseminate model program
38 protocols and materials. Dissemination shall include training for
39 domestic violence agencies in California. Each of the programs
40 funded under this section shall focus on no more than two targeted

1 areas. These targeted model areas shall be determined by the
2 agency in consultation with practitioners and experts in the field
3 of domestic violence, using the domestic violence model priorities
4 survey of the California Alliance Against Domestic Violence.

5 Centers receiving funding shall provide matching funds of at
6 least 10 percent of the funds received pursuant to this section.

7 (d) The agency shall develop and disseminate throughout the
8 state information and materials concerning family violence
9 prevention, including, but not limited to, a procedures manual on
10 prevention models. The agency shall also establish a resource
11 center for the collection, retention, and distribution of educational
12 materials related to family violence and its prevention.

13 SEC. 222. Section 13823.5 of the Penal Code is amended to
14 read:

15 13823.5. (a) The agency, with the assistance of the advisory
16 committee established pursuant to Section 13836, shall establish
17 a protocol for the examination and treatment of victims of sexual
18 assault and attempted sexual assault, including child molestation,
19 and the collection and preservation of evidence therefrom. The
20 protocol shall contain recommended methods for meeting the
21 standards specified in Section 13823.11.

22 (b) In addition to the protocol, the agency shall develop
23 informational guidelines, containing general reference information
24 on evidence collection; *and* examination of victims *of*, and
25 psychological and medical treatment for victims of, sexual assault
26 and attempted sexual assault, including child molestation.

27 In developing the protocol and the informational guidelines, the
28 agency and the advisory committee shall seek the assistance and
29 guidance of organizations assisting victims of sexual assault;
30 qualified health care professionals, criminalists, and administrators
31 who are familiar with emergency room procedures; victims of
32 sexual assault; and law enforcement officials.

33 (c) The agency, in cooperation with the State Department of
34 Health Services and the Department of Justice, shall adopt a
35 standard and a complete form or forms for the recording of medical
36 and physical evidence data disclosed by a victim of sexual assault
37 or attempted sexual assault, including child molestation.

38 Each qualified health care professional who conducts an
39 examination for evidence of a sexual assault or an attempted sexual
40 assault, including child molestation, shall use the standard form

1 *or forms* adopted pursuant to this section, and shall make those
2 observations and perform those tests as may be required for
3 recording of the data required by the form. The forms shall be
4 subject to the same principles of confidentiality applicable to other
5 medical records.

6 The agency shall make copies of the standard form or forms
7 available to every public or private general acute care hospital, as
8 requested.

9 The standard form shall be used to satisfy the reporting
10 requirements specified in Sections 11160 and 11161 in cases of
11 sexual assault, and may be used in lieu of the form specified in
12 Section 11168 for reports of child abuse.

13 (d) The agency shall distribute copies of the protocol and the
14 informational guidelines to every general acute care hospital, law
15 enforcement agency, and prosecutor's office in the state.

16 (e) As used in this chapter, "qualified health care professional"
17 means a physician and surgeon currently licensed pursuant to
18 Chapter 5 (commencing with Section 2000) of Division 2 of the
19 Business and Professions Code, or a nurse currently licensed
20 pursuant to Chapter 6 (commencing with Section 2700) of Division
21 2 of the Business and Professions Code and working in consultation
22 with a physician and surgeon who conducts examinations or
23 provides treatment as described in Section 13823.9 in a general
24 acute care hospital or in a physician and surgeon's office.

25 SEC. 223. Section 13823.6 of the Penal Code is amended to
26 read:

27 13823.6. The agency may secure grants, donations, or other
28 funding for the purpose of funding any statewide task force on
29 sexual assault of children that may be established and administered
30 by the Department of Justice.

31 SEC. 224. Section 13823.9 of the Penal Code is amended to
32 read:

33 13823.9. (a) Every public or private general acute care hospital
34 that examines a victim of sexual assault or attempted sexual assault,
35 including child molestation, shall comply with the standards
36 specified in Section 13823.11 and the protocol and guidelines
37 adopted pursuant to Section 13823.5.

38 (b) Each county with a population of more than 100,000 shall
39 arrange that professional personnel trained in the examination of
40 victims of sexual assault, including child molestation, shall be

1 present or on call either in the county hospital which provides
2 emergency medical services or in any general acute care hospital
3 which has contracted with the county to provide emergency
4 medical services. In counties with a population of 1,000,000 or
5 more, the presence of these professional personnel shall be arranged
6 in at least one general acute care hospital for each 1,000,000
7 persons in the county.

8 (c) Each county shall designate at least one general acute care
9 hospital to perform examinations on victims of sexual assault,
10 including child molestation.

11 (d) (1) The protocol published by the agency shall be used as
12 a guide for the procedures to be used by every public or private
13 general acute care hospital in the state for the examination and
14 treatment of victims of sexual assault and attempted sexual assault,
15 including child molestation, and the collection and preservation
16 of evidence therefrom.

17 (2) The informational guide developed by the agency shall be
18 consulted where indicated in the protocol, as well as to gain
19 knowledge about all aspects of examination and treatment of
20 victims of sexual assault and child molestation.

21 SEC. 225. Section 13823.93 of the Penal Code is amended to
22 read:

23 13823.93. (a) For purposes of this section, the following
24 definitions apply:

25 (1) "Medical personnel" includes physicians, nurse practitioners,
26 physician assistants, nurses, and other health care providers, as
27 appropriate.

28 (2) To "perform a medical evidentiary examination" means to
29 evaluate, collect, preserve, and document evidence, interpret
30 findings, and document examination results.

31 (b) To ensure the delivery of standardized curriculum, essential
32 for consistent examination procedures throughout the state, one
33 hospital-based training center shall be established through a
34 competitive bidding process, to train medical personnel on how
35 to perform medical evidentiary examinations for victims of child
36 abuse or neglect, sexual assault, domestic violence, elder abuse,
37 and abuse or assault perpetrated against persons with disabilities.
38 The center also shall provide training for investigative and court
39 personnel involved in dependency and criminal proceedings, on
40 how to interpret the findings of medical evidentiary examinations.

1 The training provided by the training center shall be made
2 available to medical personnel, law enforcement, and the courts
3 throughout the state.

4 (c) The training center shall meet all of the following criteria:

5 (1) Recognized expertise and experience in providing medical
6 evidentiary examinations for victims of child abuse or neglect,
7 sexual assault, domestic violence, elder abuse, and abuse or assault
8 perpetrated against persons with disabilities.

9 (2) Recognized expertise and experience implementing the
10 protocol established pursuant to Section 13823.5.

11 (3) History of providing training, including, but not limited to,
12 the clinical supervision of trainees and the evaluation of clinical
13 competency.

14 (4) Recognized expertise and experience in the use of advanced
15 medical technology and training in the evaluation of victims of
16 child abuse or neglect, sexual assault, domestic violence, elder
17 abuse, and abuse or assault perpetrated against persons with
18 disabilities.

19 (5) Significant history in working with professionals in the field
20 of criminalistics.

21 (6) Established relationships with local crime laboratories,
22 clinical laboratories, law enforcement agencies, district attorneys'
23 offices, child protective services, victim advocacy programs, and
24 federal investigative agencies.

25 (7) The capacity for developing a telecommunication network
26 between primary, secondary, and tertiary medical providers.

27 (8) History of leadership in working collaboratively with medical
28 forensic experts, criminal justice experts, investigative social
29 worker experts, state criminal justice, social services, health and
30 mental health agencies, and statewide professional associations
31 representing the various disciplines, especially those specified in
32 paragraph (6) of subdivision (d).

33 (9) History of leadership in working collaboratively with state
34 and local victim advocacy organizations, especially those
35 addressing sexual assault and domestic violence.

36 (10) History and experience in the development and delivery
37 of standardized curriculum for forensic medical experts, criminal
38 justice professionals, and investigative social workers.

1 (11) History of research, particularly involving databases, in
2 the area of child physical and sexual abuse, sexual assault, elder
3 abuse, or domestic violence.

4 (d) The training center shall do all of the following:

5 (1) Develop and implement a standardized training program for
6 medical personnel that has been reviewed and approved by a
7 multidisciplinary peer review committee.

8 (2) Develop a telecommunication system network between the
9 training center and other areas of the state, including rural and
10 midsized counties. This service shall provide case consultation to
11 medical personnel, law enforcement, and the courts and provide
12 continuing medical education.

13 (3) Provide ongoing basic, advanced, and specialized training
14 programs.

15 (4) Develop guidelines for the reporting and management of
16 child physical abuse and neglect, domestic violence, and elder
17 abuse.

18 (5) Develop guidelines for evaluating the results of training for
19 the medical personnel performing examinations.

20 (6) Provide standardized training for law enforcement officers,
21 district attorneys, public defenders, investigative social workers,
22 and judges on medical evidentiary examination procedures and
23 the interpretation of findings. This training shall be developed and
24 implemented in collaboration with the Peace Officer Standards
25 and Training Program, the California District ~~Attorney's~~ *Attorneys*
26 Association, the California Peace Officers Association, the
27 California Police Chiefs Association, the California State ~~Sheriffs~~
28 *Sheriffs'* Association, the California Association of Crime
29 Laboratory Directors, the California Sexual Assault Investigators
30 Association, the California Alliance Against Domestic Violence,
31 the Statewide California Coalition for Battered Women, the Family
32 Violence Prevention Fund, child victim advocacy organizations,
33 the California Welfare Directors Association, the California
34 Coalition Against Sexual Assault, the Department of Justice, the
35 agency, the Child Welfare Training Program, and the University
36 of California extension programs.

37 (7) Promote an interdisciplinary approach in the assessment and
38 management of child abuse and neglect, sexual assault, elder abuse,
39 domestic violence, and abuse or assault against persons with
40 disabilities.

1 (8) Provide training in the dynamics of victimization, including,
2 but not limited to, rape trauma syndrome, intimate partner battering
3 and its effects, the effects of child abuse and neglect, and the
4 various aspects of elder abuse. This training shall be provided by
5 individuals who are recognized as experts within their respective
6 disciplines.

7 (e) Nothing in this section shall be construed to change the scope
8 of practice for any health care provider, as defined in other
9 provisions of law.

10 SEC. 226. Section 13823.12 of the Penal Code is amended to
11 read:

12 13823.12. Failure to comply fully with Section 13823.11 or
13 with the protocol or guidelines, or to utilize the form established
14 by the agency, shall not constitute grounds to exclude evidence,
15 nor shall the court instruct or comment to the trier of fact in any
16 case that less weight may be given to the evidence based on the
17 failure to comply.

18 SEC. 227. Section 13823.13 of the Penal Code is amended to
19 read:

20 13823.13. (a) The agency shall develop a course of training
21 for qualified health care professionals relating to the examination
22 and treatment of victims of sexual assault. In developing the
23 curriculum for the course, the agency shall consult with health
24 care professionals and appropriate law enforcement agencies. The
25 agency shall also obtain recommendations from the same health
26 care professionals and appropriate law enforcement agencies on
27 the best means to disseminate the course of training on a statewide
28 basis.

29 (b) The training course developed pursuant to subdivision (a)
30 shall be designed to train qualified health care professionals to do
31 all of the following:

32 (1) Perform a health assessment of victims of sexual assault in
33 accordance with any applicable minimum standards set forth in
34 Section 13823.11.

35 (2) Collect and document physical and laboratory evidence in
36 accordance with any applicable minimum standards set forth in
37 Section 13823.11.

38 (3) Provide information and referrals to victims of sexual assault
39 to enhance the continuity of care of victims.

40 (4) Present testimony in court.

1 (c) As used in this section, “qualified health care professional”
2 means a physician and surgeon currently licensed pursuant to
3 Chapter 5 (commencing with Section 2000) of Division 2 of the
4 Business and Professions Code, or a nurse currently licensed
5 pursuant to Chapter 6 (commencing with Section 2700) of Division
6 2 of the Business and Professions Code who works in consultation
7 with a physician and surgeon or who conducts examinations
8 described in Section 13823.9 in a general acute care hospital or in
9 the office of a physician and surgeon.

10 (d) As used in this section, “appropriate law enforcement
11 agencies” may include, but shall not be limited to, the Attorney
12 General of the State of California, any district attorney, and any
13 agency of the State of California expressly authorized by statute
14 to investigate or prosecute law violators.

15 SEC. 228. Section 13825 of the Penal Code is amended to read:

16 13825. The State Graffiti Clearinghouse is hereby created in
17 the agency. The State Graffiti Clearinghouse shall do all of the
18 following, subject to federal funding:

19 (a) Assess and estimate the present costs to state and local
20 agencies for graffiti abatement.

21 (b) Award grants to state and local agencies that have
22 demonstrated implementation of effective graffiti reduction and
23 abatement programs.

24 (c) Receive and disburse funds to effectuate the purposes of the
25 clearinghouse.

26 SEC. 229. Section 13826.1 of the Penal Code is amended to
27 read:

28 13826.1. (a) There is hereby established in the agency, the
29 Gang Violence Suppression Program, a program of financial and
30 technical assistance for district attorneys’ offices, local law
31 enforcement agencies, county probation departments, school
32 districts, county offices of education, or any consortium thereof,
33 and community-based organizations which are primarily engaged
34 in the suppression of gang violence. All funds appropriated to the
35 agency for the purposes of this chapter shall be administered and
36 disbursed by the secretary in consultation with the California
37 Council on Criminal Justice, and shall to the greatest extent feasible
38 be coordinated or consolidated with federal funds that may be
39 made available for these purposes.

1 (b) The secretary is authorized to allocate and award funds to
2 cities, counties, school districts, county offices of education, or
3 any consortium thereof, and community-based organizations in
4 which gang violence suppression programs are established in
5 substantial compliance with the policies and criteria set forth in
6 this chapter.

7 (c) The allocation and award of funds shall be made on the
8 application of the district attorney, chief law enforcement officer,
9 or chief probation officer of the applicant unit of government and
10 approved by the legislative body, on the application of school
11 districts, county offices of education, or any consortium thereof,
12 or on the application of the chief executive of a community-based
13 organization. All programs funded pursuant to this chapter shall
14 work cooperatively to ensure the highest quality provision of
15 services and to reduce unnecessary duplication. Funds disbursed
16 under this chapter shall not supplant local funds that would, in the
17 absence of the Gang Violence Suppression Program, be made
18 available to support the activities set forth in this chapter. Funds
19 awarded under this program as local assistance grants shall not be
20 subject to review as specified in Section 10295 of the Public
21 Contract Code.

22 (d) The secretary shall prepare and issue written program and
23 administrative guidelines and procedures for the Gang Violence
24 Suppression Program, consistent with this chapter. These guidelines
25 shall set forth the terms and conditions upon which the agency is
26 prepared to offer grants of funds pursuant to statutory authority.
27 The guidelines do not constitute rules, regulations, orders, or
28 standards of general application.

29 (e) Annually, commencing November 1, 1984, the secretary
30 shall prepare a report to the Legislature describing in detail the
31 operation of the statewide program and the results obtained by
32 district attorneys' offices, local law enforcement agencies, county
33 probation departments, school districts, county offices of education,
34 or any consortium thereof, and community-based organizations
35 receiving funds under this chapter and under comparable federally
36 financed awards.

37 (f) Criteria for selection of district attorneys' offices, local law
38 enforcement agencies, county probation departments, school
39 districts, county offices of education, or any consortium thereof,
40 and community-based organizations to receive gang violence

1 suppression funding shall be developed in consultation with the
2 Gang Violence Suppression Advisory Committee whose members
3 shall be appointed by the secretary, unless otherwise designated.

4 (g) The Gang Violence Suppression Advisory Committee shall
5 be composed of five district attorneys; two chief probation officers;
6 two representatives of community-based organizations; three
7 attorneys primarily engaged in the practice of juvenile criminal
8 defense; three law enforcement officials with expertise in
9 gang-related investigations; one member from the California Youth
10 Authority Gang Task Force nominated by the Director of the
11 California Youth Authority; one member of the Department of
12 Corrections Law Enforcement Liaison Unit nominated by the
13 Director of the Department of Corrections *and Rehabilitation*; one
14 member from the Department of Justice nominated by the Attorney
15 General; the Superintendent of Public Instruction, or his or her
16 designee; one member of the California School Boards Association;
17 and one representative of a school program specializing in the
18 education of the target population identified in this chapter.

19 Five members of the Gang Violence Suppression Advisory
20 Committee appointed by the secretary shall be from rural or
21 predominately suburban counties and shall be designated by the
22 ~~Executive Director~~ *secretary* as comprising the Rural Gang Task
23 Force Subcommittee.

24 The Rural Gang Task Force Subcommittee, in coordination with
25 the Gang Violence Suppression Advisory Committee and the
26 agency, shall review the Gang Violence Suppression Program
27 participation requirements and recommend changes in the
28 requirements which recognize the unique conditions and constraints
29 that exist in small rural jurisdictions and enhance the ability of
30 small rural jurisdictions to participate in the Gang Violence
31 Suppression Program.

32 (h) The secretary shall designate a staff member in the Gang
33 Violence Suppression Program to act as the Rural Gang Prevention
34 Coordinator and to provide technical assistance and outreach to
35 rural jurisdictions with emerging gang activities. It is the intent of
36 the Legislature that compliance with this subdivision not necessitate
37 an additional staff person.

38 (i) This section shall be operative January 1, 1994.

39 SEC. 230. Section 13826.15 of the Penal Code is amended to
40 read:

1 13826.15. (a) The Legislature hereby finds and declares that
2 the implementation of the Gang Violence Suppression Program,
3 as provided in this chapter, has made a positive impact in the battle
4 against crimes committed by gang members in California.

5 The Legislature further finds and declares that the program,
6 when it was originally created in 1981, provided financial and
7 technical assistance only for district attorneys' offices. Since that
8 time, however, the provisions of the program have been amended
9 by the Legislature to enable additional public entities and
10 community-based organizations to participate in the program. In
11 this respect, the agency, pursuant to Section 13826.1, administers
12 funding for the program by awarding grants to worthy applicants.
13 Therefore, it is the intent of the Legislature in enacting this measure
14 to assist the agency in setting forth guidelines for this funding.

15 (b) The agency may give priority to applicants for new grant
16 awards, as follows:

17 (1) First priority may be given to applicants representing
18 unfunded single components, as specified in Sections 13826.2,
19 13826.4, 13826.5, 13826.6, and 13826.65, in those counties that
20 receive Gang Violence Suppression Program funding for some,
21 but not all, of the program's components. The purpose of
22 establishing this priority is to provide funding for a full complement
23 of the five Gang Violence Suppression Program components in
24 those counties that have less than all five components established.

25 (2) Second priority may be given to those applicants that propose
26 a multiagency, or multijurisdictional single component project,
27 whereby more than one agency would be funded as a joint project
28 under the single components specified in Sections 13826.2,
29 13826.4, 13826.5, 13826.6, and 13826.65, and the funding would
30 be provided through a single grant award.

31 (3) Third priority may be given to applicants that propose
32 multijurisdictional multicomponent projects, whereby all five Gang
33 Violence Suppression Program components, as specified in
34 Sections 13826.2, 13826.4, 13826.5, 13826.6, and 13826.65, would
35 be funded in a county that does not currently receive Gang Violence
36 Suppression Program funds.

37 (4) Fourth priority may be given to those single agency single
38 component applicants, in counties wherein the program component
39 is not currently funded.

1 (c) The agency shall consider the unique needs of, and
2 circumstances of jurisdiction in, rural and suburban counties when
3 awarding new grant funds.

4 SEC. 231. Section 13826.62 of the Penal Code is amended to
5 read:

6 13826.62. (a) There is hereby established in the agency the
7 Urban Corps Program. The Urban Corps Program is established
8 as an optional activity under Section 13826.6. Community-based
9 organizations receiving grants to participate in the Urban Corps
10 Program shall implement the following activities:

11 (1) Identification of publicly and privately administered
12 programs in the county dealing with the suppression or prevention
13 of criminal gang activities, or both.

14 (2) Maintenance of a listing of programs within the county
15 identified as dealing with the suppression or prevention of criminal
16 gang activities, or both.

17 (3) Surveying gang suppression and prevention organizations
18 for the types of services and activities each is engaged in, and
19 identifying needs among these organizations for resources to
20 provide services and fulfill their activities.

21 (4) Recruitment of volunteers, identification of their skills,
22 abilities, and interests, and matching volunteers with the ~~resources~~
23 *resource* needs of gang prevention and suppression organizations.

24 (5) Establishment of an urban respite program for the purpose
25 of preventing self-destructive activities and diverting (A) identified
26 youth gang members, and (B) youths who are at risk of becoming
27 gang members, for the purposes of reducing or eliminating
28 incentives for those youths to participate in gang-related crime
29 activities.

30 (b) The Urban Corps Program shall operate within the agency
31 for two years following the establishment of a contract with a
32 community-based organization to administer the program.

33 (c) This section shall be implemented to the extent that funds
34 are available to the agency for this purpose.

35 SEC. 232. Section 13826.7 of the Penal Code is amended to
36 read:

37 13826.7. The agency and the California Council on Criminal
38 Justice are encouraged to utilize any federal funds that may become
39 available for purposes of this chapter. This chapter becomes

1 operative only if federal funds are made available for its
2 implementation.

3 SEC. 233. Section 13827 of the Penal Code is amended to read:

4 13827. (a) There is within the agency, the Office of Gang and
5 Youth Violence Policy.

6 (b) (1) The Office of Gang and Youth Violence Policy shall be
7 responsible for identifying and evaluating state, local, and federal
8 gang and youth violence suppression, intervention, and prevention
9 programs and strategies, along with funding for those efforts. The
10 director shall be responsible for monitoring, assessing, and
11 coordinating the state's programs, strategies, and funding that
12 address gang and youth violence in a manner that maximizes the
13 effectiveness and coordination of those programs, strategies, and
14 resources. The secretary shall communicate with local agencies
15 and programs in an effort to promote the best practices for
16 addressing gang and youth violence through suppression,
17 intervention, and prevention.

18 (2) The agency shall develop a comprehensive set of
19 recommendations to define its mission, role, and responsibilities
20 as a statewide entity dedicated to reducing violence and the
21 proliferation of gangs and gang violence in California communities.

22 (3) In developing this set of recommendations, the agency shall
23 collaborate with a wide range of state and local stakeholders,
24 including, but not limited to, community-based organizations
25 serving at-risk populations and neighborhoods, law enforcement,
26 educators, the courts, policy experts and scholars with expertise
27 in the area of criminal street gangs, and local policymakers.

28 (4) The agency, in collaboration with the stakeholders specified
29 in paragraph (3), shall include in its deliberations the most effective
30 role for the office with respect to the following:

31 (A) The collection and analysis of data on gang membership
32 statewide and the effectiveness of various gang prevention efforts.

33 (B) The development of reliable and accurate sources of data
34 to measure the scale and characteristics of California's gang
35 problems.

36 (C) The development of a clearinghouse for research on gangs,
37 at-risk youth, and prevention and intervention programs in order
38 to identify best practices and evidence-based programming, as
39 well as unsuccessful practices, and in order to promote effective
40 strategies for reducing gang involvement and gang violence.

1 (D) Assisting state and local governmental and nongovernmental
2 entities in developing violence and gang prevention strategies,
3 including built-in evaluation components.

4 (E) The development of sustained coordination mechanisms
5 among state, local, and regional entities.

6 (F) The identification of available or needed federal, state,
7 regional, local, and private funding resources.

8 (G) Providing or otherwise promoting public education on
9 effective programs, models, and strategies for the control of
10 violence and serving as a clearinghouse for information on gang
11 violence prevention issues, programs, resources, and research.

12 (H) Providing or otherwise promoting training and technical
13 assistance to help build the capacity of organizations, communities,
14 and local government to develop, implement, and evaluate gang
15 violence prevention programs.

16 (I) Providing information and guidance to state and local
17 governmental and nongovernmental entities on accessing state and
18 federal resources to prevent gang violence.

19 (J) Facilitating greater integration between existing entities with
20 respect to gang prevention efforts.

21 SEC. 234. Section 13827.1 of the Penal Code is amended to
22 read:

23 13827.1. There is within the agency, the following offices:

24 (a) Director of the Office of Gang and Youth Violence Policy.
25 The director shall report directly to the office of the Governor.

26 (b) Chief Deputy Director of Gang and Youth Violence Policy.

27 SEC. 235. Section 13827.2 of the Penal Code is amended to
28 read:

29 13827.2. The Office of Gang and Youth Violence Policy shall
30 establish an Internet Web site, in coordination with the agency,
31 that provides an Internet hyperlink to the various grants
32 administered by the agency and technical assistance on the process
33 for applying for grants.

34 SEC. 236. Section 13830 of the Penal Code is amended to read:

35 13830. There is hereby created in state government a Judicial
36 Criminal Justice Planning Committee of seven members. The
37 Judicial Council shall appoint the members of the committee who
38 shall hold office at its pleasure. In this respect the Legislature finds
39 as follows:

1 (a) The California court system has a constitutionally established
2 independence under the judicial and separation of power clauses
3 of the State Constitution.

4 (b) The California court system has a statewide structure created
5 under the Constitution, state statutes, and state court rules, and the
6 Judicial Council of California is the constitutionally established
7 state agency having responsibility for the operation of that
8 structure.

9 (c) The California court system will be directly affected by the
10 criminal justice planning that will be done under this title and by
11 the federal grants that will be made to implement that planning.

12 (d) For effective planning and implementation of court projects
13 it is essential that the agency have the advice and assistance of a
14 state judicial system planning committee.

15 SEC. 237. Section 13832 of the Penal Code is amended to read:

16 13832. The agency shall consult with, and shall seek the advice
17 of, the Judicial Criminal Justice Planning Committee in carrying
18 out its functions under Chapter 3 of this title insofar as they affect
19 the California court system.

20 In addition, any grant of federal funds made or approved by the
21 office which is to be implemented in the California court system
22 shall be submitted to the Judicial Criminal Justice Planning
23 Committee for its review and recommendations before being
24 presented to the California Council on Criminal Justice for its
25 action.

26 SEC. 238. Section 13833 of the Penal Code is amended to read:

27 13833. The expenses necessarily incurred by the members of
28 the Judicial Criminal Justice Planning Committee in the
29 performance of their duties under this title shall be paid by the
30 Judicial Council, but it shall be reimbursed by the agency to the
31 extent that federal funds can be made available for that purpose.
32 Staff support for the committee's activities shall be provided by
33 the Judicial Council, but the cost of that staff support shall be
34 reimbursed by the agency to the extent that federal funds can be
35 made available for that purpose.

36 SEC. 239. Section 13835.2 of the Penal Code is amended to
37 read:

38 13835.2. (a) Funds appropriated from the Victim-Witness
39 Assistance Fund shall be made available through the agency to

1 any public or private nonprofit agency for the assistance of victims
2 and witnesses that meets all of the following requirements:

3 (1) It provides comprehensive services to victims and witnesses
4 of all types of crime. It is the intent of the Legislature to make
5 funds available only to programs that do not restrict services to
6 victims and witnesses of a particular type of crime, and do not
7 restrict services to victims of crime in which there is a suspect in
8 the case.

9 (2) It is recognized by the board of supervisors as the major
10 provider of comprehensive services to victims and witnesses in
11 the county.

12 (3) It is selected by the board of supervisors as the agency to
13 receive funds pursuant to this article.

14 (4) It assists victims of crime in the preparation, verification,
15 and presentation of their claims to the California Victim
16 Compensation and Government Claims Board for indemnification
17 pursuant to Article 1 (commencing with Section 13959) of Part 4
18 of Division 3 of Title 2 of the Government Code.

19 (5) It cooperates with the California Victim Compensation and
20 Government Claims Board in verifying the data required by Article
21 1 (commencing with Section 13959) of Part 4 of Division 3 of
22 Title 2 of the Government Code.

23 (b) The agency shall consider the following factors, together
24 with any other circumstances it deems appropriate, in awarding
25 funds to public or private nonprofit agencies designated as victim
26 and witness assistance centers:

27 (1) The capability of the agency to provide comprehensive
28 services as defined in this article.

29 (2) The stated goals and objectives of the center.

30 (3) The number of people to be served and the needs of the
31 community.

32 (4) Evidence of community support.

33 (5) The organizational structure of the agency that will operate
34 the center.

35 (6) The capability of the agency to provide confidentiality of
36 records.

37 SEC. 240. Section 13835.6 of the Penal Code is amended to
38 read:

39 13835.6. (a) The agency, in cooperation with representatives
40 from local victim and witness assistance centers, shall develop

1 standards defining the activities and services enumerated in this
2 article.

3 (b) The agency, in cooperation with representatives from local
4 victim and witness assistance centers, shall develop a method of
5 evaluating the activities and performance of centers established
6 pursuant to this article.

7 SEC. 241. Section 13835.7 of the Penal Code is amended to
8 read:

9 13835.7. There is in the State Treasury the Victim-Witness
10 Assistance Fund. Funds appropriated thereto shall be dispensed
11 to the agency exclusively for the purposes specified in this article
12 and for the support of the centers specified in Section 13837.

13 SEC. 242. Section 13835.10 of the Penal Code is amended to
14 read:

15 13835.10. (a) The Legislature finds and declares all of the
16 following:

17 (1) That the provision of quality services for victims of crime
18 is of high priority.

19 (2) That existing victim service programs do not have sufficient
20 financial resources to consistently recruit and employ fully trained
21 personnel.

22 (3) That there is no consistency in the training provided to the
23 various agencies serving victims.

24 (4) That comprehensive training for victim service agencies is
25 geographically limited or unavailable.

26 (5) That there is currently no statewide comprehensive training
27 system in place for the state to ~~insure~~ ensure that all service
28 providers receive adequate training to provide quality services to
29 victims of crime.

30 (6) It is the intention of the Legislature to establish a statewide
31 training program within the agency to provide comprehensive
32 standardized training to victim service providers.

33 (b) The agency shall establish a statewide victim-assistance
34 training program, the purpose of which is to develop minimum
35 training and selection standards, certify training courses, and
36 provide funding to enable local victim service providers to acquire
37 the required training.

38 (c) (1) For the purpose of raising the level of competence of
39 local victim service providers, the office shall adopt guidelines
40 establishing minimum standards of training for employees of

1 victim-witness and sexual assault programs funded by the office
2 to provide services to victims of crime. The agency shall establish
3 an advisory committee composed of recognized statewide victim
4 service organizations, representatives of local victim service
5 programs, and others selected at the discretion of the executive
6 director to consult on the research and development of the training,
7 selection, and equivalency standards.

8 (2) Any local unit of government, community-based
9 organization, or any other public or private nonprofit entity funded
10 by the agency or agencies as a victim-witness or sexual assault
11 program to provide services to victims of crime shall adhere to the
12 training and selection standards established by the agency or
13 agencies. The standards for sexual assault victim service programs
14 developed by the advisory committee established pursuant to
15 Section 13836 shall be the standards for purposes of this section.
16 With the exception of the sexual assault standards, the agency shall
17 conduct or contract with an appropriate firm or entity for research
18 on validated standards pursuant to this section in consultation with
19 the advisory committee established pursuant to paragraph (1). The
20 agency may defer the adoption of the selection standards until the
21 necessary research is completed. Until the standards are adopted,
22 affected victim service programs may receive state funding from
23 the agency upon certification of their willingness to adhere to the
24 training standards adopted by the agency.

25 (3) Minimum training and selection standards may include, but
26 shall not be limited to, basic entry, continuation, supervisory,
27 management, specialized curricula, and confidentiality.

28 (4) Training and selection standards shall apply to all victim
29 service and management personnel of the victim-witness and sexual
30 assault agencies funded by the agency to provide services to victims
31 of crime. Exemptions from this requirement may be made by the
32 agency. A victim service agency which, despite good faith efforts,
33 is unable to meet the standards established pursuant to this section,
34 may apply to the agency for an exemption. For the purpose of
35 exemptions, the agency may establish procedures that allow for
36 partial adherence. The agency may develop equivalency standards
37 which recognize professional experience, education, training, or
38 a combination of the above, for personnel hired before July 1,
39 1987.

1 (5) Nothing in this section shall prohibit a victim service agency,
2 funded by the agency to provide services to victims of crime, from
3 establishing training and selection standards which exceed the
4 minimum standards established by the agency pursuant to this
5 section.

6 (d) For purposes of implementing this section, the agency has
7 all of the following powers:

8 (1) To approve or certify, or both, training courses selected by
9 the agency.

10 (2) To make those inquiries which may be necessary to
11 determine whether every local unit of government,
12 community-based organization, or any other public or private entity
13 receiving state aid from the agency as a victim-witness or sexual
14 assault program for the provision of services to victims of crime,
15 is adhering to the standards for training and selection established
16 pursuant to this section.

17 (3) To adopt those guidelines which are necessary to carry out
18 the purposes of this section.

19 (4) To develop or present, or both, training courses for victim
20 service providers, or to contract with coalitions, councils, or other
21 designated entities, to develop or present, or both, those training
22 courses.

23 (5) To perform other activities and studies necessary to carry
24 out the intent of this section.

25 (e) (1) The agency may utilize any funds that may become
26 available from the Victim-Witness Assistance Fund to fund the
27 cost of training staff of victim service agencies which are funded
28 by the agency from the fund. The agency may utilize federal or
29 other state funds that may become available to fund the cost of
30 training staff of victim service agencies which are not eligible for
31 funding from the Victim-Witness Assistance Fund.

32 (2) Peace officer personnel whose jurisdictions are eligible for
33 training subvention pursuant to Chapter 1 (commencing with
34 Section 13500) of Title 4 of this part and correctional or probation
35 personnel whose jurisdictions are eligible for state aid pursuant to
36 Article 2 (commencing with Section 6035) of Chapter 5 of Title
37 7 of Part 3 are not eligible to receive training reimbursements under
38 this section unless the person receiving the training is assigned to
39 provide victim services in accordance with a grant award agreement

1 with the agency and is attending training to meet the established
2 standards.

3 SEC. 243. Section 13836 of the Penal Code is amended to read:

4 13836. The agency shall establish an advisory committee which
5 shall develop a course of training for district attorneys in the
6 investigation and prosecution of sexual assault cases, child sexual
7 exploitation cases, and child sexual abuse cases and shall approve
8 grants awarded pursuant to Section 13837. The courses shall
9 include training in the unique emotional trauma experienced by
10 victims of these crimes.

11 It is the intent of the Legislature in the enactment of this chapter
12 to encourage the establishment of sex crime prosecution units,
13 which shall include, but not be limited to, child sexual exploitation
14 and child sexual abuse cases, in district attorneys' offices
15 throughout the state.

16 SEC. 244. Section 13836.1 of the Penal Code is amended to
17 read:

18 13836.1. The committee shall consist of 11 members. Five
19 shall be appointed by the secretary, and shall include three district
20 attorneys or assistant or deputy district attorneys, one representative
21 of a city police department or a sheriff or a representative of a
22 sheriff's department, and one public defender or assistant or deputy
23 public defender of a county. Six shall be public members appointed
24 by the Commission on the Status of Women, and shall include one
25 representative of a rape crisis center, and one medical professional
26 experienced in dealing with sexual assault trauma victims. The
27 committee members shall represent the points of view of diverse
28 ethnic and language groups.

29 Members of the committee shall receive no compensation for
30 their services but shall be reimbursed for their expenses actually
31 and necessarily incurred by them in the performance of their duties.
32 Staff support for the committee shall be provided by the agency.

33 SEC. 245. Section 13843 of the Penal Code is amended to read:

34 13843. (a) Allocation and award of funds made available under
35 this chapter shall be made upon application to the agency. All
36 applications shall be reviewed and evaluated by the agency.

37 (b) The secretary may allocate and award funds to communities
38 developing and providing ongoing citizen involvement and crime
39 resistance programs in compliance with the established policies
40 and criteria of the agency. Applications receiving funding under

1 this section shall be selected from among those deemed appropriate
2 for funding according to the criteria, policy, and procedures
3 established by the agency.

4 (c) With the exception of funds awarded for programs authorized
5 under paragraph (2) of subdivision (b) of Section 13844, no single
6 award of funds under this chapter shall exceed a maximum of two
7 hundred fifty thousand dollars (\$250,000) for a 12-month grant
8 period.

9 (d) Funds disbursed under this chapter shall not supplant local
10 funds that would, in the absence of the California Community
11 Crime Resistance Program, be made available to support crime
12 resistance programs.

13 (e) Funds disbursed under this chapter shall be supplemented
14 with local funds constituting, at a minimum, 10 percent of the total
15 crime resistance program budget during the initial year and 20
16 percent in subsequent periods of funding.

17 (f) Annually, up to a maximum of 10 percent of the total funds
18 appropriated to the Community Crime Resistance Program may
19 be used by the agency to support statewide technical assistance,
20 training, and public awareness activities relating to crime
21 prevention.

22 (g) Funds awarded under this program as local assistance grants
23 shall not be subject to review as specified in Section 14780 of the
24 Government Code.

25 (h) Guidelines shall set forth the terms and conditions upon
26 which the agency is prepared to offer grants of funds pursuant to
27 statutory authority. The guidelines do not constitute rules,
28 regulations, orders, or standards of general application.

29 SEC. 246. Section 13844 of the Penal Code is amended to read:

30 13844. (a) Use of funds granted under the California
31 Community Crime Resistance Program are restricted to the
32 following activities:

33 (1) Further the goal of a statewide crime prevention network
34 by supporting the initiation or expansion of local crime prevention
35 efforts.

36 (2) Provide information and encourage the use of new and
37 innovative refinements to the traditional crime prevention model
38 in localities that currently maintain a well-established crime
39 prevention program.

1 (3) Support the development of a coordinated service network,
2 including information exchange and case referral between such
3 programs as local victim-witness assistance programs, sexual
4 assault programs, gang violence reduction programs, drug
5 suppression programs, elderly care custodians, state and local
6 elderly service programs, or any other established and recognizable
7 local programs devoted to the lessening of crime and the promotion
8 of the community's well-being.

9 (b) With respect to the initiation or expansion of local crime
10 prevention efforts, projects supported under the California
11 Community Crime Resistance Program shall do either of the
12 following:

13 (1) Carry out as many of the following activities as deemed, in
14 the judgment of the agency, to be consistent with available
15 resources:

16 (A) Crime prevention programs using tailored outreach
17 techniques in order to provide effective and consistent services for
18 the elderly in the following areas:

19 (i) Crime prevention information to elderly citizens regarding
20 personal safety, fraud, theft, grand theft, burglary, and elderly
21 abuse.

22 (ii) Services designed to respond to the specific and diverse
23 crime prevention needs of elderly residential communities.

24 (iii) Specific services coordinated to assist in the installation of
25 security devices or provision of escort services and victim
26 assistance.

27 (B) Programs to provide training, information, and prevention
28 literature to peace officers, elderly care custodians, health
29 practitioners, and social service providers regarding physical abuse
30 and neglect within residential health care facilities for the elderly.

31 (C) Programs to promote neighborhood involvement such as,
32 but not limited to, block clubs and other community or
33 resident-sponsored anticrime programs.

34 (D) Personal safety programs.

35 (E) Domestic violence prevention programs.

36 (F) Crime prevention programs specifically geared to youth in
37 schools and school district personnel.

38 (G) Programs which make available to residents and businesses
39 information on locking devices, building security, and related
40 crime resistance approaches.

1 (H) In cooperation with the Commission on Peace Officer
 2 Standards and Training, support for the training of peace officers
 3 in crime prevention and its effects on the relationship between
 4 citizens and law enforcement.

5 (I) Efforts to address the crime prevention needs of communities
 6 with high proportions of teenagers and young adults, low-income
 7 families, and non-English-speaking residents, including juvenile
 8 delinquency diversion, social service referrals, and making
 9 available crime resistance literature in appropriate languages other
 10 than English.

11 (2) Implement a community policing program in targeted
 12 neighborhoods that are drug infested. The goal of this program
 13 shall be to empower the people against illegal drug activity. A
 14 program funded pursuant to this chapter shall be able to target one
 15 or more neighborhoods within the grant period. In order to be
 16 eligible for funding, the program shall have the commitment of
 17 the community, local law enforcement, school districts, and
 18 community service groups; and shall be supported by either the
 19 city council or the board of supervisors, whichever is applicable.

20 (c) With respect to the support of new and innovative techniques,
 21 communities taking part in the California Crime Resistance
 22 Program shall carry out those activities, as determined by the
 23 agency, that conform to local needs and are consistent with
 24 available expertise and resources. These techniques may include,
 25 but are not limited to, community policing programs or activities
 26 involving the following:

27 (1) Programs to reinforce the security of “latchkey” children,
 28 including neighborhood monitoring, special contact telephone
 29 numbers, emergency procedure training for the children, daily
 30 telephone checks for the children’s well-being, and assistance in
 31 developing safe alternatives to unsupervised conditions for
 32 children.

33 (2) Programs dedicated to educating parents in procedures
 34 designed to do all of the following:

- 35 (A) Minimize or prevent the abduction of children.
- 36 (B) Assist children in understanding the risk of child abduction.
- 37 (C) Maximize the recovery of abducted children.

38 (3) Programs devoted to developing automated systems for
 39 monitoring and tracking crimes within organized neighborhoods.

1 (4) Programs devoted to developing timely “feedback
2 mechanisms” whose goals would be to alert residents to new crime
3 problems and to reinforce household participation in neighborhood
4 security organizations.

5 (5) Programs devoted to creating and packaging special crime
6 prevention approaches tailored to the special needs and
7 characteristics of California’s cultural and ethnic minorities.

8 (6) Research into the effectiveness of local crime prevention
9 efforts including the relationships between crime prevention
10 activities, participants’ economic and demographic characteristics,
11 project costs, local or regional crime rate, and law enforcement
12 planning and staff deployment.

13 (7) Programs devoted to crime and delinquency prevention
14 through the establishment of partnership initiatives utilizing elderly
15 and juvenile volunteers.

16 (d) All approved programs shall utilize volunteers to assist in
17 implementing and conducting community crime resistance
18 programs. Programs providing elderly crime prevention programs
19 shall recruit senior citizens to assist in providing services.

20 (e) Programs funded pursuant to this chapter shall demonstrate
21 a commitment to support citizen involvement with local funds
22 after the program has been developed and implemented with state
23 moneys.

24 SEC. 247. Section 13846 of the Penal Code is amended to read:

25 13846. (a) Evaluation and monitoring of all grants made under
26 this section shall be the responsibility of the agency. The agency
27 shall issue standard reporting forms for reporting the level of
28 activities and number of crimes reported in participating
29 communities.

30 (b) Information on successful programs shall be made available
31 and relayed to other California communities through the technical
32 assistance procedures of the agency.

33 SEC. 248. Section 13847 of the Penal Code is amended to read:

34 13847. (a) There is hereby established in the agency a program
35 of financial and technical assistance for local law enforcement,
36 called the Rural Indian Crime Prevention Program. The program
37 shall target the relationship between law enforcement and Native
38 American communities to encourage and to strengthen cooperative
39 efforts and to implement crime suppression and prevention
40 programs.

1 (b) The secretary may allocate and award funds to those local
2 units of government, or combinations thereof, in which a special
3 program is established in law enforcement agencies that meets the
4 criteria set forth in Sections 13847.1 and 13847.2.

5 (c) The allocation and award of funds shall be made upon
6 application executed by the chief law enforcement officer of the
7 applicant unit of government and approved by the legislative body.
8 Funds disbursed under this chapter shall not supplant local funds
9 that would, in the absence of the Rural Indian Crime Prevention
10 Program, be made available to support the suppression and
11 prevention of crime on reservations and rancherias.

12 (d) The secretary shall prepare and issue administrative
13 guidelines and procedures for the Rural Indian Crime Prevention
14 Program consistent with this chapter.

15 (e) The guidelines shall set forth the terms and conditions upon
16 which the agency is prepared to offer grants of funds pursuant to
17 statutory authority. The guidelines do not constitute rules,
18 regulations, orders, or standards of general application.

19 (f) Every three years, commencing on and after January 1, 1991,
20 the secretary shall prepare a report to the Legislature describing
21 in detail the operation of the program and the results obtained from
22 law enforcement rural Indian crime prevention programs receiving
23 funds under this chapter.

24 SEC. 249. Section 13847.2 of the Penal Code is amended to
25 read:

26 13847.2. (a) The Rural Indian and Law Enforcement Local
27 Advisory Committee shall be composed of a chief executive of a
28 law enforcement agency, two tribal council members, two tribal
29 elders, one Indian law enforcement officer, one Indian community
30 officer, one representative of the Bureau of Indian Affairs, and
31 any additional members that may prove to be crucial to the
32 committee. All members of the advisory committee shall be
33 designated by the secretary, who shall provide staff services to the
34 advisory committee.

35 (b) The secretary, in consultation with the advisory committee,
36 shall develop specific guidelines, and administrative procedures,
37 for the selection of projects to be funded by the Rural Indian Crime
38 Prevention Program which guidelines shall include the selection
39 criteria described in this chapter.

1 (c) Administration of the overall program and the evaluation
2 and monitoring of all grants made under this chapter shall be
3 performed by the agency, provided that funds expended for these
4 functions shall not exceed 5 percent of the total annual amount
5 made available for the purpose of this chapter.

6 SEC. 250. Section 13851 of the Penal Code is amended to read:

7 13851. (a) There is hereby established in the agency a program
8 of financial, training, and technical assistance for local law
9 enforcement, called the California Career Criminal Apprehension
10 Program. All funds made available to the agency for the purposes
11 of this chapter shall be administered and disbursed by the secretary.

12 (b) The secretary is authorized to allocate and award funds to
13 those local units of government or combinations thereof, in which
14 a special program is established in law enforcement agencies that
15 meets the criteria set forth in Sections 13852 and 13853.

16 (c) The allocation and award of funds shall be made upon
17 application executed by the chief law enforcement officer of the
18 applicant unit of government and approved by the legislative body.
19 Funds disbursed under this chapter shall not supplant local funds
20 that would, in the absence of the California Career Criminal
21 Apprehension Program, be made available to support the
22 apprehension of multiple or repeat felony criminal offenders.

23 (d) The secretary shall prepare and issue administrative
24 guidelines and procedures for the California Career Criminal
25 Apprehension Program consistent with this chapter.

26 (e) These guidelines shall set forth the terms and conditions
27 upon which the agency is prepared to offer grants of funds pursuant
28 to statutory authority. The guidelines do not constitute rules,
29 regulations, orders, or standards of general application.

30 SEC. 251. Section 13854 of the Penal Code is amended to read:

31 13854. (a) The secretary shall develop specific guidelines, and
32 administrative procedures, for the selection of the California Career
33 Criminal Apprehension Program.

34 (b) Administration of the overall program and the evaluation
35 and monitoring of all grants made under this chapter shall be
36 performed by the agency, provided that funds expended for those
37 functions shall not exceed 7.5 percent of the total annual amount
38 made available for the purpose of this chapter.

1 (c) Local assistance grants made pursuant to this chapter shall
2 not be subject to review pursuant to Section 10290 of the Public
3 Contract Code.

4 SEC. 252. Section 13861 of the Penal Code is amended to read:

5 13861. There is hereby created in the agency the Suppression
6 of Drug Abuse in Schools Program. All funds made available to
7 the agency for the purposes of this chapter shall be administered
8 and disbursed by the secretary in consultation with the State
9 Suppression of Drug Abuse in Schools Advisory Committee
10 established pursuant to Section 13863.

11 (a) The secretary, in consultation with the State Suppression of
12 Drug Abuse in Schools Advisory Committee, is authorized to
13 allocate and award funds to local law enforcement agencies and
14 public schools jointly working to develop drug abuse prevention
15 and drug trafficking suppression programs in substantial
16 compliance with the policies and criteria set forth in Sections 13862
17 and 13863.

18 (b) The allocation and award of funds shall be made upon the
19 joint application by the chief law enforcement officer of the
20 coapplicant law enforcement agency and approved by the law
21 enforcement agency's legislative body and the superintendent and
22 board of the school district coapplicant. The joint application of
23 the law enforcement agency and the school district shall be
24 submitted for review to the Local Suppression-~~on~~ of Drug Abuse
25 in Schools Advisory Committee established pursuant to paragraph
26 (4) of subdivision (a) of Section 13862. After review, the
27 application shall be submitted to the agency. Funds disbursed under
28 this chapter may enhance but shall not supplant local funds that
29 would, in the absence of the Suppression of Drug Abuse in Schools
30 Program, be made available to suppress and prevent drug abuse
31 among schoolage children and to curtail drug trafficking in and
32 around school areas.

33 (c) The coapplicant local law enforcement agency and the
34 coapplicant school district may enter into interagency agreements
35 between themselves which will allow the management and fiscal
36 tasks created pursuant to this chapter and assigned to both the law
37 enforcement agency and the school district to be performed by
38 only one of them.

39 (d) Within 90 days of the effective date of this chapter, the
40 secretary, in consultation with the State Suppression of Drug Abuse

1 in Schools Advisory Committee established pursuant to Section
2 13863, shall prepare and issue administrative guidelines and
3 procedures for the Suppression of Drug Abuse in Schools Program
4 consistent with this chapter. In addition to all other formal
5 requirements that may apply to the enactment of these guidelines
6 and procedures, a complete and final draft shall be submitted within
7 60 days of the effective date of this chapter to the Chairpersons of
8 the Committee on Criminal Law and Public Safety of the Assembly
9 and the Judiciary Committee of the Senate of the California
10 Legislature.

11 SEC. 253. Section 13864 of the Penal Code is amended to read:

12 13864. There is hereby created in the agency the
13 Comprehensive Alcohol and Drug Prevention Education
14 component of the Suppression of Drug Abuse in Schools Program
15 in public elementary schools in grades 4 to 6, inclusive.
16 Notwithstanding Section 13861 or any other provision in this code,
17 all Comprehensive Alcohol and Drug Prevention Education
18 component funds made available to the agency in accordance with
19 the Classroom Instructional Improvement and Accountability Act
20 shall be administered by and disbursed to county superintendents
21 of schools in this state by the secretary. All applications for that
22 funding shall be reviewed and evaluated by the agency, in
23 consultation with the State Department of Alcohol and Drug
24 Programs and the State Department of Education.

25 (a) The secretary is authorized to allocate and award funds to
26 county department superintendents of schools for allocation to
27 individual school districts or to a consortium of two or more school
28 districts. Applications funded under this section shall comply with
29 the criteria, policies, and procedures established under subdivision
30 (b) of this section.

31 (b) As a condition of eligibility for the funding described in this
32 section, the school district or consortium of school districts shall
33 have entered into an agreement with a local law enforcement
34 agency to jointly implement a comprehensive alcohol and drug
35 abuse prevention, intervention, and suppression program developed
36 by the agency, in consultation with the State Department of Alcohol
37 and Drug Programs and the State Department of Education,
38 containing all of the following components:

39 (1) A standardized age-appropriate curriculum designed for
40 pupils in grades 4 to 6, inclusive, specifically tailored and sensitive

1 to the socioeconomic and ethnic characteristics of the target pupil
2 population. Although new curricula shall not be required to be
3 developed, existing curricula may be modified and adapted to meet
4 local needs. The elements of the standardized comprehensive
5 alcohol and drug prevention education program curriculum shall
6 be defined and approved by the Governor's Policy Council on
7 Drug and Alcohol Abuse, as established by Executive Order # No.
8 D-70-80.

9 (2) A planning process that ~~shall include both~~ *includes*
10 assessment of the school district's characteristics, resources, and
11 the extent of problems related to juvenile drug abuse, and input
12 from local law enforcement agencies.

13 (3) A school district governing board policy that provides for
14 a coordinated intervention system that, at a minimum, includes
15 procedures for identification, intervention, and referral of at-risk
16 alcohol- and drug-involved youth, and identifies the roles and
17 responsibilities of law enforcement, school personnel, parents, and
18 pupils.

19 (4) Early intervention activities that include, but are not limited
20 to, the identification of pupils who are high risk or have chronic
21 drug abuse problems, assessment, and referral for appropriate
22 services, including ongoing support services.

23 (5) Parent education programs to initiate and maintain parental
24 involvement, with an emphasis for parents of at-risk pupils.

25 (6) Staff and in-service training programs, including both
26 indepth training for the core team involved in providing program
27 services and general awareness training for all school faculty and
28 administrative, credentialed, and noncredentialed school personnel.

29 (7) In-service training programs for local law enforcement
30 officers.

31 (8) School, law enforcement, and community involvement to
32 ensure coordination of program services. Pursuant to that
33 coordination, the school district or districts and other local agencies
34 are encouraged to use a single community advisory committee or
35 task force for drug, alcohol, and tobacco abuse prevention
36 programs, as an alternative to the creation of a separate group for
37 that purpose under each state or federally funded program.

38 (c) The application of the county superintendent of schools shall
39 be submitted to the agency. Funds made available to the agency
40 for allocation under this section are intended to enhance, but shall

1 not supplant, local funds that would, in the absence of the
2 Comprehensive Alcohol and Drug Prevention Education
3 component, be made available to prevent, intervene in, or suppress
4 drug abuse among schoolage children. For districts that are already
5 implementing a comprehensive drug abuse prevention program
6 for pupils in grades 4 to 6, inclusive, the county superintendent
7 shall propose the use of the funds for drug prevention activities in
8 school grades other than 4 to 6, inclusive, compatible with the
9 program components of this section. The expenditure of funds for
10 that alternative purpose shall be approved by the secretary.

11 (1) Unless otherwise authorized by the agency, each county
12 superintendent of schools shall be the fiscal agent for any
13 Comprehensive Alcohol and Drug Prevention Education
14 component award, and shall be responsible for ensuring that each
15 school district within that county receives the allocation prescribed
16 by the agency. Each county superintendent shall develop a
17 countywide plan that complies with program guidelines and
18 procedures established by the agency pursuant to subdivision (d).
19 A maximum of 5 percent of the county's allocation may be used
20 for administrative costs associated with the project.

21 (2) Each county superintendent of schools shall establish and
22 chair a local coordinating committee to assist the superintendent
23 in developing and implementing a countywide implementation
24 plan. This committee shall include the county drug administrator,
25 law enforcement executives, school district governing board
26 members and administrators, school faculty, parents, and drug
27 prevention and intervention program executives selected by the
28 superintendent and approved by the county board of supervisors.

29 (d) The secretary, in consultation with the State Department of
30 Alcohol and Drug Programs and the State Department of
31 Education, shall prepare and issue guidelines and procedures for
32 the Comprehensive Alcohol and Drug Prevention Education
33 component consistent with this section.

34 (e) The Comprehensive Alcohol and Drug Prevention Education
35 component guidelines shall set forth the terms and conditions upon
36 which the agency is prepared to award grants of funds pursuant to
37 this section. The guidelines shall not constitute rules, regulations,
38 orders, or standards of general application.

1 (f) Funds awarded under the Comprehensive Alcohol and Drug
2 Prevention Education Program shall not be subject to Section
3 10318 of the Public Contract Code.

4 (g) Funds available pursuant to Item 8100-111-001 and
5 Provision 1 of Item 8100-001-001 of the Budget Act of 1989, or
6 the successor provision of the appropriate Budget Act, shall be
7 allocated to implement this section.

8 (h) The secretary shall collaborate, to the extent possible, with
9 other state agencies that administer drug, alcohol, and tobacco
10 abuse prevention education programs to streamline and simplify
11 the process whereby local educational agencies apply for drug,
12 alcohol, and tobacco education funding under this section and
13 under other state and federal programs. The agency, the State
14 Department of Alcohol and Drug Programs, the State Department
15 of Education, and other state agencies, to the extent possible, shall
16 develop joint policies and collaborate planning in the administration
17 of drug, alcohol, and tobacco abuse prevention education programs.

18 SEC. 254. Section 13881 of the Penal Code is amended to read:

19 13881. (a) There is hereby established in the agency a program
20 of financial and technical assistance for district attorneys' offices,
21 designated the California Major Narcotic Vendors Prosecution
22 Law. All funds appropriated to the agency for the purposes of this
23 chapter shall be administered and disbursed by the secretary in
24 consultation with the California Council on Criminal Justice, and
25 shall to the greatest extent feasible be coordinated or consolidated
26 with federal funds that may be made available for these purposes.

27 (b) The secretary is authorized to allocate and award funds to
28 counties in which the California Major Narcotic Vendors
29 Prosecution Law is implemented in substantial compliance with
30 the policies and criteria set forth in this chapter.

31 (c) The allocation and award of funds shall be made upon
32 application executed by the county's district attorney and approved
33 by its board of supervisors. Funds disbursed under this chapter
34 shall not supplant local funds that would, in the absence of the
35 California Major Narcotic Vendors Prosecution Law, be made
36 available to support the prosecution of felony drug cases. Funds
37 available under this program shall not be subject to review, as
38 specified in Section 14780 of the Government Code.

39 (d) The secretary shall prepare and issue written program and
40 administrative guidelines and procedures for the California Major

1 Narcotic Vendors Prosecution Program consistent with this chapter,
2 which shall be submitted to the Chairpersons of the Assembly
3 Committee on Public Safety and the Senate Committee on Criminal
4 Procedure. These guidelines shall permit the selection of a county
5 for the allocation and award of funds only on a finding by the
6 agency that the county is experiencing a proportionately significant
7 increase in major narcotic cases. Further, the guidelines shall
8 provide for the allocation and award of funds to small county
9 applicants, as designated by the secretary. The guidelines shall
10 also provide that any funds received by a county under this chapter
11 shall be used only for the prosecution of cases involving major
12 narcotic dealers. For purposes of this subdivision, “small county”
13 means a county having a population of 200,000 or less.

14 SEC. 255. Section 13887.5 of the Penal Code is amended to
15 read:

16 13887.5. The agency shall establish standards by which grants
17 are awarded on a competitive basis to counties for SAFE teams.
18 The grants shall be awarded to innovative teams designed to
19 promote the purposes of this chapter.

20 SEC. 256. Section 13897.2 of the Penal Code is amended to
21 read:

22 13897.2. (a) The agency shall grant an award to an appropriate
23 private, nonprofit organization, to provide a statewide resource
24 center, as described in Section 13897.1.

25 (b) The center shall:

26 (1) Provide callers with information about victims’ legal rights
27 to compensation pursuant to Chapter 5 (commencing with Section
28 13959) of Part 4 of Division 3 of Title 2 of the Government Code
29 and, where appropriate, provide victims with guidance in exercising
30 these rights.

31 (2) Provide callers who provide services to victims of crime
32 with legal information regarding the legal rights of victims of
33 crime.

34 (3) Advise callers about any potential civil causes of action and,
35 where appropriate, provide callers with references to local legal
36 aid and lawyer referral services.

37 (4) Advise and assist callers in understanding and implementing
38 their rights to participate in sentencing and parole eligibility
39 hearings as provided by statute.

1 (5) Advise callers about victims' rights in the criminal justice
2 system, assist them in overcoming problems, including the return
3 of property, and inform them of any procedures protecting
4 witnesses.

5 (6) Refer callers, as appropriate, to local programs, which
6 include victim-witness programs, rape crisis units, domestic
7 violence projects, and child sexual abuse centers.

8 (7) Refer callers to local resources for information about
9 appropriate public and private benefits and the means of obtaining
10 aid.

11 (8) Publicize the existence of the toll-free service through the
12 print and electronic media, including public service
13 announcements, brochures, press announcements, various other
14 educational materials, and agreements for the provision of
15 publicity, by private entities.

16 (9) Compile comprehensive referral lists of local resources that
17 include the following: victims' assistance resources, including
18 legal and medical services, financial assistance, personal counseling
19 and support services, and victims' support groups.

20 (10) Produce promotional materials for distribution to law
21 enforcement agencies, state and local agencies, print, radio, and
22 television media outlets, and the general public. These materials
23 shall include placards, video and audio training materials, written
24 handbooks, and brochures for public distribution. Distribution of
25 these materials shall be coordinated with the local victims' service
26 programs.

27 (11) Research, compile, and maintain a library of legal
28 information concerning crime victims and their rights.

29 (12) Provide a 20-percent minimum cash match for all funds
30 appropriated pursuant to this chapter which match may include
31 federal and private funds in order to supplement any funds
32 appropriated by the Legislature.

33 (c) The resource center shall be located so as to assure
34 convenient and regular access between the center and those state
35 agencies most concerned with crime victims. The entity receiving
36 the grant shall be a private, nonprofit organization, independent
37 of law enforcement agencies, and have qualified staff
38 knowledgeable in the legal rights of crime victims and the programs
39 and services available to victims throughout the state. The
40 subgrantee shall have an existing statewide, toll-free information

1 service and have demonstrated substantial capacity and experience
2 serving crime victims in areas required by this act.

3 (d) The services of the resource center shall not duplicate the
4 victim service activities of the agency or those activities of local
5 victim programs funded through the agency.

6 (e) The subgrantee shall be compensated at its federally
7 approved indirect cost rate, if any. For the purposes of this section,
8 “federally approved indirect cost rate” means that rate established
9 by the federal Department of Health and Human Services or other
10 federal agency for the subgrantee. Nothing in this section shall be
11 construed as requiring the agency to permit the use of federally
12 approved indirect cost rates for other subgrantees of other grants
13 administered by the office.

14 (f) All information and records retained by the center in the
15 course of providing services under this chapter shall be confidential
16 and privileged pursuant to Article 3 (commencing with Section
17 950) of Chapter 4 of Division 8 of the Evidence Code and Article
18 4 (commencing with Section 6060) of Chapter 4 of Division 3 of
19 the Business and Professions Code. Nothing in this subdivision
20 shall prohibit compilation and distribution of statistical data by
21 the center.

22 SEC. 257. Section 13897.3 of the Penal Code is amended to
23 read:

24 13897.3. The agency shall develop written guidelines for
25 funding and performance standards for monitoring the effectiveness
26 of the resource center program. The program shall be evaluated
27 by a public or private nonprofit entity under a contract with the
28 agency.

29 SEC. 258. Section 13901 of the Penal Code is amended to read:

30 13901. (a) For the purposes of coordinating local criminal
31 justice activities and planning for the use of state and federal action
32 funds made available through any grant programs, criminal justice
33 and delinquency prevention planning districts shall be established.

34 (b) On January 1, 1976, all planning district boundaries shall
35 remain as they were immediately prior to that date. Thereafter, the
36 number and boundaries of those planning districts may be altered
37 from time to time by a two-thirds vote of the California Council
38 on Criminal Justice pursuant to this section; provided that no
39 county shall be divided into two or more districts, nor shall two

1 or more counties which do not comprise a contiguous area form
2 a single district.

3 (c) Prior to taking any action to alter the boundaries of any
4 planning district, the council shall adopt a resolution indicating its
5 intention to take the action and, at least 90 days prior to the taking
6 of the action, shall forward a copy of the resolution to all units of
7 government directly affected by the proposed action together with
8 notice of the time and place at which the action will be considered
9 by the council.

10 (d) If any county or a majority of the cities directly affected by
11 the proposed action objects thereto, and a copy of the resolution
12 of each board of supervisors or city council stating its objection
13 is delivered to the Secretary of Emergency Management within
14 30 days following the giving of the notice of the proposed action,
15 the council, or a duly constituted committee thereof, shall conduct
16 a public meeting within the boundaries of the district as they are
17 proposed to be determined. Notice of the time and place of the
18 meeting shall be given to the public and to all units of local
19 government directly affected by the proposed action, and
20 reasonable opportunity shall be given to members of the public
21 and representatives of those units to present their views on the
22 proposed action.

23 SEC. 259. Section 14111 of the Penal Code is amended to read:

24 14111. The Legislature further finds that:

25 (a) It is in the public interest to translate the findings of the
26 California Commission on Crime Control and Violence Prevention
27 into community-empowering, community-activated violence
28 prevention efforts that would educate, inspire, and inform the
29 citizens of California about, coordinate existing programs relating
30 to, and provide direct services addressing the root causes of,
31 violence in California.

32 (b) The recommendations in the report of the commission can
33 serve as both the foundation and guidelines for short-,
34 intermediate-, and long-term programs to address and alleviate
35 violence in California.

36 (c) It is in the public interest to facilitate the highest degree of
37 coordination between, cooperation among, and utilization of public,
38 nonprofit, and private sector resources, programs, agencies,
39 organizations, and institutions toward maximally successful
40 violence prevention and crime control efforts.

1 (d) Prevention is a sound fiscal, as well as social, policy
2 objective. Crime and violence prevention programs can and should
3 yield substantially beneficial results with regard to the exorbitant
4 costs of both violence and crime to the public and private sectors.

5 (e) The California Emergency Management Agency is the
6 appropriate state agency to contract for programs addressing the
7 root causes of violence.

8 SEC. 260. Section 14112 of the Penal Code is amended to read:
9 14112. The Legislature therefore intends:

10 (a) To develop community violence prevention and conflict
11 resolution programs, in the state, based upon the recommendations
12 of the California Commission on Crime Control and Violence
13 Prevention, that would present a balanced, comprehensive
14 educational, intellectual, and experiential approach toward
15 eradicating violence in our society.

16 (b) That these programs shall be regulated, and funded pursuant
17 to contracts with the California Emergency Management Agency.

18 SEC. 261. Section 14113 is added to the Penal Code, to read:
19 14113. Unless otherwise required by context, as used in this
20 title:

21 (a) “Agency” means the California Emergency Management
22 Agency.

23 (b) “Secretary” means the Secretary of ~~the California Emergency~~
24 ~~Management Agency~~ *Emergency Management*.

25 SEC. 262. Section 14117 of the Penal Code is amended to read:
26 14117. (a) Each program shall have a governing board or an
27 interagency coordinating team, or both, of at least nine members
28 representing a cross section of existing and recipient,
29 community-based, public and private persons, programs, agencies,
30 organizations, and institutions. Each team shall do all of the
31 following:

32 (1) As closely as possible represent the socioeconomic, ethnic,
33 linguistic, and cultural makeup of the community and shall
34 evidence an interest in and commitment to the categorical areas
35 of violence prevention and conflict resolution.

36 (2) Be responsible for the implementation, evaluation, and
37 operation of the program and all its constituent elements, including
38 those specific direct services as may be provided pursuant to
39 Section 14115.

40 (3) Be accountable for the distribution of all funds.

- 1 (4) Designate and appoint a responsible administrative authority
- 2 acceptable to the agency prior to the receipt of a grant.
- 3 (5) Submit an annual report to the agency, which shall include
- 4 information on all of the following:
- 5 (A) The number of learning events.
- 6 (B) The number of persons trained.
- 7 (C) An overview of the changing level of information regarding
- 8 root causes of violence.
- 9 (D) An overview of the changing level of attitude regarding
- 10 root causes of violence.
- 11 (E) The changing level of behavior regarding root causes of
- 12 violence.
- 13 (F) The degree to which the program has been successful in
- 14 satisfying the requirements set forth in subdivisions (e) and (f) of
- 15 Section 14114.
- 16 (G) Other measures of program efficacy as specified by the
- 17 agency.
- 18 (b) Coordinating teams established under this section may adopt
- 19 local policies, procedures, and bylaws consistent with this title.
- 20 SEC. 263. Section 14118 of the Penal Code is amended to read:
- 21 14118. (a) The agency shall prepare and issue written program,
- 22 fiscal, and administrative guidelines for the contracted programs
- 23 that are consistent with this title, including guidelines for
- 24 identifying recipient programs, agencies, organizations, and
- 25 institutions, and organizing the coordinating teams. The agency
- 26 shall then issue a request for proposals. The responses to the request
- 27 for proposals shall be rated according to the priorities set forth in
- 28 subdivision (b) and additional criteria established by the guidelines.
- 29 The highest rated responses shall be selected. The agency shall do
- 30 all of the following:
- 31 (1) Subject the proposed program and administrative guidelines
- 32 to a 30-day period of broad public evaluation with public hearings
- 33 commencing in May 1985, prior to adoption, including specific
- 34 solicitation of input from culturally, geographically,
- 35 socioeconomically, educationally, and ethnically diverse persons,
- 36 programs, agencies, organizations, and institutions.
- 37 (2) Provide adequate public notice of the public evaluation
- 38 around the state in major metropolitan and rural newspapers and
- 39 related media outlets, and to local public, private, and nonprofit

1 human service executives and advisory boards, and other
2 appropriate persons and organizations.

3 (3) Establish a mechanism for obtaining, evaluating, and
4 incorporating when appropriate and feasible, public input regarding
5 the written program and administrative guidelines prior to adoption.

6 (b) Applicants for contracts under this title may be existing
7 community-based public and nonprofit programs, agencies,
8 organizations, and institutions, newly developed nonprofit
9 corporations, or joint proposals from combinations of either or
10 both of the above.

11 SEC. 264. Section 14119 of the Penal Code is amended to read:

12 14119. (a) The agency shall promote, organize, and conduct
13 a series of one-day crime and violence prevention training
14 workshops around the state. The agency shall seek participation
15 in the workshops from ethnically, linguistically, culturally,
16 educationally, and economically diverse persons, agencies,
17 organizations, and institutions.

18 (b) The training workshops shall have all of the following goals:

19 (1) To identify phenomena which are thought to be root causes
20 of crime and violence.

21 (2) To identify local manifestations of those root causes.

22 (3) To examine the findings and recommendations of the
23 California Commission on Crime Control and Violence Prevention.

24 (4) To focus on team building and interagency cooperation and
25 coordination toward addressing the local problems of crime and
26 violence.

27 (5) To examine the merits and necessity of a local crime and
28 violence prevention effort.

29 (c) There shall be at least three workshops.

30 SEC. 265. Section 14120 of the Penal Code is amended to read:

31 14120. (a) Programs shall be funded, depending upon the
32 availability of funds, for a period of two years.

33 (b) The agency shall provide 50 percent of the program costs,
34 to a maximum amount of fifty thousand dollars (\$50,000) per
35 program per year. The recipient shall provide the remaining 50
36 percent with other resources which may include in-kind
37 contributions and services. The administrative expenses for the
38 pilot programs funded under Section 14120 shall not exceed 10
39 percent.

1 (c) Programs should be seeking private sector moneys and
2 developing ways to become self-sufficient upon completion of
3 pilot program funding.

4 (d) The recipient programs shall be responsible for a yearend
5 independent audit.

6 (e) The agency shall do an interim evaluation of the programs,
7 commencing in July 1986, and shall report to the Legislature and
8 the people with the results of the evaluation prior to October 31,
9 1986. The evaluation shall include, but not be limited to, an
10 assessment and inventory of all of the following:

11 (1) The number of learning events.

12 (2) The number of persons trained.

13 (3) The changing level of information regarding root causes of
14 violence.

15 (4) The changing level of attitude regarding root causes of
16 violence.

17 (5) The changing level of behavior regarding root causes of
18 violence.

19 (6) The reduced level of violence in our society.

20 (7) The degree to which the program has succeeded in reaching
21 and impacting positively upon local ethnic, cultural, and
22 socioeconomic groups in the service area.

23 A final evaluation shall be made with a report prior to October
24 31, 1987, which shall also include specific recommendations to
25 the Legislature and the people of this state regarding methods and
26 means by which these violence prevention and crime control
27 programmatic efforts can be enhanced and improved.

28 SEC. 266. Section 14121 of the Penal Code is amended to read:

29 14121. The agency may hire support staff and utilize resources
30 necessary to carry out the purposes of this title.

31 SEC. 267. Section 14140 of the Penal Code is amended to read:

32 14140. (a) Each county is authorized and encouraged to create
33 a county task force on violent crimes against women. The board
34 of supervisors of a county which elects to create a task force under
35 this section shall notify the California Emergency Management
36 Agency that the county is establishing, by appointment, a
37 countywide task force. Each county task force shall develop a
38 countywide policy on violent crimes against women.

39 (b) The California Emergency Management Agency may
40 provide technical assistance to, and collect and disseminate

1 information on, the county task forces established under this
2 section.

3 SEC. 268. Section 715 of the Public Resources Code is
4 amended to read:

5 715. The Department of Forestry and Fire Protection, in
6 cooperation with the California Emergency Management Agency,
7 shall develop a program to certify active duty military pilots to
8 engage in firefighting in the state.

9 SEC. 269. Section 2802 of the Public Resources Code is
10 amended to read:

11 2802. (a) The department shall develop jointly with the United
12 States Geological Survey a prototype earthquake prediction system
13 along the central San Andreas fault near the City of Parkfield.

14 (b) The system shall include a dense cluster of seismic and
15 crustal deformation instrumentation capable of monitoring
16 geophysical and geochemical phenomena associated with
17 earthquakes in the region. These data shall be analyzed
18 continuously to determine if precursory anomalies can be identified
19 with sufficient certainty to make a short-term prediction. The
20 department shall not duplicate any of the ongoing efforts of the
21 United States Geological Survey or any public or private college
22 or university in the development of this system.

23 (c) In meeting its obligations under this chapter, the department
24 shall develop, in cooperation with the United States Geological
25 Survey, a plan for completion of the Parkfield instrumentation
26 network. The plan shall provide for all of the following:

27 (1) Augmentation of monitoring instruments with the goal of
28 detecting precursors of the Parkfield characteristic earthquake.

29 (2) Operation by the department of a remote data review station
30 in Sacramento which will provide state scientists with data from
31 the Parkfield prototype earthquake prediction system and other
32 data, as required, to advise the California Emergency Management
33 Agency of the occurrence of precursors and verification of the
34 predicted event.

35 (3) Advising the United States Geological Survey, the California
36 Emergency Management Agency, the Seismic Safety Commission,
37 and the California Earthquake Prediction Evaluation Council,
38 regarding the department's review of Parkfield data.

39 (d) On January 1, 1987, the department shall issue a progress
40 report to the Governor, the Legislature, and the Seismic Safety

1 Commission. An annual progress report shall be made each year
2 thereafter. The project shall terminate on January 1, 1992, unless
3 extended by statute.

4 SEC. 270. Section 2803 of the Public Resources Code is
5 amended to read:

6 2803. (a) Concurrently with the development of the Parkfield
7 prototype earthquake prediction system, the California Emergency
8 Management Agency, in consultation with the California
9 Earthquake Prediction Evaluation Council, shall develop a
10 comprehensive emergency response plan for short-term earthquake
11 predictions. The plan shall include all of the following:

12 (1) A method of peer review involving the California Earthquake
13 Prediction Evaluation Council to evaluate the validity of short-term
14 earthquake predictions and to develop guidelines for initiating
15 state action in response to anomalous geochemical and geophysical
16 phenomena.

17 (2) A means of rapidly activating governmental response to a
18 predicted event.

19 (3) Plans for mitigating earthquake losses to vulnerable
20 populations, including, but not limited to, drawdown of
21 impoundment levels behind dams, positioning of emergency
22 equipment in safe areas, and mobilization of firefighting, law
23 enforcement, rescue, and medical personnel.

24 (4) A public warning system.

25 (5) Strategies for dealing with earthquake predictions that fail
26 to occur (false alarms) and the failure of an earthquake prediction
27 system to forecast a damaging event.

28 (b) The California Emergency Management Agency shall
29 consult with the department, the Seismic Safety Commission, the
30 United States Geological Survey, and the Federal Emergency
31 Management Agency in the development of the plan.

32 SEC. 271. Section 2811 of the Public Resources Code is
33 amended to read:

34 2811. As used in this chapter:

35 (a) "Agency" means *the* California Emergency Management
36 Agency.

37 (b) "Commission" means the Seismic Safety Commission.

38 (c) "Local jurisdiction" means a city, county, or district.

1 (d) “Preparedness” means long-term preearthquake hazard
2 mitigation, reconstruction, and recovery planning and preparation
3 for emergency response.

4 SEC. 272. Section 2814 of the Public Resources Code is
5 amended to read:

6 2814. The earthquake preparedness activities established under
7 this chapter shall be carried out by the agency. The commission
8 and agency shall work together and use appropriate scientific
9 information and recommendations provided by the division. Other
10 arrangements to coordinate the activities established by this chapter
11 shall be made, through mutual agreement, by the commission and
12 the agency. A local advisory board shall be established to provide
13 advice and guidance on project activities in the Counties of San
14 Diego, Imperial, and Santa Barbara.

15 SEC. 273. Section 2815 of the Public Resources Code is
16 amended to read:

17 2815. The agency may enter into agreements with local,
18 regional, and federal agencies, councils of government, and private
19 organizations and contractors, and may receive and expend funds
20 provided by those entities in support of comprehensive earthquake
21 preparedness programs authorized by this chapter. The commission
22 and agency shall seek assistance from appropriate federal agencies.

23 SEC. 274. Section 3233 of the Public Resources Code is
24 amended to read:

25 3233. (a) The division may develop field rules which establish
26 volumetric thresholds for emergency reporting by the operator of
27 oil discharges to land associated with onshore drilling, exploration,
28 or production operations, where the oil discharges, because of the
29 circumstances established pursuant to paragraph (1) of subdivision
30 (c), cannot pass into or threaten the waters of the state. The division
31 may not adopt field rules under this section, unless the State Water
32 Resources Control Board and the Department of Fish and Game
33 first concur with the volumetric reporting thresholds contained in
34 the proposed field rules. Subchapter 1 (commencing with Section
35 1710) of Chapter 4 of Division 2 of Title 14 of the California Code
36 of Regulations shall apply to the adoption and implementation of
37 field rules authorized by this section.

38 (b) The authority granted to the division pursuant to subdivision
39 (a) shall apply solely to oil fields located in the San Joaquin Valley,

1 as designated by the division. The division shall adopt the field
2 rules not later than January 1, 1998.

3 (c) For purposes of implementing this section, the division, the
4 State Water Resources Control Board, and the Department of Fish
5 and Game shall enter into an agreement that defines the process
6 for establishing both of the following:

7 (1) The circumstances, such as engineered containment, under
8 which oil discharges cannot pass into or threaten the waters of this
9 state.

10 (2) The volumetric reporting thresholds that are applicable under
11 the circumstances established pursuant to paragraph (1).

12 (d) In no case shall a reporting threshold established in the field
13 rules, where the oil discharge cannot pass into or threaten the
14 waters of this state, be less than one barrel (42 gallons), unless
15 otherwise established by federal law or regulation. Until field rules
16 are adopted, emergency reporting of oil discharges shall continue
17 as required by existing statute and regulations.

18 (e) An operator who discharges oil in amounts less than the
19 volumetric thresholds adopted by the division pursuant to this
20 section is exempt from all applicable state and local reporting
21 requirements. Discharges of oil in amounts equal to, or greater
22 than, the volumetric thresholds adopted by the division pursuant
23 to this section shall be immediately reported to the California
24 Emergency Management Agency which shall inform the division
25 and other local or state agencies as required by Section 8589.7 of
26 the Government Code. Reporting to the California Emergency
27 Management Agency shall be deemed to be *in compliance* with
28 all applicable state and local reporting requirements.

29 (f) Oil discharges below the reporting thresholds established in
30 the field rules shall be exempt from the emergency notification or
31 reporting requirements, and any penalties provided for
32 nonreporting, established under paragraph (1) of subdivision (a)
33 of Section 13260 of the Water Code, subdivisions (a), (c), and (e)
34 of Section 13272 of the Water Code, Section 25507 of the Health
35 and Safety Code, Sections 8670.25.5 and 51018 of the Government
36 Code, and subdivision (h) of Section 1722 of Title 14 of the
37 California Code of Regulations. Oil discharge reporting
38 requirements under Section 51018 of the Government Code shall
39 be applicable if a spill involves a fire or explosion.

1 (g) This section shall not affect existing reporting or notification
2 requirements under federal law.

3 (h) Nothing in this section shall be construed to relieve any
4 party of any responsibility established by statute, regulation, or
5 order, to clean up or remediate any oil discharge, whether
6 reportable or exempt pursuant to this section.

7 (i) Reporting provided pursuant to this section is not intended
8 to prohibit any department or agency from seeking and obtaining
9 any supplemental postreporting information to which the
10 department or agency might otherwise be entitled.

11 (j) For purposes of this section, “oil” means naturally occurring
12 crude oil.

13 SEC. 275. Section 25701 of the Public Resources Code is
14 amended to read:

15 25701. (a) Within six months after the effective date of this
16 division, each electric utility, gas utility, and fuel wholesaler or
17 manufacturer in the state shall prepare and submit to the
18 commission a proposed emergency load curtailment plan or
19 emergency energy supply distribution plan setting forth proposals
20 for identifying priority loads or users in the event of a sudden and
21 serious shortage of fuels or interruption in the generation of
22 electricity.

23 (b) The commission shall encourage electric utilities to cooperate
24 in joint preparation of an emergency load curtailment plan or
25 emergency energy distribution plan. If such a cooperative plan is
26 developed between two or more electric utilities, such utilities may
27 submit such joint plans to the commission in place of individual
28 plans required by subdivision (a) of this section.

29 (c) The commission shall collect from all relevant governmental
30 agencies, including, but not limited to, the Public Utilities
31 Commission and the California Emergency Management Agency,
32 any existing contingency plans for dealing with sudden energy
33 shortages or information related thereto.

34 SEC. 276. Section 43035 of the Public Resources Code is
35 amended to read:

36 43035. (a) The board, in cooperation with the California
37 Emergency Management Agency, shall develop an integrated
38 waste management disaster plan to provide for the handling,
39 storage, processing, transportation, and diversion from disposal
40 sites, or provide for disposal at a disposal site where absolutely

1 necessary, of solid waste, resulting from a state of emergency or
2 a local emergency, as defined, respectively, in subdivisions (b)
3 and (c) of Section 8558 of the Government Code.

4 (b) The board may adopt regulations, including emergency
5 regulations, necessary to carry out the integrated waste management
6 disaster plan.

7 SEC. 277. Section 2774.5 of the Public Utilities Code is
8 amended to read:

9 2774.5. An electrical corporation or local publicly owned
10 electric utility shall immediately notify the Commissioner of the
11 California Highway Patrol, the California Emergency Management
12 Agency, and the sheriff and any affected chief of police of the
13 specific area within their respective law enforcement jurisdictions
14 that will sustain a planned loss of power as soon as the planned
15 loss becomes known as to when and where that power loss will
16 occur. The notification shall include common geographical
17 boundaries, grid or block numbers of the affected area, and the
18 next anticipated power loss area designated by the electrical
19 corporation or public entity during rotating blackouts.

20 SEC. 278. Section 2872.5 of the Public Utilities Code is
21 amended to read:

22 2872.5. (a) The commission, in consultation with the California
23 Emergency Management Agency and the Department of General
24 Services, shall open an investigative proceeding to determine
25 whether standardized notification systems and protocol should be
26 utilized by entities that are authorized to use automatic
27 dialing-announcing devices pursuant to subdivision (e) of Section
28 2872, to facilitate notification of affected members of the public
29 of local emergencies. The commission shall not establish standards
30 for notification systems or standard notification protocol unless it
31 determines that the benefits of the standards exceed the costs.

32 (b) Before January 1, 2008, the commission shall prepare and
33 submit to the Legislature a report on the results of the proceeding,
34 including recommendations for funding notification systems and
35 any statutory modifications needed to facilitate notification of
36 affected members of the public of local emergencies.

37 SEC. 279. Section 2892.1 of the Public Utilities Code is
38 amended to read:

39 2892.1. (a) For purposes of this section, “telecommunications
40 service” means voice communication provided by a telephone

1 corporation as defined in Section 234, voice communication
2 provided by a provider of satellite telephone services, voice
3 communication provided by a provider of mobile telephony service,
4 as defined in Section 2890.2, and voice communication provided
5 by a commercially available facilities-based provider of voice
6 communication services utilizing ~~voice~~ *Voice* over Internet Protocol
7 or any successor protocol.

8 (b) The commission, in consultation with the California
9 Emergency Management Agency and the Department of General
10 Services, shall open an investigative or other appropriate
11 proceeding to identify the need for telecommunications service
12 systems not on the customer's premises to have backup electricity
13 to enable telecommunications networks to function and to enable
14 the customer to contact a public safety answering point operator
15 during an electrical outage, to determine performance criteria for
16 backup systems, and to determine whether the best practices
17 recommended by the Network Reliability and Interoperability
18 Council in December 2005, for backup systems have been
19 implemented by telecommunications service providers operating
20 in California. If the commission determines it is in the public
21 interest, the commission shall, consistent with subdivisions (c)
22 and (d), develop and implement performance reliability standards.

23 (c) The commission, in developing any standards pursuant to
24 the proceeding required by subdivision (b), shall consider current
25 best practices and technical feasibility for establishing battery
26 backup requirements.

27 (d) The commission shall not implement standards pursuant to
28 the proceeding required by subdivision (b) unless it determines
29 that the benefits of the standards exceed the costs.

30 (e) The commission shall determine the feasibility of the use of
31 zero greenhouse gas emission fuel cell systems to replace diesel
32 backup power systems.

33 (f) Before January 1, 2008, the commission shall prepare and
34 submit to the Legislature a report on the results of the proceeding.

35 SEC. 280. Section 7661 of the Public Utilities Code is amended
36 to read:

37 7661. (a) The commission shall require every railroad
38 corporation operating in this state to develop, within 90 days of
39 the effective date of the act adding this section, in consultation
40 with, and with the approval of, the California Emergency

1 Management Agency, a protocol for rapid communications with
2 the agency, the Department of the California Highway Patrol, and
3 designated county public safety agencies in an endangered area if
4 there is a runaway train or any other uncontrolled train movement
5 that threatens public health and safety.

6 (b) A railroad corporation shall promptly notify the California
7 Emergency Management Agency, the Department of the California
8 Highway Patrol, and designated county public safety agencies,
9 through a communication to the Warning Center of the California
10 Emergency Management Agency, if there is a runaway train or
11 any other uncontrolled train movement that threatens public health
12 and safety, in accordance with the railroad corporation's
13 communications protocol developed pursuant to subdivision (a).

14 (c) The notification required pursuant to subdivision (b) shall
15 include the following information, whether or not an accident or
16 spill occurs:

17 (1) The information required by subdivision (c) of Section 7673.

18 (2) In the event of a runaway train, a train list.

19 (3) In the event of an uncontrolled train movement or
20 uncontrolled movement of railcars, a track list or other inventory
21 document if available.

22 (d) The consumer protection and safety division shall investigate
23 any incident that results in a notification required pursuant to
24 subdivision (b), and shall report its findings concerning the cause
25 or causes to the commission. The commission shall include the
26 division's report in its report to the Legislature pursuant to Section
27 7711.

28 SEC. 281. Section 7662 of the Public Utilities Code is amended
29 to read:

30 7662. (a) (1) A railroad corporation shall place appropriate
31 signage to notify an engineer of an approaching grade crossing,
32 consistent with federal law.

33 (2) Whistle post signs shall be deemed to satisfy this
34 requirement.

35 (b) (1) Whenever a railroad issues written or verbal instructions
36 to employees that may restrict or stop train movements because
37 of track conditions, structures, persons, or equipment working,
38 appropriate flags that are readily visible and easily recognizable
39 to the crews on both passenger and freight trains shall be displayed
40 as quickly as practicable. Yellow flags shall be used for temporary

1 speed restrictions, consistent with paragraphs (2) and (3).
2 Yellow-red flags shall be used, consistent with paragraphs (4) and
3 (5), when a train may be required to stop.

4 (2) Yellow flags shall be used to warn trains to restrict
5 movement because of track conditions or structures. Except as
6 provided in paragraph (3), a yellow flag shall be displayed two
7 miles before the restricted area in order to ensure that train
8 movement is restricted at the proper location.

9 (3) When the restricted area is close to a terminal, junction, or
10 another area, the yellow flag may be displayed less than two miles
11 before the restricted area. This information shall be included in
12 the written instructions to employees issued pursuant to paragraph
13 (1).

14 (4) Yellow-red flags shall be used to warn trains to be prepared
15 to stop because of persons or equipment working. A yellow-red
16 flag shall be displayed two miles before the restricted area in order
17 to ensure that the train is prepared to stop at the proper location.

18 (5) When the restricted area is close to a terminal, junction, or
19 other area, the yellow-red flag may be displayed less than two
20 miles before the restricted area. This information shall be included
21 in the written instructions to employees issued pursuant to
22 paragraph (1).

23 (6) Flags shall be displayed only on the track affected and shall
24 be displayed to the right side of the track as viewed from the
25 approaching train. The flags shall be displayed to protect all
26 possible access to the restricted area.

27 (c) A railroad corporation shall provide milepost markers to
28 train crews at accurate one-mile intervals. The markers shall be
29 readily visible to the locomotive engineer within the locomotive
30 cab, and shall be kept in good repair and replaced when necessary.

31 (d) A railroad corporation shall place whistle signs to the right
32 of the main track in the direction of approach, exactly one-quarter
33 mile from the entrance to any grade crossing as a point of reference
34 for locomotive engineers who blow the whistle and ring the bell
35 for these grade crossings as a warning to the public. The signs,
36 which shall consist of an "X" or "W" or other identifiable mark
37 or symbol on a square plate mounted on a post, shall be readily
38 visible to a locomotive engineer within the locomotive cab, shall
39 be kept in good repair, and shall be replaced when necessary.

1 (e) A railroad corporation shall place permanent speed signs to
2 the right of the track in the direction of approach, two miles in
3 advance of the point where the speed is either increased or
4 decreased for both passenger and freight trains. The signs shall be
5 readily visible to a locomotive engineer within the locomotive cab,
6 shall be kept in good repair, and shall be replaced when necessary.

7 (f) A railroad corporation shall notify the commission and the
8 collective bargaining representative of any affected employee of
9 any new utilization of remote control locomotives in the state, on
10 or after January 1, 2007.

11 (g) A railroad corporation shall provide immediate notification
12 to the California Emergency Management Agency of accidents,
13 incidents, and other events, concurrent with those provided to the
14 Federal Railroad Administration's National Response Center, as
15 required by Part 225.9 of Title 49 of the Code of Federal
16 Regulations.

17 SEC. 282. Section 7663 of the Public Utilities Code is amended
18 to read:

19 7663. Whenever the Department of the California Highway
20 Patrol or a designated local public safety agency responds to a
21 railroad accident, the accident shall be reported to the California
22 Emergency Management Agency.

23 SEC. 283. Section 7665.1 is added to the Public Utilities Code,
24 to read:

25 7665.1. Unless the context requires otherwise, for purposes of
26 this article:

27 (a) "Agency" means the California Emergency Management
28 Agency.

29 (b) "Secretary" means the Secretary of ~~the California Emergency~~
30 ~~Management Agency~~ *Emergency Management*.

31 SEC. 284. Section 7665.2 of the Public Utilities Code is
32 amended to read:

33 7665.2. By July 1, 2007, every operator of rail facilities shall
34 provide a risk assessment to the commission and the agency for
35 each rail facility in the state that is under its ownership, operation,
36 or control. The risk assessment shall, for each rail facility, describe
37 all of the following:

38 (a) The location and functions of the rail facility.

39 (b) All types of cargo that are moved through, or stored at, the
40 rail facility.

1 (c) Any hazardous cargo that is moved through, or stored at,
2 the rail facility.

3 (d) The frequency that any hazardous cargo is moved through,
4 or stored at, the rail facility.

5 (e) A description of the practices of the rail operator to prevent
6 acts of sabotage, terrorism, or other crimes on the rail facility.

7 (f) All training programs that the rail operator requires for its
8 employees at the rail facility.

9 (g) The emergency response procedures of the rail operator to
10 deal with acts of sabotage, terrorism, or other crimes at the rail
11 facility.

12 (h) The procedures of the rail operator to communicate with
13 local and state law enforcement personnel, emergency personnel,
14 transportation officials, and other first responders, in the event of
15 acts of sabotage, terrorism, or other crimes at the rail facility.

16 SEC. 285. Section 7665.3 of the Public Utilities Code is
17 amended to read:

18 7665.3. The agency may provide the risk assessment provided
19 pursuant to Section 7665.2 to other law enforcement or emergency
20 personnel.

21 SEC. 286. Section 7665.4 of the Public Utilities Code is
22 amended to read:

23 7665.4. (a) By January 1, 2008, every rail operator shall
24 develop and implement an infrastructure protection program to
25 protect rail infrastructure in the state from acts of sabotage,
26 terrorism, or other crimes.

27 (b) (1) The infrastructure protection program shall address the
28 security of all critical infrastructure.

29 (2) The infrastructure protection program shall provide training
30 to all employees of the rail operator performing work at a rail
31 facility on how to recognize, prevent, and respond to acts of
32 sabotage, terrorism, or other crimes.

33 (c) (1) All employees of a contractor or subcontractor of a rail
34 operator, and any other person performing work at a rail facility
35 that is not the employee of the rail operator, shall receive training
36 equivalent to that received by employees of the rail operator
37 pursuant to paragraph (2) of subdivision (b), within a reasonable
38 period of time. The commission, in consultation with the secretary,
39 may adopt reasonable rules or orders to implement this
40 requirement.

1 (2) All employees of a contractor or subcontractor of a rail
2 operator, and any other person performing work at a rail facility
3 that is not the employee of the rail operator, shall undergo an
4 equivalent evaluation of their background, skills, and fitness as
5 the rail operator implements for its employees pursuant to its
6 infrastructure protection plan. The commission, in consultation
7 with the secretary, may adopt reasonable rules or orders to
8 implement this requirement.

9 (d) Each rail operator in the state shall provide to the
10 commission and the secretary a copy of its infrastructure protection
11 program. Notwithstanding Chapter 3.5 (commencing with Section
12 6250) of Division 7 of Title 1 of the Government Code, the
13 commission and the secretary shall keep this information
14 confidential.

15 (e) The infrastructure protection program shall be updated by
16 the rail operator at least once every year, and the updated plan
17 shall be submitted to the commission and the secretary.

18 (f) The commission, in consultation with the agency, shall
19 review the infrastructure protection program submitted by a rail
20 operator, may conduct inspections to facilitate the review, and may
21 order a rail operator to improve, modify, or change its program to
22 comply with the requirements of this article.

23 (g) The commission may fine a rail operator for failure to
24 comply with the requirements of this section or an order of the
25 commission pursuant to this section.

26 SEC. 287. Section 7673 of the Public Utilities Code is amended
27 to read:

28 7673. Each railroad corporation which transports hazardous
29 materials in the state shall do all of the following:

30 (a) Provide a system map of the state to the Office of Emergency
31 Services and to the Public Utilities Commission, showing practical
32 groupings of mileposts on the system and showing mileposts of
33 stations, terminals, junction points, road crossings, and the locations
34 of natural gas and liquid pipelines in railroad rights-of-way.

35 (b) Annually submit to the California Emergency Management
36 Agency a copy of a publication which identifies emergency
37 handling guidelines for the surface transportation of hazardous
38 materials, except that if the railroad corporation is classified as a
39 class I carrier by the Interstate Commerce Commission pursuant
40 to Subpart A of Part 1201 of Subchapter C of Chapter X of the

1 Code of Federal Regulations, the railroad corporation shall annually
2 submit to the California Emergency Management Agency 50 copies
3 of this publication which the agency shall make available to the
4 Public Utilities Commission and local administering agencies and
5 to other response agencies. These guidelines shall not be considered
6 comprehensive instructions for the handling of any specific
7 incident.

8 (c) If there is a train incident resulting in a release or an
9 overturned railcar or an impact which threatens a release of a
10 hazardous material, provide the emergency response agency with
11 all of the following information:

- 12 (1) A list of each car in the train and the order of the cars.
- 13 (2) The contents of each car, if loaded, in the train.
- 14 (3) Identification of the cars and contents in the train which are
15 involved in the incident, including, but not limited to, those cars
16 which have derailed.
- 17 (4) Emergency handling procedures for each hazardous material
18 transported in or on the involved cars of the train.

19 SEC. 288. Section 7710 of the Public Utilities Code is amended
20 to read:

21 7710. For purposes of this article, the following definitions
22 shall apply:

- 23 (a) "Commission" shall mean the Public Utilities Commission.
- 24 (b) "Fund" means the Rail Accident Prevention and Response
25 Fund created pursuant to Section 7713.
- 26 (c) "Prevention account" means the Hazardous Spill Prevention
27 Account created, pursuant to Section 7714, in the Railroad
28 Accident Prevention and Response Fund.
- 29 (d) "Secretary" means the Secretary of the California
30 Environmental Protection Agency.

31 SEC. 289. Section 7718 of the Public Utilities Code is amended
32 to read:

33 7718. (a) The Railroad Accident Prevention and Immediate
34 Deployment Force is hereby created in the California
35 Environmental Protection Agency. The force shall be responsible
36 for providing immediate onsite response capability in the event of
37 large-scale releases of toxic materials resulting from surface
38 transportation accidents and for implementing the state hazardous
39 materials incident prevention and immediate deployment plan.
40 This force shall act cooperatively and in concert with existing local

1 emergency response units. The force shall consist of representatives
2 of all of the following:

- 3 (1) Department of Fish and Game.
- 4 (2) California Environmental Protection Agency.
- 5 (3) State Air Resources Board.
- 6 (4) California Integrated Waste Management Board.
- 7 (5) California regional water quality control boards.
- 8 (6) Department of Toxic Substances Control.
- 9 (7) Department of Pesticide Regulation.
- 10 (8) Office of Environmental Health Hazard Assessment.
- 11 (9) State Department of Health Services.
- 12 (10) Department of the California Highway Patrol.
- 13 (11) Department of Food and Agriculture.
- 14 (12) Department of Forestry and Fire Protection.
- 15 (13) Department of Parks and Recreation.
- 16 (14) Department of Boating and Waterways.
- 17 (15) California Public Utilities Commission.
- 18 (16) Any other potentially affected state, local, or federal agency.
- 19 (17) California Emergency Management Agency.

20 (b) The California Environmental Protection Agency shall
21 develop a state railroad accident prevention and immediate
22 deployment plan in cooperation with the State Fire Marshal,
23 affected businesses, and all of the entities listed in paragraphs (1)
24 to (17), inclusive, of subdivision (a).

25 (c) The plan specified in subdivision (b) shall be a
26 comprehensive set of policies and directions that every potentially
27 affected state agency and business shall follow if there is a railroad
28 accident to minimize the potential damage to the public health and
29 safety, property, and *the* environment that might result from
30 accidents involving railroad activities in the state.

31 SEC. 290. Section 97.2 of the Revenue and Taxation Code is
32 amended to read:

33 97.2. Notwithstanding any other provision of this chapter, the
34 computations and allocations made by each county pursuant to
35 Section 96.1 or its predecessor section shall be modified for the
36 1992–93 fiscal year pursuant to subdivisions (a) to (d), inclusive,
37 and for the 1997–98 and 1998–99 fiscal years pursuant to
38 subdivision (e), as follows:

39 (a) (1) Except as provided in paragraph (2), the amount of
40 property tax revenue deemed allocated in the prior fiscal year to

1 each county shall be reduced by the dollar amounts indicated as
2 follows, multiplied by 0.953649:

	Property Tax Reduction per County
3	
4	
5	
6	
7	Alameda..... \$ 27,323,576
8	Alpine..... 5,169
9	Amador..... 286,131
10	Butte..... 846,452
11	Calaveras..... 507,526
12	Colusa..... 186,438
13	Contra Costa..... 12,504,318
14	Del Norte..... 46,523
15	El Dorado..... 1,544,590
16	Fresno..... 5,387,570
17	Glenn..... 378,055
18	Humboldt..... 1,084,968
19	Imperial..... 998,222
20	Inyo..... 366,402
21	Kern..... 6,907,282
22	Kings..... 1,303,774
23	Lake..... 998,222
24	Lassen..... 93,045
25	Los Angeles..... 244,178,806
26	Madera..... 809,194
27	Marin..... 3,902,258
28	Mariposa..... 40,136
29	Mendocino..... 1,004,112
30	Merced..... 2,445,709
31	Modoc..... 134,650
32	Mono..... 319,793
33	Monterey..... 2,519,507
34	Napa..... 1,362,036
35	Nevada..... 762,585
36	Orange..... 9,900,654
37	Placer..... 1,991,265
38	Plumas..... 71,076
39	Riverside..... 7,575,353
40	Sacramento..... 15,323,634

1	San Benito.....	198,090
2	San Bernardino.....	14,467,099
3	San Diego.....	17,687,776
4	San Francisco.....	53,266,991
5	San Joaquin.....	8,574,869
6	San Luis Obispo.....	2,547,990
7	San Mateo.....	7,979,302
8	Santa Barbara.....	4,411,812
9	Santa Clara.....	20,103,706
10	Santa Cruz.....	1,416,413
11	Shasta.....	1,096,468
12	Sierra.....	97,103
13	Siskiyou.....	467,390
14	Solano.....	5,378,048
15	Sonoma.....	5,455,911
16	Stanislaus.....	2,242,129
17	Sutter.....	831,204
18	Tehama.....	450,559
19	Trinity.....	50,399
20	Tulare.....	4,228,525
21	Tuolumne.....	740,574
22	Ventura.....	9,412,547
23	Yolo.....	1,860,499
24	Yuba.....	842,857

25

26 (2) Notwithstanding paragraph (1), the amount of the reduction
27 specified in that paragraph for any county or city and county that
28 has been materially and substantially impacted as a result of a
29 federally declared disaster, as evidenced by at least 20 percent of
30 the cities, or cities and unincorporated areas of the county
31 representing 20 percent of the population within the county
32 suffering substantial damage, as certified by the Secretary of
33 Emergency Management, occurring between October 1, 1989, and
34 the effective date of this section, shall be reduced by that portion
35 of five million dollars (\$5,000,000) determined for that county or
36 city and county pursuant to subparagraph (B) of paragraph (3).

37 (3) On or before October 1, 1992, the Director of Finance shall
38 do all of the following:

1 (A) Determine the population of each county and city and county
2 in which a federally declared disaster has occurred between October
3 1, 1989, and the effective date of this section.

4 (B) Determine for each county and city and county as described
5 in subparagraph (A) its share of five million dollars (\$5,000,000)
6 on the basis of that county's population relative to the total
7 population of all counties described in subparagraph (A).

8 (C) Notify each auditor of each county and city and county of
9 the amounts determined pursuant to subparagraph (B).

10 (b) (1) Except as provided in paragraph (2), the amount of
11 property tax revenue deemed allocated in the prior fiscal year to
12 each city, except for a newly incorporated city that did not receive
13 property tax revenues in the 1991–92 fiscal year, shall be reduced
14 by 9 percent. In making the above computation with respect to
15 cities in Alameda County, the computation for a city described in
16 paragraph (6) of subdivision (a) of Section 100.7, as added by
17 Section 73.5 of Chapter 323 of the Statutes of 1983, shall be
18 adjusted so that the amount multiplied by 9 percent is reduced by
19 the amount determined for that city for “museums” pursuant to
20 paragraph (2) of subdivision (h) of Section 95.

21 (2) Notwithstanding paragraph (1), the amount of the reduction
22 determined pursuant to that paragraph for any city that has been
23 materially and substantially impacted as a result of a federally
24 declared disaster, as certified by the Secretary of the California
25 Emergency Management Agency, occurring between October 1,
26 1989, and the effective date of this section, shall be reduced by
27 that portion of fifteen million dollars (\$15,000,000) determined
28 for that city pursuant to subparagraph (B) of paragraph (3).

29 (3) On or before October 1, 1992, the Director of Finance shall
30 do all of the following:

31 (A) Determine the population of each city in which a federally
32 declared disaster has occurred between October 1, 1989, and the
33 effective date of this section.

34 (B) Determine for each city as described in subparagraph (A)
35 its share of fifteen million dollars (\$15,000,000) on the basis of
36 that city's population relative to the total population of all cities
37 described in subparagraph (A).

38 (C) Notify each auditor of each county and city and county of
39 the amounts determined pursuant to subparagraph (B).

1 (4) In the 1992–93 fiscal year and each fiscal year thereafter,
2 the auditor shall adjust the computations required pursuant to
3 Article 4 (commencing with Section 98) so that those computations
4 do not result in the restoration of any reduction required pursuant
5 to this section.

6 (c) (1) Subject to paragraph (2), the amount of property tax
7 revenue, other than those revenues that are pledged to debt service,
8 deemed allocated in the prior fiscal year to a special district, other
9 than a multicounty district, a local hospital district, or a district
10 governed by a city council or whose governing board has the same
11 membership as a city council, shall be reduced by 35 percent. For
12 purposes of this subdivision, “revenues that are pledged to debt
13 service” include only those amounts required to pay debt service
14 costs in the 1991–92 fiscal year on debt instruments issued by a
15 special district for the acquisition of capital assets.

16 (2) No reduction pursuant to paragraph (1) for any special
17 district, other than a countywide water agency that does not sell
18 water at retail, shall exceed an amount equal to 10 percent of that
19 district’s total annual revenues, from whatever source, as shown
20 in the 1989–90 edition of the State Controller’s Report on Financial
21 Transactions Concerning Special Districts (not including any
22 annual revenues from fiscal years following the 1989–90 fiscal
23 year). With respect to any special district, as defined pursuant to
24 subdivision (m) of Section 95, that is allocated property tax revenue
25 pursuant to this chapter but does not appear in the State Controller’s
26 Report on Financial Transactions Concerning Special Districts,
27 the auditor shall determine the total annual revenues for that special
28 district from the information in the 1989–90 edition of the State
29 Controller’s Report on Financial Transactions Concerning
30 Counties. With respect to a special district that did not exist in the
31 1989–90 fiscal year, the auditor may use information from the first
32 full fiscal year, as appropriate, to determine the total annual
33 revenues for that special district. No reduction pursuant to
34 paragraph (1) for any countywide water agency that does not sell
35 water at retail shall exceed an amount equal to 10 percent of that
36 portion of that agency’s general fund derived from property tax
37 revenues.

38 (3) The auditor in each county shall, on or before January 15,
39 1993, and on or before January 30 of each year thereafter, submit
40 information to the Controller concerning the amount of the property

1 tax revenue reduction to each special district within that county
2 as a result of paragraphs (1) and (2). The Controller shall certify
3 that the calculation of the property tax revenue reduction to each
4 special district within that county is accurate and correct, and
5 submit this information to the Director of Finance.

6 (A) The Director of Finance shall determine whether the total
7 of the amounts of the property tax revenue reductions to special
8 districts, as certified by the Controller, is equal to the amount that
9 would be required to be allocated to school districts and community
10 college districts as a result of a three hundred seventy-five million
11 dollar (\$375,000,000) shift of property tax revenues from special
12 districts for the 1992–93 fiscal year. If, for any year, the total of
13 the amount of the property tax revenue reductions to special
14 districts is less than the amount as described in the preceding
15 sentence, the amount of property tax revenue, other than those
16 revenues that are pledged to debt service, deemed allocated in the
17 prior fiscal year to a special district, other than a multicounty
18 district, a local hospital district, or a district governed by a city
19 council or whose governing board has the same membership as a
20 city council, shall, subject to subparagraph (B), be reduced by an
21 amount up to 5 percent of the amount subject to reduction for that
22 district pursuant to paragraphs (1) and (2).

23 (B) No reduction pursuant to subparagraph (A), in conjunction
24 with a reduction pursuant to paragraphs (1) and (2), for any special
25 district, other than a countywide water agency that does not sell
26 water at retail, shall exceed an amount equal to 10 percent of that
27 district's total annual revenues, from whatever source, as shown
28 in the most recent State Controller's Report on Financial
29 Transactions Concerning Special Districts. No reduction pursuant
30 to subparagraph (A), in conjunction with a reduction pursuant to
31 paragraphs (1) and (2), for any countywide water agency that does
32 not sell water at retail shall exceed an amount equal to 10 percent
33 of that portion of that agency's general fund derived from property
34 tax revenues.

35 (C) In no event shall the amount of the property tax revenue
36 loss to a special district derived pursuant to subparagraphs (A) and
37 (B) exceed 40 percent of that district's property tax revenues or
38 10 percent of that district's total revenues, from whatever source.

39 (4) For the purpose of determining the total annual revenues of
40 a special district that provides fire protection or fire suppression

1 services, all of the following shall be excluded from the
2 determination of total annual revenues:

3 (A) If the district had less than two million dollars (\$2,000,000)
4 in total annual revenues in the 1991–92 fiscal year, the revenue
5 generated by a fire suppression assessment levied pursuant to
6 Article 3.6 (commencing with Section 50078) of Chapter 1 of Part
7 1 of Division 1 of Title 5 of the Government Code.

8 (B) The total amount of all funds, regardless of the source, that
9 are appropriated to a district, including a fire department, by a
10 board of supervisors pursuant to Section 25642 of the Government
11 Code or Chapter 7 (commencing with Section 13890) of Part 2.7
12 of Division 12 of the Health and Safety Code for fire protection.
13 The amendment of this subparagraph by Chapter 290 of the Statutes
14 of 1997 shall not be construed to affect any exclusion from the
15 total annual revenues of a special district that was authorized by
16 this subparagraph as it read prior to that amendment.

17 (C) The revenue received by a district as a result of contracts
18 entered into pursuant to Section 4133 of the Public Resources
19 Code.

20 (5) For the purpose of determining the total annual revenues of
21 a resource conservation district, all of the following shall be
22 excluded from the determination of total annual revenues:

23 (A) Any revenues received by that district from the state for
24 financing the acquisition of land, or the construction or
25 improvement of state projects, and for which that district serves
26 as the fiscal agent in administering those state funds pursuant to
27 an agreement entered into between that district and a state agency.

28 (B) Any amount received by that district as a private gift or
29 donation.

30 (C) Any amount received as a county grant or contract as
31 supplemental to, or independent of, that district's property tax
32 share.

33 (D) Any amount received by that district as a federal or state
34 grant.

35 (d) (1) The amount of property tax revenues not allocated to
36 the county, cities within the county, and special districts as a result
37 of the reductions calculated pursuant to subdivisions (a), (b), and
38 (c) shall instead be deposited in the Educational Revenue
39 Augmentation Fund to be established in each county. The amount
40 of revenue in the Educational Revenue Augmentation Fund,

1 derived from whatever source, shall be allocated pursuant to
2 paragraphs (2) and (3) to school districts and county offices of
3 education, in total, and to community college districts, in total, in
4 the same proportion that property tax revenues were distributed
5 to school districts and county offices of education, in total, and
6 community college districts, in total, during the 1991–92 fiscal
7 year.

8 (2) The auditor shall, based on information provided by the
9 county superintendent of schools pursuant to this paragraph,
10 allocate the proportion of the Educational Revenue Augmentation
11 Fund to those school districts and county offices of education
12 within the county that are not excess tax school entities, as defined
13 in subdivision (n) of Section 95. The county superintendent of
14 schools shall determine the amount to be allocated to each school
15 district and county office of education in inverse proportion to the
16 amounts of property tax revenue per average daily attendance in
17 each school district and county office of education. In no event
18 shall any additional money be allocated from the fund to a school
19 district or county office of education upon that school district or
20 county office of education becoming an excess tax school entity.

21 (3) The auditor shall, based on information provided by the
22 Chancellor of the California Community Colleges pursuant to this
23 paragraph, allocate the proportion of the Educational Revenue
24 Augmentation Fund to those community college districts within
25 the county that are not excess tax school entities, as defined in
26 subdivision (n) of Section 95. The chancellor shall determine the
27 amount to be allocated to each community college district in
28 inverse proportion to the amounts of property tax revenue per
29 funded full-time equivalent student in each community college
30 district. In no event shall any additional money be allocated from
31 the fund to a community college district upon that district becoming
32 an excess tax school entity.

33 (4) (A) If, after making the allocation required pursuant to
34 paragraph (2), the auditor determines that there are still additional
35 funds to be allocated, the auditor shall allocate those excess funds
36 pursuant to paragraph (3). If, after making the allocation pursuant
37 to paragraph (3), the auditor determines that there are still
38 additional funds to be allocated, the auditor shall allocate those
39 excess funds pursuant to paragraph (2).

1 (B) (i) (I) For the 1995–96 fiscal year and each fiscal year
2 thereafter, if, after making the allocations pursuant to paragraphs
3 (2) and (3) and subparagraph (A), the auditor determines that there
4 are still additional funds to be allocated, the auditor shall, subject
5 to clauses (ii) and (iii), allocate those excess funds to the county
6 superintendent of schools. Funds allocated pursuant to this
7 subclause shall be counted as property tax revenues for special
8 education programs in augmentation of the amount calculated
9 pursuant to Section 2572 of the Education Code, to the extent that
10 those property tax revenues offset state aid for county offices of
11 education and school districts within the county pursuant to
12 subdivision (c) of Section 56836.08 of the Education Code.

13 (II) For the 2007–08 fiscal year and for each fiscal year
14 thereafter, both of the following apply:

15 (ia) In allocating the revenues described in subclause (I), the
16 auditor shall apportion funds to the appropriate special education
17 local plan area to cover the amount determined in Section
18 56836.173 of the Education Code.

19 (ib) Except as otherwise provided by sub-subclause (ia), property
20 tax revenues described in subclause (I) shall not be apportioned
21 to special education programs funded pursuant to Section
22 56836.173 of the Education Code.

23 (III) If, for the 2000–01 fiscal year or any fiscal year thereafter,
24 any additional revenues remain after the implementation of
25 subclauses (I) and (II), the auditor shall allocate those remaining
26 revenues among the county, cities, and special districts in
27 proportion to the amounts of ad valorem property tax revenue
28 otherwise required to be shifted from those local agencies to the
29 county’s Educational Revenue Augmentation Fund for the relevant
30 fiscal year.

31 (IV) A county Educational Revenue Augmentation Fund shall
32 not be required to provide funding for special education programs
33 funded pursuant to Section 56836.173 of the Education Code or
34 any predecessor to that section for a fiscal year prior to the 2007–08
35 fiscal year that it has not already provided for these programs prior
36 to the beginning of the 2007–08 fiscal year.

37 (ii) For the 1995–96 fiscal year only, clause (i) shall have no
38 application to the County of Mono and the amount allocated
39 pursuant to clause (i) in the County of Marin shall not exceed five
40 million dollars (\$5,000,000).

1 (iii) For the 1996–97 fiscal year only, the total amount of funds
2 allocated by the auditor pursuant to clause (i) and clause (i) of
3 subparagraph (B) of paragraph (4) of subdivision (d) of Section
4 97.3 shall not exceed that portion of two million five hundred
5 thousand dollars (\$2,500,000) that corresponds to the county’s
6 proportionate share of all moneys allocated pursuant to clause (i)
7 and clause (i) of subparagraph (B) of paragraph (4) of subdivision
8 (d) of Section 97.3 for the 1995–96 fiscal year. Upon the request
9 of the auditor, the Department of Finance shall provide to the
10 auditor all information in the department’s possession that is
11 necessary for the auditor to comply with this clause.

12 (iv) Notwithstanding clause (i) of this subparagraph, for the
13 1999–2000 fiscal year only, if, after making the allocations
14 pursuant to paragraphs (2) and (3) and subparagraph (A), the
15 auditor determines that there are still additional funds to be
16 allocated, the auditor shall allocate the funds to the county, cities,
17 and special districts in proportion to the amounts of ad valorem
18 property tax revenue otherwise required to be shifted from those
19 local agencies to the county’s Educational Revenue Augmentation
20 Fund for the relevant fiscal year. The amount allocated pursuant
21 to this clause shall not exceed eight million two hundred thirty-nine
22 thousand dollars (\$8,239,000), as appropriated in Item
23 6110-250-0001 of Section 2.00 of the Budget Act of 1999 (Chapter
24 50, Statutes of 1999). This clause shall be operative for the
25 1999–2000 fiscal year only to the extent that moneys are
26 appropriated for purposes of this clause in the Budget Act of 1999
27 by an appropriation that specifically references this clause.

28 (C) For purposes of allocating the Educational Revenue
29 Augmentation Fund for the 1996–97 fiscal year, the auditor shall,
30 after making the allocations for special education programs, if any,
31 required by subparagraph (B), allocate all remaining funds among
32 the county, cities, and special districts in proportion to the amounts
33 of ad valorem property tax revenue otherwise required to be shifted
34 from those local agencies to the county’s Educational Revenue
35 Augmentation Fund for the relevant fiscal year. For purposes of
36 ad valorem property tax revenue allocations for the 1997–98 fiscal
37 year and each fiscal year thereafter, no amount of ad valorem
38 property tax revenue allocated to the county, a city, or a special
39 district pursuant to this subparagraph shall be deemed to be an

1 amount of ad valorem property tax revenue allocated to that local
2 agency in the prior fiscal year.

3 (5) For purposes of allocations made pursuant to Section 96.1
4 or its predecessor section for the 1993–94 fiscal year, the amounts
5 allocated from the Educational Revenue Augmentation Fund
6 pursuant to this subdivision, other than amounts deposited in the
7 Educational Revenue Augmentation Fund pursuant to Section
8 33681 of the Health and Safety Code, shall be deemed property
9 tax revenue allocated to the Educational Revenue Augmentation
10 Fund in the prior fiscal year.

11 (e) (1) For the 1997–98 fiscal year:

12 (A) The amount of property tax revenue deemed allocated in
13 the prior fiscal year to any city subject to the reduction specified
14 in paragraph (2) of subdivision (b) shall be reduced by an amount
15 that is equal to the difference between the amount determined for
16 the city pursuant to paragraph (1) of subdivision (b) and the amount
17 of the reduction determined for the city pursuant to paragraph (2)
18 of subdivision (b).

19 (B) The amount of property tax revenue deemed allocated in
20 the prior fiscal year to any county or city and county subject to the
21 reduction specified in paragraph (2) of subdivision (a) shall be
22 reduced by an amount that is equal to the difference between the
23 amount specified for the county or city and county pursuant to
24 paragraph (1) of subdivision (a) and the amount of the reduction
25 determined for the county or city and county pursuant to paragraph
26 (2) of subdivision (a).

27 (2) The amount of property tax revenues not allocated to a city
28 or city and county as a result of this subdivision shall be deposited
29 in the Educational Revenue Augmentation Fund described in
30 subparagraph (A) of paragraph (1) of subdivision (d).

31 (3) For purposes of allocations made pursuant to Section 96.1
32 for the 1998–99 fiscal year, the amounts allocated from the
33 Educational Revenue Augmentation Fund pursuant to this
34 subdivision shall be deemed property tax revenues allocated to the
35 Educational Revenue Augmentation Fund in the prior fiscal year.

36 (f) It is the intent of the Legislature in enacting this section that
37 this section supersede and be operative in place of Section 97.03
38 of the Revenue and Taxation Code, as added by Senate Bill 617
39 of the 1991–92 Regular Session.

40 SEC. 291. Section 165 of the Vehicle Code is amended to read:

1 165. An authorized emergency vehicle is:

2 (a) Any publicly owned and operated ambulance, lifeguard, or
3 lifesaving equipment or any privately owned or operated ambulance
4 licensed by the Commissioner of the California Highway Patrol
5 to operate in response to emergency calls.

6 (b) Any publicly owned vehicle operated by the following
7 persons, agencies, or organizations:

8 (1) Any federal, state, or local agency, department, or district
9 employing peace officers as that term is defined in Chapter 4.5
10 (commencing with Section 830) of Part 2 of Title 3 of the Penal
11 Code, for use by those officers in the performance of their duties.

12 (2) Any forestry or fire department of any public agency or fire
13 department organized as provided in the Health and Safety Code.

14 (c) Any vehicle owned by the state, or any bridge and highway
15 district, and equipped and used either for fighting fires, or towing
16 or servicing other vehicles, caring for injured persons, or repairing
17 damaged lighting or electrical equipment.

18 (d) Any state-owned vehicle used in responding to emergency
19 fire, rescue, or communications calls and operated either by the
20 California Emergency Management Agency or by any public
21 agency or industrial fire department to which the California
22 Emergency Management Agency has assigned the vehicle.

23 (e) Any vehicle owned or operated by any department or agency
24 of the United States government when the vehicle is used in
25 responding to emergency fire, ambulance, or lifesaving calls or is
26 actively engaged in law enforcement work.

27 (f) Any vehicle for which an authorized emergency vehicle
28 permit has been issued by the Commissioner of the California
29 Highway Patrol.

30 SEC. 292. Section 5066 of the Vehicle Code is amended to
31 read:

32 5066. (a) The department, in conjunction with the California
33 Highway Patrol, shall design and make available for issuance
34 pursuant to this article the California memorial license plate.
35 Notwithstanding Section 5060, the California memorial license
36 plate may be issued in a combination of numbers or letters, or both,
37 as requested by the applicant for the plates. A person described in
38 Section 5101, upon payment of the additional fees set forth in
39 subdivision (b), may apply for and be issued a set of California
40 memorial license plates.

1 (b) In addition to the regular fees for an original registration or
2 renewal of registration, the following additional fees shall be paid
3 for the issuance, renewal, retention, or transfer of the California
4 memorial license plates authorized pursuant to this section:

5 (1) For the original issuance of the plates, fifty dollars (\$50).

6 (2) For a renewal of registration of the plates or retention of the
7 plates, if renewal is not required, forty dollars (\$40).

8 (3) For transfer of the plates to another vehicle, fifteen dollars
9 (\$15).

10 (4) For each substitute replacement plate, thirty-five dollars
11 (\$35).

12 (5) In addition, for the issuance of an environmental license
13 plate, as defined in Section 5103, the additional fees required
14 pursuant to Sections 5106 and 5108 shall be deposited
15 proportionately in the funds described in subdivision (c).

16 (c) The department shall deposit the additional revenue derived
17 from the issuance, renewal, transfer, and substitution of California
18 memorial license plates as follows:

19 (1) Eighty-five percent in the Antiterrorism Fund, which is
20 hereby created in the General Fund.

21 (A) Upon appropriation by the Legislature, one-half of the
22 money in the fund shall be allocated by the Controller to the
23 California Emergency Management Agency to be used solely for
24 antiterrorism activities. The agency shall not use more than 5
25 percent of the money appropriated to it for administrative purposes.

26 (B) Upon appropriation by the Legislature in the annual Budget
27 Act or in another statute, one-half of the money in the fund shall
28 be used solely for antiterrorism activities.

29 (2) Fifteen percent in the California Memorial Scholarship Fund,
30 which is hereby established in the General Fund. Money deposited
31 in this fund shall be administered by the Scholarshare Investment
32 Board, and shall be available, upon appropriation in the annual
33 Budget Act or in another statute, for distribution or encumbrance
34 by the board pursuant to Article 21.5 (commencing with Section
35 70010) of Chapter 2 of Part 42 of the Education Code.

36 (d) The department shall deduct its costs to administer, but not
37 to develop, the California memorial license plate program. The
38 department may utilize an amount of money, not to exceed fifty
39 thousand dollars (\$50,000) annually, derived from the issuance,
40 renewal, transfer, and substitution of California memorial license

1 plates for the continued promotion of the California memorial
2 license plate program of this section.

3 (e) For the purposes of this section, “antiterrorism activities”
4 means activities related to the prevention, detection, and emergency
5 response to terrorism that are undertaken by state and local law
6 enforcement, fire protection, and public health agencies. The funds
7 provided for these activities, to the extent that funds are available,
8 shall be used exclusively for purposes directly related to fighting
9 terrorism. Eligible activities include, but are not limited to, hiring
10 support staff to perform administrative tasks, hiring and training
11 additional law enforcement, fire protection, and public health
12 personnel, response training for existing and additional law
13 enforcement, fire protection, and public health personnel, and
14 hazardous materials and other equipment expenditures.

15 (f) Beginning January 1, 2007, and each January 1 thereafter,
16 the department shall determine the number of currently outstanding
17 and valid California memorial license plates. If that number is less
18 than 7,500 in any year, then the department shall no longer issue
19 or replace those plates.

20 SEC. 293. Section 9706 of the Vehicle Code is amended to
21 read:

22 9706. (a) Application for partial year registration in
23 conjunction with an application for original California registration
24 shall be made by the owner within 20 days of the date the vehicle
25 first becomes subject to California registration. Any application
26 for partial year registration submitted after that 20-day period shall
27 be denied registration for a partial year, and the vehicle shall be
28 subject to payment of the fees for the entire registration year. In
29 addition to the fee for the registration year, a penalty, as specified
30 in Section 9554, shall be added to the fee for registration.

31 (b) Any application to renew registration for a part of the
32 remainder of the registration year or for the entire remainder of
33 the registration year shall be made prior to midnight of the
34 expiration date of the last issued registration certificate. Application
35 shall be made upon presentation of the last issued registration card
36 or of a potential registration issued by the department for use at
37 the time of renewal and by payment of the required partial year
38 fees, or, if renewal is for the remainder of the registration year, by
39 payment of the annual fee required by Section 9400 or 9400.1, as
40 reduced pursuant to Section 9407.

1 (c) Notwithstanding any other provision of law, an owner who
2 registers a vehicle pursuant to this article during a calendar year
3 shall, if the vehicle was not operated, moved, or left standing upon
4 a highway, file a certificate of nonoperation prior to the date of
5 the first operation of the vehicle on the highways in a manner
6 which requires that registration and shall, by December 31 of each
7 calendar year thereafter, file a certification pursuant to subdivisions
8 (a) and (b) of Section 4604 when the vehicle is not registered for
9 operation on the highways for the succeeding calendar year.

10 (d) Notwithstanding subdivision (c), the owner of any vehicle
11 being moved or operated for the purpose of providing support to
12 firefighting operations while the vehicle or owner is under contract
13 to the United States Forestry Service, the United States Department
14 of the Interior, the Bureau of Land Management, the Department
15 of Forestry and Fire Protection, or the California Emergency
16 Management Agency may obtain partial year registration if
17 application is made within 20 days of the date the vehicle is first
18 operated, moved, or left standing on the highway and the owner
19 has obtained a letter of authorization from the department prior to
20 the date that the vehicle is first operated, moved, or left standing
21 on the highway.

22 SEC. 294. Section 23112.5 of the Vehicle Code is amended to
23 read:

24 23112.5. (a) Any person who dumps, spills, or causes the
25 release of hazardous material, as defined by Section 353, or
26 hazardous waste, as defined by Section 25117 of the Health and
27 Safety Code, upon any highway shall notify the Department of the
28 California Highway Patrol or the agency having traffic jurisdiction
29 for that highway of the dump, spill, or release, as soon as the person
30 has knowledge of the dump, spill, or release and notification is
31 possible. Upon receiving notification pursuant to this section, the
32 Department of the California Highway Patrol shall, as soon as
33 possible, notify the California Emergency Management Agency
34 of the dump, spill, or release, except for petroleum spills of less
35 than 42 gallons from vehicular fuel tanks.

36 (b) Any person who is convicted of a violation of this section
37 shall be punished by a mandatory fine of not less than two thousand
38 dollars (\$2,000).

39 SEC. 295. Section 25258 of the Vehicle Code is amended to
40 read:

1 25258. (a) An authorized emergency vehicle operating under
2 the conditions specified in Section 21055 may display a flashing
3 white light from a gaseous discharge lamp designed and used for
4 the purpose of controlling official traffic control signals.

5 (b) An authorized emergency vehicle used by a peace officer,
6 as defined in Section 830.1 of, subdivision (a), (b), (c), (d), (e),
7 (f), (g), or (i) of Section 830.2 of, subdivision (n) of Section 830.3
8 of, subdivision (b) of Section 830.31 of, subdivision (a) or (b) of
9 Section 830.32 of, Section 830.33 of, subdivision (a) of Section
10 830.36 of, subdivision (a) of Section 830.4 of, or Section 830.6
11 of, the Penal Code, in the performance of the peace officer's duties,
12 may, in addition, display a steady or flashing blue warning light
13 visible from the front, sides, or rear of the vehicle.

14 (c) Except as provided in subdivision (a), a vehicle shall not be
15 equipped with a device that emits any illumination or radiation
16 that is designed or used for the purpose of controlling official
17 traffic control signals.

18 SEC. 296. Section 34061 of the Vehicle Code is amended to
19 read:

20 34061. The department shall compile data and annually publish
21 a report relating to the level of cargo tank and hazardous waste
22 transport vehicle and container inspections conducted during the
23 previous year. The data included in the report shall include, but
24 need not be limited to, all of the following:

25 (a) The number of inspections conducted.

26 (b) The number of violations recorded.

27 (c) The number of on-highway incidents involving cargo tanks
28 and hazardous waste transport vehicles and containers that were
29 reported to the California Emergency Management Agency under
30 Section 8574.17 of the Government Code.

31 SEC. 297. Section 128 of the Water Code is amended to read:

32 128. (a) In times of extraordinary stress and of disaster,
33 resulting from storms and floods, or where damage to watershed
34 lands by forest fires has created an imminent threat of floods and
35 damage by water, mud, or debris upon the occurrence of storms,
36 the department may perform any work required or take any
37 remedial measures necessary to avert, alleviate, repair, or restore
38 damage or destruction to property having a general public and
39 state interest and to protect the health, safety, convenience, and
40 welfare of the general public of the state. In carrying out that work,

1 the department may perform the work itself or through or in
2 cooperation with any other state department or agency, the federal
3 government, or any political subdivision, city, or district.

4 (b) This section is intended to supplement the emergency
5 services of the state, and nothing in this section overrides or
6 supersedes the authority of the Secretary of ~~the California~~
7 ~~Emergency Management Agency~~ *Emergency Management* to
8 coordinate and supervise state action, upon a declaration of a state
9 of emergency, under the California Emergency Services Act
10 (Chapter 7 (commencing with Section 8550) of Division 1 of Title
11 2 of the Government Code) or the Disaster Assistance Act (Chapter
12 7.5 (commencing with Section 8680) of that division).

13 SEC. 298. Section 6025.6 of the Water Code is amended to
14 read:

15 6025.6. (a) An owner of a structure defined as a dam pursuant
16 to Section 6002, but excluded from that definition pursuant to
17 subdivision (d) of Section 6004 or otherwise exempted from the
18 requirements of this chapter pursuant to Section 6025.5, shall
19 comply with the requirements of Section 8589.5 of the Government
20 Code and shall employ a civil engineer who is registered in the
21 state to supervise the structure for the protection of life and
22 property for the full operating life of the structure.

23 (b) (1) The civil engineer supervising a dam pursuant to
24 subdivision (a) shall take into consideration, in determining
25 whether or not a dam constitutes, or would constitute, a danger to
26 life or property, the possibility that the dam might be endangered
27 by seepage, earth movement, or other conditions that exist, or
28 might occur, in any area in the vicinity of the dam.

29 (2) If the civil engineer determines that a dam under his or her
30 supervision constitutes, or would constitute, a danger to life or
31 property, the civil engineer shall notify the owner of the dam and
32 recommend appropriate action.

33 (c) The owner shall submit to the department the name, business
34 address, and telephone number of each supervising civil engineer.

35 (d) The department shall submit the information provided
36 pursuant to subdivision (c) to the California Emergency
37 Management Agency on or before January 1, 1995, and on or
38 before each January 1 thereafter. Any change in the information
39 shall be submitted to the department on or before July 1 of each
40 year.

1 SEC. 299. Section 12994 of the Water Code is amended to
2 read:

3 12994. (a) The Legislature finds and declares all of the
4 following:

5 (1) The CALFED Bay-Delta Program has identified as a core
6 action the need for emergency levee management planning for
7 delta levees to improve system reliability.

8 (2) Even with active levee maintenance, the threat of delta levee
9 failures from earthquake, flood, or poor levee foundation, will
10 continue to exist.

11 (3) Because of this threat of failure, and the potential need to
12 mobilize people and equipment in an emergency to protect delta
13 levees and public benefits, the department needs authority that will
14 enable it to act quickly.

15 (b) The department may do all of the following:

16 (1) In an emergency, as defined by Section 21060.3 of the Public
17 Resources Code, that requires immediate levee work to protect
18 public benefits in the delta, the department may use funds pursuant
19 to this part without prior approval of a plan by the board or the
20 Department of Fish and Game, in which case the requirements of
21 Sections 12314 and 12987, and the memorandum of understanding
22 pursuant to Section 12307, shall be carried out as soon as possible.

23 (A) The amount of funds that may be expended each year on
24 emergency levee work under this section shall not be greater than
25 two hundred thousand dollars (\$200,000) and the amount that may
26 be expended per emergency levee site shall not be greater than
27 fifty thousand dollars (\$50,000). The local agency shall fund 25
28 percent of the total costs of the emergency repair at a site or shall
29 fund an appropriate share of the costs as approved by the board
30 and based upon information of the local agency's ability to pay
31 for the repairs.

32 (B) Department contracts executed for emergency levee work
33 under this section shall be exempted from Department of General
34 Services approval required under the Public Contract Code.

35 (C) As soon as feasible after the emergency repair, the
36 department shall submit a report to the board describing the levee
37 work, costs incurred, and plans for future work at the site, including
38 any necessary mitigation.

39 (D) This section is intended to supplement emergency services
40 provided by the state or the United States. Nothing in this section

1 overrides or supersedes the authority of the Secretary of Emergency
2 Management under the California Emergency Services Act
3 (Chapter 7 (commencing with Section 8550) of Division 1 of Title
4 2 of the Government Code) or the Disaster Assistance Act (Chapter
5 7.5 (commencing with Section 8680) of Division 1 of Title 2 of
6 the Government Code).

7 (2) Prepare and submit to the board for adoption a delta
8 emergency response plan for levee failures. The plan is exempt
9 from Chapter 3.5 (commencing with Section 11340) of Part 1 of
10 Division 3 of Title 2 of the Government Code. The plan may
11 include recommendations of the multiagency response team
12 established pursuant to paragraph (3) and may include, but not be
13 limited to, the following:

14 (A) Standardized contracts for emergency levee work to be
15 executed by the department, local agencies, or other appropriate
16 entities.

17 (B) Criteria for eligible emergency levee work.

18 (C) Definition of an emergency levee site.

19 (D) Documentation requirements.

20 (E) Proposals for complying with the federal Endangered
21 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the
22 California Endangered Species Act (Chapter 1.5 (commencing
23 with Section 2050) of Division 3 of the Fish and Game Code) in
24 an emergency.

25 (F) Stages of emergency response that may occur in various
26 situations.

27 (3) Establish a multiagency emergency response team, consisting
28 of representatives from the department, the board, the Department
29 of Fish and Game, the California Conservation Corps, the
30 California Emergency Management Agency, the Federal
31 Emergency Management Agency, the United States Army Corps
32 of Engineers, and the United States Fish and Wildlife Service to
33 advise on methods to ensure that levee emergencies will be
34 resolved as quickly and safely as possible.

35 SEC. 300. Section 13271 of the Water Code is amended to
36 read:

37 13271. (a) (1) Except as provided by subdivision (b), any
38 person who, without regard to intent or negligence, causes or
39 permits any hazardous substance or sewage to be discharged in or
40 on any waters of the state, or discharged or deposited where it is,

1 or probably will be, discharged in or on any waters of the state,
2 shall, as soon as (A) that person has knowledge of the ~~discharge,~~(B)
3 *discharge*, (B) notification is possible, and (C) notification can be
4 provided without substantially impeding cleanup or other
5 emergency measures, immediately notify the California Emergency
6 Management Agency of the discharge in accordance with the spill
7 reporting provision of the state toxic disaster contingency plan
8 adopted pursuant to Article 3.7 (commencing with Section 8574.16)
9 of Chapter 7 of Division 1 of Title 2 of the Government Code.

10 (2) The California Emergency Management Agency shall
11 immediately notify the appropriate regional board, the local health
12 officer, and the director of environmental health of the discharge.
13 The regional board shall notify the state board as appropriate.

14 (3) Upon receiving notification of a discharge pursuant to this
15 section, the local health officer and the director of environmental
16 health shall immediately determine whether notification of the
17 public is required to safeguard public health and safety. If so, the
18 local health officer and the director of environmental health shall
19 immediately notify the public of the discharge by posting notices
20 or other appropriate means. The notification shall describe
21 measures to be taken by the public to protect the public health.

22 (b) The notification required by this section shall not apply to
23 a discharge in compliance with waste discharge requirements or
24 other provisions of this division.

25 (c) Any person who fails to provide the notice required by this
26 section is guilty of a misdemeanor and shall be punished by a fine
27 of not more than twenty thousand dollars (\$20,000) or
28 imprisonment in a county jail for not more than one year, or both.
29 Except where a discharge to the waters of this state would have
30 occurred but for cleanup or emergency response by a public agency,
31 this subdivision shall not apply to any discharge to land which
32 does not result in a discharge to the waters of this state.

33 (d) Notification received pursuant to this section or information
34 obtained by use of that notification shall not be used against any
35 person providing the notification in any criminal case, except in
36 a prosecution for perjury or giving a false statement.

37 (e) For substances listed as hazardous wastes or hazardous
38 material pursuant to Section 25140 of the Health and Safety Code,
39 the state board, in consultation with the Department of Toxic
40 Substances Control, shall by regulation establish reportable

1 quantities for purposes of this section. The regulations shall be
2 based on what quantities should be reported because they may
3 pose a risk to public health or the environment if discharged to
4 groundwater or surface water. Regulations need not set reportable
5 quantities on all listed substances at the same time. Regulations
6 establishing reportable quantities shall not supersede waste
7 discharge requirements or water quality objectives adopted
8 pursuant to this division, and shall not supersede or affect in any
9 way the list, criteria, and guidelines for the identification of
10 hazardous wastes and extremely hazardous wastes adopted by the
11 Department of Toxic Substances Control pursuant to Chapter 6.5
12 (commencing with Section 25100) of Division 20 of the Health
13 and Safety Code. The regulations of the Environmental Protection
14 Agency for reportable quantities of hazardous substances for
15 purposes of the Comprehensive Environmental Response,
16 Compensation, and Liability Act of 1980, as amended (42 U.S.C.
17 Sec. 9601 et seq.) shall be in effect for purposes of the enforcement
18 of this section until the time that the regulations required by this
19 subdivision are adopted.

20 (f) (1) The state board shall adopt regulations establishing
21 reportable quantities of sewage for purposes of this section. The
22 regulations shall be based on the quantities that should be reported
23 because they may pose a risk to public health or the environment
24 if discharged to groundwater or surface water. Regulations
25 establishing reportable quantities shall not supersede waste
26 discharge requirements or water quality objectives adopted
27 pursuant to this division. For purposes of this section, “sewage”
28 means the effluent of a municipal wastewater treatment plant or a
29 private utility wastewater treatment plant, as those terms are
30 defined in Section 13625, except that sewage does not include
31 recycled water, as defined in subdivisions (c) and (d) of Section
32 13529.2.

33 (2) A collection system owner or operator, as defined in
34 paragraph (1) of subdivision (a) of Section 13193, in addition to
35 the reporting requirements set forth in this section, shall submit a
36 report pursuant to subdivision (c) of Section 13193.

37 (g) Except as otherwise provided in this section and Section
38 8589.7 of the Government Code, a notification made pursuant to
39 this section shall satisfy any immediate notification requirement
40 contained in any permit issued by a permitting agency. When

1 notifying the California Emergency Management Agency, the
2 person shall include all of the notification information required in
3 the permit.

4 (h) For the purposes of this section, the reportable quantity for
5 perchlorate shall be 10 pounds or more by discharge to the
6 receiving waters, unless a more restrictive reporting standard for
7 a particular body of water is adopted pursuant to subdivision (e).

8 (i) Notification under this section does not nullify a person's
9 responsibility to notify the local health officer or the director of
10 environmental health pursuant to Section 5411.5 of the Health and
11 Safety Code.

12 SEC. 301. Section 13272 of the Water Code is amended to
13 read:

14 13272. (a) Except as provided by subdivision (b), any person
15 who, without regard to intent or negligence, causes or permits any
16 oil or petroleum product to be discharged in or on any waters of
17 the state, or discharged or deposited where it is, or probably will
18 be, discharged in or on any waters of the state, shall, as soon as
19 (1) that person has knowledge of the discharge, (2) notification is
20 possible, and (3) notification can be provided without substantially
21 impeding cleanup or other emergency measures, immediately
22 notify the California Emergency Management Agency of the
23 discharge in accordance with the spill reporting provision of the
24 California oil spill contingency plan adopted pursuant to Article
25 3.5 (commencing with Section 8574.1) of Chapter 7 of Division
26 1 of Title 2 of the Government Code. This section shall not apply
27 to spills of oil into marine waters as defined in subdivision (f) of
28 Section 8670.3 of the Government Code.

29 (b) The notification required by this section shall not apply to
30 a discharge in compliance with waste discharge requirements or
31 other provisions of this division.

32 (c) Any person who fails to provide the notice required by this
33 section is guilty of a misdemeanor and shall be punished by a fine
34 of not less than five hundred dollars (\$500) or more than five
35 thousand dollars (\$5,000) per day for each day of failure to notify,
36 or imprisonment of not more than one year, or both. Except where
37 a discharge to the waters of this state would have occurred but for
38 cleanup or emergency response by a public agency, this subdivision
39 shall not apply to any discharge to land which does not result in a
40 discharge to the waters of this state. This subdivision shall not

1 apply to any person who is fined by the federal government for a
2 failure to report a discharge of oil.

3 (d) Notification received pursuant to this section or information
4 obtained by use of that notification shall not be used against any
5 person providing the notification in any criminal case, except in
6 a prosecution for perjury or giving a false statement.

7 (e) Immediate notification to the appropriate regional board of
8 the discharge, in accordance with reporting requirements set under
9 Section 13267 or 13383, shall constitute compliance with the
10 requirements of subdivision (a).

11 (f) The reportable quantity for oil or petroleum products shall
12 be one barrel (42 gallons) or more, by direct discharge to the
13 receiving waters, unless a more restrictive reporting standard for
14 a particular body of water is adopted.

15 SEC. 302. Section 73503 of the Water Code is amended to
16 read:

17 73503. (a) The city, in consultation with the association and
18 the offices of emergency services in Alameda County, Santa Clara
19 County, and San Mateo County, shall prepare an emergency
20 response plan describing how water service will be restored to the
21 area served by the bay area regional water system after an
22 interruption caused by earthquake or other natural or manmade
23 catastrophe, and thereafter shall be implemented.

24 (b) During any interruption in supply caused by earthquake, or
25 other natural or manmade catastrophe, a regional wholesale water
26 supplier shall distribute water to customers on an equitable basis,
27 to the extent feasible given physical damage to the regional water
28 system, without preference or discrimination based on a customer's
29 geographic location within or outside the boundary of the regional
30 wholesale water supplier.

31 SEC. 303. Section 79522 of the Water Code is amended to
32 read:

33 79522. (a) Funds made available pursuant to Section 79520
34 shall be appropriated to the State Department of Health Services
35 to carry out this chapter consistent with the requirements and for
36 the purposes specified in Section 79520.

37 (b) In the development of priorities for expenditure of the funds
38 appropriated for the purposes of this section, the State Department
39 of Health Services shall consult with the California Emergency
40 Management Agency, the state Office of Homeland Security, and

1 local water agencies to develop criteria for the department's
2 programs.

3 (c) Funds allocated pursuant to this section shall not be available
4 for grants that reimburse project costs incurred prior to the adoption
5 of criteria for the grants provided in this section.

6 (d) No grant funds may be awarded to supplant funding for the
7 routine responsibilities or obligations of any state, local, or regional
8 drinking water system.

9 SEC. 304. Section 1789 of the Welfare and Institutions Code
10 is amended to read:

11 1789. (a) A Runaway Youth and Families in Crisis Project
12 shall be established in one or more counties in the San Joaquin
13 Central Valley, in one or more counties in the northern region of
14 California, and in one or more counties in the southern region of
15 California. Each project may have one central location, or more
16 than one site, in order to effectively serve the target population.

17 (b) The California Emergency Management Agency shall
18 prepare and disseminate a request for proposals to prospective
19 grantees under this chapter within four months after this chapter
20 has been approved and enacted by the Legislature. The California
21 Emergency Management Agency shall enter into grant award
22 agreements for a period of no less than three years, and the
23 operation of projects shall begin no later than four months after
24 grant award agreements are entered into between the agency and
25 the grantee. Grants shall be awarded based on the quality of the
26 proposal, the documented need for services in regard to runaway
27 youth, and to organizations, as specified in subdivision (d) of this
28 section, in localities that receive a disproportionately low share of
29 existing federal and state support for youth shelter programs.

30 (c) The California Emergency Management Agency shall require
31 applicants to identify, in their applications, measurable outcomes
32 by which the agency will measure the success of the applicant's
33 project. These measurable outcomes shall include, but not be
34 limited to, the number of clients served and the percentage of
35 clients who are successfully returned to the home of a parent or
36 guardian or to an alternate living condition when reunification is
37 not possible.

38 (d) Only private, nonprofit organizations shall be eligible to
39 apply for funds under this chapter to operate a Runaway Youth
40 and Families in Crisis Project, and these organizations shall be

1 required to annually contribute a local match of at least 15 percent
2 in cash or in-kind contribution to the project during the term of
3 the grant award agreement. Preference shall be given to
4 organizations that demonstrate a record of providing effective
5 services to runaway youth or families in crisis for at least three
6 years, successfully operating a youth shelter for runaway and
7 homeless youth, or successfully operating a transitional living
8 facility for runaway and homeless youth who do not receive
9 transitional living services through the juvenile justice system.
10 Additional weight shall also be given to those organizations that
11 demonstrate a history of collaborating with other agencies and
12 individuals in providing such services. Priority shall be given to
13 organizations with existing facilities. Preference shall also be given
14 to organizations that demonstrate the ability to progressively
15 decrease their reliance on resources provided under this chapter
16 and to operate this project beyond the period that the organization
17 receives funds under this chapter.

18 SEC. 305. Section 1789.5 of the Welfare and Institutions Code
19 is repealed.

20 SEC. 306. Section 9625 of the Welfare and Institutions Code
21 is amended to read:

22 9625. (a) No later than June 30, 2007, each multipurpose senior
23 center and each senior center, as defined in subdivisions (j) and
24 (n) of Section 9591, shall develop and maintain a written
25 emergency operations plan. This emergency operations plan shall
26 include, but not be limited to, all of the following:

27 (1) Facility preparation procedures to identify the location of
28 first aid supplies, secure all furniture, appliances, and other
29 free-standing objects, and provide instructions for operating gas
30 and water shutoff valves.

31 (2) An inventory of neighborhood resources that shall include,
32 but not be limited to, the identification and location of all the
33 following nearby resources:

34 (A) Generators.

35 (B) Telephones.

36 (C) Hospitals and public health clinics.

37 (D) Fire stations and police stations.

38 (3) Evacuation procedures, including procedures to
39 accommodate those who will need assistance in evacuating the

1 center. This evacuation plan shall be located in an area that is
2 accessible to the public.

3 (4) Procedures to accommodate seniors, people with disabilities,
4 and other community members in need of shelter at the senior
5 center, in the event that other community facilities are inoperable.

6 (5) Personnel resources necessary for postdisaster response.

7 (6) Procedures for conducting periodic evacuation drills, fire
8 drills, and earthquake drills.

9 (7) Procedures to ensure service continuation after a disaster.

10 (8) Consideration of cultural and linguistic barriers in emergency
11 and evacuation plans, and ways to appropriately address those
12 barriers.

13 (b) In the development of the emergency operations plans
14 required by this chapter, multipurpose senior centers and senior
15 centers shall coordinate with the California Emergency
16 Management Agency, the local area agency on aging, as defined
17 in Section 9006, and other relevant agencies and stakeholders.

18 SEC. 307. Section 14085.54 of the Welfare and Institutions
19 Code is amended to read:

20 14085.54. (a) The Los Angeles County University of Southern
21 California (LAC-USC) Medical Center may submit revised final
22 plans to the Office of Statewide Health Planning and Development
23 to replace the original capital expenditure project plans that met
24 the initial eligibility requirements provided for under Section
25 14085.5 if all of the following conditions are met:

26 (1) The revised capital expenditure project meets all other
27 requirements for eligibility as specified in Section 14085.5.

28 (2) The revised plans are submitted to the Office of Statewide
29 Health Planning and Development on or before December 31,
30 2002, except that, with respect to a facility in the San Gabriel
31 Valley of not less than 80 beds, the revised plans may be submitted
32 not later than December 31, 2003.

33 (3) The scope of the capital project shall consist of two facilities
34 with not less than a total of 680 beds.

35 (b) Funding under Section 14085.5 shall not be provided unless
36 all of the conditions specified in subdivision (a) are met.

37 (c) The revised plans for the LAC-USC Medical Center ~~Capital~~
38 *capital* expenditure project may provide for one or more of the
39 following variations from the original capital expenditure project
40 plan submission:

- 1 (1) Total revisions or reconfigurations, or reductions in size and
2 scope.
- 3 (2) Reduction in, or modification of, some or all inpatient project
4 components.
- 5 (3) Tenant interior improvements not specified in the original
6 capital expenditure project plan submission.
- 7 (4) Modifications to the foundation, structural frame, and
8 building exterior shell, commonly known as the shell and core.
- 9 (5) Modifications necessary to comply with current seismic
10 safety standards.
- 11 (6) Expansion of outpatient service facilities that operate under
12 the LAC-USC Medical Center license.
- 13 (d) The revised capital expenditure project may provide for an
14 additional inpatient service site to the current LAC-USC Medical
15 Center only if the additional inpatient service site meets both of
16 the following criteria:
- 17 (1) The San Gabriel Valley site is owned and operated by the
18 County of Los Angeles.
- 19 (2) The San Gabriel Valley site is consolidated under the
20 LAC-USC Medical Center license.
- 21 (e) (1) Supplemental reimbursement for the revised capital
22 expenditure project for LAC-USC Medical Center, as described
23 in this section, shall be calculated pursuant to subdivision (c) of
24 Section 14085.5, as authorized and limited by this section. The
25 initial Medi-Cal inpatient utilization rate for the LAC-USC Medical
26 Center, for purposes of calculating the supplemental
27 reimbursement, shall be that which was established at the point of
28 the original capital expenditure project plan submission. The
29 revised capital expenditure project costs, including project costs
30 related to the additional inpatient service site, eligible for
31 supplemental reimbursement under this section shall not exceed
32 85 percent of the project costs, including all eligible construction,
33 architectural and engineering, design, management and consultant
34 costs that would have qualified for supplemental reimbursement
35 under the original capital project. The Legislature finds that the
36 original qualifying amount was one billion two hundred sixty-nine
37 million seven hundred thirty-five thousand dollars
38 (\$1,269,735,000).
- 39 (2) Notwithstanding any other provision of this section, any
40 portion of the revised capital expenditure project for which the

1 County of Los Angeles is reimbursed by the Federal Emergency
2 Management Agency and the California Emergency Management
3 Agency shall not be considered eligible project costs for purposes
4 of determining supplemental reimbursement under Section 14085.5.

5 (3) The department shall seek a ~~medicaid~~ *Medicaid* state plan
6 amendment in order to maximize federal financial participation.
7 However, if the department is unable to obtain federal financial
8 participation at the Medi-Cal inpatient adjustment rate as described
9 in paragraph (1), the state shall fully fund any amount that would
10 otherwise be funded under this section, but for which federal
11 financial participation cannot be obtained.

12 (f) The LAC-USC Medical Center shall provide written
13 notification to the department of the status of the project on or
14 before January 1 of each year, commencing January 1, 2002. This
15 notification shall, at a minimum, include a narrative description
16 of the project, identification of services to be provided,
17 documentation substantiating service needs, projected construction
18 timeframes, and total estimated revised capital project costs.

19 (g) The project, if eligible under the criteria set forth in this
20 section and Section 14085.5, shall commence construction at both
21 facilities referred to in subdivision (a) on or before January 1,
22 2004.

23 (h) In addition to the requirements of subdivision (f), the project
24 shall be licensed for operation and available for occupancy on or
25 before January 1, 2009.

26 (i) On or before August 15, 2001, the County of Los Angeles
27 may withdraw any revised final plans that are submitted pursuant
28 to this section prior to that date if the Board of Supervisors of Los
29 Angeles County finds that insufficient funds are available to carry
30 out the capital expenditure project described in this section.

31 SEC. 308. Section 18275.5 is added to the Welfare and
32 Institutions Code, to read:

33 18275.5. Unless the context requires otherwise, for purposes
34 of this chapter:

35 (a) "Agency" means the California Emergency Management
36 Agency.

37 (b) "Secretary" means the Secretary of Emergency Management.

38 SEC. 309. Section 18277 of the Welfare and Institutions Code
39 is amended to read:

1 18277. The secretary shall select two child sexual abuse
2 prevention training centers, one in northern California and the
3 other in southern California, which shall receive state funds
4 pursuant to this chapter. The secretary shall give consideration to
5 existing demonstration programs relating to the prevention of
6 sexual abuse of children and may award grant awards on a sole
7 source basis to the two training centers which he or she selects for
8 funding. The agency shall appraise the performance of the training
9 centers on an annual basis and determine whether they shall receive
10 continuation grants.

11 SEC. 310. Section 18278 of the Welfare and Institutions Code
12 is amended to read:

13 18278. (a) The agency shall make grants to community
14 nonprofit child sexual abuse treatment programs that are unable
15 to meet the current demand for their services, pursuant to this
16 section.

17 (b) Programs seeking these grants shall apply to the Office of
18 Criminal Justice Planning in the manner prescribed by the office.
19 Each award shall be limited to twenty-five thousand dollars
20 (\$25,000). Programs shall be selected based, at a minimum, on the
21 following criteria:

22 (1) The program's inability to meet the public demand for its
23 services.

24 (2) The program's use of the award to maximize the services
25 provided to clients who would not otherwise be served.

26 (3) The likelihood that the program will be able to maintain the
27 new level of service after the funds granted are depleted.

28 The awards shall be equitably distributed to programs in northern
29 and southern California. At least one-fourth of the funds shall be
30 distributed to rural programs.

31 (c) The agency shall fund programs as expeditiously as possible;
32 program funding shall commence within 90 days after the effective
33 date of this chapter.

34 SEC. 311. Section 18278.5 of the Welfare and Institutions
35 Code is amended to read:

36 18278.5. The agency shall enter into contracts with the centers
37 for the provision of services required by this chapter within four
38 months of the effective date of this chapter.

39 *SEC. 312. Section 62, amending Section 8592.1 of the*
40 *Government Code, Section 278, amending Section 2872.5 of the*

1 *Public Utilities Code, and Section 279, amending Section 2892.1*
2 *of the Public Utilities Code, shall not become operative if Assembly*
3 *Bill 2408 of the 2009–10 Regular Session amends those sections*
4 *and is enacted prior to this bill.*

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7 **CORRECTIONS:**

8 **Text—Page 209.**

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