

AMENDED IN ASSEMBLY JULY 5, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 548

Introduced by Senator Hollingsworth

February 22, 2007

An act to amend ~~Sections 8558 and~~ *Section* 8690.6 of the Government Code, relating to emergency services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as amended, Hollingsworth. California Emergency Services Act.

~~(1) California~~

The California Emergency Services Act establishes the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties, and continuously appropriates moneys in the account for allocation by the Director of Finance to state agencies for qualifying disaster response operation costs for specified activities. These provisions are repealed as of July 1, 2007.

This bill would extend the repeal date of these provisions to January 1, ~~2013~~ 2009. By extending the existence of a continuously appropriated fund, this bill would make an appropriation.

~~(2) The act defines a "state of emergency" for purposes of its provisions as the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by specified conditions.~~

This bill would specify that these conditions do not include conditions in the state’s prisons, medical facilities, or youth correctional facilities resulting solely from the actions or inaction of the Department of Corrections and Rehabilitation in administering those facilities.

~~(3) This~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1.— Section 8558 of the Government Code is amended
2 to read:
3 8558. Three conditions or degrees of emergency are established
4 by this chapter:
5 (a) “State of war emergency” means the condition which exists
6 immediately, with or without a proclamation thereof by the
7 Governor, whenever this state or nation is attacked by an enemy
8 of the United States, or upon receipt by the state of a warning from
9 the federal government indicating that such an enemy attack is
10 probable or imminent.
11 (b) “State of emergency” means the duly proclaimed existence
12 of conditions of disaster or of extreme peril to the safety of persons
13 and property within the state caused by such conditions as air
14 pollution, fire, flood, storm, epidemic, riot, drought, sudden and
15 severe energy shortage, plant or animal infestation or disease, the
16 Governor’s warning of an earthquake or volcanic prediction, or
17 an earthquake, complications resulting from the Year 2000
18 Problem, or other conditions, other than conditions resulting from
19 a labor controversy, conditions causing a “state of war emergency,”
20 or conditions in the state’s prisons, medical facilities, or youth
21 correctional facilities resulting solely from the actions or inaction
22 of the Department of Corrections and Rehabilitation in
23 administering those facilities, which, by reason of their magnitude,
24 are or are likely to be beyond the control of the services, personnel,
25 equipment, and facilities of any single county, city and county, or
26 city and require the combined forces of a mutual aid region or
27 regions to combat, or with respect to regulated energy utilities, a
28 sudden and severe energy shortage requires extraordinary measures

1 beyond the authority vested in the California Public Utilities
2 Commission.

3 (e) “Local emergency” means the duly proclaimed existence of
4 conditions of disaster or of extreme peril to the safety of persons
5 and property within the territorial limits of a county, city and
6 county, or city, caused by such conditions as air pollution, fire,
7 flood, storm, epidemic, riot, drought, sudden and severe energy
8 shortage, plant or animal infestation or disease, the Governor’s
9 warning of an earthquake or volcanic prediction, or an earthquake,
10 complications resulting from the Year 2000 Problem, or other
11 conditions, other than conditions resulting from a labor controversy,
12 which are or are likely to be beyond the control of the services,
13 personnel, equipment, and facilities of that political subdivision
14 and require the combined forces of other political subdivisions to
15 combat, or with respect to regulated energy utilities, a sudden and
16 severe energy shortage requires extraordinary measures beyond
17 the authority vested in the California Public Utilities Commission.

18 ~~SEC. 2.~~

19 *SECTION 1.* Section 8690.6 of the Government Code is
20 amended to read:

21 8690.6. (a) The Disaster Response-Emergency Operations
22 Account is hereby established in the Special Fund for Economic
23 Uncertainties. Notwithstanding Section 13340, moneys in the
24 account are continuously appropriated, subject to the limitations
25 specified in subdivisions (c) and (d), without regard to fiscal years,
26 for allocation by the Director of Finance to state agencies for
27 disaster response operation costs incurred by state agencies as a
28 result of a proclamation by the Governor of a state of emergency,
29 as defined in subdivision (b) of Section 8558. These allocations
30 may be for activities that occur within 120 days after a
31 proclamation of emergency by the Governor.

32 (b) It is the intent of the Legislature that the Disaster
33 Response-Emergency Operations Account have an unencumbered
34 balance of one million dollars (\$1,000,000) at the beginning of
35 each fiscal year. If this account requires additional moneys to meet
36 claims against the account, the Director of Finance may transfer
37 moneys from the Special Fund for Economic Uncertainties to the
38 account in an amount sufficient to pay the amount of the claims
39 that exceed the unencumbered balance in the account.

1 (c) Funds shall be allocated from the account subject to the
2 conditions of this section and upon notification by the Director of
3 Finance to the Chairperson of the Joint Legislative Budget
4 Committee and the chairpersons of the fiscal committees in each
5 house.

6 (d) Notwithstanding any other provision of law, authorizations
7 for acquisitions, relocations, and environmental mitigations related
8 to activities, as described in subdivision (a), shall be authorized
9 pursuant to this section. However, these funds may only be
10 authorized for needs that are a direct consequence of the proclaimed
11 emergency where failure to undertake the project may interrupt
12 essential state services or jeopardize public health or safety. In
13 addition, any acquisition accomplished under this subdivision shall
14 comply with any otherwise applicable law, except as provided in
15 the first sentence of this subdivision.

16 (e) No funds allocated under this section shall be used to
17 supplant federal funds otherwise available in the absence of state
18 financial relief.

19 (f) The amount of financial assistance provided to an individual,
20 business, or governmental entity under this section, or pursuant to
21 any other program of state-funded disaster assistance, shall be
22 deducted from sums received in payment of damage claims asserted
23 against the state, its agents, or employees, for causing or
24 contributing to the effects of the proclaimed disaster.

25 (g) No public entity administering disaster assistance to
26 individuals shall receive funds under this section unless it
27 administers that assistance pursuant to the following criteria:

28 (1) All applications, forms, and other written materials presented
29 to persons seeking assistance shall be available in English and in
30 the same language as that used by the major non-English-speaking
31 group within the disaster area.

32 (2) Bilingual staff who reflect the demographics of the disaster
33 area shall be available to applicants.

34 (h) This section shall remain in effect only until January 1, ~~2013~~
35 2009, and as of that date is repealed, unless a later enacted statute,
36 that is enacted before January 1, ~~2013~~ 2009, deletes or extends
37 that date.

38 SEC. 2. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order that ~~the restrictions contained in the amendment to~~
4 ~~Section 8558 of the Government Code made by Section 1 of this~~
5 ~~act, and that~~ the Disaster Response-Emergency Operations Account
6 established pursuant to Section 8690.6 of the Government Code
7 may continue in uninterrupted existence, it is necessary that this
8 act take effect immediately.

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