

AMENDED IN ASSEMBLY JULY 16, 2007

AMENDED IN ASSEMBLY JULY 5, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 548**

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**Introduced by Senator Hollingsworth**

February 22, 2007

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An act to ~~amend~~ *add and repeal* 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.

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 ~~These~~ *Those* provisions ~~are~~ *were* repealed as of July 1, 2007.

This bill would ~~extend the repeal date of these provisions to, until~~ January 1, 2009, *reenact the above repealed provisions*.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

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 8690.6 is added to the Government Code,*  
2 *to read:*

3     8690.6. (a) *The Disaster Response-Emergency Operations*  
4 *Account is hereby established in the Special Fund for Economic*  
5 *Uncertainties. Notwithstanding Section 13340, moneys in the*  
6 *account are continuously appropriated, subject to the limitations*  
7 *specified in subdivisions (c) and (d), without regard to fiscal years,*  
8 *for allocation by the Director of Finance to state agencies for*  
9 *disaster response operation costs incurred by state agencies as a*  
10 *result of a proclamation by the Governor of a state of emergency,*  
11 *as defined in subdivision (b) of Section 8558. These allocations*  
12 *may be for activities that occur within 120 days after a*  
13 *proclamation of emergency by the Governor.*

14     (b) *It is the intent of the Legislature that the Disaster*  
15 *Response-Emergency Operations Account have an unencumbered*  
16 *balance of one million dollars (\$1,000,000) at the beginning of*  
17 *each fiscal year. If this account requires additional moneys to meet*  
18 *claims against the account, the Director of Finance may transfer*  
19 *moneys from the Special Fund for Economic Uncertainties to the*  
20 *account in an amount sufficient to pay the amount of the claims*  
21 *that exceed the unencumbered balance in the account.*

22     (c) *Funds shall be allocated from the account subject to the*  
23 *conditions of this section and upon notification by the Director of*  
24 *Finance to the Chairperson of the Joint Legislative Budget*  
25 *Committee and the chairpersons of the fiscal committees in each*  
26 *house.*

27     (d) *Notwithstanding any other law, authorizations for*  
28 *acquisitions, relocations, and environmental mitigations related*  
29 *to activities, as described in subdivision (a), shall be authorized*  
30 *pursuant to this section. However, these funds shall be authorized*  
31 *only for needs that are a direct consequence of the proclaimed*  
32 *emergency if failure to undertake the project may interrupt*  
33 *essential state services or jeopardize public health or safety. In*  
34 *addition, any acquisition accomplished under this subdivision*  
35 *shall comply with any otherwise applicable law, except as provided*  
36 *in the first sentence of this subdivision.*

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

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

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

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

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

19 (h) This section shall remain in effect only until January 1, 2009,  
20 and as of that date is repealed, unless a later enacted statute, that  
21 is enacted before January 1, 2009, deletes or extends that date.

22 SECTION 1. ~~Section 8690.6 of the Government Code is~~  
23 ~~amended to read:~~

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

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

1 account in an amount sufficient to pay the amount of the claims  
2 that exceed the unencumbered balance in the account.

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

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

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

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

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

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

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

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

39 SEC. 2. This act is an urgency statute necessary for the  
40 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 Disaster Response-Emergency Operations  
4 Account established pursuant to Section 8690.6 of the Government  
5 Code may continue in uninterrupted existence, it is necessary that  
6 this act take effect immediately.

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