



**Cal OES**

GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

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## **CALIFORNIA EMERGENCY SERVICES ACT**

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## **CALIFORNIA DISASTER ASSISTANCE ACT AND REGULATIONS**

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## **STANDARDIZED EMERGENCY MANAGEMENT SYSTEM REGULATIONS**

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## **DISASTER SERVICE WORKER VOLUNTEER PROGRAM REGULATIONS**

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## **EMERGENCY COMPACTS**

- INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT (1951)
  - EMERGENCY MANAGEMENT ASSISTANCE COMPACT (2005)
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## **CALIFORNIA DISASTER AND CIVIL DEFENSE MASTER MUTUAL AID AGREEMENT**

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*Governor*

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# California Emergency Services Act

Government Code

## **Article 1 – Purpose**

### **§ 8550. Findings and Declaration**

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

- (a) To confer upon the Governor and upon the chief executives and governing bodies of political subdivisions of this state the emergency powers provided herein; and to provide for state assistance in the organization and maintenance of the emergency programs of such political subdivisions.
- (b) To provide for a state office to be known and referred to as the Office of Emergency Services, within the office of the Governor, and to prescribe the powers and duties of the director of that office.
- (c) To provide for the assignment of functions to state entities to be performed during an emergency and for the coordination and direction of the emergency actions of those entities.

- (d) To provide for the rendering of mutual aid by the state government and all its departments and agencies and by the political subdivisions of this state in carrying out the purposes of this chapter.
- (e) To authorize the establishment of such organizations and the taking of such actions as are necessary and proper to carry out the provisions of this chapter.

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

### **§ 8551. Short title**

This chapter may be cited as the “California Emergency Services Act.”

## **Article 2 – General Definitions**

### **§ 8555. Definitions governing construction**

Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

### **§ 8556. “Governor” defined**

“Governor” means the Governor or the person upon whom the powers and duties of the office of Governor

have devolved pursuant to Section 10 of Article V of the California Constitution.

### **§ 8557. Definitions**

- (a) "State agency" means any department, division, independent establishment, or agency of the executive branch of the state government.
- (b) "Political subdivision" includes any city, city and county, county, district, or other local governmental agency or public agency authorized by law.
- (c) "Governing body" means the legislative body, trustees, or directors of a political subdivision.
- (d) "Chief executive" means that individual authorized by law to act for the governing body of a political subdivision.
- (e) "Disaster council" and "disaster service worker" have the meaning prescribed in Chapter 1 (commencing with Section 3201) of Part 1 of Division 4 of the Labor Code.
- (f) "Public facility" means any facility of the state or a political subdivision, which facility is owned, operated, or maintained, or any combination thereof, through moneys derived by taxation or assessment.
- (g) "Sudden and severe energy shortage" means a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and which has statewide, regional, or local impact.

### **§ 8558. Conditions or degrees of emergency; "state of war emergency", "state of emergency", and "local emergency" defined**

## California Emergency Services Act

Three conditions or degrees of emergency are established by this chapter:

- (a) "State of war emergency" means the condition that exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.
- (b) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency," which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.
- (c) "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the



territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

### **§ 8559. "Mutual aid region" and "operational area" defined**

- (a) A "mutual aid region" is a subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state consisting of two or more county operational areas.
- (b) An "operational area" is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area.

### **§ 8560. "Emergency plans" and "State Emergency Plan" defined**

- (a) "Emergency plans" means those official and approved documents which describe the principles

and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. These plans include such elements as continuity of government, the emergency services of governmental agencies, mobilization of resources, mutual aid, and public information.

- (b) "State Emergency Plan" means the State of California Emergency Plan as approved by the Governor.

### **§ 8561. "Master Mutual Aid Agreement" defined**

"Master Mutual Aid Agreement" means the California Disaster and Civil Defense Master Mutual Aid Agreement, made and entered into by and between the State of California, its various departments and agencies, and the various political subdivisions of the state, to facilitate implementation of the purposes of this chapter.

## **Article 3 – Powers of the Governor**

### **§ 8565. Additional powers**

The Governor shall have the powers granted by this article, which powers shall be in addition to any other powers granted to him by this chapter.

#### **§ 8565.1. Establishment of committee or board by Governor**

Nothing in this chapter shall operate to prevent the Governor from establishing a committee or board composed of heads of state agencies, should the Governor deem it necessary to aid him or her in

obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

### **§ 8566. Expenditures**

The Governor is empowered to expend any appropriation for support of the California Emergency Services Act to carry out the provisions of this chapter.

### **§ 8568. Administration of State Emergency Plan by each political subdivision**

The State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof.

### **§ 8569. Coordination of State Emergency Plan**

The Governor shall coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency in this state; and he shall coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of this state, such plans and programs to be integrated into and coordinated with the State Emergency Plan and the plans and programs of the federal government and of other states to the fullest possible extent.

### **§ 8567. Orders and regulations**

(a) The Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations

shall have the force and effect of law. Due consideration shall be given to the plans of the federal government in preparing the orders and regulations. The Governor shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.

- (b) Orders and regulations, or amendments or rescissions thereof, issued during a state of war emergency or state of emergency shall be in writing and shall take effect immediately upon their issuance. Whenever the state of war emergency or state of emergency has been terminated, the orders and regulations shall be of no further force or effect.
- (c) All orders and regulations relating to the use of funds pursuant to Article 16 (commencing with Section 8645) shall be prepared in advance of any commitment or expenditure of the funds. Other orders and regulations needed to carry out the provisions of this chapter shall, whenever practicable, be prepared in advance of a state of war emergency or state of emergency.
- (d) All orders and regulations made in advance of a state of war emergency or state of emergency shall be in writing, shall be exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. As soon thereafter as possible they shall be filed in the office of the Secretary of State and with the county clerk of each county.

### **§ 8570. Powers for mitigation of effects of emergency**

## California Emergency Services Act

The Governor may, in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency in this state:

- (a) Ascertain the requirements of the state or its political subdivisions for food, clothing, and other necessities of life in the event of an emergency.
- (b) Plan for, procure, and pre-position supplies, medicines, materials, and equipment.
- (c) Use and employ any of the property, services, and resources of the state as necessary to carry out the purposes of this chapter.
- (d) Provide for the approval of local emergency plans.
- (e) Provide for mobile support units.
- (f) Provide for use of public airports.
- (g) Institute training programs and public information programs.
- (h) Make surveys of the industries, resources, and facilities, both public and private, within the state, as are necessary to carry out the purposes of this chapter.
- (i) Plan for the use of any private facilities, services, and property and, when necessary, and when in fact used, provide for payment for that use under the terms and conditions as may be agreed upon.
- (j) Take all other preparatory steps, including the partial or full mobilization of emergency organizations in advance of an actual emergency; and order those test exercises needed to insure the furnishing of adequately trained and equipped personnel in time of need.

**§ 8570.3. Update of State Emergency Plan; best practices to mobilize and evacuate people with disabilities**

On or before July 31, 2015, the Office of Emergency Services shall update the State Emergency Plan to include proposed best practices for local governments and nongovernmental entities to use to mobilize and evacuate people with disabilities and others with access and functional needs during an emergency or natural disaster.

**§ 8570.4. Update of State Emergency Plan; frequency**

The Office of Emergency Services shall update the State Emergency Plan on or before January 1, 2019, and every five years thereafter.

**§ 8570.5. Agriculture-related disasters; guidance document of State Emergency Plan**

The Office of Emergency Services shall develop a guidance document to the State Emergency Plan to specify the response of the state and its political subdivisions to agriculture-related disasters. This document shall be completed by January 2002, and updated by January 2009, and shall include, but not be limited to, all of the following:

- (a) The roles and responsibilities of the county agricultural commissioners.
- (b) The roles and responsibilities of the Department of Agriculture and other relevant state agencies that are involved in the response to agriculture-related disasters.

- (c) Coordination of initial and ongoing crop damage assessments.
- (d) Disaster assistance between the time of the request for a federal disaster declaration and issuance of a federal declaration.
- (e) State assistance available if a requested federal declaration is not issued.
- (f) State assistance under a United States Department of Agriculture designation rather than a federal declaration.
- (g) State assistance for long-term unemployment in areas with high unemployment rates prior to an emergency.
- (h) Provision for the removal and elimination of extraordinary numbers of dead livestock for purposes of protecting public health and safety.
- (i) Strategies to assist in the development of an integrated and coordinated response by community-based organizations to the victims of agriculture-related disasters.
- (j) Procedures for the decontamination of individuals who have been or may have been exposed to hazardous materials, which may vary depending on the hazards posed by a particular hazardous material. The report shall specify that individuals shall be assisted in a humanitarian manner.
- (k) Integration of various local and state emergency response plans, including, but not limited to, plans that relate to hazardous materials, oil spills, public health emergencies, and general disasters.

**§ 8570.6. Evaluation of risks from electromagnetic pulse attack, geomagnetic storm event, and from other potential causes of long-term electrical**

### ***outage; inclusion in update of State Hazard Mitigation Plan; identification of cost-effective and feasible measures to lessen risks***

- (a) The Office of Emergency Services shall include in the next update of the State Hazard Mitigation Plan required pursuant to the federal Disaster Mitigation Act of 2000 (Public Law 106-390),<sup>1</sup> within its hazard identification and risk analysis, an evaluation of risks from an electromagnetic pulse attack, a geomagnetic storm event, and from other potential causes of a long-term electrical outage. As necessary, based on that analysis, the plan shall identify cost-effective and feasible measures to lessen risks from those hazards, including, but not limited to, hardening the critical infrastructure of electrical utilities.
- (b) Nothing in this section limits the authority or responsibilities of the Public Utilities Commission with respect to disaster and emergency preparedness plans pursuant to Section 768.6 of the Public Utilities Code.

### ***§ 8571. Suspension of statutes, rules and regulations***

During a state of war emergency or a state of emergency the Governor may suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, including subdivision (d) of Section 1253 of the Unemployment Insurance Code, where the Governor determines and declares that strict compliance with any statute, order, rule, or



regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

### **§ 8571.5. Seizure or confiscation of firearms or ammunition not authorized; disarming of firearm for protection of officer; returning firearm**

Nothing in this article shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition, or authorize any order to that effect, provided however, that a peace officer who is acting in his or her official capacity may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual. The officer shall return the firearm to the individual before discharging the individual, unless the officer arrests that individual or seizes the firearm as evidence pursuant to an investigation for the commission of a crime.

### **§ 8572. Commandeering private property or personnel**

In the exercise of the emergency powers hereby vested in him during a state of war emergency or state of emergency, the Governor is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibilities hereby vested in him as Chief Executive of the state and the state shall pay the reasonable value thereof.

Notwithstanding the provisions of this section, the Governor is not authorized to commandeer any

newspaper, newspaper wire service, or radio or television station, but may, during a state of war emergency or state of emergency, and if no other means of communication are available, utilize any news wire services, and the state shall pay the reasonable value of such use. In so utilizing any such facilities, the Governor shall interfere as little as possible with their use for the transmission of news.

### **§ 8573. Cooperation with federal officials and agencies**

The Governor may cooperate with the President and the heads of the armed forces and other agencies of the United States, and with officers and agencies of other states, on matters pertaining to emergencies; and he may take any steps he deems necessary to put into effect any rules, regulations, or suggestions made by such persons or agencies.

### **§ 8574. Chapter not to limit constitutional or statutory powers**

None of the provisions of this chapter shall limit, modify, or abridge the powers vested in the Governor under the Constitution or statutes of the state by proclamation, to declare any county, city and county, or city, or any portion thereof to be in a state of insurrection or to proclaim the existence of martial law and to exercise all the powers vested in him thereunder independent of, or in conjunction with, any of the provisions of this chapter.

**Article 3.5 – Oil Spills**

**§ 8574.1. California oil spill contingency plan; establishment by Governor**

In addition to any other authority conferred upon the Governor by this chapter, the Governor shall establish a California oil spill contingency plan pursuant to this article.

**§ 8574.2. Provision for integrated and effective state procedure to combat oil spills**

Any plan established pursuant to this article shall provide for an integrated and effective state procedure to combat the results of major oil spills within the state. Such plan shall provide for specified state agencies to implement the plan.

**§ 8574.3. State agencies with authority to implement plan; volunteer workers**

State agencies granted authority to implement a plan adopted under this article may use volunteer workers. The volunteers shall be deemed employees of the state for the purpose of workers' compensation under Article 2 (commencing with Section 3350) of Chapter 2 of Part 1 of Division 4 of the Labor Code. Any payments for workers' compensation under this section shall be made from the account specified in Section 8574.4.

**§ 8574.4. State expenditures; accounting; payment; liability of party responsible for spill**

State agencies designated to implement the contingency plan shall account for all state

expenditures made under the plan with respect to each oil spill. Expenditures accounted for under this section from an oil spill in waters of the state shall be paid from the Oil Spill Response Trust Fund created pursuant to Section 8670.46. All other expenditures accounted for under this section shall be paid from the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund provided for in Article 3 (commencing with Section 13440) of Chapter 6 of Division 7 of the Water Code. If the party responsible for the spill is identified, that party shall be liable for the expenditures accounted for under this section, in addition to any other liability that may be provided for by law, in an action brought by the Attorney General. The proceeds from any action for a spill in marine waters shall be paid into the Oil Spill Response Trust Fund.

### **§ 8574.7. California oil spill contingency plan; amendment; elements**

The Governor shall require the administrator, not in conflict with the National Contingency Plan, to amend the California oil spill contingency plan to provide for the best achievable protection of waters of the state. "Administrator" for purposes of this section means the administrator appointed by the Governor pursuant to Section 8670.4. The plan shall consist of all of the following elements:

- (a) A state response element that specifies the hierarchy for state and local agency response to an oil spill. The element shall define the necessary tasks for oversight and control of cleanup and removal activities associated with an oil spill and shall specify

each agency's particular responsibility in carrying out these tasks. The element shall also include an organizational chart of the state oil spill response organization and a definition of the resources, capabilities, and response assignments of each agency involved in cleanup and removal actions in an oil spill.

- (b) A regional and local planning element that shall provide the framework for the involvement of regional and local agencies in the state effort to respond to an oil spill, and shall ensure the effective and efficient use of regional and local resources, as appropriate, in all of the following:
- (1) Traffic and crowd control.
  - (2) Firefighting.
  - (3) Boating traffic control.
  - (4) Radio and communications control and provision of access to equipment.
  - (5) Identification and use of available local and regional equipment or other resources suitable for use in cleanup and removal actions.
  - (6) Identification of private and volunteer resources or personnel with special or unique capabilities relating to oil spill cleanup and removal actions.
  - (7) Provision of medical emergency services.
  - (8) Consideration of the identification and use of private working craft and mariners, including commercial fishing vessels and licensed commercial fishing men and women, in containment, cleanup, and removal actions.
- (c) A coastal protection element that establishes the state standards for coastline protection. The administrator, in consultation with the Coast Guard and Navy and the shipping industry, shall develop

criteria for coastline protection. If appropriate, the administrator shall consult with representatives from the States of Alaska, Washington, and Oregon, the Province of British Columbia in Canada, and the Republic of Mexico. The criteria shall designate at least all of the following:

- (1) Appropriate shipping lanes and navigational aids for tankers, barges, and other commercial vessels to reduce the likelihood of collisions between tankers, barges, and other commercial vessels. Designated shipping lanes shall be located off the coastline at a distance sufficient to significantly reduce the likelihood that disabled vessels will run aground along the coast of the state.
- (2) Ship position reporting and communications requirements.
- (3) Required predeployment of protective equipment for sensitive environmental areas along the coastline.
- (4) Required emergency response vessels that are capable of preventing disabled tankers from running aground.
- (5) Required emergency response vessels that are capable of commencing oil cleanup operations before spilled oil can reach the shoreline.
- (6) An expedited decision-making process for dispersant use in coastal waters. Prior to adoption of the process, the administrator shall ensure that a comprehensive testing program is carried out for any dispersant proposed for use in California marine waters. The testing program shall evaluate toxicity and effectiveness of the dispersants.

- (7) Required rehabilitation facilities for wildlife injured by spilled oil.
- (8) An assessment of how activities that usually require a permit from a state or local agency may be expedited or issued by the administrator in the event of an oil spill.
- (d) An environmentally and ecologically sensitive areas element that shall provide the framework for prioritizing and ensuring the protection of environmentally and ecologically sensitive areas. The environmentally and ecologically sensitive areas element shall be developed by the administrator, in conjunction with appropriate local agencies, and shall include all of the following:
  - (1) Identification and prioritization of environmentally and ecologically sensitive areas in state waters and along the coast. Identification and prioritization of environmentally and ecologically sensitive areas shall not prevent or excuse the use of all reasonably available containment and cleanup resources from being used to protect every environmentally and ecologically sensitive area possible. Environmentally and ecologically sensitive areas shall be prioritized through the evaluation of criteria, including, but not limited to, all of the following:
    - (a) Risk of contamination by oil after a spill.
    - (b) Environmental, ecological, recreational, and economic importance.
    - (c) Risk of public exposure should the area be contaminated.
  - (2) Regional maps depicting environmentally and ecologically sensitive areas in state waters or

along the coast that shall be distributed to facilities and local and state agencies. The maps shall designate those areas that have particularly high priority for protection against oil spills.

- (3) A plan for protection actions required to be taken in the event of an oil spill for each of the environmentally and ecologically sensitive areas and protection priorities for the first 24 to 48 hours after an oil spill shall be specified.
  - (4) The location of available response equipment and the availability of trained personnel to deploy the equipment to protect the priority environmentally and ecologically sensitive areas.
  - (5) A program for systemically testing and revising, if necessary, protection strategies for each of the priority environmentally and ecologically sensitive areas.
  - (6) Any recommendations for action that cannot be financed or implemented pursuant to existing authority of the administrator, which shall also be reported to the Legislature along with recommendations for financing those actions.
- (e) A reporting element that requires the reporting of spills of any amount of oil in or on state waters.

### **§ 8574.8. Revised oil spill contingency plans**

- (a) The administrator shall submit to the Governor and the Legislature an amended California oil spill contingency plan required, pursuant to Section 8574.7, by January 1, 1993. The administrator shall thereafter submit revised plans every three years,



until the amended plan required pursuant to subdivision (b) is submitted.

(b)

- (1) The administrator shall submit to the Governor and the Legislature an amended California oil spill contingency plan required pursuant to Section 8574.7, by January 1, 2017, that addresses marine and inland oil spills. The administrator shall thereafter submit revised plans every three years.
- (2) The administrator shall include in the revised plan due on or before January 1, 2023, provisions addressing non-floating oil.

### **Article 3.7 – Toxic Disasters**

#### **§ 8574.16. State contingency plan**

The Governor shall establish a state toxic disaster contingency plan pursuant to this article.

#### **§ 8574.17. Integrated and effective state procedure; highway toxic disasters; notice; reports**

(a)

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

plan, and for on-scene coordination of response actions.

- (2) Notwithstanding any provision of the plan, the authority for the management of the scene of an on-highway toxic spill or disaster shall be vested in the appropriate law enforcement agency having primary traffic investigative authority on the highway where the incident occurs or in a local fire protection agency as provided by Section 2454 of the Vehicle Code. During the preparation of the toxic disaster contingency plan, the Office of Emergency Services shall adopt the recommendations of the Department of the California Highway Patrol in developing response and on-scene procedures for toxic disasters which occur upon the highways, based upon previous studies for such procedures, insofar as the procedures are not inconsistent with the overall plan for initial notification of toxic disasters by public agencies and for after-incident evaluation and reporting.
- (b) The Office of Emergency Services shall establish a central notification and reporting system to facilitate operation of the state toxic disaster response procedures designated by the toxic disaster contingency plan.

### **§ 8574.18. “Toxic disaster” and “toxic substances”: defined; listing of toxic substances**

- (a) For purposes of this article, a “toxic disaster” means an occurrence where toxic substances are dispersed in the environment in such a manner as to cause, or potentially cause, injury or death to a

significant number of persons or significant harm to the natural environment, as determined by the implementing state agency, through direct or indirect contact with such toxic substances.

- (b) The toxic disaster contingency plan shall provide a listing of the kinds of toxic substances which pose potential hazards to human health and the environment and which could be the subject of a toxic disaster.

For purposes of this article, "toxic substances" means, for highway transportation purposes, substances and materials designated as hazardous by the United States Department of Transportation for purposes of Parts 172, 173, and 177 of Title 49 of the Code of Federal Regulations.

### **Article 3.8 – Hazardous Substances Emergency Response Training**

#### **§ 8574.19. Legislative findings, declarations, and intent; "program" defined**

- (a) The Legislature hereby finds and declares that, in order to protect the public health and safety and the environment, and to reduce personal injury and property loss resulting from the sudden release of hazardous substances into the environment, it is necessary to establish a single, coordinated, and standardized hazardous substances incident response training and education plan for firefighters and law enforcement, emergency rescue, and environmental health personnel. A standardized hazardous substances incident response training and education program is necessary to ensure a

coordinated emergency response capability throughout the state, and to eliminate duplicative and inconsistent hazardous substances emergency response training and education programs.

- (b) In enacting this article, the Legislature recognizes that it is necessary to designate a single state agency to be responsible for the development of minimum standards relative to course content and subject matter for training and education of hazardous substance incident response personnel in order to avoid duplication of effort and inconsistent applications of safety procedures and protocols. The Legislature does not intend, by enacting this article, to preempt or nullify any hazardous substance incident response procedures and protocols which take into account existing conditions peculiar to a locality or region.
- (c) For purposes of this article, "program" means the California Hazardous Substances Incident Response Training and Education Program established pursuant to Section 8574.20.

### **§ 8574.20. Training and education program established; implementation of program**

The Office of Emergency Services shall manage the California Hazardous Substances Incident Response Training and Education Program to provide approved classes in hazardous substance response, taught by trained instructors, and to certify students who have completed these classes. To carry out this program, the Office of Emergency Services shall do all of the following:

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- (a) Adopt regulations necessary to implement the program.
- (b) Establish a training and education program by developing the curriculum to be used in the program in colleges, academies, the California Specialized Training Institute, and other educational institutions, as specified in Section 8574.21.
- (c) Establish recommended minimum standards for training emergency response personnel and instructors, including, but not limited to, fire, police, and environmental health personnel.
- (d) Make available a training and education program in the use of hazardous substances emergency rescue, safety, and monitoring equipment, on a voluntary basis, at the California Specialized Training Institute.
- (e) Train and certify instructors at the California Specialized Training Institute according to standards and procedures developed by the curriculum development advisory committee, as specified in Section 8588.10.
- (f) Approve classes, as meeting the requirements of the program, if the classes meet the curriculum developed by the Office of Emergency Services pursuant to Section 8574.21 and the instructor received training and certification at the California Specialized Training Institute, as specified in subdivision (e).
- (g) Certify students who have successfully completed a class approved as meeting the requirements of the program.
- (h) Review and revise, as necessary, the program.
- (i) Establish and collect admission fees and other fees that may be necessary to be charged for

advanced or specialized training given at the California Specialized Training Institute. These fees shall be used to offset costs incurred pursuant to this article.

### **§ 8574.21. Curriculum and instructor training; standards; curriculum development advisory committee**

- (a) The Office of Emergency Services shall develop the curriculum to be used in classes that meet the program requirements and shall adopt standards and procedures for training instructors at the California Specialized Training Institute.
- (b) The curriculum for the training and education program established pursuant to this article shall include all of the following aspects of hazardous substance incident response actions:
  - (1) First responder training.
  - (2) On-scene manager training.
  - (3) Hazardous substance incident response training for management personnel.
  - (4) Hazardous materials specialist training that equals or exceeds the standards of the National Fire Protection Association.
  - (5) Environmental monitoring.
  - (6) Hazardous substance release investigations.
  - (7) Hazardous substance incident response activities at ports.
- (c) The curriculum development advisory committee described in Section 8588.10 shall advise the Office of Emergency Services on the development of course curricula and the standards and procedures specified in subdivision (a). In advising the Office of

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Emergency Services, the committee shall do the following:

- (1) Assist, and cooperate with, representatives of the Board of Governors of the California Community Colleges in developing the course curricula.
  - (2) Ensure that the curriculum developed pursuant to this section is accredited by the State Board of Fire Services.
  - (3) Define equivalent training and experience considered as meeting the initial training requirements as specified in subdivision (a) that existing employees might have already received from actual experience or formal education undertaken, and which would qualify as meeting the requirements established pursuant to this article.
- (d) This article does not affect the authority of the State Fire Marshal granted pursuant to Section 13142.4 or 13159 of the Health and Safety Code.
- (e) Upon completion of instructor training and certification pursuant to subdivision (e) of Section 8574.20 by any employee of the Department of the California Highway Patrol, the Commissioner of the California Highway Patrol may deem any training programs taught by that employee to be equivalent to any training program meeting the requirements established pursuant to this article.

### **§ 8574.22. Professional and clerical staff**

The Office of Emergency Services may hire professional and clerical staff pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of

Title 2). However, any person employed pursuant to this section shall be employed only at the California Specialized Training Institute.

### **Article 3.9 – Hazardous Substances Emergency**

#### **§ 8574.30. Definitions**

- (a) For purposes of this article, the following terms have the following meanings:
- (b) "Board" means the State Board of Equalization.
- (c) "Director" means the Director of Emergency Services.
- (d) "Fund" means the Regional Railroad Accident Preparedness and Immediate Response Fund established pursuant to Section 8574.44.
- (e) "Hazardous material" means a material that the United States Department of Transportation has designated as a hazardous material for purposes of transportation in Part 172 of Title 49 of the Code of Federal Regulations.
- (f) "Office" means the Office of Emergency Services.
- (g) "Owner" means the person who has the ultimate control over, and the right to use or sell, the hazardous material being shipped. There is a rebuttable presumption that the shipper, consignor, or consignee of the hazardous material is the owner of the hazardous material. This presumption may be overcome by showing that ownership of the hazardous material rests with someone other than the shipper, consignor, or consignee. Evidence to rebut the presumption may include, but is not limited to, documentation, including a bill of lading,



shipping document, bill of sale, or other medium, that shows the ownership of the hazardous material rests in a person other than the shipper, consignor, or consignee.

- (h) "Person" means an individual, trust, firm, joint stock company, other entity, or corporation, including, but not limited to, a government corporation, partnership, limited liability company, or association. "Person" also includes any city, county, city and county, district, commission, the state or any department, agency, or political subdivision thereof, and the United States and agencies and instrumentalities, to the extent permitted by law.
- (i) "Railroad" has the same meaning as defined in Section 229 of the Public Utilities Code.
- (j) "Rail car" means a loaded or unloaded railroad car or rolling stock designated to transport hazardous material commodities, and includes, but is not limited to, those railroad cars subject to the requirements of Part 179 (commencing with Section 179.1) of Title 49 of the Code of Federal Regulations, or successor regulations adopted by the United States Department of Transportation.

### **§ 8574.32. Fee schedule for hazardous materials transported by rail; administration of fees; advisory committee**

- (a)
  - (1) The director shall establish a schedule of fees, to be paid by each person owning any of the 25 most hazardous material commodities, as

identified in regulations adopted by the office, that are transported by rail in California, that shall be sufficient to fund the appropriation from the fund pursuant to Section 8574.44, to reimburse the California High-Cost Fund-B Administrative Committee Fund for any moneys loaned, and to maintain a reserve for operating costs. The fee shall be based on each loaded rail car as described in subdivision (b).

- (2) Prior to the adoption of regulations identifying the 25 most hazardous material commodities, the fee shall apply to the top 25 hazardous material commodities identified by the Association of American Railroads Bureau of Explosives' Annual Report of Non-Accident Releases of Hazardous Materials Transported by Rail, published in August, 2013.
- (b)
- (1) Within six months of the director establishing a schedule of fees pursuant to subdivision (a), the fee shall be imposed on a person owning hazardous material at the time that hazardous material is transported by loaded rail car. The fee shall be based on each loaded rail car.
    - (A) If the loaded rail car enters the state from outside this state, the fee shall be imposed on the owner of the hazardous material at the time the loaded rail car enters this state. The person operating the train containing the rail car shall collect the fee from the owner of the hazardous material and shall pay the fee to the board. The fee shall be collected consistent with the requirements of the

commerce clause of the United States Constitution.

- (B) If the rail car is loaded within this state, the fee shall be imposed upon the loading of hazardous material into or onto the rail car for transport in or through this state. The person operating the train containing the rail car shall collect the fee from the owner of the hazardous material at the time the rail car is loaded and shall pay the fee to the board. The fee shall be collected consistent with the requirements of the commerce clause of the United States Constitution.
- (2) The fee shall be paid to the board by the person operating the train containing the rail car at the time the return is required to be filed, as specified in Section 8574.38, based on the number of loaded hazardous material rail cars transported within the state.
- (3) Any fee collected from an owner of hazardous materials pursuant to this section that has not been remitted to the board shall be deemed a debt owed to the state by the person required to collect and remit the fee.
- (4)
  - (A) The owner of the hazardous material is liable for the fee until it has been paid to the board, except that payment to a person operating the train containing the rail car registered under this article is sufficient to relieve the owner from further liability for the fee.
  - (B) The railroad shall be entitled to collect an amount not to exceed 5 percent of the fee

collected pursuant to this section to offset the administrative cost to collect the fee.

- (5) Any owner or railroad that has paid the fee pursuant to this section shall not be assessed any additional fee under this section for further transporting the same hazardous materials in the same rail cars on a different railroad within the state.
- (c) The fee shall be fair, as required by subsection (f) of Section 5125 of Title 49 of the United States Code and subsection © of Section 107.202 of Title 49 of the Code of Federal Regulations. It is the intent of the Legislature that: (1) the fee shall reflect the cost of preparations to respond to the release of hazardous materials from a rail car or a railroad accident involving a rail car, (2) these preparations shall help contain the damage to railroad systems and operations within the state caused by the release of hazardous materials and better enable owners of hazardous materials to expeditiously transport their materials using the railroad after the release of hazardous materials, and (3) these preparations shall mitigate the exposure of the owners of hazardous materials to compensable damages caused by the release of hazardous materials. The director may exempt from the fee those shipments of hazardous materials that do not merit inclusion in the state regional railroad accident preparedness and immediate response plan developed pursuant to Section 8574.48, and those shipments of hazardous materials that do not merit additional governmental preparation to respond to their release in the event of a railroad accident.

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- (d) The fee shall not result in the collection of moneys that exceed the reasonable regulatory costs to the state for the purposes specified in subdivision (e) of Section 8574.44. The director shall set the fee consistent with Section 3 of Article XIII A of the California Constitution.
- (e) The director shall be responsible for reporting fee information to the federal Secretary of Transportation pursuant to paragraph (2) of subsection (f) of Section 5125 of Title 49 of the United States Code.
- (f) The director may authorize payment of a portion, but not the entire amount, of fees owed through contributions in kind of equipment, materials, or services.
- (g) The director shall create an industry advisory committee to advise the director on setting the fee and on other policy matters related to industry-based shipment of hazardous materials and private sector-based accident response. The committee shall consist of representatives from the following:
  - (1) Hazardous materials specialist from the railroad industry.
  - (2) Operation specialist from the railroad industry.
  - (3) Fire and safety specialist from refinery industry.
  - (4) Chemical hazardous materials specialists.
  - (5) Agricultural chemical industry.
  - (6) Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE).
  - (7) Local emergency preparedness commissions (LEPCs).
  - (8) California Fire Chiefs Association.
  - (9) California Professional Firefighters.
  - (10) California State Firefighters Association.

(11) California Emergency Services Association.

(12) Fire Districts Association of California.

(13) The public.

(h)

(1) The director shall reconsider the amount of the fee, and adjust the fee if appropriate, not less frequently than every three years, with due consideration for existing and expected operational and continued resource requirements.

(2) The director shall conduct an analysis of industry capabilities and resource requirements to assist in the reconsideration of the amount of the established fee. The director may arrange for the analysis to be performed by a third party that is either a public or private entity. Upon finalization of the analysis, the analysis shall be delivered as a report to the Department of Finance, the Legislature, and the Legislative Analyst's Office.

(3) The submission of the analysis to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

### **§ 8574.34. Registration with board**

Every person who operates a railroad that transports hazardous materials by rail car shall register with the board pursuant to Section 55021 of the Revenue and Taxation Code.

### **§ 8574.36. Administration and collection of fees**

The fee imposed pursuant to Section 8574.32 shall be administered and collected by the board in accordance with the Fee Collection Procedures Law

(Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code). For purposes of this section, the references in the Fee Collection Procedures Law to "fee" shall include the fee imposed by this article, and references to "feepayer" shall include a person required to pay the fee imposed by this article.

### **§ 8574.38. Filing of required return**

The return required to be filed pursuant to Section 55040 of the Revenue and Taxation Code shall be prepared and filed by the person required to register with the board, in the form prescribed by the board, and shall contain that information the board deems necessary or appropriate for the proper administration of this article and the Fee Collection Procedures Law. The return shall be filed on or before the last day of the calendar month following the calendar quarter to which it relates, together with a remittance payable to the board for the fee amount due for that period. Returns shall be authenticated in a form, or pursuant to methods, as may be prescribed by the board.

### **§ 8574.40. Refund of fees**

Notwithstanding the petition for redetermination and claim for refund provisions of the Fee Collection Procedures Law (Article 3 (commencing with Section 55081) of Chapter 3 of, and Article 1 (commencing with Section 55221) of Chapter 5 of, Part 30 of Division 2 of the Revenue and Taxation Code), the board shall not:

- (a) Accept or consider a petition for redetermination of fees determined under this article if the petition is

founded upon the grounds that the rail car content is or is not a hazardous material. The board shall forward to the director any appeal of a determination that is based on the grounds that the rail car content is or is not a hazardous material.

- (b) Accept or consider a claim for refund of fees paid pursuant to this chapter if the claim is founded upon the grounds that the rail car content is or is not a hazardous material. The board shall forward to the director any claim for refund that is based on the grounds that the rail car content is or is not a hazardous material.

### **§ 8574.42. Administration and enforcement of article**

- (a) The board may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article.
- (b) The board may prescribe, adopt, and enforce any emergency regulations, as necessary, to implement this article. Except as provided in Section 8574.44, any emergency regulation prescribed, adopted, or enforced pursuant to this article shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 and, for purposes of that article, including Section 11349.6, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.



**§ 8574.44. Regional Railroad Accident Preparedness and Immediate Response Fund**

- (a) The Regional Railroad Accident Preparedness and Immediate Response Fund is hereby created in the State Treasury.
- (b) All revenues, interest, penalties, and other amounts collected pursuant to this article shall be deposited into the fund, less refunds and reimbursement to the board for expenses incurred in the administration and collection of the fee.
- (c) The adoption of regulations pursuant to this section shall be considered by the Office of Administrative Law as an emergency and necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, emergency regulations adopted by the director and the board pursuant to this section shall be filed with, but not repealed by, the Office of Administrative Law and shall remain in effect until revised or repealed by the director.
- (d) The fund shall be used to reimburse the California High-Cost Fund-B Administrative Committee Fund for any moneys loaned from the California High-Cost Fund-B Administrative Committee Fund to the fund to pay for the Office of Emergency Service's administrative costs associated with implementation of the fee pursuant to this article.
- (e) All moneys remaining in the fund after reimbursement of the California High-Cost Fund-B Administrative Committee Fund pursuant to subdivision (d) shall, upon appropriation by the Legislature, be used by the director to pay for the

following purposes related to the transportation of hazardous materials:

- (1) Planning, developing, and maintaining a capability for large-scale hazardous materials releases emergency response relating to railroad accidents involving rail cars carrying hazardous materials, including the risks of explosions and fires.
- (2) Planning, developing, and maintaining a capability for large-scale hazardous materials releases emergency response relating to releases of hazardous materials from rail cars, including reducing the harmful effects of exposure of those materials to humans and the environment.
- (3) Creation, support, maintenance, and implementation of the Regional Railroad Accident Preparedness and Immediate Response Force created by Section 8574.48.
- (4) Acquisition and maintenance of specialized equipment and supplies used to respond to a hazardous materials release from a rail car or a railroad accident involving a rail car.
- (5) Support of specialized regional training facilities to prepare for and respond to a hazardous materials release from a rail car or a railroad accident involving a rail car.
- (6) Creation and support of a regional, state level, and local emergency response team to provide immediate onsite response capabilities in the event of large-scale releases of hazardous materials from a rail car or a railroad accident involving a rail car.

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- (7) Support for specialized training for state and local emergency response officials in techniques for prevention of, and response to, release of hazardous materials from a rail car or a railroad accident involving a rail car.
- (f) For each of the 2015-2016 and 2016-2017 fiscal years, the amount available for appropriation from the fund shall not exceed twenty million dollars (\$20,000,000). For the 2017-18 fiscal year and each fiscal year thereafter, the amount available for appropriation from the fund shall not exceed ten million dollars (\$10,000,000).
- (g)
  - (1) For the 2016 calendar year, the director shall have the authority to collect an amount not to exceed twenty million dollars (\$20,000,000) for deposit into the fund, which shall be used, upon appropriation by the Legislature, for repayment of loans provided from the California High Cost Fund B Administrative Committee and for purposes related to the transportation of hazardous materials by rail cars pursuant to subdivision (e).
  - (2) For the calendar year 2017, the director shall have the authority to collect an amount not to exceed twenty million dollars for deposit into the fund, which shall be used, upon appropriation by the Legislature, for purposes related to the transportation of hazardous materials by rail cars pursuant to subdivision (e).
  - (3)
    - (A) Commencing on January 1, 2018, and following an initial review of the amount of the fee by the industry advisory committee

established pursuant to subdivision (g) of Section 8574.32 and an initial reconsideration of the amount of the fee by the director pursuant to paragraph (1) of subdivision (h) of Section 8574.32, the director shall have the authority to collect an amount not to exceed ten million dollars (\$10,000,000) annually for deposit into the fund.

- (B) For calendar years subsequent to the 2018 calendar year, the director shall reconsider the amount of the fee pursuant to paragraph (1) of subdivision (h) of Section 8574.32.
- (h) The board shall inform the director if the amount of fees collected reaches the amount specified in subdivision (g) in each calendar year.
- (i) Reimbursement to the state for equipment funded by moneys in the fund that are used for emergency response activities unrelated to regional railroad accident preparedness and immediate response as described in this article shall be made pursuant to the state fire service and rescue emergency mutual aid plan adopted pursuant to Section 8619.5 and deposited into the fund.

### **§ 8574.46. Reporting requirements**

- (a)
  - (1) The director shall contract with the Department of Finance for the preparation of a detailed report on the financial basis and programmatic effectiveness of the regional railroad accident preparedness and immediate response plan and the Regional Railroad Accident Preparedness and Immediate Response Fund.

- (2) The report shall include an analysis of the fund's major expenditures, fees, interest, and penalties collected, staffing and equipment levels, moneys used for coordinated training and response under the emergency mutual aid plan, spills responded to, and other relevant issues.
  - (3) The report shall recommend measures to improve the efficiency and effectiveness of the program and fund, including, but not limited to, ensuring fair and equitable funding from the fees and measures to modify or improve the implementation of the regional railroad accident preparedness and immediate response plan for release of hazardous materials from a rail car or a railroad accident involving a rail car.
- (b)
- (1) On or before January 1, 2019, and every three years thereafter, the director shall submit the report to the Governor and the Legislature.
  - (2) The report submitted to the Legislature shall be submitted in compliance with Section 9795.

### **§ 8574.48. Regional Railroad Accident Preparedness and Immediate Response Force**

- (a) The Regional Railroad Accident Preparedness and Immediate Response Force is hereby created in the Office of Emergency Services. The force shall be responsible for providing regional and onsite response and mitigation capabilities in the event of a release of hazardous materials from a rail car or a railroad accident involving a rail car and for implementing the state regional railroad accident

preparedness and immediate response plan for releases of hazardous materials from a rail car or a railroad accident involving a rail car. The force shall act cooperatively and in concert with existing local emergency response units pursuant to Article 9.5 (commencing with Section 8607). The force shall be established and operate as outlined in, and as a component of, the state fire service and rescue mutual aid plan adopted pursuant to Section 8619.5. The force shall consist of representatives of all of the following:

- (1) Department of Fish and Wildlife.
- (2) California Environmental Protection Agency.
- (3) State Air Resources Board.
- (4) Department of Resources Recycling and Recovery.
- (5) California regional water quality control boards.
- (6) Department of Toxic Substances Control.
- (7) Department of Pesticide Regulation.
- (8) Office of Environmental Health Hazard Assessment.
- (9) State Department of Public Health.
- (10) Department of the California Highway Patrol.
- (11) Department of Food and Agriculture.
- (12) Department of Forestry and Fire Protection.
- (13) Department of Parks and Recreation.
- (14) Public Utilities Commission.
- (15) State Fire Marshal.
- (16) Emergency Medical Services Authority.
- (17) California National Guard.
- (18) Any other potentially affected or participating state, local, or federal agency, as determined by the director.

(b)

- (1) The Office of Emergency Services, in cooperation with all of the entities listed in paragraphs (1) to (18), inclusive, of subdivision (a), shall develop a state regional railroad accident preparedness and immediate response plan that operates in coordination with the state fire service and rescue emergency mutual aid plan.
- (2) The state regional railroad accident preparedness and immediate response plan shall be an annex to the State Emergency Plan.

(c)

- (1) The Legislature finds and declares that the state has a comprehensive program through the Office of Spill Prevention and Response to prevent and prepare for the risk of a significant discharge of petroleum into state waters, including a discharge caused by the transportation of petroleum by rail. The Legislature further finds and declares that the Regional Accident Preparedness and Immediate Response Force is focused on the emergency response for railroad accidents and rail car discharges involving all designated hazardous materials regardless of where the accident or discharge takes place.
- (2) The Regional Accident Preparedness and Immediate Response Force and Office of Spill Prevention and Response shall coordinate in their respective authorities and responsibilities pursuant to Article 9.5 (commencing with Section 8607), to avoid any duplication of effort, ensure cooperation, and promote the sharing of

information regarding the risk of discharge of petroleum by rail into state waters.

### **Article 4 –State Disaster Council**

#### **§ 8575. Office of Emergency Services; service as State Disaster Council**

For the purposes of the California Disaster and Civil Defense Mutual Aid Agreement, the Office of Emergency Services will serve as the State Disaster Council.

#### Article 4.5 – Urban Heavy Rescue Act

#### **§ 8584. Short title**

This article shall be known and may be cited as the Urban Heavy Rescue Act of 1988.

#### **§ 8584.1. Legislative intent; acquisition and maintenance of units and gear by fire and rescue division; positioning and availability; personnel training**

- (a) It is the intent of the Legislature that the state have an urban heavy rescue capability in the event of a major earthquake. It is also the intent of the Legislature that the Office of Emergency Services and the State Fire Marshal's Office pursue the necessary funding to carry out this article through the normal budget process.
- (b) The Fire and Rescue Division of the Office of Emergency Services shall acquire and maintain urban heavy rescue units and transportable caches of search and rescue gear, including hand tools



and protective gear. The division shall position the units and caches to ensure a rapid response of personnel and equipment anywhere in the state, and ensure that a unit will be available on the scene within one hour of a major earthquake.

- (c) The State Fire Marshal's Office shall coordinate the training of personnel in the use of the units and equipment in cooperation with the Office of Emergency Services.

### **Article 5 – The Office of Emergency Services**

#### **§ 8585. Office of Emergency Services; establishment; duties and powers**

- (a)
  - (1) There is in state government, within the office of the Governor, the Office of Emergency Services. The Office of Emergency Services shall be under the supervision of the Director of Emergency Services, who shall have all rights and powers of a head of an office as provided by this code, and shall be referred to as the Director of Emergency Services.
  - (2) Unless the context clearly requires otherwise, whenever the term "California Emergency Management Agency" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Office of Emergency Services, and whenever the term "Secretary of Emergency Management" or the "Secretary of the Emergency Management Agency" appears in statute, regulation, or contract, or in any other code, it shall be

construed to refer to the Director of Emergency Services.

- (3) Unless the context clearly requires otherwise, whenever the term "Director of Homeland Security" or "Office of Homeland Security" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Office of Emergency Services, and whenever the term "Director of Homeland Security" or "Director of the Office of Homeland Security" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Director of Emergency Services.

(b)

- (1) The Office of Emergency Services and the Director of Emergency Services shall succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the California Emergency Management Agency and the Secretary of Emergency Management, respectively.
  - (2) The Office of Emergency Services and the Director of Emergency Services shall succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Office of Homeland Security and the Director of Homeland Security, respectively.
- (c) The Office of Emergency Services shall be considered a law enforcement organization as required for receipt of criminal intelligence information pursuant to subdivision (f) of Section 6254 of the Government Code by persons employed within the office whose duties and

responsibilities require the authority to access criminal intelligence information.

- (d) Persons employed by the Office of Emergency Services whose duties and responsibilities require the authority to access criminal intelligence information shall be furnished state summary criminal history information as described in Section 11105 of the Penal Code, if needed in the course of their duties.
- (e) The Office of Emergency Services shall be responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.
- (f) Notwithstanding any other provision of law, nothing in this section shall authorize an employee of the Office of Emergency Services to access criminal intelligence information under subdivision (c) or (d) for the purpose of determining eligibility for, or providing access to, disaster-related assistance and services.

### **§ 8585.01. Emergency response to large, ongoing leak or release of natural gas**

The Office of Emergency Services shall be the lead agency for emergency response to a large, ongoing leak or release of natural gas and associated gases from a natural gas storage facility that poses a significant present or potential hazard to the public health and safety, property, or the environment. The Office of Emergency Services shall coordinate among other state and local agencies the emergency response, public health and environmental assessment, monitoring, and long-term management and control of the leak.

### **§ 8585.05. Definitions**

Unless the context otherwise requires, for purpose of this article, the following definitions apply:

- (a) "Agency" or "office" means the Office of Emergency Services.
- (b) "California Emergency Management Agency" means the Office of Emergency Services.
- (c) "Director" or "Secretary" means the Director of Emergency Services.

### **§ 8585.1. Director of Emergency Services; appointment; salary; deputy director; positions existing in predecessor agencies**

- (a) The director shall be appointed by, and hold office at the pleasure of, the Governor. The appointment of the director is subject to confirmation by the Senate. The director shall coordinate all state disaster response, emergency planning, emergency preparedness, disaster recovery, disaster mitigation, and homeland security activities.

- (b) The director shall receive an annual salary as set forth in Section 11552.
- (c) The Governor may appoint a deputy director of the office. The deputy director shall hold office at the pleasure of the Governor.
- (d) All positions exempt from civil service that existed in the predecessor agencies shall be transferred to the office.
- (e) Neither state nor federal funds may be expended to pay the salary or benefits of any deputy or employee who may be appointed by the director or deputy director pursuant to Section 4 of Article VII of the California Constitution.

**§ 8585.2. Civil service employee transfer rights and status; property related to functions of agency; funds; transfer to office**

- (a) All employees serving in state civil service, other than temporary employees, who are engaged in the performance of functions transferred to the office or engaged in the administration of law, the administration of which was vested in the former California Emergency Management Agency, are transferred to the office. The status, positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred to the office.

- (b) The property of any agency or department related to functions formerly transferred to, or vested in the California Emergency Management Agency, is transferred to the office. If any doubt arises as to where that property is transferred, the Department of General Services shall determine where the property is transferred.
- (c) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the California Emergency Management Agency shall be transferred to the office for use for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to where those balances and funds are transferred, the Department of Finance shall determine where the balances and funds are transferred.

### **§ 8585.5. *Classes of disaster service workers; determination of class; scope of duties***

The office shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The office shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of workers' compensation.

### **§ 8585.7. *Certification of accredited status of local disaster councils***

The office may certify the accredited status of local disaster councils, subject to the requirements of Section 8612.

### **§ 8585.8. Agreement with certified community conservation corps to perform emergency or disaster response services**

- (a) The office may enter into an agreement directly with one or more certified community conservation corps to perform emergency or disaster response services as the office deems appropriate.
- (b) For purposes of this subdivision, "certified community conservation corps" means a community conservation corps that has been certified as described in Section 14507.5 of the Public Resources Code.

### **§ 8586. Assignment by Governor of powers and duties to Office of Emergency Services**

The Governor shall assign all or part of his or her powers and duties under this chapter to the Office of Emergency Services.

### **§ 8586.5. California Cybersecurity Integration Center; duties; information sharing**

- (a) The Office of Emergency Services shall establish and lead the California Cybersecurity Integration Center. The California Cybersecurity Integration Center's primary mission is to reduce the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in our

state. The California Cybersecurity Integration Center shall serve as the central organizing hub of state government's cybersecurity activities and coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. The California Cybersecurity Integration Center shall be comprised of representatives from the following organizations:

- (1) The Office of Emergency Services.
  - (2) The Office of Information Security.
  - (3) The State Threat Assessment Center.
  - (4) The Department of the California Highway Patrol.
  - (5) The Military Department.
  - (6) The Office of the Attorney General.
  - (7) The California Health and Human Services Agency.
  - (8) The California Utilities Emergency Association.
  - (9) The California State University.
  - (10) The University of California.
  - (11) The California Community Colleges.
  - (12) The United States Department of Homeland Security.
  - (13) The United States Federal Bureau of Investigation.
  - (14) The United States Secret Service.
  - (15) The United States Coast Guard.
  - (16) Other members as designated by the Director of Emergency Services.
- (b) The California Cybersecurity Integration Center shall operate in close coordination with the California State Threat Assessment System and the United States Department of Homeland Security--National



Cybersecurity and Communications Integration Center, including sharing cyber threat information that is received from utilities, academic institutions, private companies, and other appropriate sources. The California Cybersecurity Integration Center shall provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure and information technology networks, prioritize cyber threats and support public and private sector partners in protecting their vulnerable infrastructure and information technology networks, enable cross-sector coordination and sharing of recommended best practices and security measures, and support cybersecurity assessments, audits, and accountability programs that are required by state law to protect the information technology networks of California's agencies and departments.

- (c) The California Cybersecurity Integration Center shall develop a statewide cybersecurity strategy, informed by recommendations from the California Task Force on Cybersecurity and in accordance with state and federal requirements, standards, and best practices. The cybersecurity strategy shall be developed to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers. The strategy shall also strengthen cyber emergency preparedness and response, standardize implementation of data protection measures, enhance digital forensics and cyber investigative capabilities, deepen expertise among California's workforce of cybersecurity professionals,

and expand cybersecurity awareness and public education.

- (d) The California Cybersecurity Integration Center shall establish a Cyber Incident Response Team to serve as California's primary unit to lead cyber threat detection, reporting, and response in coordination with public and private entities across the state. This team shall also assist law enforcement agencies with primary jurisdiction for cyber-related criminal investigations and agencies responsible for advancing information security within state government. This team shall be comprised of personnel from agencies, departments, and organizations represented in the California Cybersecurity Integration Center.
- (e) Information sharing by the California Cybersecurity Integration Center shall be conducted in a manner that protects the privacy and civil liberties of individuals, safeguards sensitive information, preserves business confidentiality, and enables public officials to detect, investigate, respond to, and prevent cyberattacks that threaten public health and safety, economic stability, and national security.

### **§ 8586.7. *Wildlife Forecast and Threat Intelligence Integration Center; representatives; information sharing***

- (a)
  - (1) The office and the Department of Forestry and Fire Protection shall jointly establish and lead the Wildfire Forecast and Threat Intelligence Integration Center.

- (2) The Wildfire Forecast and Threat Intelligence Integration Center's primary mission shall be to collect, assess, and analyze fire weather data, atmospheric conditions, and other threat indicators that could lead to catastrophic wildfire and to reduce the likelihood and severity of wildfire incidents that could endanger the safety of persons, property, and the environment by developing and sharing intelligence products related to fire weather and fire threat conditions for government decisionmakers.
  - (3) The Wildfire Forecast and Threat Intelligence Integration Center shall serve as the state's integrated central organizing hub for wildfire forecasting, weather information, and threat intelligence gathering, analysis, and dissemination, and shall also coordinate wildfire threat intelligence and data sharing among federal, state, and local agencies, tribal governments, utilities, and other service providers, academic institutions, and nongovernmental organizations.
- (b)
- (1) The Wildfire Forecast and Threat Intelligence Integration Center shall be comprised of representatives from the following organizations:
    - (A) The Office of Emergency Services.
    - (B) The Department of Forestry and Fire Protection.
    - (C) The Public Utilities Commission.
    - (D) The Military Department.
    - (E) The University of California.
    - (F) The California State University.
    - (G) The California Utilities Emergency Association.

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- (H) At least one representative of investor-owned utility companies, appointed by the President of the Public Utilities Commission.
  - (I) At least one representative of publicly owned utilities, appointed jointly by the Director of Emergency Services and the Director of Forestry and Fire Protection.
  - (J) Other members as designated jointly by the Director of Emergency Services and the Director of Forestry and Fire Protection.
- (2) The office and the Department of Forestry and Fire Protection may invite the following organizations to designate representatives to the Wildfire Forecast and Threat Intelligence Integration Center:
- (A) The National Weather Service.
  - (B) The United States Forest Service.
- (c) The Wildfire Forecast and Threat Intelligence Integration Center shall share intelligence and data relevant to wildfire threat, forecasting, detection, and prevention activities received from utility wildfire and emergency operations centers, partner academic institutions, private companies, and other sources in coordination with all of the following:
- (1) The Northern California Geographic Area Coordination Center and the Southern California Geographic Area Coordination Center, inclusive of the Department of Forestry and Fire Protection's predictive services unit.
  - (2) The California Wildland Fire Coordinating Group.
  - (3) The National Weather Service.
  - (4) The State Operations Center within the office.
  - (5) The California State Warning Center within the office.

- (d) The Wildfire Forecast and Threat Intelligence Integration Center shall do all of the following:
  - (1) Provide intelligence and data in compliance with National Fire Danger Rating System standards and guidelines about wildfire threats to government agencies and designated alerting authorities, as that term is defined in paragraph (1) of subdivision (g) of Section 8594.16.
  - (2) Develop intelligence products for use by public and private sector entities engaged in wildfire risk mitigation efforts.
- (e) The Wildfire Forecast and Threat Intelligence Integration Center shall develop a statewide wildfire forecast and threat intelligence strategy to improve how wildfire threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers. The strategy shall strengthen wildfire emergency preparedness and response, standardize the implementation of environmental monitoring and assessment, enhance forecasting and detection capabilities, maximize the use of science and technology, and expand public knowledge and awareness of wildfire risks.
- (f) The Wildfire Forecast and Threat Intelligence Integration Center shall be a signatory to the interagency California Fire Weather Annual Operating Plan.
- (g) Information sharing by the Wildfire Forecast and Threat Intelligence Integration Center shall be conducted in a manner that protects and safeguards sensitive information, preserves business confidentiality, and enables public officials to

detect, investigate, respond to, prevent, and recover from catastrophic wildfires that threaten public health and safety and economic stability.

### **§ 8587. Coordination by [Director] of emergency activities; cooperation of state officers and agencies; delegation of powers by Governor**

- (a) During a state of war emergency, a state of emergency, or a local emergency, the [Director] shall coordinate the emergency activities of all state agencies in connection with that emergency, and every state agency and officer shall cooperate with the [Director] in rendering all possible assistance in carrying out the provisions of this chapter.
- (b) In addition to the powers designated in this section, the Governor may delegate any of the powers vested in him or her under this chapter to the [Director] except the power to make, amend, and rescind orders and regulations, and the power to proclaim a state of emergency.

### **§ 8587.5. City research program to test effectiveness of installation of signal emitters and sensors in emergency response vehicles in reducing accidents and injuries; federal funding**

- (a) The Department of Transportation shall, in cooperation with interested cities with Traffic Signal Override Systems, apply to the United States Secretary of Transportation for federal funding to conduct a research program in one or more cities to test the effectiveness of the installation of signal emitters and sensors in

emergency response vehicles in reducing accidents and injuries.

- (b) The project shall study the reduction in accidents and injuries involving emergency response vehicles in the program areas, shall, if possible, assess any reduction in response times by emergency response vehicles in the program areas, and may study other valuable data as deemed appropriate.
- (c) The application shall seek full federal funding for the project, including the evaluation component. If the United States Secretary of Transportation requires a nonfederal share of funding, the participating local governments shall pay this share equally.
- (d) The department shall apply for federal funding within six months of the effective date of this section unless good cause exists to apply later or not to apply.

### **§ 8587.6. Suspected terrorist activity; public education program**

- (a) Prior to January 1, 2018, the office shall adopt a public education program to enhance the public's knowledge about how to identify and report suspected terrorist activity.
- (b)
  - (1) The office shall post information about the program on its Internet Web site.
  - (2) The office shall incorporate the program into relevant existing programs and trainings.

**§ 8587.7. Schools; nonstructural earthquake hazards**

- (a) The Office of Emergency Services, in cooperation with the State Department of Education, the Department of General Services, and the Seismic Safety Commission, shall develop an educational pamphlet for use by grades kindergarten to 14 personnel to identify and mitigate the risks posed by nonstructural earthquake hazards.
- (b) The office shall print and distribute the pamphlet to the governing board of each school district and community college district in the state, along with a copy of the current edition of the office's school emergency response publication. The office shall also make the pamphlet or the current edition of the office's school emergency response publication available to a private elementary or secondary school upon request.
- (c) The office, as soon as feasible, shall make the pamphlet and the current edition of the office's school emergency response publication available by electronic means, including, but not limited to, the Internet.

**§ 8587.8. Comprehensive statewide earthquake early warning system; features; compliance review; funding**

- (a) The Office of Emergency Services, in collaboration with the California Institute of Technology (Caltech), the California Geological Survey, the University of California, the United



States Geological Survey, the Alfred E. Alquist Seismic Safety Commission, and other stakeholders, shall develop a comprehensive statewide earthquake early warning system in California through a public-private partnership, which shall include, but not be limited to, the following features:

- (1) Installation of field sensors.
  - (2) Improvement of field telemetry.
  - (3) Construction and testing of central processing and notification centers.
  - (4) Establishment of warning notification distribution paths to the public.
  - (5) Integration of earthquake early warning education with general earthquake preparedness efforts.
- (b) In consultation with stakeholders, the Office of Emergency Services shall develop an approval mechanism to review compliance with earthquake early warning standards as they are developed. The development of the approval mechanism shall include input from a broad representation of earthquake early warning stakeholders. The approval mechanism shall accomplish all of the following:
- (1) Ensure the standards are appropriate.
  - (2) Determine the degree to which the standards apply to providers and components of the system.
  - (3) Determine methods to ensure compliance with the standards.
  - (4) Determine requirements for participation in the system.

- (c) The Office of Emergency Services shall identify funding for the system described in subdivision (a) through single or multiple sources of revenue.

### **§ 8587.9. Need for coordinated approach to seismic safety and earthquake-related programs; creation of California Earthquake Safety Fund**

- (a) The Legislature finds and declares that there is a critical need for a consistent and coordinated approach to seismic safety and earthquake-related programs in the State of California through the Governor's Office of Emergency Services. These programs may include, but are not limited to, earthquake response, recovery, warning, mitigation, planning, research, preparedness, training and exercises, hazard grants, public information, and education. This approach includes the coordination of state agencies and departments that have responsibilities to monitor and respond to, and to recover from, earthquakes and to assist the citizens and businesses in California. In order to facilitate the requirements of Section 8587.8, the Legislature establishes the California Earthquake Safety Fund within the State Treasury.
- (b)
  - (1) The California Earthquake Safety Fund is hereby created in the State Treasury. Upon appropriation by the Legislature, the moneys in the fund shall be used for seismic safety and earthquake-related programs, including the statewide earthquake early warning system described in Section 8587.8.

- (2) Pursuant to subdivision (c) of Section 8587.8, the California Earthquake Safety Fund may accept federal funds, funds from revenue bonds, local funds, and funds from private sources for purposes of carrying out the provisions of this section.

### **§ 8587.11. California Earthquake Early Warning Program; California Earthquake Early Warning Advisory Board**

- (a) There is in state government, within the office, both of the following:
  - (1) The California Earthquake Early Warning Program.
  - (2) The California Earthquake Early Warning Advisory Board.
- (b) The following definitions apply to this section and Section 8587.12:
  - (1) "Board" means the California Earthquake Early Warning Advisory Board.
  - (2) "Program" means the California Earthquake Early Warning Program.
  - (3) "System" means the statewide earthquake early warning system.
- (c)
  - (1) The board shall be composed of the following eight members:
    - (a) Seven voting members, as follows:
      - (i) The Secretary of the Natural Resources Agency, or his or her designee.

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- (ii) The Secretary of California Health and Human Services, or his or her designee.
  - (iii) The Secretary of Transportation, or his or her designee.
  - (iv) The Secretary of Business, Consumer Services, and Housing, or his or her designee.
  - (v) One member who is appointed by, and serves at the pleasure of, the Speaker of the Assembly and represents the interests of private businesses.
  - (vi) One member who is appointed by, and serves at the pleasure of, the Governor and represents the utilities industry.
  - (vii) One member who is appointed by, and serves at the pleasure of, the Senate Committee on Rules and represents county government.
- (b) The Chancellor of the California State University, or his or her designee, shall serve as a nonvoting member of the board.
- (2) The President of the University of California, or his or her designee, may serve as a nonvoting member of the board.
- (3) The members of the board shall serve without compensation, but shall be reimbursed for actual and reasonable travel and meal expenses to attend board meetings.
- (d)
- (1) The board shall convene periodically and advise the director on all aspects of the program, including, but not limited to, the following functional areas of the program:
- (a) System operations.

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- (b) Research and development.
  - (c) Finance and investment.
  - (d) Training and education.
  - (2) The board shall utilize committees, groups, and organizations, including, but not limited to, the California Institute of Technology, the California Geological Survey, the University of California, the United States Geological Survey, and entities participating in the critical infrastructure sectors to fulfill the objectives of the program by supporting the functional areas of the system.
  - (3) The board shall inform the public regarding, and provide the public with the opportunity to engage the board on, the development and implementation of the system.
  - (4) The board shall consult with program participants, state agencies, departments, boards and commissions, private businesses, postsecondary educational institutions, and subject matter experts, as necessary, to advise the board on the development, implementation, and maintenance of the system.
- (e)
- (1) Except as otherwise provided by law, the California Integrated Seismic Network shall be responsible for the generation of an earthquake early warning alert and related system operations.
  - (2) The board shall, in conjunction with the director, determine the appropriate methods to provide the public with an earthquake early warning alert.
- (f)

- (1) The board shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).
- (2) Notwithstanding any law, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), any information in a public record that is a trade secret, as that term is defined in Section 3426.1 of the Civil Code, of a private entity cooperating with the board or participating in the system or with the program is confidential and shall not be disclosed.

### **§ 8587.12. California Earthquake Early Warning Program; business plan; reports**

- (a) On or before February 1, 2018, the office, in consultation with the board, shall develop and submit a business plan for the program to the Senate Committee on Governmental Organization, the Assembly Committee on Governmental Organization, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Legislative Analyst's Office. The business plan shall include, but not be limited to, all of the following elements:
  - (1) The funding plan for the program and the estimated costs associated with the program. The funding plan shall include, but not be limited to, all of the following:

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- (A) Specific cost estimates for each component of the program, including, but not limited to, education and outreach costs, staff costs, and the capital costs, operation costs, and maintenance costs of the system.
  - (B) Identification of specific sources of funding, including, but not limited to, federal funds, funds from revenue bonds, local funds, general funds, special funds, funds from private sources, and funding from any written agreements with public or private entities to fund components of the program.
- (2) The expected roles and responsibilities of various program participants, including, but not limited to, private sector partners and local emergency personnel.
  - (3) The expected time schedule for completing the system and when it can start to provide alerts.
  - (4) A discussion of all reasonably foreseeable risks the program may encounter, including, but not limited to, risks associated with the program's finances, the reliability of the system, access to land for sensor placement, and changes in technology. The plan shall describe the office's strategies, processes, or other actions it intends to utilize to manage those risks.
- (b) On or before February 1, 2019, and annually thereafter, the office shall report to the Legislature any changes to the business plan from the prior year and shall provide a general report on progress of the program and the implementation of the system. The report shall include, but not be limited to, all of the following:

- (1) The overall progress of the implementation of the system.
- (2) An update on funding acquired and expended.
- (3) An update on contracts and requests for proposals.
- (4) A summary of recommendations made by the board to the office.

### **§ 8588. Proclamation of state of emergency; gubernatorial ratification or termination**

Whenever conditions exist within any region or regions of the state that warrant the proclamation by the Governor of a state of emergency and the Governor has not acted under the provisions of Section 8625, by reason of the fact that the Governor has been inaccessible, the director may proclaim the existence of a state of emergency in the name of the Governor as to any region or regions of the state. Whenever the director has so proclaimed a state of emergency, that action shall be ratified by the Governor as soon as the Governor becomes accessible, and in the event the Governor does not ratify the action, the Governor shall immediately terminate the state of emergency as proclaimed by the director.

### **§ 8588.1. Voluntary participation of private businesses and nonprofit organizations in emergency preparedness programs**

- (a) The Legislature finds and declares that this state can only truly be prepared for the next disaster if the public and private sector collaborate.
- (b) The office may, as appropriate, include private businesses and nonprofit organizations within its



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

- (c) The office may do any of the following:
  - (1) Provide guidance to business and nonprofit organizations representing business interests on how to integrate private sector emergency preparedness measures into governmental disaster planning programs.
  - (2) Conduct outreach programs to encourage business to work with governments and community associations to better prepare the community and their employees to survive and recover from disasters.
  - (3) Develop systems so that government, businesses, and employees can exchange information during disasters to protect themselves and their families.
  - (4) Develop programs so that businesses and government can work cooperatively to advance technology that will protect the public during disasters.
- (d) The office may share facilities and systems for the purposes of subdivision (b) with the private sector to the extent the costs for their use are reimbursed by the private sector.
- (e) Proprietary information or information protected by state or federal privacy laws shall not be disclosed under this program.
- (f) Notwithstanding Section 11005, donations and private grants may be accepted by the office and shall not be subject to Section 11005.

- (g) The Disaster Resistant Communities Fund is hereby created in the State Treasury. Upon appropriation by the Legislature, the office may expend the money in the account for the costs associated within this section.
- (h) This section shall be implemented only to the extent that in-kind contributions or donations are received from the private sector, or grant funds are received from the federal government, for these purposes.

### **§ 8588.2. Statewide registry of businesses and organizations interested in donation of goods and services**

- (a) The office may establish a statewide registry of private businesses and nonprofit organizations that are interested in donating services, goods, labor, equipment, resources, or dispensaries or other facilities to further the purposes of Section 8588.1.
- (b) If the office establishes a statewide registry pursuant to subdivision (a), the office shall create and implement protocols and procedures for inclusion onto the statewide registry that do, but are not limited to, all of the following:
  - (1) Establish eligibility requirements for a private business or nonprofit organization to be included on the statewide registry.
  - (2) Require the services, goods, labor, equipment, resources, or dispensaries or other facilities donated by a private business or nonprofit organization included on the statewide registry to be provided at no cost to state governmental entities or the victims of emergencies and disasters.

- (3) Require the services, goods, labor, equipment, resources, or dispensaries or other facilities donated by a private business or nonprofit organization included on the statewide registry to be safely collected, maintained, and managed.
  - (4) Require that federal, state, and local governmental entities and nonprofit organizations that are engaged in assisting communities prepare for, respond to, or recover from emergencies and disasters have access to the statewide registry.
- (c) A private business or nonprofit organization included on the statewide registry shall reasonably determine all of the following:
- (1) Donated services, goods, labor, equipment, resources, or dispensaries or other facilities comply with all applicable federal and state safety laws and licensing requirements.
  - (2) Donated services, goods, labor, equipment, resources, or dispensaries or other facilities have not been altered, misbranded, or stored under conditions contrary to the standards set forth under federal or state laws or by the product manufacturer.
  - (3) Donated medicine shall be unopened, in tamper-resistant packaging or modified unit dose containers that meet United States Pharmacopeia standards, and show lot numbers and expiration dates. Medicine that does not meet these standards shall not be donated.

### **§ 8588.3. Legislative findings and declarations**

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- (a) The Legislature finds and declares that it is the responsibility of the State of California to protect and preserve the right of its citizens to a safe and peaceful existence. To accomplish this goal and to minimize the destructive impact of disasters and other massive emergencies, the actions of numerous public agencies must be coordinated to effectively manage all four phases of emergency activity: preparedness, mitigation, response, and recovery. In order to ensure that the state's response to disasters or massive emergencies is effective, specialized training is necessary.
- (b) The California Specialized Training Institute of the office of the Adjutant General is hereby transferred to the Office of Emergency Services. The institute shall assist the Governor in providing, pursuant to subdivision (f) of Section 8570, training to state agencies, cities, and counties in their planning and preparation for disasters.
- (c) The director may solicit, receive, and administer funds or property from federal, state, or other public agency sources for the support and operation of the institute.
- (d) The director may solicit and receive firearms, other weaponry, explosive materials, chemical agents, and other items confiscated by or otherwise in the possession of law enforcement officers as donations to the institute if he or she deems them to be appropriate for the institute's training purposes.
- (e) Any moneys received by the director from charges or fees imposed in connection with the operation of the institute shall be deposited in the General Fund.

**§ 8588.5. Disaster search dog teams; training; recruitment; reimbursement**

To promote an increase in the number of trained disaster search dog teams, the office shall do all of the following:

- (a) Provide instruction to California disaster dog trainers in Swiss techniques.
- (b) Work to secure authorization to conduct training for disaster search dog teams at existing facilities operated by the California National Guard and the Department of Transportation on the grounds of Camp San Luis Obispo.
- (c) Engage in recruiting activities for the purpose of increasing the number of disaster search dog teams in southern California.
- (d) Reimburse disaster search dog handlers and instructors for the costs of their travel and that of their dogs to training facilities within California.

**§ 8588.7. Mobile communication translators for mutual-aid emergency response agencies**

- (a) The Office of Emergency Services shall procure mobile communication translators to enable mutual-aid emergency response agencies to communicate effectively while operating on incompatible frequencies.
- (b) Translators shall be located in the San Francisco Bay Area and the Los Angeles metropolitan area, made ready for use by local public safety officials by the Office of Emergency Services, and provided to the appropriate state-established mutual-aid region pursuant to Section 8600.

- (c) The Office of Emergency Services shall implement this section only to the extent that funds are appropriated to the office for this purpose in the Budget Act or in other legislation.

### **§ 8588.8. Publishing price gouging information on Internet Web site during state of emergency**

Upon the proclamation of a state of emergency declared by the Governor, the Office of Emergency Services shall include, on an appropriate Internet Web site, information about Section 396 of the Penal Code, including information for property owners about the effect of the proclamation on rental price as defined in paragraph (11) of subdivision (j) of Section 396 of the Penal Code.

### **§ 8588.9. Establishment of California State Nonprofit Security Grant Program; purpose; grants**

- (a) The California State Nonprofit Security Grant Program is hereby established under the administration of the director to improve the physical security of nonprofit organizations, including schools, clinics, community centers, churches, synagogues, mosques, temples, and similar locations that are at a high risk for violent attacks or hate crimes due to ideology, beliefs, or mission.
- (b) The California State Nonprofit Security Grant Program shall provide grants for the purpose of hardening soft targets that are nonprofit organizations and at a high risk for violent attacks and hate crimes, as described in subdivision (a).

Grant money may be distributed to applicants for all of the following security enhancements:

- (1) Security guards.
  - (2) Reinforced doors and gates.
  - (3) High-intensity lighting and alarms.
  - (4) Any other security enhancement consistent with the purpose of the California State Nonprofit Security Grant Program.
- (c) An applicant shall not be granted an amount greater than two hundred thousand dollars (\$200,000).
- (d) The operation of the California State Nonprofit Security Grant Program is contingent upon an appropriation in the annual Budget Act for purposes of this section.
- (e) The director shall adopt, as necessary, application procedures, forms, administrative guidelines, and other requirements for purposes of implementing and administering the California State Nonprofit Security Grant Program. All application procedures, forms, administrative guidelines, and other requirements developed by the director pursuant to this subdivision shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
- (f) This section shall be in effect only until January 1, 2025, and as of that date is repealed.

### **§ 8588.10. Curriculum Development Advisory Committee; establishment; committee membership**

- (a) The director shall establish a Curriculum Development Advisory Committee to advise the office on the development of course curricula, as specified by the director.
- (b) The committee shall be chaired by the director, who will appoint members as appropriate. In appointing members to the committee, the director shall include representatives from the following:
  - (1) State public safety, health, first responder, and emergency services departments or agencies, as deemed appropriate by the director.
  - (2) Local first responder agencies.
  - (3) Local public safety agencies.
  - (4) Nonprofit organizations, as deemed appropriate by the director.
  - (5) Any other state, local, tribal, or nongovernmental organization determined by the director to be appropriate.
- (c) The committee shall consult with the Commission on Peace Officer Standards and training.

***§ 8588.11. Development of fire specific course of instruction on responsibilities of first responders to terrorism incidents; contents and criteria of course; contract for development; training for consequence management***



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- (a) The office shall contract with the California Fire Fighter Joint Apprenticeship Program to develop a fire service specific course of instruction on the responsibilities of first responders to terrorism incidents. The course shall include the criteria for the curriculum content recommended by the Curriculum Development Advisory Committee established pursuant to Section 8588.10 to address the training needs of both of the following:
  - (1) Firefighters in conformance with the standards established by the State Fire Marshal.
  - (2) Paramedics and other emergency medical services fire personnel in conformance with the standards established by the Emergency Medical Services Authority.
- (b) The course of instruction shall be developed in consultation with individuals knowledgeable about consequence management that addresses the topics of containing and mitigating the impact of a terrorist incident, including, but not limited to, a terrorist act using hazardous materials, as well as weapons of mass destruction, including any chemical warfare agent, weaponized biological agent, or nuclear or radiological agent, as those terms are defined in Section 11417 of the Penal Code, by techniques including, but not limited to, rescue, firefighting, casualty treatment, and hazardous materials response and recovery.
- (c) The contract shall provide for the delivery of training by the California Fire Fighter Joint Apprenticeship Program through reimbursement contracts with the state, local, and regional fire agencies who may, in turn, contract with educational institutions.

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

### **§ 8588.12. *Terrorism Awareness Curriculum; development and implementation for emergency response personnel and volunteers***

- (a) The Curriculum Development Advisory Committee, described in Section 8588.10, shall recommend criteria for terrorism awareness curriculum content to meet the training needs of state and local emergency response personnel and volunteers. In addition, the committee shall identify any additional training that would be useful and appropriate, but that may not be generally available in California, and shall make recommendations pertaining to the need for training oversight agencies for first responder disciplines to expedite their curriculum approval processes.
- (b) Basic terrorism awareness training shall include, but not be limited to, the following:
  - (1) An overview of conventional, chemical, biological, radiological, and nuclear threats.
  - (2) Threat and hazard recognition, with an emphasis on ability to determine local vulnerabilities.
  - (3) Understanding the structure and function of an incident command system.
  - (4) Initial response actions, including preliminary assessment notifications, resource needs, and safety considerations.

- (5) Coordination with other emergency service first responders.
  - (6) Gathering, verifying, assessing, and communicating incident information.
  - (7) Understanding mass casualty implications and decontamination requirements.
  - (8) Balancing lifesaving activities with evidence preservation.
  - (9) General awareness and additional training for each of the first responder categories specific to each discipline.
- (c)
- (1) The Legislature finds and declares that training on terrorism awareness for first responders is of critical importance to the people of California.
  - (2) Every agency responsible for development of terrorism awareness training and every agency that employs or uses first responders shall give a high priority to the completion of that training.

**§ 8588.15. Appointment of representatives from disabilities community to serve on Standardized Emergency Management Systems committees; disabled community needs**

- (a) The director shall appoint representatives from the disabilities community to serve on the evacuation, sheltering, communication, recovery, and other pertinent Standardized Emergency Management System committees, including one representative to the Technical Working Group. Representatives of the disabled community shall, to the extent practicable, be from the following groups:
- (1) Persons who are blind or visually impaired.

- (2) Persons with sensory or cognitive disabilities.
- (3) Persons with physical disabilities.
- (b) Within the Standardized Emergency Management System structure, the director shall ensure, to the extent practicable, that the needs of the disabled community are met by ensuring all committee recommendations regarding preparedness, planning, and procedures relating to emergencies include the needs of people with disabilities.
- (c) The director shall prepare and disseminate sample brochures and other relevant materials on preparedness, planning, and procedures relating to emergency evacuations that include the needs of the disabled community, and shall work with nongovernmental associations and entities to make them available in accessible formats, including, but not limited to Braille, large print, and electronic media.
- (d) The director and the State Fire Marshal's office shall seek research funding to assist in the development of new technologies and information systems that will assist in the evacuation of the groups designated in subdivision (a) during emergency and disaster situations.
- (e) It is the intent of the Legislature for the purpose of implementing this section and to the extent permitted by federal law, that funds may be used from the Federal Trust Fund from funds received from the federal Department of Homeland Security for implementation of homeland security programs.

### **§ 8589. Use of all state and local fair properties**

The Office of Emergency Services shall be permitted the use of state and local fair properties as conditions require.

### **§ 8589.1. State Computer Emergency Data Exchange Program (SCEDEP); establishment and responsibilities; participating agencies; duties**

- (a) The Office of Emergency Services shall plan to establish the State Computer Emergency Data Exchange Program (SCEDEP) which shall be responsible for collection and dissemination of essential data for emergency management.
- (b) Participating agencies in SCEDEP shall include the Department of Water Resources, Department of Forestry and Fire Protection, Department of the California Highway Patrol, Department of Transportation, Emergency Medical Services Authority, the State Fire Marshal, State Department of Public Health, and any other state agency that collects critical data and information that affects emergency response.
- (c) It is the intent of the Legislature that the State Computer Emergency Data Exchange Program facilitate communication between state agencies and that emergency information be readily accessible to city and county emergency services offices. The Office of Emergency Services shall develop policies and procedures governing the collection and dissemination of emergency information and shall recommend or design the appropriate software and programs necessary for emergency communications with city and county emergency services offices.

**§ 8589.2. Statewide plan for delivery of hazardous material mutual aid; “hazardous material emergency response” and “hazardous material” defined**

- (a) The Office of Emergency Services, in consultation with the California Highway Patrol and other state and local agencies, shall establish a statewide plan for the delivery of hazardous material mutual aid.
- (b) Within 180 days of the adoption of a plan by the Office of Emergency Services, an entity shall only be considered a candidate for training or equipment funds provided by the state for hazardous material emergency response when that entity is a signatory to the plan established under this section.
  - (1) For the purpose of this chapter “hazardous material emergency response” includes, but is not limited to, assessment, isolation, stabilization, containment, removal, evacuation, neutralization, transportation, rescue procedures, or other activities necessary to ensure the public safety during a hazardous materials emergency.
  - (2) For the purpose of this chapter, “hazardous material” is defined as in Section 25501 of the Health and Safety Code.
- (c) Entities providing hazardous material emergency response services under this chapter shall be exempt from the fee restriction of Section 6103.

**§ 8589.3. Property within special flood hazard area; disclosure to prospective transferee; methods; agents**

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- (a) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area.
- (b) Disclosure is required pursuant to this section only when one of the following conditions is met:
  - (1) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
  - (2) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
- (c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
  - (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
  - (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (d) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the transferor:
  - (1) Persons specified in Section 1103.11 of the Civil Code.

- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.
- (e) Section 1103.13 of the Civil Code shall apply to this section.
- (f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.
- (g) A notice shall be posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the special flood hazard area map, any relevant Letters of Map Revision from the Federal Emergency Management Agency, and any parcel list compiled by the local jurisdiction.

**§ 8589.4. Property within area of potential flooding; disclosure to prospective transferee; methods; conditions; agents**

- (a) A person who is acting as an agent for a transferor of real property that is located within an area of potential flooding shown on an inundation map prepared pursuant to Section 6161 of the Water Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding. Disclosure is required pursuant to this section only when one of the following conditions is met:



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- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within an inundation area.
  - (2) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
- (b) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
  - (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (c) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the transferor:
- (1) Persons specified in Section 1103.11 of the Civil Code.
  - (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.
- (d) Section 1103.13 of the Civil Code shall apply to this section.
- (e) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

**§ 8589.45. Lease and rental agreement disclosure; potential flooding; coverage of personal possessions**

- (a) In every lease or rental agreement for residential property entered into on or after July 1, 2018, the owner or person offering the property for rent shall disclose to a tenant, in no smaller than eight-point type, the following:
- (1) That the property is located in a special flood hazard area or an area of potential flooding, if the owner has actual knowledge of that fact. For purposes of this section, "actual knowledge" includes the following:
    - (A) The owner has received written notice from any public agency stating that the property is located in a special flood hazard area or an area of potential flooding.
    - (B) The property is located in an area in which the owner's mortgage holder requires the owner to carry flood insurance.
    - (C) The owner currently carries flood insurance.
  - (2) That the tenant may obtain information about hazards, including flood hazards, that may affect the property from the Internet Web site of the Office of Emergency Services. The disclosure shall include the Internet Web site address for the MyHazards tool maintained by the office.
  - (3) That the owner's insurance does not cover the loss of the tenant's personal possessions and it is recommended that the tenant consider purchasing renter's insurance and flood insurance to insure his or her possessions from loss due to fire, flood, or other risk of loss.

- (4) That the owner is not required to provide additional information concerning the flood hazards to the property and that the information provided pursuant to this section is deemed adequate to inform the tenant.
- (b) The disclosures required by this section are subject to the requirements of Section 1632 of the Civil Code.

### **§ 8589.5. Emergency action plans; requirements; adoption of emergency procedures**

- (a) For the purposes of this section, “emergency action plan” means a written document that outlines actions to be undertaken during an emergency in order to minimize or eliminate the potential loss of life and property damage.
- (b) An emergency action plan shall do all of the following:
  - (1) Be based upon an inundation map approved by the Department of Water Resources pursuant to Section 6161 of the Water Code.
  - (2) Be developed by the dam’s owner in consultation with any local public safety agency that may be impacted by an incident involving the dam, to the extent a local public safety agency wishes to consult.
  - (3) Adhere to Federal Emergency Management Agency guidelines, and include, at a minimum, all of the following:
    - (A) Notification flowcharts and contact information.
    - (B) The response process.

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- (C) The roles and responsibilities of the dam owner and impacted jurisdictions following an incident involving the dam.
  - (D) Preparedness activities and exercise schedules.
  - (E) Inundation maps approved by the Department of Water Resources pursuant to Section 6161 of the Water Code.
  - (F) Any additional information that may impact life or property.
- (c) At least once annually, an owner of a dam shall conduct an emergency action plan notification exercise with local public safety agencies, to the extent that a local public safety agency wishes to participate. This annual exercise is to ensure that emergency communications plans and processes are current and implemented effectively.
- (d)
- (1) The appropriate public safety agencies of any city, county, or city and county, the territory of which includes any of those areas identified in an inundation map and the emergency action plan, may adopt emergency procedures for the evacuation and control of the potentially affected areas. The Office of Emergency Services may provide guidance to these agencies on incorporating the emergency action plan into the local all-hazard emergency response plans and local hazard mitigation plans.
  - (2) Local public safety agencies may adopt emergency procedures that incorporate the information contained in an emergency action

- plan in a manner that conforms to local needs, and that includes all of the following elements:
- (A) Methods and procedures for alerting and warning the public.
  - (B) Delineation of the area to be evacuated.
  - (C) Routes to be used.
  - (D) Traffic control measures.
  - (E) Shelters to be activated for the care of the evacuees.
  - (F) Methods for the movement of people without their own transportation.
  - (G) Identification of particular areas or facilities in the flood zones that will not require evacuation because of their location on high ground or similar circumstances.
  - (H) Identification and development of procedures for the evacuation and care of people with access and functional needs and for the evacuation of specific facilities, such as schools, hospitals, skilled nursing facilities, and other facilities as deemed necessary.
  - (I) Procedures for the perimeter and interior security of the evacuated area.
  - (J) Procedures for the lifting of the evacuation and reentry of the area.
  - (K) Details as to which organizations are responsible for the functions described in this paragraph and the material and personnel resources required.
- (3) Each agency that prepares emergency procedures may review and update these procedures in accordance with its established schedules.

- (e) Nothing in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 shall be construed to require disclosure of an emergency action plan.
- (f) The Office of Emergency Services may promulgate emergency regulations, as necessary, for the purpose of this section in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

### **§ 8589.6. Disaster registry programs; model guidelines**

- (a) The Office of Emergency Services shall develop model guidelines for local government agencies and community-based organizations planning to develop a disaster registry program. Adoption of the model guidelines shall be voluntary. Local governmental agencies or community-based organizations wishing to establish a disaster registry program may consult with the Office of Emergency Services for further guidance.
- (b) The guidelines required by subdivision (a) shall address, at a minimum, all of the following issues:
  - (1) A purpose statement specifying that the intent of the registry is not to provide immediate assistance during a local, state, or national disaster, to those who are registered, but to encourage that those registered will receive a telephone call or visit from neighborhood

disaster volunteers or other organizations specified in the final local plan as soon as possible after the disaster in order to check on their well-being and ask if they need assistance. This statement shall also specify that persons registered should be prepared to be self-sufficient for at least 72 hours.

- (2) A list of persons eligible for the registry. This list shall include, but not be limited to, disabled persons, including those with developmental disabilities, the elderly, those for whom English is not a first language, persons who are unskilled or deficient in the English language, long-term health care facilities, residential community care facilities, and residential care facilities for the elderly.
- (3) A statement specifying that the party responsible for responding to those registered will not be held liable for not responding.
- (4) A plan for ensuring that hard data is available if computers shut down.
- (5) A recommendation for those persons or organizations that would be appropriate to respond to persons on the disaster registry, and a plan for training the responsible party.
- (6) A plan for community outreach to encourage those eligible to participate.
- (7) A plan for distribution of preparedness materials to those eligible to participate in the disaster registry.
- (8) Recommendations and assistance for obtaining federal and state moneys to establish a disaster registry.

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

**§ 8589.7. Hazardous materials; reporting of spills and releases, or of ruptures, explosions and fires involving pipelines; public agency notification**

- (a) In carrying out its responsibilities pursuant to subdivision (b) of Section 8574.17, the Office of Emergency Services shall serve as the central point in state government for the emergency reporting of spills, unauthorized releases, or other accidental releases of hazardous materials and shall coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases. The Office of Emergency Services is the only state agency



required to make the notification required by subdivision (b).

- (b) Upon receipt of a report concerning a spill, unauthorized release, or other accidental release involving hazardous materials, as defined in Section 25501 of the Health and Safety Code, or concerning a rupture of, or an explosion or fire involving, a pipeline reportable pursuant to Section 51018, the Office of Emergency Services shall immediately inform the following agencies of the incident:
- (1) For an oil spill reportable pursuant to Section 8670.25.5, the Office of Emergency Services shall inform the administrator for oil spill response, the State Lands Commission, the California Coastal Commission, and the California regional water quality control board having jurisdiction over the location of the discharged oil.
  - (2) For a rupture, explosion, or fire involving a pipeline reportable pursuant to Section 51018, the Office of Emergency Services shall inform the State Fire Marshal.
  - (3) For a discharge in or on any waters of the state of a hazardous substance or sewage reportable pursuant to Section 13271 of the Water Code, the Office of Emergency Services shall inform the appropriate California regional water quality control board.
  - (4) For a spill or other release of petroleum reportable pursuant to Section 25270.8 of the Health and Safety Code, the Office of Emergency Services shall inform the local administering agency that has jurisdiction over the spill or release.

- (5) For a crude oil spill reportable pursuant to Section 3233 of the Public Resources Code, the Office of Emergency Services shall inform the Geologic Energy Management Division and the appropriate California regional water quality control board.
- (c) This section does not relieve a person who is responsible for an incident specified in subdivision (b) from the duty to make an emergency notification to a local agency, or the 911 emergency system, under any other law.
- (d) A person who is subject to Section 25507 of the Health and Safety Code shall immediately report all releases or threatened releases pursuant to that section to the appropriate local administering agency and each local administering agency shall notify the Office of Emergency Services and businesses in their jurisdiction of the appropriate emergency telephone number that can be used for emergency notification to the administering agency on a 24-hour basis. The administering agency shall notify other local agencies of releases or threatened releases within their jurisdiction, as appropriate.
- (e) No facility, owner, operator, or other person required to report an incident specified in subdivision (b) to the Office of Emergency Services shall be liable for any failure of the Office of Emergency Services to make a notification required by this section or to accurately transmit the information reported.

### **Article 5.5 – State Assistance for Fire Equipment Act**

#### **§ 8589.8. Citation of article**

This article shall be known and may be cited as the State Assistance for Fire Equipment Act.

### **§ 8589.9. Legislature findings and declarations**

- (a) The Legislature finds and declares that there is a growing need to find new ways to acquire firefighting apparatus and equipment for use by local agencies. Local agencies, particularly those that serve rural areas, have had and are likely to continue to have, difficulty acquiring firefighting apparatus and equipment. The Legislature further finds and declares that this situation presents a statewide problem for the protection of the public safety.
- (b) In enacting this article, the Legislature intends to create new ways for the Office of Emergency Services to help local agencies acquire firefighting apparatus and equipment. Through the identification of available apparatus and equipment, the acquisition of new and used apparatus and equipment, the refurbishing and resale of used apparatus and equipment, and assisting the financing of resales, the Office of Emergency Services will help local agencies meet public safety needs.

### **§ 8589.10. Definitions**

As used in this article:

- (a) "Acquire" means acquisition by purchase, grant, gift, or any other lawful means.
- (b) "Office" means the Office of Emergency Services.

- (c) "Firefighting apparatus and equipment" means any vehicle and its associated equipment that is designed and intended for use primarily for firefighting. "Firefighting apparatus and equipment" does not include vehicles that are designed and intended for use primarily for emergency medical services, rescue services, communications and command operations, or hazardous materials operations.
- (d) "Indirect expenses" means those items that are identified as indirect costs in the federal Office of Management and Budget, Circular A-87 on January 1, 1985.
- (e) "Local agency" means any city, county, special district, or any joint powers agency composed exclusively of those agencies, that provides fire suppression services. "Local agency" also includes a fire company organized pursuant to Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code.
- (f) "Rural area" means territory that is outside of any urbanized area designated by the United States Census Bureau from the 1980 federal census.
- (g) "Director" means the Director of Emergency Services.

### **§ 8589.11. Acquisition of equipment; repair of used equipment by Prison Industry Authority; resale price**

The office may acquire new or used firefighting apparatus and equipment for resale to local agencies. If the apparatus or equipment is in a used condition, the office may contract with the Prison Industry

Authority to repair or refurbish the apparatus or equipment to acceptable fire service standards before resale. The resale price shall recover the office's cost of acquisition, repairing, refurbishing, and associated indirect expenses.

### **§ 8589.12. State-owned equipment; purchase price**

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

### **§ 8589.13. Contract for resale of firefighting apparatus and equipment; priority; interest; terms; loan insurance**

(a) The office shall give first priority for the sale of new or used firefighting apparatus and equipment to a local agency that serves a rural area, and is authorized to contract with a local agency that serves a rural area for this purpose. The office shall give second priority for the sale of new or used firefighting apparatus and equipment to any local agency. If after reasonable efforts by the office to

sell new or used firefighting apparatus and equipment to any local agency, and not less than 90 days after providing notice to these local agencies, the office may sell any remaining firefighting apparatus and equipment to public agencies outside of California, the federal government, and Indian tribes, subject to any applicable federal requirements.

- (b) If a contract for the sale of new or used firefighting apparatus and equipment under subdivision (a) provides for the local agency to pay the sale price in more than one installment, the local agency shall pay interest at a rate specified in the contract, which shall not exceed 1 percent less than the rate earned by the Pooled Money Investment Board, and the term of a contract shall not exceed five years.
- (c) If a contract for the sale of new or used firefighting apparatus and equipment under subdivision (a) provides for a local agency to obtain a loan from another source, the office may insure the other loan.

### **§ 8589.14. Information system**

The office shall operate an information system which is capable of identifying firefighting apparatus and equipment which is available for acquisition, and local agencies which are interested in acquiring apparatus and equipment.

### **§ 8589.15. Contracting with Prison Industry Authority**

The office may contract with the Prison Industry Authority to perform any of the responsibilities or services required or authorized by this article.

### **§ 8589.16. State Assistance for Fire Equipment Account**

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

### **§ 8589.17. Local agency mutual aid agreements; resale contracts**

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

### **§ 8589.18. Local agency default**

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

**§ 8589.19. Rules and regulations; equipment types; resale contracts; preferences**

- (a) After consultation with the California Emergency Management Agency Fire Advisory Committee, hereafter to be referred to as the Office of Emergency Services Fire Advisory Committee, the director shall adopt rules and regulations governing the operation of the programs created by this article pursuant to the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3.
- (b) The rules and regulations adopted pursuant to subdivision (a) shall include, but not be limited to, all of the following:
  - (1) The specific types of firefighting apparatus and equipment which may be acquired, rehabilitated, and resold.
  - (2) The amount and terms of resale contracts.
  - (3) The time, format, and manner in which local agencies may apply for resale contracts.
  - (4) Priorities for assisting local agencies which shall give preference to local agencies which meet all of the following:
    - (A) Demonstrated need for primary response firefighting apparatus and equipment.
    - (B) Will be adequately able to operate and maintain the firefighting apparatus and equipment.
    - (C) Have already used other means of financing the firefighting apparatus and equipment.

**§ 8589.20. Cooperation by state agencies**



All state agencies, boards, and commissions shall cooperate with the office in implementing the programs created by this article.

### **§ 8589.21. Scope of director responsibility with respect to programs under the article**

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

### **Article 5.7 – Firefighting Thermal Imaging Equipment Act of 2001**

#### **§ 8590. Title of article**

This article shall be known and may be cited as the Firefighting Thermal Imaging Equipment Act of 2001.

#### **§ 8590.1. Definitions**

As used in this article, the following words have the following meanings:

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

- (c) "Secretary" or "Director" means the Director of Emergency Services.
- (d) "State agency" means any state agency providing residential or institutional fire protection, including, but not limited to, the California Department of Forestry and Fire Protection.

### **§ 8590.2. Thermal imaging equipment purchasing program**

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

### **§ 8590.3. Director duties in administering purchasing program**

In administering the purchasing program, the director shall do all of the following:

- (a) No later than 45 days after the effective date of this article, establish an advisory committee, which shall be comprised of representatives of organizations including, but not limited to, the California Fire Chiefs Association, the Fire Districts Association of California, the California Professional Firefighters, the CDF Firefighters, and the California State Firefighters Association, Inc. The committee shall meet no later than 30 days after all members are appointed.
- (b) Consult with the advisory committee regarding equipment specifications and other matters relating to the acquisition of thermal imaging equipment, and require the advisory committee to formulate

specifications no later than 120 days after its initial meeting.

- (c) Notify all local and state agencies about the purchasing program, including the opportunity to purchase additional units at the contract price, and determine whether those agencies are interested in obtaining thermal imaging equipment.
- (d) Purchase thermal imaging equipment at the lowest possible price from a reliable vendor that meets specified requirements. It is the intent of the Legislature that the director enter into a multiyear contract for this purpose no later than 180 days after the committee formulates specifications pursuant to subdivision (b).
- (e) Include a provision in the vendor contract allowing any local or state agency to purchase additional units directly from the vendor at the contract price.
- (f) Any local agency that elects to participate in the thermal imaging equipment purchasing program shall pay one-half of the contract price for each piece of equipment purchased on its behalf by the state.

### **§ 8590.4. Funding for program; distribution of equipment**

- (a) The director shall seek funding for the program from the private sector, grant programs, and other appropriate sources.
- (b) The director, after consultation with the advisory commission, shall distribute equipment purchased under the program in order to maximize its utilization by firefighters based on consideration of the following factors:

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

### **Article 5.9. Human Trafficking Victims Assistance**

#### **§ 8590.6. Definitions**

For the purposes of this article:

- (a) "Comprehensive services" means primary services that include all of the following:
  - (1) Shelter or established referral services for shelter on a 24 hours a day, seven days a week, basis.
  - (2) A 24 hours a day, seven days a week, telephone hotline for crisis calls.
  - (3) Temporary housing and food facilities.
  - (4) Psychological support and peer counseling provided in accordance with Section 1038.2 of the Evidence Code.
  - (5) Referrals to existing services in the community.
  - (6) Emergency transportation, as feasible.
- (b) "Director" means the Director of the Office of Emergency Services.
- (c) "Fund" means the Human Trafficking Victims Assistance Fund.
- (d) "Human trafficking caseworker" means a human trafficking caseworker as defined in Section 1038.2 of the Evidence Code, or a human trafficking caseworker who is employed by a homeless services provider that serves homeless children or youth and has completed a minimum of eight hours of training

focused on victims of human trafficking from the Runaway and Homeless Youth Training and Technical Assistance Center.

- (e) "Office" means the Office of Emergency Services.
- (f) "Qualified nonprofit organization" means a nongovernmental, nonprofit organization that does both of the following:
  - (1) Employs a minimum of one individual who is a human trafficking caseworker.
  - (2) Provides services to victims of human trafficking, including, but not limited to, housing assistance, counseling services, and social services to victims of human trafficking.
- (g) "Victim of human trafficking" means any person who is a trafficking victim as described in Section 236.1 of the Penal Code and satisfies either of the following conditions:
  - (1) Was trafficked in the state.
  - (2) Fled his or her trafficker to the state.

### **§ 8590.7. Human Trafficking Victims Assistance Fund**

- (a) There is hereby created in the State Treasury the Human Trafficking Victims Assistance Fund. Moneys in the fund, including any interest earned, shall only be expended to support programs for victims of human trafficking pursuant to the requirements of this article and for reimbursement of costs incurred by the office in connection with its duties under this section. Of the amounts appropriated to the fund, no more than 5 percent shall be applied for reimbursement of costs incurred by the office in connection with its duties.

- (b) The office shall do all of the following:
- (1) Be responsible for overseeing the grant program.
  - (2) Award grants based on the following:
    - (A) The capability of the qualified nonprofit organization to provide comprehensive services.
    - (B) The stated goals and objectives of the qualified nonprofit organization.
    - (C) The number of people to be served and the needs of the community.
    - (D) Evidence of community support.
    - (E) Other criteria the office deems appropriate that is consistent with the requirements of this paragraph.
  - (3) Publish deadlines and written procedures for qualified nonprofit organizations to apply for the grants.

### **Article 6 – Advisory Committees**

#### **§ 8591. Recognition of committees or boards established by or with segments of private sector or public agencies**

Nothing in this chapter shall operate to prevent the Governor or Office of Emergency Services from formally recognizing committees or boards established by or with segments of the private sector, public agencies, or both the private sector and public agencies, that control facilities, resources, or the provision of services essential to the mitigation of the effects of an emergency or recovery therefrom, or from assigning administrative authority or responsibility to those committees or boards or to members thereof with

respect to the provision and effective utilization of those resources to meet needs resulting from an emergency.

### ***Article 6.1. California Olympic and Paralympic Public Safety Command***

#### ***§ 8591.5. California Olympic and Paralympic Public Safety Command (COPPSC); establishment, development, approval, and adoption; purpose***

- (a) The Office of Emergency Services shall establish, and oversee the development, approval, and adoption of, the California Olympic and Paralympic Public Safety Command (COPPSC) to facilitate the planning, resourcing, management, and delivery of safety and security at the 2028 Olympic and Paralympic Games in Los Angeles.
- (b) COPPSC shall, in furtherance of subdivision (a), consider the work of the office's Large Stadium Initiative and the office's experience implementing the federal National Special Security Events planning and preparedness activities.

#### ***§ 8591.6. Memorandums of understanding for implementation of activities***

- (a) No later than January 31, 2021, the Office of Emergency Services shall enter into a memorandum of understanding with the Los Angeles Organizing Committee for the 2028 Olympic and Paralympic Games, and with other necessary parties, to implement COPPSC's safety and security activities pursuant to Section 8591.5.

(b) Memorandums of understanding entered into pursuant to subdivision (a) shall comply with Section 4 of Chapter 836 of the Statutes of 2017 and with the Master Mutual Aid Agreement.

### **§ 8591.7. Duration of article**

This article shall remain in effect only until January 1, 2029, and as of that date is repealed.

## **Article 6.2 – Public Safety Communication Act of 2002**

### **§ 8592. Short title**

This article shall be known and may be cited as the Public Safety Communication Act of 2002.

### **§ 8592.1. Definitions**

For purposes of this article, the following terms have the following meanings:

- (a) "Backward compatibility" means that the equipment is able to function with older, existing equipment.
- (b) "Committee" means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities and which consists of representatives of the following state entities:



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- (1) The Office of Emergency Services, who shall serve as chairperson.
  - (2) The Department of the California Highway Patrol.
  - (3) The Department of Transportation.
  - (4) The Department of Corrections and Rehabilitation.
  - (5) The Department of Parks and Recreation.
  - (6) The Department of Fish and Wildlife.
  - (7) The Department of Forestry and Fire Protection.
  - (8) The Department of Justice.
  - (9) The Department of Water Resources.
  - (10) The State Department of Public Health.
  - (11) The Emergency Medical Services Authority.
  - (12) The Department of Technology.
  - (13) The Military Department.
  - (14) The Department of Finance.
- (c) "First response agencies" means public agencies that, in the early stages of an incident, are responsible for, among other things, the protection and preservation of life, property, evidence, and the environment, including, but not limited to, state fire agencies, state and local emergency medical services agencies, local sheriffs' departments, municipal police departments, county and city fire departments, and police and fire protection districts.
- (d) "Nonproprietary equipment or systems" means equipment or systems that are able to function with another manufacturer's equipment or system regardless of type or design.
- (e) "Open architecture" means a system that can accommodate equipment from various vendors because it is not a proprietary system.

- (f) "Public safety radio subscriber" means the ultimate end user. Subscribers include individuals or organizations, including, for example, local police departments, fire departments, and other operators of a public safety radio system. Typical subscriber equipment includes end instruments, including mobile radios, hand-held radios, mobile repeaters, fixed repeaters, transmitters, or receivers that are interconnected to utilize assigned public safety communications frequencies.
- (g) "Public safety spectrum" means the spectrum allocated by the Federal Communications Commission for operation of interoperable and general use radio communication systems for public safety purposes within the state.

**§ 8592.2. Primary responsibility of committee in state government; consultation with regional planning committee and other entities; meetings**

- (a) The committee shall have primary responsibility in state government for both of the following:
  - (1) Developing and implementing a statewide integrated public safety communication system that facilitates interoperability among state public safety departments listed in subdivision (b) of Section 8592.1 and other first response agencies, as the committee deems appropriate.
  - (2) Coordinating other shared uses of the public safety spectrum consistent with decisions and regulations of the Federal Communications Commission.
- (b) In order to facilitate effective use of the public safety spectrum, the committee shall consult with

any regional planning committee or other federal, state, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

- (c) The committee shall meet at least twice a year, of which one meeting shall be a joint meeting with the California Statewide Interoperability Executive Committee to enhance coordination and cooperation at all organizational levels and a cohesive approach to communications interoperability.

### **§ 8592.3. Consultation with other organizations and entities; standard memorandum of understanding**

- (a) The committee shall consult with the following organizations and entities:
- (1) California State Peace Officers Association.
  - (2) California Police Chiefs Association.
  - (3) California State Sheriffs' Association.
  - (4) California Professional Firefighters.
  - (5) California Fire Chiefs Association.
  - (6) California State Association of Counties.
  - (7) League of California Cities.
  - (8) California State Firefighters Association.
  - (9) California Coalition of Law Enforcement Associations.
  - (10) California Correctional Peace Officers Association.
  - (11) CDF Firefighters.
  - (12) California Union of Safety Employees.
- (b) Each organization or entity listed in subdivision (a) may designate a representative to work with the committee to develop agreements for

interoperability or other shared use of the public safety spectrum between the state public safety departments listed in subdivision (b) of Section 8592.1 and local or federal agencies that operate a communication system on the public safety spectrum and that have capacity and technical ability for interoperability or other shared use.

- (c) The committee shall develop a model memorandum of understanding that sets forth general terms for interoperability or other shared uses among jurisdictions, which may be modified as necessary for a particular agreement entered into pursuant to subdivision (b).
- (d) A local agency may not be required to adopt the model memorandum of understanding developed pursuant to subdivision (c).

### **§ 8592.4. Purchase of new or upgraded communication equipment; establishment of program; committee recommendations; public safety radio subscriber equipment**

- (a) The committee shall determine which state public safety departments listed in subdivision (b) of Section 8592.1 need new or upgraded communication equipment and shall establish a program for equipment purchase. In establishing this program, the committee shall recommend the purchase of public safety radio subscriber equipment that will enable state agencies to commence conforming to industry and governmental standards for interoperability as set forth in Section 8592.5. As technology continues to evolve, the committee shall recommend the

purchase of nonproprietary equipment or systems that have open architecture and backward compatibility, and that are in compliance with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.

- (b) The committee may recommend to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum, the purchase of public safety radio subscriber equipment that will enable first response agencies to commence conforming to industry and governmental standards for interoperability as set forth in paragraphs (1) and (2) of subdivision (a) of Section 8592.5. As technology continues to evolve, the committee may recommend the purchase of nonproprietary equipment or systems that have open architecture and backward compatibility, and that are in compliance with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.
- (c) This section does not mandate that a state or local governmental agency affected by this section is required to compromise its immediate mission or ability to function and carry out its existing responsibilities.

### **§ 8592.5. Compliance of public safety radio communication equipment purchased by a state department with certain standards**

- (a) Except as provided in subdivision (c), a state department that purchases public safety radio communication equipment shall ensure that the

equipment purchased complies with applicable provisions of the following:

- (1) The common system standards for digital public safety radio communications commonly referred to as the "Project 25 Standard," as that standard may be amended, revised, or added to in the future jointly by the Associated Public-Safety Communications Officials, Inc., National Association of State Telecommunications Directors and agencies of the federal government, commonly referred to as "APCO/NASTD/FED."
  - (2) The operational and functional requirements delineated in the Statement of Requirements for Public Safety Wireless Communication and Interoperability developed by the SAFECOM Program under the United States Department of Homeland Security.
- (b) Except as provided in subdivision (c), a local first response agency that purchases public safety radio communication equipment, in whole or in part, with state funds or federal funds administered by the state, shall ensure that the equipment purchased complies with paragraphs (1) and (2) of subdivision (a).
- (c) Subdivision (a) or (b) shall not apply to either of the following:
- (1) Purchases of equipment to operate with existing state or local communications systems where the latest applicable standard will not be compatible, as verified by the Office of Emergency Services.
  - (2) Purchases of equipment for existing statewide low-band public safety communications systems.

- (d) This section may not be construed to require an affected state or local governmental agency to compromise its immediate mission or ability to function and carry out its existing responsibilities.

**§ 8592.7. Budget proposals for support of new or modified radio systems; submission of technical project plan; contents; review of plan**

- (a) A budget proposal submitted by a state agency for support of a new or modified radio system shall be accompanied by a technical project plan that includes all of the following:
- (1) The scope of the project.
  - (2) Alternatives considered.
  - (3) Justification for the proposed solution.
  - (4) A project implementation plan.
  - (5) A proposed timeline.
  - (6) Estimated costs by fiscal year.
- (b) The committee shall review the plans submitted pursuant to subdivision (a) for consistency with the statewide integrated public safety communication strategic plan.
- (c) The Department of Technology shall review the plans submitted pursuant to subdivision (a) for consistency with the technical requirements of the statewide integrated public safety communication strategic plan.

**§ 8592.8. Routing of "911" calls from commercial mobile radio service telecommunications devices; requirements for alternative routing**

A "911" call, as described in Section 2896.1 of the Public Utilities Code, from a commercial mobile radio

service telecommunications device may be routed to a public safety answering point other than the Department of the California Highway Patrol only if the alternate routing meets all of the following requirements:

- (a) The “911” call originates from a location other than from a freeway, as defined in Section 23.5 of the Streets and Highways Code, under the jurisdiction of the Department of the California Highway Patrol.
- (b) The alternate routing is economically and technologically feasible.
- (c) The alternate routing will benefit public safety.
- (d) The Department of the California Highway Patrol, the Office of Emergency Services, and the current or proposed alternate public safety answering point, in consultation with the wireless industry and local law enforcement officials, determine that it is in the best interest of the public, will provide more effective emergency service to the public to route “911” calls that do not originate from a freeway, as defined in Section 23.5 of the Streets and Highways Code, or any other area in which the Department of the California Highway Patrol has jurisdiction to respond, to another public safety answering point, and will result in “911” calls being routed to the responsible responding jurisdiction that covers the location of the call origination point.

### **§ 8592.9. Office to maximize efficiency of “911” system; actions to be taken**

- (a) The Office of Emergency Services shall take all necessary actions to maximize the efficiency of the “911” system.



- (b) The office shall require the Public Safety Communications Division to work with the Department of the California Highway Patrol and county coordinators to review call data on the routing of "911" cell phone traffic to assess whether wireless "911" calls should be routed to a local public safety answering point or a California Highway Patrol call center in order to determine the most efficient routing for wireless "911" calls, with a comprehensive statewide review and routing decision making process, both to be conducted annually.
- (c) After completion of the annual comprehensive statewide review and routing decision making process, a local fire, police, sheriff, or emergency medical services agency, or a local public safety answering point, may submit a written request for a review of a specific cell sector based on the criteria specified in Section 8592.8 to the Public Safety Communications Division within the Office of Emergency Services.
- (d) The office shall also require its Public Safety Communications Division to work with the wireless carriers to verify that all cell sector routing decisions made pursuant to Section 8592.8 have been implemented.

### **Article 6.3. The Manny Alert Act**

#### **§ 8592.20. Short title; legislative intent**

- (a) This article shall be known, and may be cited, as the Manny Alert Act.
- (b) It is the intent of the Legislature to explore the establishment of a statewide system under the

management of the California Office of Emergency Services that provides the ability for Public Safety Answering Points to aid in dispatching activities. The statewide system would enable all Californians, including older adults, individuals with disabilities, and other at-risk persons, to voluntarily provide vital health and safety information to enable first responders to better assist them during an accident or emergency.

- (c) It is also the intent of the Legislature that the statewide system would inform law enforcement, fire departments, and emergency medical service personnel, who are planning for or responding to an emergency, with crucial information necessary for interacting with all Californians, especially older adults, individuals with disabilities, and other at-risk persons, so as to maximize the safety of these persons, minimize the likelihood of injury, and promote the safety of all individuals.

### **§ 8592.21. “Office” defined**

For purposes of this article, “office” means the Office of Emergency Services.

### **§ 8592.22. System for providing health and safety information; feasibility study; report to Legislature**

- (a) The office, in consultation with any persons that the office determines are relevant experts and stakeholders, shall complete a study to determine the feasibility of developing a statewide system that would enable all Californians, including older adults, individuals with disabilities, and other at-risk persons, to voluntarily provide vital health and safety

information, with an encrypted connection, to be made available to all first responders in an emergency if a "911" call is placed.

- (b) In considering the feasibility of the statewide system, the office shall consider all of the following in the study required by subdivision (a):
  - (1) That information submitted through the statewide system is confidential and not a public record. That the office and any third-party contractor or agent that assists with or administers the statewide system not disclose or otherwise communicate any or all information it receives from any person under the statewide system orally, in writing, or by electronic or any other means to a third party except to inform law enforcement, fire department, and emergency medical service personnel at the scene of an emergency.
  - (2) That the technology used requires the person submitting the information to confirm the accuracy of that information and states that the information will be used only by public safety dispatch personnel and first responders solely for planning for and responding to emergencies would result in a "911" call.
  - (3) In order to maximize efficiency and contain costs, that the statewide system incorporate, if the office determines it is consistent with public safety and technologically feasible, shared infrastructure and elements of other public safety and emergency communication networks, including, but not limited to, all of the following:

- (A) Public safety communications identified in the annual plan required by subdivision (b) of Section 15277.
  - (B) Local and regional public safety broadband networks authorized by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).<sup>1</sup>
  - (C) Public safety broadband networks authorized by the federal Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96).
  - (D) Public safety radio and communications facilities used for the purpose of public warnings pursuant to Section 15254.
- (c) The office shall determine an estimate of the funding necessary to plan, test, implement, operate, and maintain the statewide system on an annual basis. The office shall include the funding estimate in the report required by subdivision (d).
- (d) The office shall, by January 1, 2021, submit the results of the study required by subdivision (a) in a report to the Legislature and the State 911 Advisory Board and make that report available to the public. The report to the Legislature shall be submitted in compliance with Section 9795.

### **Article 6.4. Cybersecurity**

#### **§ 8592.30. Definitions**

As used in this article, the following definitions shall apply:

- (a) "Critical infrastructure controls" means networks and systems controlling assets so vital to the state that the incapacity or destruction of those networks,

systems, or assets would have a debilitating impact on public health, safety, economic security, or any combination thereof.

- (b) "Critical infrastructure information" means information not customarily in the public domain pertaining to any of the following:
- (1) Actual, potential, or threatened interference with, or an attack on, compromise of, or incapacitation of critical infrastructure controls by either physical or computer-based attack or other similar conduct, including, but not limited to, the misuse of, or unauthorized access to, all types of communications and data transmission systems, that violates federal, state, or local law or harms public health, safety, or economic security, or any combination thereof.
  - (2) The ability of critical infrastructure controls to resist any interference, compromise, or incapacitation, including, but not limited to, any planned or past assessment or estimate of the vulnerability of critical infrastructure.
  - (3) Any planned or past operational problem or solution regarding critical infrastructure controls, including, but not limited to, repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to interference, compromise, or incapacitation of critical infrastructure controls.
- (c) "Department" means the Department of Technology.
- (d) "Office" means the Office of Emergency Services.
- (e) "Secretary" means the secretary of each state agency as set forth in subdivision (a) of Section 12800.

- (f) "State agency" or "state agencies" means the same as "state agency" as set forth in Section 11000.

**§ 8592.35. Technology Recovery Plan update to include cybersecurity strategy incident response standards; considerations**

- (a)
- (1) On or before July 1, 2018, the department shall, in consultation with the office and compliance with Section 11549.3, update the Technology Recovery Plan element of the State Administrative Manual to ensure the inclusion of cybersecurity strategy incident response standards for each state agency to secure its critical infrastructure controls and critical infrastructure information.
  - (2) In updating the standards in paragraph (1), the department shall consider, but not be limited to considering, all of the following:
    - (A) Costs to implement the standards.
    - (B) Security of critical infrastructure information.
    - (C) Centralized management of risk.
    - (D) Industry best practices.
    - (E) Continuity of operations.
    - (F) Protection of personal information.
- (b) Each state agency shall provide the department with a copy of its updated Technology Recovery Plan.
- (c) Each state agency shall, as part of its Technology Recovery Plan, provide the department with an inventory of all critical infrastructure controls, and

their associated assets, in the possession of the agency.

### **§ 8592.40. Report on compliance with updated standards; Technology Recovery Plan; suggestions for improvement**

- (a) Each state agency shall report on its compliance with the standards updated pursuant to Section 8592.35 to the department in the manner and at the time directed by the department, but no later than July 1, 2019.
- (b) At the request of the department, any local entity that receives state funds for the purposes of storing, sharing, or transmitting data, or in support of an information technology project with a state entity, may submit a Technology Recovery Plan, as specified by Section 8592.35, to the department.
- (c) The department, in conjunction with the office, may provide suggestions for a state agency or local entity that provided a Technology Recovery Plan pursuant to subdivision (b) to improve compliance with the standards developed pursuant to Section 8592.35, if any, to the head of the state agency and the secretary responsible for the state agency or the head of the local entity. For a state agency that is not under the responsibility of a secretary, the department shall provide any suggestions to the head of the state agency and the Governor.

### **§ 8592.45. Confidentiality of required information or reports and public records**

The information required by subdivisions (b) and (c) of Section 8592.35, the report required by subdivision (a)

of Section 8592.40, the plan authorized by subdivision (b) of Section 8592.40, and any public records relating to any communication made pursuant to, or in furtherance of the purposes of, subdivision (c) of Section 8592.40 are confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

### ***Article 6.5 – Accessibility to Emergency Services Information***

#### ***§ 8593. Improvement of communication with deaf and hearing-impaired persons during emergencies; open captioning on television***

The Office of Emergency Services shall work with advocacy groups representing the deaf and hearing impaired, including, but not limited to, the California Association of the Deaf and the Coalition of Deaf Access Providers, California television broadcasters, city and county emergency services coordinators, and, as appropriate, the Federal Emergency Management Agency and the Federal Communications Commission, to improve communication with deaf and hearing-impaired persons during emergencies, including the use of open captioning by California television broadcasters when transmitting emergency information.

#### ***§ 8593.1. Digital emergency broadcast system; investigation of feasibility***



The Office of Emergency Services shall investigate the feasibility of, and the funding requirements for, establishing a “Digital Emergency Broadcast System” network, to be used by local and state government agencies for the provision of warnings and instructions in digital or printed form to California broadcast outlets for relay to the public both orally and visually, through television, and orally, through radio, during emergencies.

### **§ 8593.2. Toll-free 800 telephone hotline for inquiries about emergency preparedness and disaster status; investigation of feasibility**

The Office of Emergency Services shall investigate the feasibility of establishing a toll-free 800 telephone hotline, including TDD (telecommunications device for the deaf) accessibility, which would be accessible to the public, including deaf, hearing-impaired, and non-English speaking persons, for use during nonemergency and emergency periods to respond to inquiries about emergency preparedness and disaster status.

### **§ 8593.3. Integration of access and functional needs population into county emergency plan**

(a) A county, including a city and county, shall, upon the next update to its emergency plan, integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by the following:

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- (1) Emergency communications, including the integration of interpreters, translators, and assistive technology.
  - (2) Emergency evacuation, including the identification of transportation resources and resources that are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) for individuals who are dependent on public transportation.
  - (3) Emergency sheltering, including ensuring that designated shelters are compliant with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or can be made compliant through modification and that showers and bathrooms are fully accessible to all occupants.
- (b) For purposes of this section, the “access and functional needs population” consists of individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, seniors, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.
- (c) A county, or city and county, upon the next update to its emergency plan, regarding the integration of access and functional needs into that emergency plan, shall include representatives from the access and functional needs population, pursuant to subdivision (b), including, but not limited to, social

service agencies, nonprofit organizations, and transportation providers.

### **§ 8593.3.5. Emergency plan; cultural competence; forum**

- (a) A county, including a city and county, shall, upon the next update to its emergency plan, integrate cultural competence into its emergency plan by addressing, at a minimum, how culturally diverse communities within its jurisdiction are served by the following:
  - (1) Emergency communications, including the integration of interpreters and translators.
  - (2) Emergency evacuation and sheltering.
  - (3) Emergency mitigation and prevention.
  - (4) Emergency planning, including drawing on community-based values and customs, and incorporating qualified representatives from diverse population groups in the community, during the planning process.
  - (5) Emergency preparedness, including the use of culturally appropriate resources and outreach techniques to educate and prepare community members for emergencies or disasters.
- (b) In relation to subdivision (a), a county, including a city and county, shall provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities within its jurisdiction.
  - (1) A county, including a city and county, may establish a separate community advisory

board for the purpose of cohosting, coordinating, and conducting outreach for the community engagement forums. The advisory board may assist the county in prioritizing which culturally diverse communities to outreach to and in implementing strategies related to elements in subdivision (a) for integration into the county emergency plan. Representatives of the following parties shall be considered for the composition of the advisory board:

(A) Interagency county government departments including, but not limited to, emergency services, public health, social services, and transportation.

(B) Culturally diverse community advocacy groups and community members as identified in paragraph (2) of subdivision (c).

(2) A county, including a city and county, through the advisory board may coordinate community outreach forums to solicit input from and share information with culturally diverse community organizations and community members as identified in paragraph (2) of subdivision (c) on related topics of the emergency plan as identified under subdivision (a).

(3) The community engagement forums may include translation and interpretation in languages other than English.

(c) For purposes of this section:

(1) "Cultural competence" means the ability to understand, value, communicate with, and

effectively interact with people across cultures in order to ensure that the needs of all community members are addressed, with priority given to “culturally diverse communities.” “Cultural competence” includes, but is not limited to, being respectful and responsive to the cultural and linguistic needs of diverse population groups.

- (2) “Culturally diverse communities” includes, but is not limited to, race and ethnicity, including indigenous peoples, communities of color, and immigrant and refugee communities; gender, including women; age, including the elderly and youth; sexual and gender minorities; people with disabilities; occupation and income level including low-income individuals and the unhoused; education level; people with no or limited English language proficiency; as well as geographic location.

**§ 8593.4. County-operated public emergency warning system; access contact information through records of public utility or other agency; include procedures for resident to opt out of warning system; confidentiality of contact information; liability**

- (a) A county, including a city and county, may enter into an agreement to access the contact information of resident accountholders through the records of a public utility or other agency, including an electrical or gas corporation, local publicly owned electric utility, public water

agency, or other agency responsible for water service, waste and recycling services, or other related services for a property address, for the sole purpose of enrolling county residents in a county-operated public emergency warning system.

- (b) A county, including a city and county, that enters into an agreement to access information pursuant to subdivision (a) shall include procedures to enable any resident to opt out of the warning system and a process to terminate the receiving agency's access to the contact information of the resident from a public utility or other agency, including an electrical or gas corporation, local publicly owned electric utility, public water agency, or other agency responsible for water service, waste and recycling services, or other related services for a property address. A county, or city and county, may not use the information gathered for any purpose other than for emergency notification. The receiving agency shall ensure that the confidentiality of the contact information is protected under reasonable security procedures.
- (c) For purposes of this section, "contact information" means a person's name, address, telephone numbers, and email address.
- (d) Notwithstanding any other law, a public utility or other agency, including an electrical or gas corporation, local publicly owned electric utility, public water agency, or other agency responsible for water service, waste and recycling services, or other related services for a

property address, shall not be subject to civil or criminal liability for the accuracy of, or any use, nonuse, or improper release of, the contact information it provides to the county under this section, including, without limitation, for any deficiencies or inaccuracies of the contact information provided.

### **§ 8593.6. Assessment of technologies available for expanding the transmission of emergency alerts to the public**

- (a) No later than six months after securing funding for the purposes of this section, the Director of Emergency Services shall convene a working group for the purpose of assessing existing and future technologies available in the public and private sectors for the expansion of transmission of emergency alerts to the public through a public-private partnership. The working group shall advise the director and assist in the development of policies, procedures, and protocols that will lay the framework for an improved warning system for the public.
- (b)
  - (1) The working group shall consist of the following membership, to be appointed by the director:
    - (A) A representative of the Office of Emergency Services.
    - (B) A representative of the Attorney General's office.
    - (C) A representative of the State Department of Public Health.

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- (D) A representative of the State Emergency Communications Committee.
  - (E) A representative of the Los Angeles County Office of Emergency Management, at the option of that agency.
  - (F) A representative or representatives of local government, at the option of the local government or governments.
  - (G) Representatives of the private sector who possess technology, experience, or insight that will aid in the development of a public-private partnership to expand an alert system to the public, including, but not limited to, representatives of providers of mass communication systems, first responders, and broadcasters.
  - (H) Additional representatives of any public or private entity as deemed appropriate by the director.
- (2) In performing its duties, the working group shall consult with the Federal Communications Commission, and with respect to grants and fiscal matters, the Office of Emergency Services.
- (c) The working group shall consider and make recommendations with respect to all of the following:
- (1) Private and public programs, including pilot projects that attempt to integrate a public-private partnership to expand an alert system.
  - (2) Protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted



via an alert system that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at state and local levels.

- (3) Protocols and guidelines to prioritize assurance of the greatest level of interoperability for first responders and families of first responders.
  - (4) Procedures for verifying, initiating, modifying, and canceling alerts transmitted via an alert system.
  - (5) Guidelines for the technical capabilities of an alert system.
  - (6) Guidelines for technical capability that provides for the priority transmission of alerts.
  - (7) Guidelines for other capabilities of an alert system.
  - (8) Standards for equipment and technologies used by an alert system.
  - (9) Cost estimates.
  - (10) Standards and protocols in accordance with, or in anticipation of, Federal Communications Commission requirements and federal statutes or regulations.
  - (11) Liability issues.
- (d) The director may accept private monetary or in-kind donations for the purposes of this section.

### **§ 8593.7. Guidelines for alerting and warning public of emergency; development; contents; implementation**

- (a) On or before July 1, 2019, the Office of Emergency Services, in consultation with, at minimum, telecommunications carriers, the California cable

and broadband industry, radio and television broadcasters, the California State Association of Counties, the League of California Cities, the disability community, appropriate federal agencies, and the Standardized Emergency Management System Alert and Warning Specialist Committee, shall develop guidelines for alerting and warning the public of an emergency. Those guidelines shall include, at minimum, the following:

- (1) Timelines for sending alerts during an emergency.
  - (2) Practices for sending advance warnings of an impending threat.
  - (3) Practices for testing, training on, and exercising a city's, county's, or city and county's alert and warning system.
  - (4) Consideration for coordinating alerts with neighboring jurisdictions.
  - (5) Guidelines and protocols for redundancy and utilizing multiple forms of alerts.
  - (6) Guidelines and protocols for chain of command communications and accounting for staffing patterns to ensure a trained operator is always on call.
  - (7) Practices for effective notifications to the access and functional needs population as defined in subdivision (b) of Section 8593.3.
  - (8) Message templates.
  - (9) Common terminology.
- (b)
- (1) The Office of Emergency Services shall provide each city, county, and city and county with a copy of the guidelines developed according to subdivision (a).

- (2) Six months after the Office of Emergency Services provides the guidelines to each city, county, and city and county, the office may impose conditions upon a city's, county's, or city and county's application for any voluntary grant funds that have a nexus to emergency management performance that the office administers, requiring that city, county, or city and county to operate its alert and warning activities in a manner that is consistent with the guidelines developed pursuant to subdivision (a).
- (c) Within six months of making the guidelines available pursuant to subdivision (b) and at least annually, the Office of Emergency Services, through its California Specialized Training Institute, shall develop an alert and warning training. The training shall include, at minimum, information regarding the evaluation, purchase, and operation of Wireless Emergency Alert system (WEA) and the Emergency Alert System (EAS) equipment and software, including capabilities that address communications for the access and functional needs community; the technical capabilities of the WEA and EAS function within an alert system, pursuant to current Federal Emergency Management Agency (FEMA) and Federal Communications Commission regulations, as amended from time to time; and the alert and warning guidelines developed in subdivision (a).
- (d) The safety of local communities requires designated alerting authorities to ensure that they have multiple operators, adequate testing and training, and functional equipment and software. To the extent designated alerting authorities have difficulty acquiring or maintaining adequate alert and

warning resources, they may consult with the Office of Emergency Services on best practices to achieve those goals.

- (e) "Operator" means those personnel required by the designated alerting authority to transmit alert and warning messages.
- (f) The Office of Emergency Services (OES) may adopt emergency regulations to implement this section. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the office is hereby exempted for this purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code.

**§ 8594. Child abductions; activation of the emergency alert system; requirements for activation; development of policies and procedures; review of Amber Plan as adopted by other states and Orange County's child abduction regional emergency alert program; development of child abduction education system to educate children to deter abductions**

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- (a) If a law enforcement agency receives a report that an abduction has occurred or that a child has been taken by anyone, including, but not limited to, a custodial parent or guardian, and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted or taken and the victim is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, through a person authorized to activate the Emergency Alert System, shall, absent extenuating investigative needs, request activation of the Emergency Alert System within the appropriate local area. A law enforcement agency shall only request activation of the Emergency Alert System pursuant to this subdivision if these requirements are met. The Emergency Alert System is not intended to be used for abductions resulting from custody disputes that are not reasonably believed to endanger the life or physical health of a child.
- The California Highway Patrol, if requested by a law enforcement agency, shall activate the system.
- (b) The California Highway Patrol, in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the Emergency Alert System, and any other intermediate emergency agencies that may

institute activation of the Emergency Alert System, and, where appropriate, other supplemental warning systems, shall proceed after a qualifying abduction has been reported to a law enforcement agency. Those policies and procedures shall include, but not be limited to:

- (1) Procedures for transfer of information regarding the abducted victim and abduction from the law enforcement agency to the broadcasters.
  - (2) Specification of the event code or codes that should be used if the Emergency Alert System is activated to report a qualifying child abduction.
  - (3) Recommended language for an abduction alert.
  - (4) Specification of information that must be included by the reporting law enforcement agency, including which agency a person with information relating to the abduction should contact and how the person should contact the agency.
  - (5) Recommendations on the extent of the geographical area to which a child abduction emergency alert should be broadcast.
- (c) The California Highway Patrol, in consultation with the Department of Justice, shall review the Amber Plan as adopted by other states and Orange County's Child Abduction Regional Emergency Alert Program for guidance in developing appropriate policies and procedures for use of the Emergency Alert System and, where appropriate, other supplemental warning systems to report qualifying events.
- (d) The California Highway Patrol, in conjunction with the Department of Justice, shall develop a

comprehensive child abduction education plan to educate children in the state on the appropriate behavior to deter abduction. The California Highway Patrol shall convene a group consisting of a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, representatives of advocacy groups, and the Department of Education to assist in the development of a plan.

**§ 8594.5. Law enforcement officers attacked or killed; activation of emergency alert system and issuance of blue alerts; conditions; technologies utilized; information on California Highway Patrol's Internet Web site describing blue alerts**

- (a) For purposes of this section, "blue alert" means a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer as described in subdivision (b).
- (b) In addition to the circumstances described in Section 8594, upon the request of an authorized person at a law enforcement agency that is investigating an offense described in paragraph (1), the California Highway Patrol shall activate the Emergency Alert System and issue a blue alert if all of the following conditions are met:
  - (1) A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
  - (2) A law enforcement agency investigating the offense has determined that the suspect poses

- an imminent threat to the public or other law enforcement personnel.
- (3) A detailed description of the suspect's vehicle or license plate is available for broadcast.
  - (4) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.
  - (5) The California Highway Patrol has been designated to use the federally authorized Emergency Alert System for the issuance of blue alerts.
- (c) The blue alert system incorporates a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying attack. The blue alert system shall utilize the state-controlled Emergency Digital Information System, local digital signs, focused text, or other technologies, as appropriate, in addition to the federal Emergency Alert System, if authorized and under conditions permitted by the federal government.
- (d) On or before December 31, 2011, the California Highway Patrol shall augment the department's public Internet Web site to include a blue alert link that describes the "blue alert" process, objectives, and available quick responses. The Internet Web site shall explain that the term blue alert will communicate that a law enforcement officer has been attacked or killed and that the scope of an alert will be tailored to the circumstances of the offense and available technologies.

### **§ 8594.10. Silver Alert notification system for persons 65 years of age or older, developmentally**



**disabled, or cognitively impaired and reported missing; activation by Department of the California Highway Patrol; conditions**

- (a) For purposes of this section, "Silver Alert" means a notification system, activated pursuant to subdivision (b), designed to issue and coordinate alerts with respect to a person who is 65 years of age or older, developmentally disabled, or cognitively impaired, and who is reported missing.
- (b)
- (1) If a person is reported missing to a law enforcement agency, and that agency determines that the requirements of subdivision (c) are met, the agency may request the California Highway Patrol to activate a Silver Alert. If the California Highway Patrol concurs that the requirements of subdivision (c) are met, it shall activate a Silver Alert within the geographical area requested by the investigating law enforcement agency.
  - (2) Radio, television, and cable and satellite systems are encouraged to, but not required to, cooperate with disseminating the information contained in a Silver Alert.
  - (3) Upon activation of a Silver Alert, the California Highway Patrol shall assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, an Emergency Digital Information Service message, or an electronic flyer.
- (c) A law enforcement agency may request a Silver Alert be activated if that agency determines that all of the following conditions are met in regard to the investigation of the missing person:

- (1) The missing person is 65 years of age or older, developmentally disabled, or cognitively impaired.
  - (2) The investigating law enforcement agency has utilized all available local resources.
  - (3) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
  - (4) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
  - (5) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.
- (d) For the purposes of this section, the following definitions have the following meanings:
- (1) "Developmentally disabled" means affected by a developmental disability, as defined in subdivision (a) of Section 4512 of the Welfare and Institutions Code.
  - (2) "Cognitively impaired" means affected by a cognitive impairment, as defined in Section 14522.4 of the Welfare and Institutions Code.

### **§ 8594.16. Translation of emergency notifications**

- (a) Translating emergency notifications into the most commonly spoken language other than English is a critically important governmental activity. In order for residents impacted by an emergency to be

made aware of the emergency, it is critical that emergency notifications to the public be translated either into the most commonly spoken language other than English in the impacted county or counties, or, at the option of a county, into one or more commonly spoken languages other than English in the county based on an individualized language assessment of that county.

- (b) The Office of Emergency Services shall create a library of translated emergency notifications that may be used by designated alerting authorities when issuing emergency notifications. The office shall consider the two most commonly spoken languages other than English in the state when creating the library.
- (c) The Office of Emergency Services shall create a translation style guide that includes a glossary of translated standard abbreviations used in emergency notifications.
- (d) Designated alerting authorities shall consider using the library and translation style guide developed pursuant to subdivisions (b) and (c) when issuing emergency notifications to the public.
- (e) Designated alerting authorities may use a hyperlink to the translated emergency notification in a message disseminated through a wireless emergency alert for purposes of issuing a translated alert.
- (f) Six months after the Office of Emergency Services launches the library and translation style guide pursuant to subdivisions (b) and (c), the office may impose conditions upon a city's, county's, or city and county's application for any voluntary grant funds that have a nexus to emergency

management performance that the office administers by requiring the designated alerting authority within a city, county, or city and county to translate emergency notifications.

(g) For purposes of this section, the following definitions apply:

(1) "Designated alerting authority" means a federal, state, local, tribal, or territorial jurisdiction that is authorized to alert the public of emergency situations through federal, state, and local laws.

(2) "Emergency notification" means any message authored by a designated alerting authority intended to alert or warn the public of an imminent threat to life safety or property damage, and that is disseminated through designated alert and warning systems such as the Emergency Alert System or the federal Wireless Emergency Alerts system.

(h) This section does not delay or prohibit a designated alerting authority from issuing an emergency notification in a timely manner.

### **Article 7 – Other State Agencies**

#### **§ 8595. Assignment of duties by the Governor**

The Governor may assign to a state agency any activity concerned with the mitigation of the effects of an emergency of a nature related to the existing powers and duties of such agency, including interstate activities, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the state.

**§ 8596. Assistance by state agencies; cooperation; victim assistance; use of personnel; equipment and facilities**

- (a) Each department, division, bureau, board, commission, officer, and employee of this state shall render all possible assistance to the Governor and to the Director of Emergency Services in carrying this chapter.
- (b) In providing that assistance, state agencies shall cooperate to the fullest possible extent with each other and with political subdivisions, relief agencies, and the American National Red Cross, but nothing contained in this chapter shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the federal act approved January 5, 1905 (33 Stat. 599), as amended.
- (c) Entities providing disaster-related services and assistance shall strive to ensure that all victims receive the assistance that they need and for which they are eligible. Public employees shall assist evacuees and other individuals in securing disaster-related assistance and services without eliciting any information or document that is not strictly necessary to determine eligibility under state and federal laws. Nothing in this subdivision shall prevent public employees from taking reasonable steps to protect the health or safety of evacuees and other individuals during an emergency.
- (d) State personnel, equipment, and facilities may be used to clear and dispose of debris on private property only after the Governor finds: (1) that the use is for a state purpose; (2) that the use is in the

public interest, serving the general welfare of the state; and (3) that the personnel, equipment, and facilities are already in the emergency area.

### **§ 8597. Peace officers**

Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of those officers for all purposes as provided by Section 830.1 of the Penal Code, and shall perform those duties and exercise any powers which are appropriate or which may be directed by their superior officers:

- (a) All peace officers of the Department of the California Highway Patrol.
- (b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.
- (c) The Director of Forestry and Fire Protection and the classes of the Department of Forestry and Fire Protection who are designated by the Director of Forestry and Fire Protection as having the powers of peace officers pursuant to Section 4156 of the Public Resources Code.
- (d) Peace officers who are state employees within the provisions of Section 830.5 of the Penal Code.

### **§ 8598. Local emergency within region or area; peace officers**

Whenever a local emergency exists within a region or area of the state and the Department of the California Highway Patrol or the Department of Corrections or the Department of the Youth Authority employing any peace officer within Section 830.5 of the Penal Code is requested by properly constituted local authorities to assist local law enforcement, the officers assigned to assist within the designated regions or areas shall have the full powers of peace officers within the meaning of Section 830.1 of the Penal Code and shall perform those duties and exercise those powers as are appropriate or as may be directed by their superior officers.

### ***Article 7.5 – Statewide Natural Disaster Volunteer Corps Program***

#### ***§ 8599. Volunteer resources plan; development***

The Office of Emergency Services shall develop a plan for state and local governmental agencies to utilize volunteer resources during a state of emergency proclaimed by the Governor. The office shall consult with appropriate state and local governmental agencies and volunteer organizations in the development of this plan.

#### ***§ 8599.2. Volunteer resources plan; issues; contents***

The plan required by Section 8599 shall address, at a minimum, all of the following issues:

- (a) A formal system for the utilization of volunteer resources by state and local governmental agencies during a proclaimed state of emergency.

- (b) A definition of volunteer resources.
- (c) The identification and listing of volunteer resources in California.
- (d) An education program for volunteer resources on the needs and use of volunteers by state and local governmental agencies during a proclaimed state of emergency.
- (e) An education program for state and local governmental agencies on the availability and utilization of volunteer resources during a proclaimed state of emergency.
- (f) The coordination of volunteer resources during a proclaimed state of emergency.
- (g) Definition and identification of volunteer skills and resources typically required by state and local governmental agencies during a proclaimed state of emergency.
- (h) A volunteer resources emergency management system for responding to needs of state and local governmental agencies during a proclaimed state of emergency.
- (i) A notification procedure of volunteer resources for participation in the plan.
- (j) Communication needs of volunteer resources responding during a proclaimed state of emergency.
- (k) Predisaster agreements for utilization of volunteer resources by state and local governments during a proclaimed state of emergency.

### **Article 8 – Mutual Aid Regions**

#### **§ 8600. Division of state into mutual aid regions; coordination of response and recovery operations**



- (a) The Governor with the advice of the Office of Emergency Services is hereby authorized and empowered to divide the state into mutual aid regions for the more effective application, administration, and coordination of mutual aid and other emergency-related activities.
- (b) The Office of Emergency Services shall coordinate response and recovery operations in each of the mutual aid regions.

### **Article 9 – Operational Areas**

#### **§ 8605. Designation of counties as operational areas; organization; use**

Each county is designated as an operational area. In a state of war emergency each operational area shall serve as a link in the system of communications and coordination between the state's emergency operating centers and the operating centers of the political subdivisions comprising the operational area.

The governing bodies of each county and of the political subdivisions in the county may organize and structure their operational area.

An operational area may be used by the county and the political subdivisions comprising the operational area for the coordination of emergency activities and to serve as a link in the communications system during a state of emergency or a local emergency.

### **Article 9.5 – Disaster Preparedness**

#### **§ 8607. Establishment of standardized emergency management system; included systems;**

### **development of approved course of instruction; coordination of multiple jurisdiction or multiple agency operations**

- (a) The Office of Emergency Services, in coordination with all interested state agencies with designated response roles in the State Emergency Plan and interested local emergency management agencies shall jointly establish by regulation a standardized emergency management system for use by all emergency response agencies. The public water systems identified in Section 8607.2 may review and comment on these regulations prior to adoption. This system shall be applicable, but not limited to, those emergencies or disasters referenced in the State Emergency Plan. The standardized emergency management system shall include all of the following systems as a framework for responding to and managing emergencies and disasters involving multiple jurisdictions or multiple agency responses:
- (1) The Incident Command Systems adapted from the systems originally developed by the FIRESCOPE Program, including those currently in use by state agencies.
  - (2) The multiagency coordination system as developed by the FIRESCOPE Program.
  - (3) The mutual aid agreement, as defined in Section 8561, and related mutual aid systems such as those used in law enforcement, fire service, and coroners operations.
  - (4) The operational area concept, as defined in Section 8559.

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- (b) Individual agencies' roles and responsibilities agreed upon and contained in existing laws or the State Emergency Plan are not superseded by this article.
- (c) The Office of Emergency Services, in coordination with the State Fire Marshal's Office, the Department of the California Highway Patrol, the Commission on Peace Officer Standards and Training, the Emergency Medical Services Authority, and all other interested state agencies with designated response roles in the state emergency plan, shall jointly develop an approved course of instruction for use in training all emergency response personnel, consisting of the concepts and procedures associated with the standardized emergency management system described in subdivision (a).
- (d) All state agencies shall use the standardized emergency management system as adopted pursuant to subdivision (a), to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.
- (e)
  - (1) Each local agency, in order to be eligible for any funding of response-related costs under disaster assistance programs, shall use the standardized emergency management system as adopted pursuant to subdivision (a) to coordinate multiple jurisdiction or multiple agency operations.
  - (2) Notwithstanding paragraph (1), local agencies shall be eligible for repair, renovation, or any other nonpersonnel costs resulting from an emergency.
- (f) The Office of Emergency Services shall, in cooperation with involved state and local agencies,

complete an after- action report within 120 days after each declared disaster. This report shall review public safety response and disaster recovery activities and shall be made available to all interested public safety and emergency management organizations.

**§ 8607.1. Fire hydrants; statewide system; color coding; uniform coupling sizes; funding of mutual aid fire response related costs; City and County of San Francisco**

- (a) It is the intent of the Legislature that a statewide system for fire hydrants be adopted so that all firefighters can respond to emergencies calling for the use of water at any location in the state. Without this statewide standardized system, the lives of firefighters and those they serve would be put in serious jeopardy in a mutual aid fire response effort stretching across city and county boundaries.
- (b) By January 1, 1994, the State Fire Marshal shall establish a statewide uniform color coding of fire hydrants. In determining the color coding of fire hydrants, the State Fire Marshal shall consider the national system of coding developed by the National Fire Protection Association as Standard 291 in Chapter 2 on Fire Flow Testing and Marking of Hydrants. The uniform color coding shall not preempt local agencies from adding additional markings.
- (c) Compliance with the uniform color coding requirements of subdivision (b) shall be undertaken by each agency that currently maintains fire hydrants throughout the state as part of its ongoing

maintenance program for its fire hydrants.

Alternatively, an agency may comply with the uniform color coding requirements by installing one or more reflector buttons in a mid-street location directly adjacent to the fire hydrant in the appropriate color that would otherwise be required for the hydrant and a curb marking as near to the hydrant as practicable in that same color.

- (d) By July 1, 1994, the State Fire Marshal shall develop and adopt regulations establishing statewide uniform fire hydrant coupling sizes. The regulations adopted pursuant to this section shall include provisions that permit the use of an adapter mounted on the hydrant as a means of achieving uniformity. In determining uniform fire hydrant coupling sizes, the State Fire Marshal shall consider any system developed by the National Fire Protection Association, the National Fire Academy, or the Federal Emergency Management Agency.
- (e) By December 1, 1996, each local agency, city, county, city and county, or special district in order to be eligible for any funding of mutual aid fire response related costs under disaster assistance programs, shall comply with regulations adopted pursuant to this section. Compliance may be met if at least one coupling on the hydrant is of the uniform size.
- (f) Subdivision (d) shall not be applicable to the City and County of San Francisco due to the existing water system.

**§ 8607.2. Public water systems with 10,000 or more service connections; review of disaster preparedness plans; assessments of emergency**

### **responses and recommendations; coordination with the Office of Emergency Services**

- (a) All public water systems, as defined in subdivision (f) of Section 116275 of the Health and Safety Code, with 10,000 or more service connections shall review and revise their disaster preparedness plans in conjunction with related agencies, including, but not limited to, local fire departments and the Office of Emergency Services to ensure that the plans are sufficient to address possible disaster scenarios. These plans should examine and review pumping station and distribution facility operations during an emergency, water pressure at both pumping stations and hydrants, and whether there is sufficient water reserve levels and alternative emergency power, including, but not limited to, on site backup generators and portable generators.
- (b) All public water systems, as defined in subdivision (f) of Section 116275 of the Health and Safety Code, with 10,000 or more service connections following a declared state of emergency shall furnish an assessment of their emergency response and recommendations to the Legislature within six months after each disaster, as well as implementing the recommendations in a timely manner.
- (c) The Office of Emergency Services shall establish appropriate and insofar as practical, emergency response and recovery plans, including mutual aid plans, in coordination with public water systems, as defined in subdivision (f) of Section 116275 of the Health and Safety Code, with 10,000 or more service connections.

**§ 8608. California Animal Response Emergency System (CARES) program; incorporation into standardized emergency management system**

The Office of Emergency Services shall approve and adopt, and incorporate the California Animal Response Emergency System (CARES) program developed under the oversight of the Department of Food and Agriculture into the standardized emergency management system established pursuant to subdivision (a) of Section 8607.

**Article 9.8 - Disaster Preparedness**

**§ 8609. Agencies, committees, and organizations authorized to use volunteers; volunteers deemed disaster service workers**

State agencies granted authority by the Governor, the Business Continuity Task Force, the Emergency Preparedness Task Force, or the Executive Committee established by Executive Order D-3-99 to implement any type of disaster, contingency, or business continuity plan may use volunteer workers. The volunteers shall be deemed disaster service workers for the purpose of workers' compensation under Chapter 3 (commencing with Section 3600) of Part 1 of Division 4 of the Labor Code.

**§ 8609.1. Disaster preparedness or response officials; identification in disaster plans**

Any disaster preparedness or response official may be specifically identified by name and title in any disaster, contingency, or business continuity plan developed

pursuant to Executive Order D-3-99 if such a plan incorporates aspects of any contingency plan previously developed regarding potential oil spills or toxic disasters pursuant to Article 3.5 (commencing with Section 8574.1) and Article 3.7 (commencing with Section 8574.16).

### **Article 10 – Local Disaster Councils**

#### **§ 8610. Creation; plans; powers; rules and regulations for dealing with local emergencies**

Counties, cities and counties, and cities may create disaster councils by ordinance. A disaster council shall develop plans for meeting any condition constituting a local emergency or state of emergency, including, but not limited to, earthquakes, natural or manmade disasters specific to that jurisdiction, or state of war emergency; those plans shall provide for the effective mobilization of all of the resources within the political subdivision, both public and private. The disaster council shall supply a copy of any plans developed pursuant to this section to the Office of Emergency Services. The governing body of a county, city and county, or city may, in the ordinance or by resolution adopted pursuant to the ordinance, provide for the organization, powers and duties, divisions, services, and staff of the emergency organization. The governing body of a county, city and county, or city may, by ordinance or resolution, authorize public officers, employees, and registered volunteers to command the aid of citizens when necessary in the execution of their duties during a state of war emergency, a state of emergency, or a local emergency.



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

### **§ 8610.3. Emergency planning zones for nuclear powerplant emergency preparedness; revision of response plans; legislative findings**

The Legislature hereby finds and declares as follows:

- (a) The Office of Emergency Services, in consultation with the State Department of Health Services and affected counties, investigated the consequences of a serious nuclear powerplant accident for each of the nuclear powerplants in California with a generating capacity of 50 megawatts or more.
- (b) This study culminated in the establishment of emergency planning zones for nuclear powerplant emergency preparedness.
- (c) All state and local government nuclear powerplant emergency response plans have been revised to reflect the information provided in the study.

### **§ 8610.5. Reimbursement of state and local costs; Nuclear Planning Assessment Special Account**

- (a) For purposes of this section, the following definitions shall apply:

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- (1) "Agency" or "office" means the Office of Emergency Services.
  - (2) "Previous fiscal year" means the fiscal year immediately prior to the current fiscal year.
  - (3) "Utility" means an "electrical corporation" as defined in Section 218 of the Public Utilities Code, and "utilities" means more than one electrical corporation.
- (b)
- (1) State and local costs to carry out activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code that are not reimbursed by federal funds shall be borne by utilities operating nuclear powerplants with a generating capacity of 50 megawatts or more.
  - (2) The Public Utilities Commission shall develop and transmit to the office an equitable method of assessing the utilities operating the powerplants for their reasonable pro rata share of state agency costs specified in paragraph (1).
  - (3) Each local government involved shall submit a statement of its costs specified in paragraph (1), as required, to the office.
  - (4) Upon each utility's notification by the office, from time to time, of the amount of its share of the actual or anticipated state and local agency costs, the utility shall pay this amount to the Controller for deposit in the Nuclear Planning Assessment Special Account, which is continued in existence, for allocation by the Controller, upon appropriation by the Legislature, to carry out activities pursuant to this section and

Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The Controller shall pay from this account the state and local costs relative to carrying out this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, upon certification thereof by the office.

- (5) Upon appropriation by the Legislature, the Controller may disburse up to 80 percent of a fiscal year allocation from the Nuclear Planning Assessment Special Account, in advance, for anticipated local expenses, as certified by the office pursuant to paragraph (4). The office shall review program expenditures related to the balance of funds in the account and the Controller shall pay the portion, or the entire balance, of the account, based upon those approved expenditures.
- (c)
- (1) The total annual disbursement of state costs from the utilities operating the nuclear powerplants within the state for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, shall not exceed the lesser of the actual costs or the maximum funding levels established in this section, subject to subdivisions (e) and (f), to be shared equally among the utilities.
  - (2) Of the annual amount of two million forty-seven thousand dollars (\$2,047,000) for the 2009-10 fiscal year, the sum of one million ninety-four thousand dollars (\$1,094,000) shall be for support

of the office for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, and the sum of nine hundred fifty-three thousand dollars (\$953,000) shall be for support of the State Department of Public Health for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code.

(d)

- (1) The total annual disbursement for each fiscal year, commencing July 1, 2009, of local costs from the utilities shall not exceed the lesser of the actual costs or the maximum funding levels established in this section, in support of activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The maximum annual amount available for disbursement for local costs, subject to subdivisions (e) and (f), shall, for the fiscal year beginning July 1, 2009, be one million seven hundred thirty-two thousand dollars (\$1,732,000) for the Diablo Canyon site and one million six hundred thousand dollars (\$1,600,000) for the San Onofre site.
- (2) The amounts paid by the utilities under this section shall be allowed for ratemaking purposes by the Public Utilities Commission.

(e)

- (1) Except as provided in paragraph (2), the amounts available for disbursement for state and local costs as specified in this section shall be adjusted and compounded each fiscal year

- by the percentage increase in the California Consumer Price Index of the previous fiscal year.
- (2) For the Diablo Canyon site, the amounts available for disbursement for state and local costs as specified in this section shall be adjusted and compounded each fiscal year by the larger of the percentage change in the prevailing wage for San Luis Obispo County employees, not to exceed 5 percent, or the percentage increase in the California Consumer Price Index from the previous fiscal year.
- (f) Through the inoperative date specified in subdivision (g), the amounts available for disbursement for state and local costs as specified in this section shall be cumulative biennially. Any unexpended funds from a year shall be carried over for one year. The funds carried over from the previous year may be expended when the current year's funding cap is exceeded.
- (g) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, which becomes effective on or before July 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed.
- (h) Upon inoperation of this section, any amounts remaining in the special account shall be refunded pro rata to the utilities contributing thereto, to be credited to the utility's ratepayers.

### **§ 8611. Test exercises**

Counties, cities and counties, and cities may provide for the calling of test exercises, either singularly or jointly,

whenever, in the opinion of such political subdivisions, such test exercises are needed; provided, however, that with respect to any such test exercise no one shall have the power to command the assistance of any private citizen, and the failure of a citizen to obey any order or regulation pertaining to a test exercise shall not constitute a violation of any law.

### **§ 8612. Certification by the office**

Any disaster council that both agrees to follow the rules and regulations established by the Office of Emergency Services pursuant to Section 8585.5 and substantially complies with those rules and regulations shall be certified by the office. Upon that certification, and not before, the disaster council becomes an accredited disaster council.

### **§ 8613. Revocation of certification; grounds**

Should an accredited disaster council fail to comply with the rules and regulations of the Office of Emergency Services in any material degree, the office may revoke its certification and, upon the act of revocation, the disaster council shall lose its accredited status. It may again become an accredited disaster council in the same manner as is provided for a disaster council that has not previously been accredited.

### **§ 8614. Assistance to Governor and to Director of Emergency Services; emergency powers subordinate to power of Governor; continuation of ordinances and regulations**

- (a) Each department, division, bureau, board, commission, officer, and employee of each political subdivision of the state shall render all possible assistance to the Governor and to the Director of Emergency Services in carrying out the provisions of this chapter.
- (b) The emergency power that may be vested in a local public official during a state of war emergency or a state of emergency shall be subject or subordinate to the powers vested in the Governor under this chapter when exercised by the Governor.
- (c) Ordinances, orders, and regulations of a political subdivision shall continue in effect during a state of war emergency or a state of emergency except as to any provision suspended or superseded by an order or regulation issued by the Governor.

### **Article 11 - Mutual Aid**

#### **§ 8615. Purpose; mutual aid operational plans**

It is the purpose of the Legislature in enacting this article to facilitate the rendering of aid to areas stricken by an emergency and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Emergency plans duly adopted and approved as provided by the Governor shall be effective as satisfying the requirement for mutual aid operational plans provided in the Master Mutual Aid Agreement.

#### **§ 8616. Rendition of aid in accordance with approved emergency plans; cooperation by public officials**

During any state of war emergency or state of emergency when the need arises for outside aid in any county, city and county, or city, such aid shall be rendered in accordance with approved emergency plans.

It shall be the duty of public officials to cooperate to the fullest possible extent in carrying out such plans.

### **§ 8617. Exercise of mutual aid in periods other than state of emergency**

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

### **§ 8618. Officer in charge of incident requiring mutual aid**

Unless otherwise expressly provided by the parties, the responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident, including the direction of personnel and equipment provided him through mutual aid.

### **§ 8619. Authority of Governor to enter into reciprocal aid agreements or compacts with other states and federal government**

The Governor may on behalf of this state enter into reciprocal aid agreements or compacts, mutual aid plans, or other interstate arrangements for the



protection of life and property with other states and the federal government, either on a statewide basis or a political subdivision basis. Prior to committing the personnel, equipment, or facilities of any political subdivision of this state, the Governor shall consult with the chief executive or governing body of such political subdivision. Such mutual aid arrangements may include the furnishing or exchange, on such terms and conditions as are deemed necessary, of supplies, equipment, facilities, personnel, and services.

### **§ 8619.5. State fire service and rescue emergency mutual aid plan**

- (a) The Office of Emergency Services, in consultation with relevant local and state agencies, shall develop and adopt a state fire service and rescue emergency mutual aid plan that does all of the following:
- (1) Provides a systematic mobilization, organization, and operation of necessary fire, rescue, and hazardous material resources of the state in mitigating the effects of disasters.
  - (2) Provides comprehensive and compatible plans for the expedient mobilization and response of available fire, rescue, and hazardous materials resources on a local, area, regional, and statewide basis.
  - (3) Establishes guidelines for recruiting and training auxiliary personnel to augment fire, rescue, and hazardous materials personnel during disaster operations.

- (4) Provides for an annually updated fire, rescue, and hazardous materials response inventory of all personnel and equipment in California.
  - (5) Provides for the interchange and dissemination of fire, rescue, and hazardous materials-related data, directives, and information among fire and rescue officials of local, state, and federal agencies.
  - (6) Promotes annual training or exercises, or both training and exercises, among plan participants.
- (b) The state fire service and rescue emergency mutual aid plan shall be an annex to the State Emergency Plan.
- (c) The State Emergency Plan and the state fire service and rescue mutual aid plan shall be operated pursuant to Article 9.5 (commencing with Section 8607).

### **Article 12 – State of War Emergency**

#### **§ 8620. Complete authority of Governor; rules and regulations**

During a state of war emergency the Governor shall have complete authority over all agencies of the state government and the right to exercise within the area or regions designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter. In exercise thereof he shall promulgate, issue, and enforce such orders and regulations as he deems necessary for the protection of life and property, in accordance with the provisions of Section 8567.

**§ 8621. Compliance with lawful orders and regulations of Governor; refusal as misdemeanor; suspension from duties**

During a state of war emergency every department, commission, agency, board, officer, and employee of the state government and of every political subdivision, county, city and county, or city, public district, and public corporation of or in the state is required to comply with the lawful orders and regulations of the Governor made or given within the limits of his authority as provided for herein. Every such officer or employee who refuses or willfully neglects to obey any such order or regulation of the Governor, or who willfully resists, delays, or obstructs the Governor in the discharge of any of his functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or willfully neglect to obey any such order or regulation, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations, and duties of his office or position for the remainder of the period of the state of war emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations, and duties of the office or position for the duration of such suspension.

**§ 8622. Exercise of powers outside territorial limits of state**

During a state of war emergency, the Governor, any state agency, or any agency acting under the authority of this chapter may exercise outside the

territorial limits of this state any of the powers conferred upon him or it by or pursuant to this chapter.

### **§ 8623. Rendition of aid by person licensed in another state**

During a state of war emergency, any person holding a license, certificate, or other permit issued by any state evidencing the meeting of the qualifications of such state for professional, mechanical, or other skills, may render aid involving such skill to meet the emergency as fully as if such license, certificate, or other permit had been issued in this state if a substantially similar license, certificate, or other permit is issued in this state to applicants possessing the same professional, mechanical, or other skills.

### **§ 8624. State of war emergency; termination of Governor's emergency powers**

All of the powers granted the Governor by this chapter with respect to a state of war emergency shall terminate when:

- (a) The state of war emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end;  
or
- (b) The Governor has not within 30 days after the beginning of such state of war emergency issued a call for a special session of the Legislature for the purpose of legislating on subjects relating to such state of war emergency, except when the Legislature is already convened with power to legislate such subjects.

**Article 13 – State of Emergency**

**§ 8625. Proclamation by Governor; grounds**

The Governor is hereby empowered to proclaim a state of emergency in an area affected or likely to be affected thereby when:

- (a) He finds that circumstances described in subdivision (b) of Section 8558 exist; and either
- (b) He is requested to do so (1) in the case of a city by the mayor or chief executive, (2) in the case of a county by the chairman of the board of supervisors or the county administrative officer; or
- (c) He finds that local authority is inadequate to cope with the emergency.

**§ 8626. Written proclamation; effective date; filing; publicity and notice**

Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible such proclamation shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given such proclamation.

**§ 8627. Complete authority of Governor; orders and regulations**

During a state of emergency the Governor shall, to the extent he deems necessary, have complete authority over all agencies of the state government and the right to exercise within the area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes

of this chapter. In exercise thereof, he shall promulgate, issue, and enforce such orders and regulations as he deems necessary, in accordance with the provisions of Section 8567.

**§ 8627.5. Authority of Governor; nonsafety regulations on delivery of food products; pharmaceuticals; and other emergency necessities; form of orders and regulations; effect; duration**

- (a) The Governor may make, amend, or rescind orders and regulations during a state of emergency that temporarily suspend any state, county, city, or special district statute, ordinance, regulation, or rule imposing nonsafety related restrictions on the delivery of food products, pharmaceuticals, and other emergency necessities distributed through retail or institutional channels, including, but not limited to, hospitals, jails, restaurants, and schools. The Governor shall cause widespread publicity and notice to be given to all of these orders and regulations, or amendments and rescissions thereof.
- (b) The orders and regulations shall be in writing and take effect immediately on issuance. The temporary suspension of any statute, ordinance, regulation, or rule shall remain in effect until the order or regulation is rescinded by the Governor, the Governor proclaims the termination of the state of emergency, or for a period of 60 days, whichever occurs first.

**§ 8627.7. State of emergency based on drought conditions; fines prohibited; violations not subject to criminal penalties**

- (a) During a period for which the Governor has issued a proclamation of a state of emergency under this chapter based on drought conditions, a city, county, or city and county shall not impose a fine under any ordinance for a failure to water a lawn or for having a brown lawn.
- (b) A violation of this section is not subject to the criminal penalties set forth in Section 8665.

**§ 8628. Use of state personnel, equipment and facilities**

During a state of emergency the Governor may direct all agencies of the state government to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities designed to prevent or alleviate actual and threatened damage due to the emergency; and he may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services which must be restored in order to provide for the health and safety of the citizens of the affected area. Any agency so directed by the Governor may expend any of the moneys which have been appropriated to it in performing such activities, irrespective of the particular purpose for which the money was appropriated.

**8628.5. Use of state personnel, equipment, and facilities to allow community clinics and health centers to provide and receive reimbursement for services; disbursement of moneys appropriated for other purposes**

- (a) During a state of emergency, the Governor may direct all state agencies to utilize, employ, and direct state personnel, equipment, and facilities for the performance of any and all activities designed to allow community clinics and health centers to provide and receive reimbursement for services provided during or immediately following the emergency, including all of the following:
- (1) To issue permits.
  - (2) To expedite application processing timelines.
  - (3) To direct, to the extent necessary, the State Department of Health Care Services, or any other state agency, to seek all appropriate federal approvals to allow community clinics and health centers to provide and be reimbursed for Medi-Cal or other services that are provided either telephonically, or to patients at a shelter or other location within the geographical boundaries of the emergency as stated in the proclamation declaring the state of emergency.
  - (4) To provide guidance, supplemental services, or whatever resources may be necessary to political subdivisions to ensure the provision of services by community clinics and health centers that are necessary to provide for the health and safety of the citizens of the affected area.



- (b) Any agency directed by the Governor to perform activities pursuant to subdivision (a) may expend any of the moneys that have been appropriated to it in order to perform those activities, irrespective of the particular purpose for which the moneys were originally appropriated.

### **§ 8629. Termination of state of emergency; proclamation**

The Governor shall proclaim the termination of a state of emergency at the earliest possible date that conditions warrant. All of the powers granted the Governor by this chapter with respect to a state of emergency shall terminate when the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end.

### **Article 14 – Local Emergency**

#### **§ 8630. Proclamation by local governing body; review; termination**

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every

60 days until the governing body terminates the local emergency.

- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

### **§ 8631. Authority of political subdivisions to render mutual aid**

In periods of local emergency, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefor.

### **§ 8632. Authority of state agencies to provide mutual aid**

State agencies may provide mutual aid, including personnel, equipment, and other available resources, to assist political subdivisions during a local emergency or in accordance with mutual aid agreements or at the direction of the Governor.

### **§ 8633. Cost of extraordinary services as charge against state**

In the absence of a state of war emergency or state of emergency, the cost of extraordinary services incurred by political subdivisions in executing mutual aid agreements shall constitute a legal charge against the state when approved by the Governor in accordance with orders and regulations promulgated as prescribed in Section 8567.

### **§ 8634. Orders and regulations; curfew**

During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

The authorization granted by this chapter to impose a curfew shall not be construed as restricting in any manner the existing authority of counties and cities and any city and county to impose pursuant to the police power a curfew for any other lawful purpose.

### **Article 15 – Preservation of Local Government**

#### **§ 8635. Legislative findings; purpose; applicability of article**

The Legislature recognizes that if this state or nation were attacked by an enemy of the United States, many areas in California might be subjected to the effects of an enemy attack and some or all of these areas could be severely damaged. During such attacks and in the reconstruction period following such attacks, law and order must be preserved and so far as possible government services must be continued or restored. This can best be done by civil government. To help to preserve law and order and to continue or restore local services, it is essential that the local units of government continue to function.

In enacting this article the Legislature finds and declares that the preservation of local government in the event of enemy attack or in the event of a state of emergency or a local emergency is a matter of statewide concern. The interdependence of political subdivisions requires that, for their mutual preservation and for the protection of all the citizens of the State of California, all political subdivisions have the power to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of political subdivisions will be assured. Should any part of this article be in conflict with or inconsistent with any other part of this chapter, the provisions of this article shall control.

Nothing in this article shall prevent a city or county existing under a charter from amending said charter to provide for the preservation and continuation of its government in the event of a state of war emergency.

### **§ 8636. “Unavailable” defined**

As used in this article, “unavailable” means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the governing body of the political subdivision or any remaining available members of said body (including standby officers who are serving on such governing body).

### **§ 8637. Succession of officers**

Each political subdivision may provide for the succession of officers who head departments having

duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

### **§ 8638. Standby officers; appointment; vacancies; designations**

To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency or a state of emergency or a local emergency the governing body thereof shall have the power to appoint the following standby officers:

- (a) Three for each member of the governing body.
- (b) Three for the chief executive, if he is not a member of the governing body.

In case a standby office becomes vacant because of removal, death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office.

Standby officers shall be designated Nos. 1, 2, and 3 as the case may be.

### **§ 8639. Qualifications of standby officers; examination; investigation**

The qualifications of each standby officer should be carefully investigated, and the governing body may request the Director of Emergency Services to aid in the investigation of any prospective appointee. No examination or investigation shall be made without the consent of the prospective appointee.

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

### **§ 8640. Oath of office; term; removal**

Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed as standby officers shall serve in their posts as standby officers at the pleasure of the governing body appointing them and may be removed and replaced at any time with or without cause.

### **§ 8641. Duties**

Each standby officer shall have the following duties:

- (a) To inform himself or herself of the duties of the office for which the officer stands by. Officers and employees of the political subdivision shall assist the standby officer and each political subdivision shall provide each standby officer with a copy of this article.
- (b) To keep informed of the business and affairs of the political subdivision to the extent necessary to enable the standby officer to fill his or her post competently. For this purpose the political subdivision may arrange information meetings and require attendance.
- (c) To immediately report himself or herself ready for duty in the event of a state of war emergency or in

the event of a state of emergency or a local emergency at the place and in the method previously designated by the political subdivision.

- (d) To fill the post for which he or she has been appointed when the regular officer is unavailable during a state of war emergency, a state of emergency or a local emergency. Standby officers Nos. 2 and 3 shall substitute in succession for standby officer No. 1 in the same way that standby officer No. 1 is substituted in place of the regular officer. The standby officer shall serve until the regular officer becomes available or until the election or appointment of a new regular officer.

### **§ 8642. Meeting of governing body whenever emergency exists**

Whenever a state of war emergency a state of emergency or a local emergency exists the governing body of the political subdivision shall meet as soon as possible. The place of meeting need not be within the political subdivision. The meeting may be called by the chief executive of the political subdivision or by a majority of the members of the governing body. Should there be only one member of the governing body, he may call and hold said meeting and perform acts necessary to reconstitute the governing body.

### **§ 8643. Duties of governing body**

During a state of war emergency a state of emergency or a local emergency the governing body shall:

- (a) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.
- (b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one member of the governing body or only one standby officer be available, that one shall have power to reconstitute the governing body.
- (c) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.
- (d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

### **§ 8644. Temporary officers**

Should all members of the governing body, including all standby members, be unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed as follows:

- (a) By the chairman of the board of supervisors of the county in which the political subdivision is located, and if he is unavailable,



- (b) By the chairman of the board of supervisors of any other county within 150 miles of the political subdivision, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,
- (c) By the mayor of any city within 150 miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated.

### **Article 16 – General Fiscal Provisions**

#### **§ 8645. Authority of Governor to make expenditures**

In addition to any appropriation made to support activities contemplated by this chapter, the Governor is empowered to make expenditures from any fund legally available in order to deal with actual or threatened conditions of a state of war emergency, state of emergency, or local emergency.

#### **§ 8646. Other duties of Governor**

In carrying out the provisions of this chapter, the Governor may:

- (a) Procure and maintain offices in such parts of the state as may be necessary or convenient;
- (b) Acquire property, real or personal, or any interest therein;
- (c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services, and the affording of such facilities as may be necessary and proper;

- (d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter.

### **§ 8647. Acceptance by Governor of services, equipment, and supplies**

- (a) Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of the mitigation of the effects of an emergency, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its chief executive or governing body, may accept such offer.
- (b) Whenever any person, firm, or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of the mitigation of the effects of an emergency, the state, acting through the Governor, or such political subdivision, acting through its chief executive or governing body, may accept such offer.
- (c) Upon acceptance, the Governor of the state or the chief executive or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, subject to the terms of the offer

and subject to the rules and regulations, if any, of a federal agency making such offer.

### **§ 8648. Reimbursement of state agencies by Governor**

The Governor may reimburse any state agency for funds expended in the performance of any and all activities as set forth in Section 8628 in accordance with orders and regulations promulgated as prescribed in Section 8567. Such reimbursement shall be subject to the provisions of Section 8649.

### **§ 8649. Use or personnel, property, equipment and appropriations by state agency with approval of Department of Finance**

Subject to the approval of the Department of Finance, any state agency may use its personnel, property, equipment, and appropriations for carrying out the purposes of this chapter, and in that connection may loan personnel to the Office of Emergency Services. The Department of Finance shall determine whether reimbursement shall be made to any state agency for expenditures heretofore or hereafter made or incurred for those purposes from any appropriation available for the Office of Emergency Services, except that as to any expenditure made or incurred by any state agency the funds of which are subject to constitutional restriction that would prohibit their use for those purposes, that reimbursement shall be provided and the original expenditure shall be considered a temporary loan to the General Fund.

**§ 8650. Deposit by state agencies of funds received as reimbursement for services or supplies**

Any funds received by state agencies as reimbursement for services or supplies furnished under the authority of this chapter shall be deposited to the credit of the appropriation or appropriations from which the expenditures were made.

**§ 8651. Authority of Director of Emergency Services to procure federal surplus equipment, apparatus, supplies, and storage facilities**

The Director of Emergency Services may procure from the federal government or any of its agencies such surplus equipment, apparatus, supplies, and storage facilities therefor as may be necessary to accomplish the purposes of this chapter.

**§ 8652. Claims for taking or damaging private property**

Before payment may be made by the state to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his or her responsibilities under this chapter during a state of war emergency or state of emergency, or for services rendered at the instance of the Governor under those conditions, the person shall present a claim to the Department of General Services in accordance with the provisions of the Government Code governing the presentation of claims against the state for the taking or damaging of private property for public use, which provisions shall govern the presentment, allowance, or rejection of the claims and

the conditions upon which suit may be brought against the state. Payment for property or services shall be made from any funds appropriated by the state for that purpose.

**§ 8653. *Cities, counties or cities and counties; performance of duties by officers, employees or agencies outside territorial limits; claims for property damaged or destroyed***

In the event that the Governor, during a state of war emergency or a state of emergency and in the exercise of the emergency powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city, or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of war emergency or a state of emergency in the event that any equipment owned, leased, or operated by any county, city and county, city, or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 8652. Such agency shall have no claim against the state for services of such personnel or for the rental, use, or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements.

**§ 8654. State of emergency; powers of Governor**

- (a) Whenever the Governor has proclaimed a state of emergency and the President has declared an emergency or a major disaster to exist in this state, the Governor may do any of the following:
- (1) Enter into purchases, leases, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and make those units available to any political subdivision for that purpose.
  - (2) Assist any political subdivision within which temporary housing for disaster victims is proposed to be located to acquire sites necessary for that temporary housing and to do all things required to prepare those sites to receive and utilize temporary housing units by advancing or lending any funds available to the Governor from any appropriation made by the Legislature or from any other source, by transmitting any funds made available by any public or private agency, or by acting in cooperation with the political subdivision for the execution and performance of any project for temporary housing for disaster victims, and for those purposes to pledge the credit of the state on terms as the Governor declares necessary under the circumstances, having due regard for current financial obligations of the state.
  - (3) Under regulations as the Governor shall make, temporarily suspend or modify for not to exceed 60 days any public health, safety, zoning, or intrastate transportation law, ordinance, or

- regulation when by proclamation he or she declares the suspension or modification essential to provide temporary housing for disaster victims.
- (4) Upon his or her determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or households adversely affected by a Presidential declaration of a major disaster or emergency that cannot be otherwise adequately met from other means of assistance, accept assistance in the form of grants by the federal government to fund that financial assistance, subject to those terms and conditions as may be imposed upon the grant.
  - (5) Enter into an agreement with the federal government, or any officer or agency thereof, pledging the state to participate in the funding of any grant accepted pursuant to paragraph (1), in an amount not to exceed 25 percent thereof, and, if state funds are not otherwise available to the Governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.
  - (6) Notwithstanding any other provision of law, make financial grants available to meet disaster-related necessary expenses or serious needs of individuals or households adversely affected by a Presidential declaration of a major disaster or emergency in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and Sections 13600 and 13601 of the Welfare and Institutions Code.

- (b) Whenever the President at the request of the Governor declares a major disaster to exist in this state, the Governor may do any of the following:
- (1) Upon his or her determination that a local government will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government, for a loan, and receive and disburse the proceeds of that loan to the local government.
  - (2) Determine the amount needed by a local government to restore or resume its governmental functions, and certify that amount to the federal government. However, that amount shall not exceed 25 percent of the annual operating budget of the local government for the fiscal year in which the major disaster has occurred.
  - (3) Recommend to the federal government, after reviewing the matter, the cancellation of all or any part of a loan made pursuant to paragraph (2) when during the period of three full fiscal years immediately following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including disaster-related expenses incurred by the local government.
- (c) The Governor shall make those regulations as are necessary in carrying out the purposes of paragraphs (4), (5), and (6) of subdivision (a), including, but not limited to: standards of eligibility for persons applying for benefits; procedures for



application and administration; methods of investigation, processing, and approving applications; formation of local or statewide review boards to pass upon applications; and procedures for appeals.

- (d) Any political subdivision is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements (including purchase of temporary housing units and payment of transportation charges) are necessary to prepare or equip the sites to utilize the housing units.
- (e) Any person who fraudulently makes any misstatement of fact in connection with an application for financial assistance under this section shall, upon conviction of each offense, be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000), or imprisonment for not more than one year, or both.
- (f) The terms "major disaster," "emergency," and "temporary housing," as used in this section, shall have the same meaning as those terms are defined or used in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended by P.L. 100-707). It is the intent of the Legislature in enacting this section that it shall be liberally construed to effectuate the purposes of that federal act.

### **§ 8654.1. Northridge earthquake; federal fund advances; repayment**

- (a) The Legislature finds and declares that financial assistance is essential to meet disaster-related necessary expenses of the state and local governments and the serious needs of individuals or families affected by the Northridge earthquake which occurred January 17, 1994. The Legislature further finds and declares that the federal government will advance to the state, and will authorize local entities to advance from specified federal funds made available to them, the nonfederal share of the costs of this financial assistance.
- (b) In order to implement the advance of the nonfederal share from federal funds, in accordance with subdivision (a), the Director of Finance may enter into agreements for the acceptance of these advances, subject to the following:
- (1) Funds may be obtained directly from agencies of the federal government or from funds provided to local agencies by the federal government.
  - (2) Advances may be accepted beginning in the 1994-95 fiscal year, and in no event later than the 1997-98 fiscal year.
  - (3) The cumulative amount of advances accepted shall not exceed three hundred million dollars (\$300,000,000), unless additional amounts are authorized subject to the 30-day notification of the Joint Legislative Budget Committee under Section 28 of the 1994 Budget Act and any substantially similar provision of subsequent budget acts. The state shall accept as advances only so much as may be needed to pay the expenses incurred herein and as may be repaid,

consistent with this section, in a short period of time, having due regard for the current financial obligations of the state.

- (4) Funds received by the state shall be deposited in the Special Deposit Fund, subject to Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4, and may be expended, allocated, or transferred, upon order of the Department of Finance, only to meet the nonfederal share of disaster assistance costs incurred by state or local agencies as a result of the Northridge earthquake.
- (5) Funds received under this section, together with interest at a rate agreed upon by the state and federal or local agencies involved, shall be repaid, upon order of the Director of Finance, to the federal government or advancing local agency, from the General Fund as soon as the state is able to do so, but in no event shall any advance remain outstanding after July 31, 1997. The state shall repay no less than one-third of the funds advanced in each of the 1995-96, 1996-97 and 1997-98 fiscal years.

### **Article 16.5. California Wildfire Mitigation Financial Assistance Program**

#### **§ 8654.2. Legislative findings and declarations**

The Legislature finds and declares the following:

- (a) Catastrophic threats exist to lives, property, and resources in California including wildfire. Climate change, an epidemic of dead and dying trees, and the proliferation of new homes in the wildland urban

interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25 million acres of California wildlands are classified as under very high or extreme fire threat, extending that risk to over one-half the state.

- (b) Certain populations in our state are particularly vulnerable to wildfire threats. These Californians live in communities that face near-term public safety threats given their location. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates such vulnerability.
- (c) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, California must develop statewide options to encourage cost-effective structure hardening to create fire resistant homes, businesses, and public buildings within wildfire hazard areas and with a focus on vulnerable communities.
- (d) It is the intent of the Legislature to offer financial assistance through a statewide program to communities for all-hazards in support of a comprehensive mitigation strategy and reduce or eliminate potential risks and impacts of disasters in order to promote faster recovery after disasters and, overall, a more resilient state.
- (e) It is further the intent of the Legislature to develop a comprehensive financial assistance program to help property owners, whole communities and local governments retrofit existing housing, commercial, and public properties in

wildfire hazard areas to a cost-effective standard that provides comprehensive risk reduction to protect structures from fires spreading from adjacent structures or vegetation, and to prevent vegetation from spreading fires to adjacent structures.

### **§ 8654.3. “Joint powers authority” and “structure hardening” defined**

For purposes of this section:

- (a) “Joint powers authority” means the agency or entity designated or created pursuant to a joint powers agreement between the Office of Emergency Services and the Department of Forestry and Fire Protection, entered into pursuant to Section 8654.4, to implement this article.
- (b) “Structure hardening” means the installation, replacement, or retrofitting of building materials, systems, or assemblies used in the exterior design and construction of existing nonconforming structures with features that are in compliance with Chapter 7A (commencing with Section 701A.1) of Title 24 of the California Code of Regulations, or any appropriate successor regulatory code with the primary purpose of reducing risk to structures from wildfire or conforming to the low-cost retrofit list, and updates to that list developed pursuant to paragraph (1) of subdivision (c) of Section 51189.

### **§ 8654.4. Joint powers agreement; Office of Emergency Services; Department of Forestry and Fire Protection; development of comprehensive wildfire mitigation program**

The Office of Emergency Services shall enter into a joint powers agreement, in accordance with the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) and this article, with the Department of Forestry and Fire Protection to develop and administer a comprehensive wildfire mitigation program to do both of the following:

- (a) Encourage cost-effective structure hardening and retrofitting that creates fire-resistant homes, businesses, and public buildings.
- (b) Facilitate vegetation management, the creation and maintenance of defensible space, and other fuel modification activities that provide neighborhood or communitywide benefits against wildfire.

**§ 8654.5. Identification of building retrofits and structure hardening measures eligible for financial assistance; identification of defensible space, vegetation management, and fuel modification activities eligible for financial assistance**

- (a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, consistent with Section 8654.2, identify building retrofits and structure hardening measures eligible for financial assistance under the wildfire mitigation program that are both cost-effective and provide for appropriate site or structure fire risk reduction.
- (b) The Department of Forestry and Fire Protection shall identify defensible space, vegetation management, and fuel modification activities

eligible for financial assistance under the wildfire mitigation program that are both cost-effective and reduce the risk of wildfire for entire neighborhoods and communities.

### **§ 8654.6. Designated wildfire hazard areas eligible for financial assistance**

Designated wildfire hazard areas eligible for financial assistance under the wildfire mitigation program shall include all of the following:

- (a) Local responsibility areas located within a very high fire hazard severity zone, as designated pursuant to subdivisions (a) and (b) of Section 51179.
- (b) State responsibility areas located within any fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
- (c) Any other lands designated by the joint powers authority as consistent with the purposes of this article.

### **§ 8654.7. Acceptance of federal funds; criteria and score methodology to prioritize financial assistance; factors**

- (a) The joint powers authority may accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this chapter.
- (b) The joint powers authority shall develop criteria and a scoring methodology to prioritize financial assistance provided under the wildfire mitigation program to areas and communities based upon

criteria that include, but are not limited to, all of the following:

- (1) Area and community vulnerability to wildfire.
  - (2) The impact of future climate risk factors on area and community wildfire vulnerability assessments.
  - (3) Factors that lead some populations to experience a greater risk to wildfire, adverse health outcomes, or an inhibited ability to respond to a wildfire, including socioeconomic characteristics of the areas or communities that would be protected by financial assistance. For purposes of this paragraph "relevant socioeconomic characteristics" may include, among other things, data on poverty levels, residents with disabilities, language barriers, residents over 65 or under 5 years of age, and households without a car.
- (c) Subdivision (b) shall apply to all financial assistance provided under the wildfire mitigation program unless the joint powers authority determines that all, or a portion of, subdivision (b) should not apply to an award of federal funds on the basis of terms and conditions imposed by the federal government on that award of federal funds.

### **§ 8654.8. Eligibility for financial assistance; criteria for property owners, community organizations, and local governments**

- (a) The joint powers authority shall develop eligibility criteria for property owners, community organizations, and local governments who may



receive financial assistance under the wildfire mitigation program in accordance with this article.

- (b) The joint powers authority may also establish financial assistance limits and matching funding or other recipient contribution requirements, as necessary, to ensure the viability and efficient operation of the wildfire mitigation program and to maximize the program's impact on reducing wildfire risk in California.

### **§ 8654.9. Cooperative agreements for financial assistance; eligible entities; required training specified by Department of Forestry and Fire Protection**

- (a) The joint powers authority may enter into cooperative agreements with any of the following eligible entities to perform those functions eligible for financial assistance under the wildfire mitigation program in lieu of, or in addition to, an award of financial assistance.
- (1) The California Conservation Corps.
  - (2) University of California fire advisors.
  - (3) Regional conservation corps.
  - (4) Resource conservation districts.
  - (5) Fire safe councils.
  - (6) Fire protection districts.
  - (7) State conservancies.
  - (8) Cities.
  - (9) Counties.
  - (10) Any other qualified state and local agencies.
- (b) The Department of Forestry and Fire Protection may specify the required training, experience, or other qualifications necessary before a person may

perform those functions eligible for financial assistance under the wildfire mitigation program pursuant to a cooperative agreement.

### **§ 8654.10. Operation of article; report to Legislature; duration of article**

- (a) The operation of this article is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for purposes of this article.
- (b) No later than July 1, 2024, the joint powers authority shall submit a report to the Legislature, in compliance with Section 9795, regarding the implementation of the wildfire mitigation financial assistance program administered pursuant to this chapter. The report shall include, but is not limited to, all of the following:
  - (1) An evaluation of the cost-effectiveness of the wildfire mitigation program compared to other structure hardening, defensible space, vegetation management, and fuel reduction incentive programs.
  - (2) An evaluation of the overall wildfire risk reduction achieved statewide through awards of financial assistance under the wildfire mitigation program.
  - (3) Detailed information about the quantity, monetary value, geographic distribution, and categories of awards of financial assistance made under the wildfire mitigation program.
  - (4) Detailed information about the sources and amounts of funds appropriated or granted to the wildfire mitigation program.

- (5) Detailed information about barriers encountered to completing work awarded financial assistance under the wildfire mitigation program, including state, regional, or local permitting requirements.
  - (6) Any other information the office determines is necessary or convenient to evaluate the financial assistance awarded under the program.
- (c) This article shall remain in effect only until July 1, 2025, and as of that date is repealed.

## **Article 17 – Privileges and Immunities**

### **§ 8655. Liability of state or political subdivisions for discretionary functions**

The state or its political subdivisions shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a state or local agency or any employee of the state or its political subdivisions in carrying out the provisions of this chapter.

#### **§ 8655.5. Donor of community warning system**

- (a) As used in this section, the following terms have the following meanings:
- (1) “Community warning program” means any broadcast or notification program conducted by or at the direction of a public agency of a county of the ninth class that is intended to facilitate the agency’s ability to warn residents of an actual or a threatened hazardous materials release or other emergency or natural

disaster, and to coordinate the dissemination of information through various media and other warning devices of any nature, including, but not limited to, sirens, television, radio, 911 service, and public address systems.

- (2) "Community warning system" means any combination of equipment, hardware, and software used in a community warning program by a county of the ninth class.
  - (3) "Donor organization" means a California nonprofit public benefit corporation, and its officers, directors, employees, members, and contributors, that has donated in whole or in part a community warning system to a county of the ninth class.
- (b) A donor organization is immune from suit and claims of liability for any injury arising out of the design, development, installation, maintenance, operation, and use of a community warning program or community warning system. This section shall be cumulative with, and does not affect in any way, any immunity from suit and claims of liability, privileges, defenses, or exemptions otherwise enjoyed by any person or entity. This immunity shall not apply to the management, operation, or maintenance of a community warning system by a donor organization after a donor organization donates a community warning system to a county of the ninth class, but shall apply to (1) the installation by a donor organization of alert receiver equipment and initiation box equipment, or (2) the operation or maintenance, or both, by a donor organization of stationary terminal equipment and related initiation box equipment, and alert receiver

equipment, or both (1) and (2), for communications and operations, provided that the installation, operation, or maintenance, or all of these, by the donor organization is undertaken without compensation, and in accordance with the direction of, or under contract with, a county of the ninth class, whether before or after the donation.

(c)

- (1) Except as expressly provided in subdivision (b), this section does not negate or impair any duty or cause of action, whether civil or criminal, against a donor organization.
- (2) Without limiting the generality of paragraph (1), this section is not intended to, nor shall it be construed to, (A) relieve the manufacturer, designer, developer, installer, or supplier of equipment or software for a community warning system from any obligation or liability under any applicable statute or rule of law, or (B) relieve any donor organization from any liability for the intentional wrongful use of a community warning system or any part thereof.
- (3) Notwithstanding any other provision of this section or of any law relating to indemnity, joint and several liability, or several liability, no claim for contribution or indemnity arises against a donor organization based on the design, development, installation, maintenance, operation, or use of a community warning system for which the donor organization is otherwise immune under the section.
- (4) Notwithstanding any other provision of this section or of any law relating to indemnity, joint and several liability, or several liability, no person

who is otherwise liable for damages shall be entitled to seek or assert any allocation of any percentage of fault or liability for the purpose of the reduction of damages for personal injury, property damage, or wrongful death, based on the participation of a donor organization or a county of the ninth class or its officials or employees in the design, development, installation, maintenance, operation, or use of a community warning system.

### ***§ 8656. Applicability of existing privileges and immunities to extraterritorial performance of functions and duties***

All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; all pension, relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees of any political subdivision when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under this chapter.

### ***§ 8657. Privileges and immunities of volunteers and unregistered persons impressed into service; liability of political subdivisions, officers, employees, etc., for personal injury or property damage***

(a) Volunteers duly enrolled or registered with the Office of Emergency Services or any disaster council of any

political subdivision, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, in carrying out, complying with, or attempting to comply with, any order or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work for their respective entities.

- (b) No political subdivision or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for emergency preparedness or relief activity, or by any unregistered person duly impressed into service during a state of war emergency, a state of emergency, or a local emergency and engaged in such service. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any federal or state statute nor

shall it affect the right of any person to recover under the terms of any policy of insurance.

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

### **§ 8657.5. Private business included on statewide registry; civil liability; exclusions**

- (a)
- (1) A private business included on the statewide registry pursuant to Section 8588.2 that voluntarily and without expectation and receipt of compensation donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during a declared state of war, state of emergency, or state of local emergency shall not be civilly liable for a death, injury, illness, or other damage to a person or property caused



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by the private business's donation of services, goods, labor, equipment, resources, or dispensaries or other facilities.

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

(b)

- (1) A nonprofit organization included on the statewide registry pursuant to Section 8588.2 that voluntarily and without expectation and receipt of compensation from victims of emergencies and disasters donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2, during a declared state of war, state of emergency, or state of local emergency shall not be civilly liable for a death, injury, illness, or other damage to a person or property caused by the nonprofit organization's donation of services, goods, labor, equipment, resources, or dispensaries or other facilities.
- (2) A nonprofit organization included on the statewide registry that voluntarily and without expectation and receipt of compensation donates services, goods, labor, equipment,

resources, or dispensaries or other facilities, in compliance with Section 8588.2, during an emergency medical services training program conducted by the Office of Emergency Services and a city, a county, or a city and county, shall not be civilly liable for damages alleged to have resulted from those training programs, as described in Section 1799.100 of the Health and Safety Code.

- (c) A private business or nonprofit organization that discriminates against a victim of an emergency or disaster based on a protected classification under federal or state law shall not be entitled to the protections in subdivision (a) or (b).
- (d) This section shall not relieve a private business or nonprofit organization from liability caused by its grossly negligent act or omission, or willful or wanton misconduct.

### **§ 8658. Removal of inmates from penal or correctional institution; immunity from liability**

In any case in which an emergency endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. He shall, if possible, remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed pursuant to this section.

**§ 8659. Physicians, surgeons, hospitals, pharmacists, respiratory care practitioners, nurses and dentists, veterinarians and registered veterinary technicians; immunity from liability for services requested; exception**

- (a) Any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, respiratory care practitioner, nurse, or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of those services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.
- (b) Any veterinarian or registered veterinary technician who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any animal by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

**§ 8660. Other states rendering aid in state; immunity from liability**

No other state or its officers or employees rendering aid in this state pursuant to any interstate arrangement, agreement, or compact shall be liable on account of any act or omission in good faith on the part of such state or its officers or employees while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with an emergency.

### ***Article 18 – Political Activity***

#### ***§ 8661. Prohibition***

No organization established under the authority of this chapter shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes.

### ***Article 19 – Penalties and Severability***

#### ***§ 8665. Violations; punishment***

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

#### ***§ 8666. Severability***

If any section, subdivision, subsection, sentence, clause, or phrase in this chapter, or the application thereof to any person or circumstances, is for any reason held

invalid, the validity of the remainder of the chapter, or the application of such provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this chapter and each section, subdivision, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subdivisions, subsections, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be held invalid.

### **Article 20 – Effect Upon Existing Matters**

#### **§ 8668. Effect on prior plans, mutual aid agreements, and authority of cities and counties**

- (a) Any disaster council previously accredited, the State Civil Defense and Disaster Plan, the State Emergency Resources Management Plan, the State Fire Disaster Plan, the State Law Enforcement Mutual Aid Plan, all previously approved civil defense and disaster plans, all mutual aid agreements, and all other documents and agreements existing as of the effective date of this chapter, shall remain in full force and effect until revised, amended, or revoked in accordance with the provisions of this chapter.
- (b) Nothing in this chapter shall be construed to diminish or remove any authority of any city, county, or city and county granted by Section 7 of Article XI of the California Constitution.

### **Article 21. California Firefighter Peer Support and Crisis Referral Services Act**

#### **§ 8669.05. Short title**

This article shall be known, and may be cited, as the California Firefighter Peer Support and Crisis Referral Services Act.

### **§ 8669.10. Peer Support and Crisis Referral Program; services provided**

- (a) The state or any local or regional public fire agency may establish a Peer Support and Crisis Referral Program. The program shall be responsible for providing an agency wide network of peer representatives, reflective of the agency's workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues.
- (b) The Peer Support and Crisis Referral Program may provide employee support and referral services for matters such as, but not limited to, any of the following:
  - (1) Substance use and substance abuse.
  - (2) Critical incident stress.
  - (3) Family issues.
  - (4) Grief support.
  - (5) Legal issues.
  - (6) Line of duty deaths.
  - (7) Serious injury or illness.
  - (8) Suicide.
  - (9) Victims of crime.
  - (10) Workplace issues.
- (c) A public fire agency may augment its Peer Support and Crisis Referral Program with program policies that are consistent with this act.

### **§ 8669.15. Definitions**

For purposes of this article, the following terms have the following meanings:

- (a) "Confidential communication" means any information, including, but not limited to, written or oral communication, transmitted between an emergency service personnel, a peer support team member, or a crisis hotline or crisis referral service staff member while the peer support team member provides peer support services or the crisis hotline or crisis referral service staff member provides crisis services, and in confidence by a means that, as far as the emergency service personnel is aware, does not disclose the information to third persons other than those who are present to further the interests of the emergency service personnel or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the peer support team member is providing services.
- (b) "Crisis referral services" include all public or private organizations that provide consultation and treatment resources for personal problems, including mental health issues, chemical dependency, domestic violence, gambling, financial problems, and other personal crises. Neither crisis referral services nor crisis hotlines include services provided by an employee association, labor relations representative or labor relations organization, or any entity owned or operated by an employee association, labor relations representative, or labor relations organization.

- (c) "Critical incident" means an event or situation that involves crisis, disaster, trauma, or emergency.
- (d) "Critical incident stress" means the acute or cumulative psychological stress or trauma that emergency service personnel may experience in providing emergency services in response to a critical incident. The stress or trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning and could lead to post-traumatic stress and other injuries, including, but not limited to, the following:
  - (1) Physical and emotional illness.
  - (2) Failure of usual coping mechanisms.
  - (3) Loss of interest in the job or normal life activities.
  - (4) Personality changes.
  - (5) Loss of ability to function.
  - (6) Psychological disruption of personal life, including the person's relationship with a spouse, child, or friend.
- (e) "Emergency service personnel" means an employee of the state, local, or regional public fire agency who provides emergency response services, including a firefighter, paramedic, emergency medical technician, dispatcher, emergency response communication employee, rescue service personnel, emergency manager, or any other employee of a state, local, or regional public fire agency.
- (f) "Peer support services" means authorized peer support services provided by a peer support team member to emergency service personnel and their immediate families affected by a critical incident or the cumulative effect of witnessing multiple critical incidents. Peer support services assist those affected



by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress, including reducing the risk of post-traumatic stress and other injuries. Peer support services may include any of the following:

- (1) Precrisis education.
  - (2) Critical incident stress defusings.
  - (3) Critical incident stress debriefings.
  - (4) On-scene support services.
  - (5) One-on-one support services.
  - (6) Consultation.
  - (7) Referral services.
  - (8) Confidentiality obligations.
  - (9) The impact of toxic stress on health and well-being.
  - (10) Grief support.
  - (11) Substance abuse awareness and approaches.
  - (12) Active listening skills.
- (g) "Peer support program" means a program administered by the state, local, or regional public fire agency to deliver peer support services to emergency service personnel consistent with this article and implemented through a labor management agreement negotiated separate and apart from any collective bargaining agreement covering affected employees.
- (h) "Peer support team" means a team or teams composed of emergency service personnel, hospital staff, clergy, and educators who have completed a peer support training course developed pursuant to Section 8669.30, and who have been appointed to the team pursuant to program policy.

- (i) "Peer support team member" means a public fire agency employee who has completed an approved peer support training course or courses pursuant to Section 8669.30. Agency selection criteria for peer support team members shall be incorporated into program policies.

### **§ 8669.17. Peer support program separate from collective bargaining agreement; prospective changes**

- (a) A peer support program for local or regional public fire agencies shall be implemented through a labor management agreement negotiated separate and apart from any collective bargaining agreement covering affected employees.
- (b) Department of Forestry and Fire Protection peer support program policies that were in effect on July 1, 2019, shall continue as they existed on that date, and any prospective changes to the program policies as they were in effect on that date shall be subject to a meet and confer process regarding those prospective changes with the employee organization representing a majority of the personnel employed by the agency.

### **§ 8669.20. Confidential communications; exceptions to confidentiality requirement; notice; application of section**

- (a) In any civil, administrative, or arbitration proceeding, an emergency service personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between

the emergency service personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service.

- (b) Notwithstanding subdivision (a), a confidential communication described in subdivision (a) may be disclosed only under the following circumstances:
- (1) The peer support team member reasonably must make an appropriate referral of the emergency service personnel to, or consult about the emergency service personnel with, another member of the peer support team or a peer support team clinician associated with the peer support team.
  - (2) The peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.
  - (3) The peer support team member reasonably believes that disclosure is necessary pursuant to an obligation to report instances of child abuse, as required by Section 11166 of the Penal Code, or other obligation to disclose or report as a mandated reporter.
  - (4) The disclosure is made pursuant to a court order in a civil proceeding.
  - (5) The emergency service personnel expressly agrees in writing that the confidential communication may be disclosed.
- (c) If the communication is disclosed pursuant to paragraph (1), (2), (3), or (4) of subdivision (b), a peer support team member shall notify the

emergency service personnel of the disclosure in writing.

- (d) The provisions of this section shall apply to the Department of Forestry and Fire Protection peer support program in effect as of July 1, 2019.

### **§ 8669.25. Liability; persons prohibited from providing peer support services**

- (a) Except as otherwise provided in subdivision (b), an emergency service personnel who provides peer support services as a member of a peer support team and has completed a training course described in Section 8669.30 and the state, local, or regional public fire agency that employs them, shall not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.
- (b) Subdivision (a) does not apply to an action for medical malpractice.
- (c) A person described in subdivision (a) shall not provide peer support services if, when serving in a peer support role, the individual's relationship with a peer support recipient could reasonably be expected to impair objectivity, competence, or effectiveness in providing peer support, or otherwise risk exploitation or harm to a peer support recipient.
- (d) Whenever possible, a person described in subdivision (a) providing peer support services should not provide those services to a peer support recipient if the provider and recipient were both

involved in the same specific traumatic incident, unless the incident is a large-scale incident.

### **§ 8669.30. Training**

- (a) In order to be eligible for the confidentiality protections afforded by this article, each peer support team member shall complete an approved training course or courses on peer support that may include, but are not limited to, the peer support services described in subdivision (f) of Section 8669.15.
- (b) For local or regional public fire agencies, the training shall be approved by the California Firefighter Joint Apprenticeship Committee.
- (c)
  - (1) Training provided by the Department of Forestry and Fire Protection, through the Fire Service Training and Education Program, and utilized and approved by the department shall satisfy the requirements described in subdivision (a).
  - (2) The department may make any training courses described in paragraph (1) available upon request to any local or regional public fire agency.

## **Article 22. Law Enforcement Peer Support and Crisis Referral Services Program**

### **§ 8669.1. Short title**

The article shall be known, and may be cited, as the Law Enforcement Peer Support and Crisis Referral Services Program.

**§ 8669.2. Establishment of peer support and crisis referral programs; content of programs**

- (a) A local or regional law enforcement agency may establish a peer support and crisis referral program. The program shall be responsible for providing an agencywide network of peer representatives, reflective of the agency's workforce both in job positions and personal experiences, who are available to come to the aid of their fellow employees on a broad range of emotional or professional issues.
- (b) The peer support and crisis referral program may provide employee support and referral services for matters including, but not limited to, the following:
  - (1) Substance use and substance abuse.
  - (2) Critical incident stress.
  - (3) Family issues.
  - (4) Grief support.
  - (5) Legal issues.
  - (6) Line-of-duty deaths.
  - (7) Serious injury or illness.
  - (8) Suicide.
  - (9) Victims of crime.
  - (10) Workplace issues.
- (c) The agency's hiring authority shall consult with an employee representative organization to develop and implement a program created pursuant to this section.

**§ 8669.3. Definitions**

For purposes of this article, the following terms have the following meanings:

- (a) "Confidential communication" means any information, including, but not limited to, written or oral communication, transmitted between law enforcement personnel, a peer support team member, or a crisis hotline or crisis referral service staff member while the peer support team member provides peer support services or the crisis hotline or crisis referral service staff member provides crisis services, and in confidence by a means that, as far as the law enforcement personnel is aware, does not disclose the information to third persons other than those who are present to further the interests of the law enforcement personnel in the delivery of peer support services or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the peer support team member is providing services. "Confidential communication" does not include a communication in which the law enforcement personnel discloses the commission of a crime or a communication in which the law enforcement personnel's intent to defraud or deceive an investigation into a critical incident is revealed.
- (b) "Crisis referral services" include all public or private organizations that provide consultation and treatment resources for personal problems, including mental health issues, chemical dependency, domestic violence, gambling, financial problems, and other personal crises. Neither crisis referral services nor crisis hotlines include services provided by an employee association, labor relations representative, or labor relations organization, or any entity owned or

operated by an employee association, labor relations representative, or labor relations organization.

- (c) "Critical incident" means an event or situation that involves crisis, disaster, trauma, or emergency.
- (d) "Critical incident stress" means the acute or cumulative psychological stress or trauma that law enforcement personnel may experience in providing emergency services in response to a critical incident. The stress or trauma is an unusually strong emotional, cognitive, behavioral, or physical reaction that may interfere with normal functioning and could lead to post-traumatic stress injuries, including, but not limited to, one or more of the following:
  - (1) Physical and emotional illness.
  - (2) Failure of usual coping mechanisms.
  - (3) Loss of interest in the job or normal life activities.
  - (4) Personality changes.
  - (5) Loss of ability to function.
  - (6) Psychological disruption of personal life, including their relationship with a spouse, child, or friend.
- (e) "Law enforcement agency" means a local or regional department or agency, or any political subdivision thereof, that employs a peace officer, as defined in Section 830 of the Penal Code.
- (f) "Law enforcement personnel" means an officer or employee of a local or regional law enforcement agency.
- (g) "Peer support services" means authorized peer support services provided by a peer support team member to law enforcement personnel and their immediate families affected by a critical incident or



the cumulative effect of witnessing multiple critical incidents. Peer support services assist those affected by a critical incident in coping with critical incident stress and mitigating reactions to critical incident stress. Peer support services may include one or more of the following:

- (1) Precrisis education.
  - (2) Critical incident stress defusings.
  - (3) Critical incident stress debriefings.
  - (4) On-scene support services.
  - (5) One-on-one support services.
  - (6) Consultation.
  - (7) Referral services.
  - (8) Confidentiality obligations.
  - (9) The impact of toxic stress on health and well-being.
  - (10) Grief support.
  - (11) Substance abuse awareness and approaches.
  - (12) Active listening skills.
- (h) "Peer support program" means a program administered by a law enforcement agency to deliver peer support services to law enforcement personnel.
- (i) "Peer support team" means a law enforcement agency response team composed of peer support team members.
- (j) "Peer support team member" means a law enforcement agency employee who has completed a peer support training course or courses pursuant to Section 8669.6. Agency selection criteria of peer support team members shall be incorporated into agency policies.

**§ 8669.4. Confidentiality of communication; exceptions**

- (a) A law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing peer support services, or a confidential communication made to a crisis hotline or crisis referral service.
- (b) Notwithstanding subdivision (a), a confidential communication may be disclosed under the following circumstances:
  - (1) To refer a law enforcement personnel to receive crisis referral services by a peer support team member.
  - (2) During a consultation between two peer support team members.
  - (3) If the peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime.
  - (4) If the law enforcement personnel expressly agrees in writing that the confidential communication may be disclosed.
  - (5) In a criminal proceeding.
  - (6) If otherwise required by law.

**§ 8669.5. Liability of peer support team member; exceptions; restrictions on supplying services**

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- (a) Except as otherwise provided in subdivision (b), a peer support team member who provides peer support services and has completed a training course described in Section 8669.6, and the law enforcement agency that employs them, shall not be liable for damages, including personal injury, wrongful death, property damage, or other loss related to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.
- (b) Subdivision (a) does not apply to an action for medical malpractice.
- (c) A peer support team member shall not provide peer support services in any of the following circumstances:
  - (1) If, when serving in a peer support role, the peer support team member's relationship with a law enforcement personnel receiving peer support services could be reasonably expected to impair objectivity, competence, or effectiveness in providing peer support, or would otherwise risk exploitation or harm to the law enforcement personnel.
  - (2) If the peer support team member and the law enforcement personnel receiving peer support services were involved as participants or witnesses to the same traumatic incident.
  - (3) If the peer support team member and the law enforcement personnel receiving peer support services are both involved in a shared active or ongoing investigation.

**§ 8669.6. Requirements for confidentiality protections; training courses; denial or rescinding employee's participation as peer support team member**

- (a) To be eligible for the confidentiality protections afforded by this article, a peer support team member shall complete a training course or courses on peer support approved by the law enforcement agency that may include, but is not limited to, the following:
- (1) Precrisis education.
  - (2) Critical incident stress defusings.
  - (3) Critical incident stress debriefings.
  - (4) On-scene support services.
  - (5) One-on-one support services.
  - (6) Consultation.
  - (7) Referral services.
  - (8) Confidentiality obligations.
  - (9) The impact of toxic stress on health and well-being.
  - (10) Grief support.
  - (11) Substance abuse awareness and approaches.
  - (12) Active listening skills.
  - (13) Stress management.
  - (14) Psychological first aid.
- (b) Notwithstanding any other law, a law enforcement agency may deny or rescind an employee's participation as a peer support team member consistent with agency policy.

**§ 8669.7. Confidentiality of communication in civil, administrative, or arbitration proceedings; exceptions**

- (a) Except as otherwise provided in this section, a law enforcement personnel, whether or not a party to the action, has a right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the law enforcement personnel and a crisis hotline or crisis referral service in a civil, administrative, or arbitration proceeding.
- (b) Notwithstanding subdivision (a), a crisis hotline or crisis referral service may disclose confidential information communicated by a law enforcement personnel to prevent reasonably certain death, substantial bodily harm, or commission of a crime.
- (c) This article shall not be construed to limit an obligation to report instances of child abuse, as required by Section 11166 of the Penal Code.

# California Disaster Assistance Act (CDA)

## **Government Code**

### **Chapter 7.5 of Division 1 of Title 2**

#### **Article 1 – General Provisions and Definitions**

##### **§ 8680. Short title**

This chapter shall be known and may be cited as the California Disaster Assistance Act.

##### **§ 8680.1. Construction of chapter**

Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

##### **§ 8680.2. “Local agency” defined**

“Local agency” means any city, city and county, county, county office of education, community college district, school district, or special district.

##### **§ 8680.3. “Disaster” defined**

“Disaster” means a fire, flood, storm, tidal wave, earthquake, terrorism, epidemic, or other similar public calamity that the Governor determines presents a threat to public safety.

##### **§ 8680.4. “Project” defined**

“Project” means the repair or restoration, or both, other than normal maintenance, or the replacement of, real property of a local agency used for essential governmental services, including, but not limited to, buildings, levees, flood control works, channels, irrigation works, streets, roads, bridges, highways, and other public works, that are damaged or destroyed by a disaster. “Project” also includes those activities and expenses allowed under subdivisions (a), (c), (d), and (e) of Section 8685. Except as provided in Section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify the project or any part thereof.

### **§ 8680.5. “Project application” defined**

“Project application” means the written application made by a local agency to the director for state financial assistance, which shall include all damage to public real property that resulted from a disaster within the total jurisdiction of the local agency making application and other activities and expenses as allowed in Section 8685.

### **§ 8680.7. “Director” defined**

“Director” means the Director of Emergency Services.

### **§ 8680.8. “State agency” defined**

“State agency” means the Department of Transportation, the Department of Water Resources, the Department of General Services, the Department of Health, the Department of Finance, or other state agency or office including, but not limited to, the University of California. The Department of

Transportation's area of responsibility concerns streets, roads, bridge and mass transit repairs. The Department of Water Resources' area of responsibility concerns dams, levees, flood control works, channels, irrigation works, and other similar projects. The Department of General Services' area of responsibility concerns buildings, sewer, water systems, and district road and access facility construction, alteration, repair and improvement thereof, and all other projects. The director shall assign applications to the appropriate agencies for investigation.

### **§ 8680.9. "Local emergency" defined**

"Local emergency" means a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected, in accordance with Section 8630.

## **Article 2 – Administration**

### **§ 8682. Administration by Director; delegation of powers or duties**

The director shall administer this chapter. The director may delegate any power or duty vested in him or her under this chapter to a state agency or to any other officer or employee of the Office of Emergency Services.

#### **§ 8682.2. State agencies; services and duties**

To the extent that funds are allocated therefor, a state agency, when requested by the director, shall render services and perform duties within its area of



responsibility when considered necessary to carry out the purposes of this chapter.

### **§ 8682.6. Hold harmless provision; benefit of state**

The project proposal executed between a local agency and the director pursuant to Section 8685.6 shall contain a provision under which the local agency agrees to hold the state harmless from damages due to the work for which funds are allocated.

### **§ 8682.8. Claims of local agencies**

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

### **§ 8682.9. Regulations; adoption**

The director shall adopt regulations, as necessary, to govern the administration of the disaster assistance program authorized by this chapter in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3). These regulations shall include specific project eligibility requirements, a procedure for local governments to request the implementation of programs under this chapter, and a method for evaluating these requests by the Office of Emergency Services.

**Article 3 – Allocations to State Agencies**

**§ 8683. Investigations, estimates, reports and training; federal aid; allocations for agencies performing extraordinary emergency measures**

- (a) Whenever funds are available for purposes of this chapter, the director shall make allocations from the funds available in the amounts that he or she determines to be necessary to state agencies for expenditure for making the investigations, estimates, and reports required by this chapter. Those allocations may also be made to provide for preliminary investigations, estimates, reports, training of state agency personnel, or to reimburse the state agencies for expenditures made in anticipation of actual applications by local agencies. Allocations may also be made for the purpose of making any investigations, estimates, and reports that may be necessary to enable local agencies to obtain federal aid for disaster relief purposes, regardless of whether or not that aid is available for projects that are eligible for state allocations pursuant to this chapter. The director may make allocations to any state agency or office from those funds, or other funds available therefor, in the amounts that are necessary to administer this chapter.
- (b) When a proclamation of a state of emergency has been issued by the Governor under the California Emergency Services Act (Chapter 7 (commencing with Section 8550)) and funds are available for purposes of this chapter, the director may make allocations from the funds available in the amounts that the director determines necessary to state

agencies for expenditures incurred performing extraordinary emergency measures. An allocation pursuant to this subdivision is at the discretion of the director, but an allocation shall not reimburse either of the following:

- (1) Employee costs related to emergency work activities.
- (2) Any permanent repairs to the agency's own facilities.

### ***§ 8684.2. Disaster relief assistance; emergency interim loan guarantees; directives and requirements; report to Legislature***

- (a) It is the intent of the Legislature:
  - (1) To provide the Governor with appropriate emergency powers in order to enable utilization of available emergency funding to provide guarantees for interim loans to be made by lending institutions, in connection with relief provided for those persons affected by disasters or a state of emergency in affected areas during periods of disaster relief assistance, for the purpose of supplying interim financing to enable small businesses to continue operations pending receipt of federal disaster assistance.
  - (2) That the Governor should utilize this authority to prevent business insolvencies and loss of employment in areas affected by these disasters.
- (b) In addition to the allocations authorized by Section 8683 and the loan guarantee provisions of Section 63089.90, the Governor may allocate funds made available for the purposes of this chapter, in

connection with relief provided, in affected areas during the period of federal disaster relief, to the Small Business Expansion Fund for use by the California Infrastructure and Economic Development Bank, pursuant to chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 1 of the Corporations Code and chapter 6 (commencing with Section 63088) of Division 1 of Title 6.7 of this code, to provide guarantees for low-interest interim loans to be made by lending institutions for the purpose of providing interim financing to enable small businesses that have suffered actual physical damage or significant economic losses, as a result of the disaster or state of emergency for which funding under this section is made available, to continue or resume operations pending receipt of loans made or guaranteed by the federal Small Business Administration. The maximum amount of any loan guarantee funded under this paragraph shall be limited by the directives and requirements. Each loan guarantee shall not exceed 95 percent of the loan amount, except that a loan guarantee may be for 100 percent of the loan amount if the applicant can demonstrate that access to business records pertinent to the loan application has been precluded by official action prohibiting necessary reentry into the affected business premises or that those business records pertinent to the loan application have been destroyed. The term of the loan shall be determined by the lending institution providing the loan or shall be made payable on the date the proceeds of a loan made or guaranteed by the federal Small Business Administration with

respect to the same damage or loss are made available to the borrower, whichever event first occurs.

- (c) Loan guarantees for which the initial 12-month term has expired and for which an application for disaster assistance funding from the federal Small Business Administration is still pending may be extended until the Small Business Administration has reached a final decision on the application. Applications for interim loans shall be processed in an expeditious manner. Wherever possible, lending institutions shall fund nonconstruction loans within 60 calendar days of application. Loan guarantees for loans that have been denied funding by the federal Small Business Administration, may be extended by the financial institution provided that the loan is for no longer than a maximum of seven years, if the business demonstrates the ability to repay the loan with an extended loan term, and a new credit analysis is provided. All loans extended under this provision shall be repaid in installments of principal and interest, and be fully amortized over the term of the loan. Nothing in this section shall preclude the lender from charging reasonable administrative fees in connection with the loan.
- (d) Allocations pursuant to this section shall, for purposes of all provisions of law, be deemed to be for extraordinary emergency or disaster response operation costs, as provided in Section 8690.6, incurred by state employees assigned to work on the guarantees authorized by this section.
- (e) The California Infrastructure and Economic Development Bank, which is located within the Governor's Office of Business and Economic

Development, may adopt directives and requirements to implement the disaster loan guarantee program authorized by this section.

- (f) As long as there are any outstanding small business disaster loan guarantees, as authorized by Section 8684.2 or 63089.90, the bank shall provide a report to the Legislature on loan guarantees approved and rejected by gender, ethnic group, type of business and location, and each participating loan institution. The report may be combined with report required in Section 63089.98.

#### **Article 4 – Allocations to Local Agencies**

##### **§ 8685. Allocation of funds to meet cost of projects; submission of applications; use of funds**

From any moneys appropriated for that purpose, and subject to the conditions specified in this article, the director shall allocate funds to meet the cost of any one or more projects as defined in Section 8680.4. Applications by school districts shall be submitted to the Superintendent of Public Instruction for review and approval, in accordance with instructions or regulations developed by the Office of Emergency Services, prior to the allocation of funds by the director.

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

- (a) Local agency personnel costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the Governor,

- excluding the normal hourly wage costs of employees engaged in emergency work activities.
- (b) To repair, restore, reconstruct, or replace facilities belonging to local agencies damaged as a result of disasters as defined in Section 8680.3. Mitigation measures performed pursuant to subdivision (b) of Section 8686.4 shall qualify for funding pursuant to this chapter.
  - (c) Matching fund assistance for cost sharing required under federal disaster assistance programs, as otherwise eligible under this act.
  - (d) Indirect administrative costs and any other assistance deemed necessary by the director.
  - (e) Necessary and required site preparation costs for mobile homes, travel trailers, and other manufactured housing units provided and operated by the Federal Emergency Management Agency.

### **§ 8685.2. Proclamation of local emergency**

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

### **§ 8685.4. Application for state assistance; time; investigation and report; unusual circumstances**

A local agency shall make application to the director for state financial assistance within 60 days after the

date of the proclamation of a local emergency. The director may extend the time for this filing only under unusual circumstances. No financial aid shall be provided until a state agency, upon the request of the director, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report with the director within 60 days from the date the local agency made application, unless the director extends the time because of unusual circumstances. The estimate of cost of the work may include expenditures made by the local agency for the work prior to the making of the estimate. If the reporting state agency fails to report its findings within the 60-day period, and time is not extended by the director, the director may complete the investigation and recover a proportionate amount allocated to the state agency for the balance of the investigation. "Unusual circumstances," as used above, are unavoidable delays that result from recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of the applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

### **§ 8685.6. Acceptance of project proposal and cost-sharing by local agency**

No money shall be allocated for a project until the local agency has indicated in writing its acceptance of the project proposal and the cost-sharing related thereto in such form as the director prescribes. The project proposal shall provide for the performance of the work by the local agency, or by the state agency in



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

### **§ 8685.7. State Contract Act; law governing local agency work**

Any work performed by a state agency at the request of a local agency shall be agreed upon in writing and be subject to the State Contract Act. Work performed by a local agency shall be subject to the law governing the performance of that work by the local agency and applicable state and federal laws or regulations. Neither the state nor any officer or employee thereof shall have any responsibility in connection with any work performed by a local agency.

### **§ 8685.8. Advance of funds to local agency**

Under procedures to be prescribed by the director, a local agency may receive an advance of funds to initiate a project. Such advances shall be limited to not more than 90 percent of the estimated state's share of the project, as determined pursuant to Section 8686.

### **§ 8685.9. Limitation of state share to percentage of eligible costs; exception**

Notwithstanding any other provision of law, including Section 8686, for any eligible project, the state share shall not exceed 75 percent of total state eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part of the safety element of its general plan adopted pursuant to subdivision (g) of Section 65302. In that situation, the Legislature may provide for a state share of local costs that exceeds 75 percent of total state eligible costs.

**§ 8686. State share; limitation of payment to percentage of eligible costs; exceptions; minimum qualifying amount**

- (a) For any eligible project, the state share shall amount to no more than 75 percent of total state eligible costs.
- (b) Notwithstanding subdivision (a), the state share shall be up to 100 percent of total state eligible costs connected with the following events:
  - (1) The October 17, 1989, Loma Prieta earthquake.
  - (2) The October 20, 1991, East Bay fire.
  - (3) The fires that occurred in southern California from October 1, 1993, to November 30, 1993, inclusive.
  - (4) The January 17, 1994, Northridge earthquake.
  - (5) Storms that occurred in California during the periods commencing January 3, 1995, and February 13, 1995, as specified in agreements between this state and the United States for federal financial assistance.

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- (6) The storms that occurred in California in December of 1996 and early January of 1997, as specified in agreements between this state and the United States for federal financial assistance.
- (7) The winter storms and flooding that occurred from February 1, 1998, to April 30, 1998, inclusive, as specified in agreements between this state and the United States for federal financial assistance.
- (8) The wildfires that occurred in southern California commencing October 21, 2003, as specified in agreements between this state and the United States for federal financial assistance.
- (9) The December 22, 2003, San Simeon earthquake, as specified in agreements between this state and the United States for federal financial assistance.
- (10) The severe storms, flooding, debris flows, and mud slides that occurred during December 27, 2004, to January 11, 2005, inclusive, in southern California, as specified in agreements between this state and the United States for federal financial assistance.
- (11) The severe storms, flooding, landslides, and mud and debris flows that occurred in southern California during the period from February 16 to February 23, 2005, inclusive, as specified in agreements between this state and the United States for federal financial assistance.
- (12) The severe storms, flooding, mud slides, and landslides that occurred in northern California during the period from December 17, 2005, to January 3, 2006, inclusive, as specified in

agreements between this state and the United States for federal financial assistance.

- (13) The severe storms and flooding that occurred in northern and central California during the period from March 29, 2006, to April 16, 2006, inclusive, as specified in agreements between this state and the United States for federal financial assistance.
- (c) For any federally declared disaster subsequent to January 1, 1995, that the Legislature has designated in subdivision (b), the state shall assume the increased share specified in subdivision (b) in those cases where the Federal Emergency Management Agency or another applicable federal agency has approved the federal share of costs.
- (d) The state shall make no allocation for any project application resulting in a state share of less than two thousand five hundred dollars (\$2,500) under this section.

### **§ 8686.1. Events for which state share of state eligible cost is 100%; Middle River levee break**

- (a) Notwithstanding subdivision (a) of Section 8686, the state share shall be up to 100 percent of total state eligible costs connected with the Middle River levee break in San Joaquin County that occurred in June 2004.
- (b) For the disaster that the Legislature has designated in subdivision (a), the state shall assume the increased share specified in subdivision (a) if the Federal Emergency Management Agency or another applicable federal agency has approved the federal share of costs.

(c) The state shall make no allocation for any project application resulting in a state share of less than two thousand five hundred dollars (\$2,500) under this section.

### **§ 8686.2. Federal funds; deduction from costs**

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

### **§ 8686.3. Recovery of maximum federal funds**

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

requirements. When a local agency applies for federal disaster relief funds, the director shall inform the agency of available state funds.

### **§ 8686.4. Replacement of damaged or destroyed facility instead of repair or restoration; mitigation measures**

- (a) Whenever the local agency and the director determine for projects that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the director shall authorize the replacement, including, in the case of a public building, an increase in the square footage of the building replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and the excess cost shall be excluded in determining the amount to be allocated by the state. The state contribution shall not exceed the net cost of restoring each facility on the basis of the design of the facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards.
- (b) Notwithstanding subdivision (a), when the director determines there are mitigation measures that are cost effective and that substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been

proclaimed by the Governor, the director may authorize the implementation of those measures.

**§ 8686.8. Financial ability of local agency; loan of state funds; deferred payments; interest**

If the director determines that a local agency is financially unable to meet the matching requirements set forth in Section 8686, or unable to provide funds for replacement of a facility pursuant to Section 8686.4, the director may, if that loan would not result in a violation of Section 18 of Article XVI of the California Constitution and out of any state money made available for purposes of this chapter, lend funds, for the completion of a project or projects. The local agency shall be required by the director to make its contribution by means of deferred payments. The deferred payments shall be made in the amounts and at the times provided by the agreement executed in connection with the application, but in any event providing full repayment within 10 years, and shall include a charge to be fixed by the director in an amount estimated by him or her to equal the revenue that the state would have derived by investing the total amounts loaned at the interest rate prevailing for legal state investments as of the date of the loan.

**§ 8687. Deferred payments by local agency**

Deferred payments made by a local agency pursuant to Section 8686.8 shall be made by the agency:

- (a) Out of the current revenues of the local agency.
- (b) If the current revenues of a city, county, or city and county, prove insufficient to enable the agency to

meet the payments, the director may order the State Controller to withhold from the local agency funds that the local agency would be entitled from the state, including, as to street and highway projects as defined by Sections 590 and 592 of the Vehicle Code, from the Motor Vehicle License Fee Fund to the extent necessary to meet the deficiency.

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

### **§ 8687.2. Exhaustion of financial resources of local agency; public facilities project; state allocation**

Notwithstanding Section 8686, whenever the director determines that a local agency to which funds are proposed to be allocated for a public facilities project is financially unable to meet the matching requirements set forth in Section 8686 due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 8686 may be suspended, and the director may allocate funds to pay all of the cost of the project on that portion of the cost which the director determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 8686 and the public benefit of the proposed work, less any money provided by the United States or any agency thereof for any portion of the cost of the project.

### **§ 8687.4. Payment of portion of cost of project where director determines local agency is unable**



***to finance project due to exhaustion of its financial resources because of disaster expenditures***

Whenever the director determines that a local agency which would otherwise be eligible for funds under the formula of Section 8686 is unable to finance a project due to exhaustion of its financial resources because of disaster expenditures, the director may allocate funds to pay such portion of the cost of the project as the director determines is necessary to accomplish the projects.

***§ 8687.6. Counties; exhaustion of resources; contribution equal to highway users tax apportionment***

If the local agency, under Section 8687.4, is a county, the amount contributed by the county shall not be reduced to less than an amount of money equal to the amount allocated to the county for the fiscal year prior to the disaster proclamation pursuant to Section 2110.5 of the Streets and Highways Code.

***§ 8687.7. Establishment of model process to assist community in recovering from emergency proclaimed by Governor; inclusions; definitions***

- (a) As used in this section, the following terms have the following meanings:
- (1) "Agency" or "office" means the Office of Emergency Services.
  - (2) "Community" means a geographic area impacted by an emergency proclaimed by the Governor that includes the jurisdiction of one or more local agencies.

- (3) "Community recovery partners" means local, state, and federal agencies, private nonprofit organizations, nongovernmental agencies, faith-based organizations, and other private entities.
- (b) The office may establish a model process that would be made available to assist a community in recovering from an emergency proclaimed by the Governor. The model process may include the following:
  - (1) The role of the office in the community recovery process.
  - (2) Procedures for the office to have representation on site as soon as practicable after the Governor proclaims a state of emergency.
  - (3) The role of the office to facilitate the use of temporary services, including, but not limited to, direct assistance to individuals, families, and businesses, crisis counseling, disaster unemployment assistance, food and clothing vouchers, communications systems, replacement of personal identification documents, provision of potable water, housing, farm service assistance, tax relief, insurance, and legal services.
  - (4) The role of the office to facilitate the establishment of temporary structures, including local assistance centers, showers and bathroom facilities, and temporary administrative offices.
  - (5) Measures to encourage the participation of nongovernmental organizations in the community recovery process to supplement recovery activities undertaken by federal or local agencies.

- (6) The office may refer the model process to the Standardized Emergency Management System (SEMS) Advisory Board, or any other advisory board it deems appropriate, for review and modifications.
- (7) It is the intent of the Legislature that the model process assists and complements local procedures. The model process should allow the office to offer additional assistance when that assistance is needed but not available through local agencies.

**§ 8687.8. Counties; exhaustion of resources; reduction if maximum property tax for highway purposes not levied**

If the local agency, under Section 8687.4, is a county, the director, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year (the year of the disaster), the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the director under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes,

amounts to be received from other taxes levied by that county and used for road purposes shall be included.

**§ 8687.9. Funding provided to local governments in response to an emergency**

Funding and financial assistance provided to local governments in response to an emergency, as that term is used in Section 8558, is not subject to the eligibility restrictions of Section 1782 of the Labor Code.

**Article 5 – Funds**

**§ 8690.25. Disaster Assistance Fund**

The Disaster Assistance Fund, referred to as "fund" in this article, is hereby created as a special fund in the State Treasury. This fund and its subsidiary account, the Earthquake Emergency Investigations Account, are continuously appropriated, without regard to fiscal years, for purposes of this act.

**§ 8690.45. Earthquake Emergency Investigations Account**

The Controller shall establish the following special account in the Disaster Assistance Fund.

The Earthquake Emergency Investigations Account, into which shall be paid all moneys appropriated by the Legislature to the Seismic Safety Commission for allocation for the purpose of enabling immediate investigation of damaging earthquakes. Allocations may be made by the commission to assist organizations that have incurred expenses in the course of

conducting earthquake investigations. Allocations may be made to cover the following expenses:

- (a) Travel, meals, and lodging.
- (b) Publishing of findings.
- (c) Contractor assistance in the investigation.
- (d) Other expenses that the commission may allow as necessary to assist the investigation.

The unpredictable nature of earthquakes necessitates immediate access to funds for investigative purposes. For this reason, notwithstanding any other provision of law, funds in the Earthquake Emergency Investigations Account shall be available for expenditure without regard to fiscal years.

### **§ 8690.5. Expenditure, transfer and allocation of moneys**

Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with changes, and all other moneys deposited therein pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this chapter.

### **§ 8690.6. Disaster Response-Emergency Operation Account; establishment and allocation of funds for state of emergency; legislative intent; conditions and notification; authorization for acquisitions, relocations, and environmental mitigations; federal funds; amount of assistance; public entities**

(a) The Disaster Response-Emergency Operations

Account is hereby established in the Special Fund for Economic Uncertainties. Notwithstanding Section 13340, moneys in the account are continuously appropriated, subject to the limitations specified in subdivisions (b), (c), and (d), without regard to fiscal years, for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a proclamation by the Governor of a state of emergency, as defined in subdivision (b) of Section 8558. For the purposes of this section, "disaster response operations costs" is defined as costs that are immediate and necessary to deal with an ongoing or emerging crisis. These allocations may be for activities that occur within 120 days after a proclamation of emergency by the Governor.

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

(c) Notwithstanding the time limit established by subdivision (a) regarding disaster response activities that may be funded through the account, upon notification by the Director of Finance to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house before the expiration of the 120-day period, extensions for allocations for activities that occur after the 120-day period may occur in up to 120-day increments. Any extensions beyond the initial 120 days shall not extend beyond

the end of the fiscal year in which the Director of Finance gives notice of the first extension, or the date upon which the Budget Act for the fiscal year that follows the fiscal year during which the director gave notice of the first extension is enacted, whichever is later. Each extension of up to 120 days will occur upon notification to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house before the expiration of the initial 120-day period or the prior extension.

- (d) It is the intent of the Legislature that the Disaster Response-Emergency Operations Account have an unencumbered balance of one million dollars (\$1,000,000) at the beginning of each fiscal year. If this account requires additional moneys to meet claims against the account, the Director of Finance may transfer moneys from the Special Fund for Economic Uncertainties to the account in an amount sufficient to pay the amount of the claims that exceed the unencumbered balance in the account.
- (e) Notwithstanding any other law, authorizations for acquisitions, relocations, and environmental mitigations related to activities, described in subdivision (a), shall be authorized pursuant to this section. However, these funds shall be authorized only for needs that are a direct consequence of the proclaimed emergency if failure to undertake the project may interrupt essential state services or jeopardize public health or safety. In addition, any acquisition accomplished under this subdivision shall comply with any otherwise applicable law, except as provided in the first sentence of this subdivision.

- (f) Funds allocated under this section shall not be used to supplant federal funds otherwise available in the absence of state financial relief.
- (g) The amount of financial assistance provided to an individual, business, or governmental entity under this section, or pursuant to any other program of state-funded disaster assistance, shall be deducted from sums received in payment of damage claims asserted against the state, its agents, or its employees, for causing or contributing to the effects of the proclaimed disaster.
- (h) Any public entity administering disaster assistance to individuals shall not receive funds under this section unless it administers that assistance pursuant to the following criteria:
  - (1) All applications, forms, and other written materials presented to persons seeking assistance shall be available in English and in the same language used by the major non-English-speaking group within the disaster area.
  - (2) Bilingual staff who reflect the demographics of the disaster area shall be available to applicants.
    - (i) Notwithstanding any other law, funds in the Disaster Response-Emergency Operations Account shall not be expended for conditions in the state's prisons, medical facilities, or youth correctional facilities resulting solely from the action or inaction of the Department of Corrections and Rehabilitation in administering those facilities.

### **§ 8690.7. Liability of counties; distribution of funds**



Any county which distributed funds to other local agencies pursuant to Chapter 16 of the Statutes of 1986 shall not be held financially liable for those funds or responsible for any collection of those funds.

This section shall not preclude the state or any county from collecting funds distributed pursuant to Chapter 16 of the Statutes of 1986 from local agencies.

### **Article 6. Nonprofit Organizations**

#### **§ 8692. State assistance for distribution of supplies and other assistance activities resulting in extraordinary cost; eligibility**

- (a) If a state of emergency is proclaimed, an eligible private nonprofit organization may receive state assistance for distribution of supplies and other disaster or emergency assistance activities resulting in extraordinary cost.
- (b) A private nonprofit organization is eligible for assistance under this section if it is eligible for disaster assistance under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121).
- (c) An organization is not eligible for assistance under this section if it employs religious content in the provision of emergency assistance.
- (d) Any grant of assistance under this section shall comply with Section 4 of Article I and Section 5 of Article XVI of the California Constitution, state and federal civil rights laws, and the First Amendment to the United States Constitution in regard to the funding of religious organizations and activities. These legal constraints include prohibitions on the

- discrimination against beneficiaries and staff based on protected categories, on the use of public funds for proselytizing of religious doctrine, religious instruction, or worship, and on the use of other religious means to accomplish programmatic goals.
- (e) The Office of Emergency Services shall adopt regulations to implement this section.

# CDA A Regulations

## Chapter 6 of Division 2 of Title 19

### Article 1

#### § 2900. Definitions.

The following definitions apply to this article:

- (a) "Act" means the California Disaster Assistance Act (Government Code Sections 8680-8692).
- (b) "Betterment" means any work performed by a local agency which exceeds restoring a facility to its predisaster design and/or that exceeds Cal OES approved mitigation measures.
- (c) "Cal OES" means the California Governor's Office of Emergency Services.
- (d) "CEQA" means the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).
- (e) "Credits" mean receipts or reductions that offset or reduce eligible costs. Credits include, but are not limited to, purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance settlements, refunds or rebates, and funding provided by other sources.
- (f) "Current Codes and Standards" means those applicable codes or standards for the construction and design of public real property, which have been formally adopted by the local or state governing body on or before the date of the disaster occurrence or which are required by a permitting agency as defined in paragraph (u) of this Section. In addition, codes and standards must be reasonable, apply to the type of work being

done, be appropriate for the pre-disaster use of the subject facility, apply uniformly to all such facilities, and be uniformly enforced.

- (g) "Disaster" means a fire, flood, storm, tidal wave, earthquake, terrorism, epidemic, or other similar public calamity that the Governor determines presents a threat to public safety.
- (h) "Donated resources" means unpaid services and resources provided to a local agency and may include volunteer labor, and donated equipment and materials.
- (i) "Eligible Applicants" means any local agency, as that term is defined in paragraph (r) of this Section.
- (j) "Emergency" means any occasion or incident for which, in the determination of the Governor, state assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state.
- (k) "Emergency Programs" means those programs designed for short term immediate response to provide needed life-saving, public health, safety, and property protective measures.
- (l) "Emergency Work" means that work which is performed immediately before, during, or after a disaster event to protect public health, safety or property, and to provide temporary facilities for the restoration of essential public services.
- (m) "Federal Assistance" means aid to disaster victims or local agencies by the federal government pursuant to federal statutory authorities.
- (n) "Hazard Mitigation" means any cost effective measure which will reduce the potential for

damage to a facility from a disaster event. Hazard mitigation, for the purposes of the state public assistance program, does not include work undertaken to meet current codes or standards.

- (o) "High Hazard Zone" means any area subject to high risk from flood, tsunami, wildland-urban interface fire, seismic or other geologic hazard, or man-made disaster such as hazardous material exposure, as defined either by a local hazard mitigation plan or by the Director.
- (p) "Incident Period" means the time interval during which the disaster-causing incident occurs. No state assistance under the Act shall be approved unless the damage or hardship to be alleviated resulted from the disaster-causing incident which took place during the incident period or was in anticipation of the incident. The incident period is determined by the Director.
- (q) "Local Agency" means any city, city and county, county, county office of education, community college district, school district, or special district.
- (r) "Local Emergency" means a condition of extreme peril to persons or property proclaimed as such by the governing body of the affected local agency in accordance with Government Code Section 8630.
- (s) "NEPA" means the National Environmental Policy Act (Title 42 United States Code § 4321 et seq.).
- (t) "Permanent Work" means that restorative work which must be performed through repairs or replacement, to restore an eligible facility on the basis of its predisaster design and current applicable codes and standards.
- (u) "Permitting Agency" means any federal, state, regional or local public agency, board or

- commission that has the statutory authority to approve, disapprove, modify or condition a project.
- (v) "Predisaster Design" means that capacity or measure of productive usage for which a facility could be used immediately prior to a disaster.
  - (w) "Preliminary Damage Assessment" means a process which may be used to determine the impact and magnitude of damage and the resulting unmet needs of local agencies following a disaster. The Preliminary Damage Assessment may be performed by a team consisting of a representative(s) from the affected local agency and a representative(s) from the California Governor's Office of Emergency Services, in addition to a federal representative(s) if federal assistance is to be pursued.
  - (x) "Project" means the repair, mitigation, and/or restoration, other than normal maintenance, or the replacement of, real property of a local agency used for essential governmental services, including, but not limited to, buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works, that are damaged or destroyed by a disaster. "Project" also includes those activities and expenses allowed under subdivisions (a), (c), and (d) of Government Code Section 8685. Except as provided in Government Code Section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify the project or any part thereof.
  - (y) "Project Application" means the written application made by a local agency to the Director for state financial assistance, which shall include: (1) in the case of a public facilities project, all damage to

public real property which resulted from a disaster within the total jurisdiction of the local agency making application; or (2) in the case of a street and highway project, all damage to streets and highways which resulted from a disaster within the total jurisdiction of the local agency making application; or (3) other activities and expenses as allowed in Government Code Section 8685.

- (z) "Project Approval" means the process when a Damage Survey Report (DSR) (Cal EMA 90, Rev. 12/09, incorporated by reference) is approved by Cal OES for a scope of work and costs. For construction projects, approval will not occur until after the review and acceptance of plans and specifications by the appropriate reviewing building official. A project approval also constitutes an obligation of funds to the applicant agency.
- (aa) "Public Facility" means the following facilities owned or leased by a local agency: any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; any non-federal aid street, road, or highway; any federal aid street, road, or highway for which the Federal Highway Administration (FHWA) Emergency Relief (ER) Program funds have been sought, any other public building, structure, or system, including those used for education, recreational, or cultural purposes; or any park. Unimproved natural features are not considered facilities unless engineered and maintained to provide a public purpose. Lands used for agricultural purposes are not facilities.

- (bb) "Public Real Property" means any facility owned or leased and operated or maintained by a local agency through monies derived through taxation or assessments. The term "assessment" also includes the sale by a local agency of such services as water and power.
- (cc) "Repetitive damage" means damage caused by disasters that occur twice or more over the life of the facility and for which an agency has received state or federal assistance to repair.
- (dd) "School District" means any and all public school districts, regardless of kind or class, except a community college district. School district includes those districts defined in the Education Code Sections 80 through 87.
- (ee) "Director" means the Director of the California Governor's Office of Emergency Services or the Director's duly authorized representative.
- (ff) "Director's Concurrence" means the authorization of financial assistance for costs to repair, mitigate, restore, or replace facilities belonging to local agencies damaged as a result of disasters, based on a local emergency proclamation that is acceptable to the Director.
- (gg) "Site" means a building or facility, or group of contiguous buildings or facilities with common ownership and within a single jurisdiction. For facilities without a street address, a site is any area of continuous damage of a similar nature within a geographically defined area, and within a single jurisdiction.
- (hh) "Special District" means a unit of local government in the state (other than a city, county, or city and county) with authority or responsibility to



own, operate or maintain a project, including a joint powers authority established under Government Code Sections 6500 et seq.

- (ii) "Specifications" means the applicable architectural or engineering design guidance for a specific project as expressed in bid and contract documents created by the applicant agency or its representative. Specifications must as a minimum conform to current applicable codes and standards as defined in paragraph (d) of this Section, and possibly could contain betterments not enforced by code. Unless such betterments are funded through an approved hazard mitigation project, the costs of betterments will be assumed by the applicant agency.
- (jj) "State Agency" means the Department of Transportation, the Department of Water Resources, the Department of General Services, the Department of Health Services, the Department of Finance, or any other state agency or office. The Department of Transportation's area of responsibility concerns streets, roads, bridges and mass transit repairs. The Department of Water Resources' area of responsibility concerns dams, levees, flood control works, channels, irrigation works, and other similar projects. The Department of General Services' area of responsibility concerns buildings, sewer, water systems, and district road and access facility construction, alteration, repair and improvement thereof, and all other projects. The Director shall assign applications to the appropriate agencies for investigation.
- (kk) "State Eligible Costs" means all project costs eligible under Government Code Sections 8680 et

seq., and shared costs of projects deemed eligible for federal public assistance, after offsetting applicable credits.

- (ll) "State of Emergency" means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property, within the state, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, or earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a State of War Emergency, which conditions, by reason of their magnitude are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and require the combined forces of a mutual aid region or regions to combat.
- (mm) "Temporary Relocation" means the relocation of personnel and equipment to an alternate facility that is designed or capable of short-term use only to allow for the continued operation of public services.

### **§ 2910. Cost Eligibility.**

- (a) General Provisions:
  - (1) Local agency costs or expenditures are eligible for state financial assistance provided such expenditures relate directly to an eligible disaster event;
  - (2) Expenditures included in local agency applications for state financial assistance must be reasonable and in accordance with a local agency's standard cost allocation procedure, and,

- (3) No state financial assistance will be provided to a local agency for damages caused by its own negligence. If negligence by another party results in damages, assistance shall be provided, but shall be conditioned on agreement by the applicant agency to cooperate fully with the state in all efforts necessary to recover the costs of such assistance from the negligent party.
- (4) Local agencies are expected to first seek federal funding and to exhaust federal appeal rights before seeking state funding. No state assistance will be provided if the local agency has, through its own negligence, failed to pursue maximum federal participation in funding projects.

### (b) Wages:

The following wage costs are eligible for state financial assistance:

- (1) Local agency personnel costs incurred as a result of the disaster are eligible for funding or reimbursement, excluding the straight or regular time salaries and benefits of an applicant's permanently employed personnel performing emergency work.
- (2) Overtime granted as compensatory time off (CTO) is reimbursable and shall be based on the standard rate (i.e., regular cash rate) for overtime pay; and,
- (3) Wage additive costs, including retirement contributions, vacation, sick leave and other fringe benefit costs assessed against the regular wage rate of employees engaged in disaster related work activities.

### (c) Local Share:

When local agencies are required to cost share with state and federal public assistance programs, the local share determination shall be governed by the following:

- (1) Matching fund assistance for cost sharing required under federal public assistance programs is an eligible cost. Public assistance programs include supplementary federal assistance for local agencies, other than assistance for the direct benefit of individuals and families. Such assistance shall also meet the eligibility requirements of the Act.
- (2) Donated resources: Donated resources used on eligible work that is essential to meeting immediate threats to life and property from a major disaster may count towards satisfying a local cost sharing or matching requirement under state and federal public assistance programs. The valuation of donated resources will be calculated as follows:
  - (a) Unpaid services provided to an applicant by individuals will be valued at rates consistent with those ordinarily paid for similar work in the applicant's organization. If the applicant does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work in the same labor market. Wage additive costs described in paragraph (b)(3) of this Section may be included in the valuation.
  - (ii) Donated equipment or space will be valued at the fair rental rate of the equipment or space.

(iii) Donated materials will be valued at the fair market value of the materials at the time of the donation.

(d) Equipment:

The Director shall authorize reimbursement of certain types of equipment costs as follows:

- (1) Actual equipment rentals;
- (2) Equipment costs for applicant-owned equipment shall be claimed based on the applicant's own rate schedules or in the absence of such a rate schedule, on current Department of Transportation (Caltrans) Labor Surcharge and Equipment Rental Rates. Equipment rates must cover normal costs of lube, repair, overhaul, depreciation, interest, insurance, storage, and taxes. For self-powered equipment, the schedule must include fuel and oil. The Director reserves the right to audit claims for the reimbursement on applicant-owned equipment.
- (3) Equipment mobilization and demobilization costs for applicant-owned equipment, including transportation costs to and from the disaster sites. Equipment operation time should be supported by use logs and operator time sheets; and,
- (4) Stand-by time shall be allowed for rental equipment, if determined cost effective by the Director. Stand-by time shall not be allowed for applicant owned-equipment.

(e) Interagency Assistance Agreements:

Costs for work performed under interagency assistance agreements, including but not limited to contracts or cooperative agreements or assistance-for-hire

agreements between local governments or between local governments and state agencies, are eligible for reimbursement, but are limited to those costs of the responding entity for which an eligible applicant is legally obligated to pay. Eligible costs shall include only those reasonable costs invoiced or billed in accordance with reimbursement provisions contained in such interagency assistance agreements.

(f) Other Direct Costs:

The following local agency costs shall be considered direct costs for purposes of these programs:

- (1) Salaries and benefits of first-line supervisors. No administrative salary and benefit costs above first-line supervision may be claimed as a direct cost;
- (2) Actual travel and per diem costs;
- (3) The costs of supplies and materials used during response activities;
- (4) Costs associated with the preparation of environmental documents required by CEQA or NEPA, for obtaining federal, state, and local agency approvals or permits, or for the implementation of mitigation measures required by environmental documents, or costs associated with the implementation of the terms, conditions, or requirements of a permitting agency; and,
- (5) Other direct costs which may be considered eligible by the Director, including costs relating directly to the disaster which are not otherwise funded by federal or state disaster assistance programs, or which are not expressly prohibited by federal or state law, federal regulations, these

regulations or prohibited by the federal or state constitution.

(g) Indirect and Administrative Costs:

A local agency will receive a ten percent (10%) administrative allowance, applied as a percentage against the total approved state share to cover reasonable indirect costs and the necessary costs of requesting, obtaining, auditing, and administering state disaster assistance funds.

(h) Ineligible Costs:

A local agency shall not receive state assistance for the following types of costs or expenditures:

- (1) Expenditures for personal property such as books, furniture, and equipment;
- (2) Income, fees, revenues, wages, or rents lost or voluntarily waived by a local agency due to the disaster event;
- (3) Expenditures on normal or deferred maintenance activities;
- (4) Expenditures for facility betterment beyond current codes and standards of present day construction, or approved mitigation projects. Betterment costs beyond approved project costs must be assumed by the local agency;
- (5) Expenditures for legal services, fees, or penalties necessitated or caused by lawsuits or any out-of-court settlements pertaining to a disaster;
- (6) Expenditures for insurance required by the Federal Emergency Management Agency's (FEMA) regulations or for damage to a portion of a facility covered by insurance;
- (7) Expenditures for rights-of-way, easements, or land acquisition;

- (8) Losses for which an entity has legal means of recoupment;
- (9) Interest or other debt expense incurred on funds borrowed to meet disaster related expenses;
- (10) Expenditures for damages caused by the local agency's own negligence;
- (11) Expenditures prohibited by federal or state law, federal or state regulations, or the federal or state constitution; or,
- (12) An increase in the state share which is a result of missed deadlines, penalties or which otherwise results from non-compliance with the requirements of other public assistance programs related to the disaster.

### **§ 2915. Short Title.**

#### (a) General Provisions:

- (1) Applicants receiving federal disaster assistance funds must comply with applicable federal contracting and procurement requirements contained in Title 44, Code of Federal Regulations (CFR), Part 13, Sections 13.35 and 13.36, and Office of Management and Budget Circulars (OMB) A-102 (Revised 10/7/94, As Further Amended 8/29/97) and A-110 (Revised 11/19/93, As Further Amended 9/30/99). Funds withdrawn by the federal government, due to non-compliance with the applicable federal contracting and procurement requirements shall result in a loss or reduction of state cost-sharing assistance. The state shall not provide additional funding to an applicant to substitute for federal funding withdrawn as a result of noncompliance with federal regulations.



- (2) Any work performed by a state agency, at the request of a local agency, shall be agreed upon in writing and subject to the state Public Contracts Code. Work performed by a local agency shall be subject to the laws governing the performance of such work by the local agency and any other applicable state or federal laws. Neither the state nor any officer or employee thereof shall have any responsibility in connection with any work performed by a local agency.
  - (3) Any contract executed between the local agency and the Director, pursuant to the Act, shall contain a provision under which the local agency agrees to hold the state harmless from damages resulting from the work for which funds are allocated; and
  - (4) A payment bond is required on all public work contracts involving expenditures in excess of twenty-five thousand dollars (\$25,000), pursuant to Civil Code Sections 3247 and 3248, for a local agency including, but not limited to, improvements and replacements of any building, road, bridge or other structure.
- (b) Special Provisions for Reclamation and Levee Maintenance Districts:
- (1) All contracts must be bid as required under applicable state or federal laws or regulations, including 44 CFR, Part 13, whichever is the more restrictive. Public Contracts Code Section 20924 requires that districts seeking state or federal assistance comply with the procurement requirements of such state or federal program, if they are more restrictive than the requirements

of Public Contracts Code Sections 20920 et seq. If the district's governing board determines that a district is not required to competitively bid work, that determination must be documented in writing with a full statement of the reasons why bids are not required. The determination to bid or not bid shall be approved by the district board prior to contracting, where possible. If such prior approval is not possible, the board must ratify the decision within 15 days after the decision is made.

- (2) If the district's governing board determines that a sole source contract is legally justified or that an emergency exists which justifies an exemption, then the district shall utilize informal bids, or shall, at arm's length, negotiate the best possible price. All contracts will be in writing, approved by the district board, and supported by documentation justifying the price and detailing the negotiations as required in 44 CFR, Part 13, or other appropriate law or regulation. All contracts must clearly indicate the specific work to be performed and the time and location of performance of the work, and require the maintenance of adequate source records for audit. Contracts must also provide separate unit prices for emergency and non-emergency work, when the contract covers work which will be done under both emergency and non-emergency conditions.
- (3) A written contract shall clearly define the responsibility and the compensation of the engineer. The district's governing board must assure adequate contract administration. This

shall include, but not be limited to, such items as sticking barges, checking quantities of material and labor, and maintaining adequate auditable records.

- (4) In all contracts for work, services, or materials, the contractor must maintain and retain for three years after notification of the start of the retention period by the Director, auditable source documents and records, which shall be available for audit by federal or state auditors.
- (5) Districts must maintain separate accounts for registered warrants covering approved work and such other records and accounts as are necessary to assure that all approved work is paid for prior to final reimbursement from the state or FEMA.
- (6) Districts will certify and provide Cal OES with verification that none of the costs reimbursed by the state under the Act or by FEMA have been claimed or paid through any other state or federal program, including but not limited to work performed under the Delta Levees Subvention Program, Water Code Sections 12980 et seq.

### **§ 2920. Emergency Work.**

#### (a) General Provisions.

- (1) Emergency measures undertaken to save lives, to protect public health and safety, and to protect property in a jurisdiction proclaimed to be in a state of emergency by the Governor, are eligible for state financial assistance under Government Code Section 8685.2;

- (2) When immediately necessary and no lesser emergency work is feasible, permanent restorative work on facilities damaged or destroyed by a disaster or emergency may be expedited as emergency work; and,
- (3) Compliance with codes and standards applicable to permanent restoration work is not necessary for emergency work. When a state of emergency has been proclaimed and circumstances are such that permanent restoration of a facility can be quickly accomplished, or when no practical emergency alternative is available, eligible work should be considered under permanent restoration categories. For typical emergency work not requiring formal plans and specifications, consulting engineering services shall not normally be approved.

### **§ 2925. Debris Removal**

#### (a) General Eligibility

- (1) Debris removal from publicly and privately-owned lands and waters, undertaken in response to a state of emergency proclamation by the Governor is eligible for state financial assistance; and,
- (2) For purposes of this program, the removal of debris from private property shall be reimbursed only when there is an immediate threat to public health and safety. In a case where reimbursement for debris removal from private property is authorized by the Director, the

following requirements shall apply, unless waived in part or full by the Director:

- (A) The property owner must remove all disaster-related debris from the property to the curb or public right-of-way; (B) The local agency must obtain a signed statement from the property owner to the effect that the property owner does not have insurance covering the removal of the disaster-related debris; and,
- (B) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to removal.

(b) Criteria

Debris removal shall be considered necessary when removal will:

- (1) Eliminate immediate threats to life, public health, and safety;
- (2) Eliminate immediate threats of significant damage to improved public or private property;
- or,
- (3) Be necessary for the permanent repair, restoration, or reconstruction of damaged public facilities.

(c) Examples of Eligible Work

- (1) Removing debris such as pieces of destroyed buildings, structures, signs, or broken utility poles;
- (2) Removing loose or broken sidewalks and driveways; or,
- (3) Removing fallen trees.

### **§ 2930. Emergency Protective Measures.**

### (a) General Eligibility

Emergency protective measures, undertaken in response to a disaster event resulting in a state of emergency proclamation by the Governor, to save lives, to protect public health and safety, and to protect improved property are eligible for state financial assistance under Government Code Section 8685.2.

### (b) Criteria

Emergency protective measures shall include, but are not limited to, search and rescue, demolition of unsafe structures, warning of further risks and hazards, public information on health and safety measures, and actions necessary to remove or to reduce immediate threats to public property, or to private property when in the public interest, or temporary protective measures designed to protect public or private property from further damage.

### (c) Examples of Eligible Work

The state shall provide financial assistance for equipment and labor costs, and the costs of supplies and materials used during disaster response activities:

- (1) Buttressing, bracing or shoring to protect structures in imminent danger of major damage or to protect the general public;
- (2) Construction of emergency flood protective levees where immediately required for the protection of life and improved eligible property. Work by individuals to protect their homes or businesses is not eligible;
- (3) Sandbagging to protect life and property;
- (4) Boarding up windows and other enclosures of public buildings to afford protection against the elements and to safeguard from looting;

- (5) Out-of-pocket expenses for safety barricades, signs, and warning devices;
  - (6) Cost of extra personnel required during the emergency period. Justification for additional staffing may be requested by the Director; and,
  - (7) Extraordinary costs associated with emergency snow removal.
- (d) Limitations on Emergency Protective Measures
- (1) Repairs to levees shall be limited to that work necessary to stop the infiltration of water through a levee to prevent the collapse of a levee, to prevent sloughing of the slopes of the levee, to stop local overtopping, or to protect a levee from attack by wind-driven waves or erosive currents; and,
  - (2) Work that is immediately necessary as the result of a disaster and directly related to eligible permanent work shall be approved by the Director as emergency protective measures. Examples of such work include temporary repairs to damaged buildings or structures, barricading areas to protect damaged property or to direct traffic, costs of emergency hook ups, tapping the water system of an adjoining community until normal supply facilities become operational, by-passing damaged sections of the distribution system until emergency repairs can be made, hooking into privately owned or other public power sources pending repairs to the applicant's generating plant, or cleaning of storm and sanitary sewer lines; and,
  - (3) Emergency protective facilities installed will be eligible for removal under the Act, when such facilities are directly affecting the operations of,

or access to, public facilities required by the applicant in its normal day-to-day operation or for health and safety reasons. Examples include temporary dikes and levees, rip-rap, sandbags, plastic sheeting, security fences, and barricades.

- (4) In a case where reimbursement for the demolition of a damaged public facility or a privately owned building is approved by the Director, the following standards shall apply, unless waived, in part or in full by the Director, explaining in writing the facts and reason for the waiver:
  - (A) The local agency must clearly possess the legal authority and responsibility to demolish the damaged facility. The local agency must also show that such demolition does not constitute a "taking" which would require the payment of compensation to the property owner;
  - (B) The local agency requesting approval of building demolition of privately owned-buildings must be able to demonstrate that the property owner has no other source of funding to pay for structure demolition;
  - (C) The local agency must have inspected each building and determined it to be a health or safety hazard. The local agency must have a certification to this effect signed by the appropriate agency official;
  - (D) The local agency must have a signed statement from the property owner to the effect that the property owner does not have insurance covering the damage or the demolition of the building;



- (E) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to demolition and removal;
  - (F) The local agency must also comply with any other applicable state or federal health and safety regulation, law, or general requirements; and,
  - (G) Eligibility is limited to the cost of demolishing designated buildings to the top of the foundation, removal and hauling debris to the waste-site, and back-filling of basements to a safe condition.
- (5) No state hazard mitigation funding shall be applied to any emergency protective measure.

### **§ 2940. Permanent Work.**

#### (a) Repair and Restoration of Public Facilities

Disaster related repair or permanent restoration work is eligible for state financial assistance if the following criteria are met:

- (1) The damaged facility is public real property owned or leased by the applicant agency, and in service, at the time of the disaster. This restriction does not apply to a facility temporarily removed from service due to repair, maintenance, restoration, or reconstruction activities;
- (2) The repair or restoration of the damaged facility is determined to be in the general public interest;

- (3) The repair or restoration work must be of a permanent nature, in accordance with current codes and standards;
  - (4) Reimbursement for the repair or restoration of eligible public facilities shall be based on the predisaster design of the facilities, and in conformity with current codes, standards, and approved hazard mitigation. The repair criteria for levels of damage will be based on the percentage of facility repair cost including codes and standards, divided by the replacement cost including codes and standards, as defined in Title 24 of the California Code of Regulations; and,
  - (5) Prior to completing any betterments to a facility for which state funds have been authorized for repair, restoration, or hazard mitigation under this chapter, the applicant shall submit a written request to the Director, or his/her designee, which details the additional work to be completed.
- (b) Replacement of Public Facilities
- The Director will approve funding for the replacement of a public facility based on the predisaster design of the facility, in conformance with current codes and standards, and approved hazard mitigation, provided the following criteria are met:
- (1) The costs to repair disaster damages to the public facility exceed fifty percent (50%) of the total cost of constructing a replacement facility and it is not feasible to repair the damaged facility; or,

- (2) The damaged facility cannot be restored or repaired in such a manner that the facility can perform the function for which it was being used immediately prior to the disaster;
- (3) If the Director authorizes replacement of a public facility, the local agency may increase the square footage of the facility replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency;
- (4) Funding for a public facility which is replaced through a grant of state assistance shall be based on the cost to replace the predisaster design of the facility, with cost allowances for current codes, standards, and approved hazard mitigation; and,
- (5) Prior to completing any betterments to a facility for which state funds have been authorized for replacement under this chapter, the applicant shall submit a written request to the Director, or his/her designee, which details the additional work to be completed.

### **§ 2945. Streets, Roads, and Bridges.**

#### (a) General Eligibility

Existing streets, roads, and bridges, maintained with Highway Users Tax Funds by an eligible applicant, are eligible for permanent repair or replacement.

#### (b) Limitations of Eligibility

- (1) Permanent restoration of damaged or destroyed facilities will be on the basis of the predisaster design of such facility, in conformity with current

codes, standards, and approved hazard mitigation, to accommodate present day traffic; and,

- (2) If no standards are applicable, repair or replacement shall be limited to the costs of returning the facility to predisaster design and approved hazard mitigation.
- (c) Criteria for Roads and Streets
- (1) Hard road surfacing damaged to an extent as to make patching impractical may be replaced to its predisaster condition to provide an all-weather road to permit normal flow of traffic;
  - (2) Roads and streets in urban areas where necessary repairs are required from curb to curb are eligible;
  - (3) Items such as manholes and curbs damaged by the disaster are eligible;
  - (4) Public sidewalks are eligible for repair or replacement if they are within the right-of-way and are the responsibility of the local agency;
  - (5) Repairs to alleys which provide an essential service and are the responsibility of the local agency are eligible;
  - (6) Repair or replacement of traffic control signs and signal lights are eligible;
  - (7) Gravel and unimproved roads subject to width limitations are eligible providing the repairs do not constitute an improvement over their predisaster condition unless said improvements comply with an approved hazard mitigation project; and,
  - (8) Shoulders and embankments are eligible for repair or replacement.
- (d) Criteria for Bridges and Crossings

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- (1) Construction of bridges and crossings will follow the local agency's current standard of design. Estimates will be prepared on a state DSR (Cal EMA 90, Rev. 12/09, incorporated by reference) with a Bridge Survey completed as an attachment;
  - (2) Publicly owned water and sewer lines or utility services carried by an existing bridge which has been damaged or destroyed are eligible. The scope of proposed work and estimated cost shall be shown separately on a state DSR (Cal EMA 90, Rev. 12/09, incorporated by reference);
  - (3) Where an essential bridge has been destroyed or damaged to an extent that repair or replacement is not technically or economically feasible, an alternate method of replacement may be approved by the inspector. If it can be shown that current codes and standards are being met and no greater costs are involved, or if additional project costs meet the regulatory criteria for state hazard mitigation, the applicant may construct a bridge substitute such as a culvert crossing or low-water crossing at the original location, or at an alternate site. If an alternate site is chosen, the cost of acquisition of real estate or right-of-way for relocation purposes must be borne by the applicant; and,
  - (4) Bridges (including foot bridges) not owned by and not the direct responsibility of the local agency are ineligible.
- (e) Criteria for Culverts and Low-Water Crossings
- (1) Capacity of a replacement culvert will be based on the predisaster design, in conformity with

- present-day standards or an approved hazard mitigation design; and,
- (2) The cost of replacing a damaged or destroyed culvert or crossing with one that will more adequately serve the present and future public needs may be authorized on the basis of the predisaster design, in conformity with current codes and standards or by an approved hazard mitigation project.

### **§ 2950. Dikes, Levees and Flood Control Works.**

#### (a) General Eligibility

Flood control, drainage, irrigation works, pumping stations, and facilities which are operated or maintained by an eligible applicant and which do not come within the provisions of another statutory authority are eligible for permanent repair, restoration, or replacement.

#### (b) Limitations of Eligibility

- (1) Earth filled dikes and levees shall be limited to the previously existing elevation and general cross-section, unless required by current codes and standards or improved by an approved hazard mitigation project. Rip rap may be allowed as replacement, for hazard mitigation, or if justified by an immediate threat to the location under repair, as an emergency measure;
- (2) Appurtenant essential structures are eligible if consistent with the purpose for which the repairs are intended. An impervious core is eligible if definitely required and justified;

- (3) Repairs may also include restoration of cutoff walls or closure structures. Repair of erosion damage which was a direct result of the ongoing disaster may be made to the extent necessary to ensure structural integrity of the dike or levee; and
  - (4) Repair or restoration of the roadway along the top of the structure required to provide access for maintenance and flood control operations will not exceed that which previously existed, unless as directed by an approved hazard mitigation project.
- (c) Criteria for Drainage Ditches and Canals
- (1) Restoration or repair of drainage ditches and canals which were damaged or destroyed as a result of the disaster, when the responsibility of the local agency, are eligible.
- (d) Criteria for Irrigation Works and Facilities
- (1) Except as directed by an approved hazard mitigation project, permanent repair, restoration, or replacement of irrigation works and facilities shall be limited to the reconstruction necessary to restore the facility to its predisaster condition, in accordance with current codes and standards. Finish generally shall not exceed rough grading. Appurtenant essential structures such as drops, checks, siphons, and flumes shall be constructed of appropriate materials consistent with the purpose for which the structures are intended;
  - (2) Essential buildings pertinent to the operation of the irrigation facilities are eligible under the standards outlined in Section 2955 of these regulations; and,

- (3) When it is not feasible to reconstruct or repair damaged facilities in their predisaster location, or when savings can be realized by relocation, replacement facilities may be constructed at alternate locations. If an alternate site is chosen, the cost of acquiring real estate or rights-of-way is the responsibility of the applicant.

### **§ 2955. Public Buildings.**

#### (a) General Eligibility

Existing local agency buildings, except inactive or abandoned facilities, maintained by an eligible applicant are eligible for state assistance for permanent repair or replacement costs to the extent necessary for the local agency to obtain a Certificate of Occupancy. This restriction does not apply to facilities that are temporarily removed from service for repairs or maintenance.

#### (b) Limitations of Eligibility

Permanent restoration or repair eligibility for a damaged or destroyed public facility will be on the basis of predisaster design of such facility, in conformity with current codes and standards, except as directed by an approved hazard mitigation project. The extent of reimbursement shall be controlled by the facility's use and the function it performs for the community. The following information is furnished for guidance:

- (1) Damage to the exterior of a building shall be repaired with like materials unless less expensive material is available;
- (2) Nonstructural and fixed equipment, such as floors, walls and ceilings, doors and windows, and roofing, is eligible for repair when damaged;



- (3) Mechanical and electrical equipment, heating systems, plumbing fixtures, and air conditioning systems are eligible for repair or replacement to the extent of returning the facility to its predisaster condition. Air conditioning will not be approved where it did not exist prior to the disaster event, unless required by current codes and standards;
- (4) Fixed appliances, dishwashers, garbage disposals, water heaters, light fixtures, and sump pumps plumbed into the structure are considered as a part of the structure and if damaged or destroyed are eligible for repair or replacement;
- (5) Electrical wiring, plumbing and utilities, if damaged as a result of the disaster, shall be repaired to conform to local codes;
- (6) Replacement of a building may be eligible when a determination has been reached that it would not be economically or technically feasible to make repairs. A suitable replacement structure equal in functional requirements to the facility damaged or destroyed, conforming to current codes and standards, and including cost effective hazard mitigation, may be authorized. In such instances, adequate justification will be detailed in the state DSR (Cal EMA 90, Rev. 12/09, incorporated by reference), including comparable cost estimates. The inspector shall ascertain if the entire destroyed facility was being utilized by the applicant prior to the disaster and make appropriate comments on the state DSR (Cal EMA 90, Rev. 12/09, incorporated by reference). Functional

- requirements for the new structure shall take precedence over any design factors;
- (7) The state cost estimate for the replacement facility will be based on the floor area of the original building, except in those instances where local codes require a specific footage or area per person; and then only to the extent of the capacity originally intended in the original structure;
  - (8) Relocation from the original site may, in some instances, be more advantageous and economical. In such cases, the acquisition costs of land, easements or rights-of-way is the responsibility of the local agency; and,
  - (9) Increased capacity and added operating features are betterments and will be borne by the local agency. Construction materials shall be those types required consistent with the location, usage, and function of the replacement. Long-term maintenance expenses are not considered a controlling factor.
  - (10) Temporary relocation costs are eligible for reimbursement when an eligible damaged facility must be vacated to ensure public safety, to complete construction, or if it is otherwise impractical for the facility to continue operating while the approved work is underway. Such costs must be reasonable and necessary to reestablish the minimum services normally provided by the damaged facility. If temporary relocation costs are expected to exceed \$100,000 or twenty-five percent (25%) of approved repair or replacement funding, whichever is greater, or if the length of relocation will exceed 6 months,

the applicant must obtain prior written approval from the Deputy Director.

### **§ 2960. Utilities.**

#### (a) General Eligibility

Utilities include but are not limited to such services as water, power, and sewage facilities.

#### (b) Limitations of Eligibility

(1) Repair or replacement of public utilities shall be limited to work necessary to permit a safe resumption of service, in accordance with current codes and standards;

(2) By-passing, cleaning, or demolition, when required in making permanent repairs, may be considered but only to the extent that it relates to the permanent repair; and,

(3) Repair or replacement of public utility distribution systems shall be of the same general type of materials as previously existed. If more economical and satisfactory alternate materials which meet current codes and standards are available, they shall be used. Essential buildings and related equipment appurtenant to the operation which are classed as real property which were damaged or destroyed as a result of the disaster are eligible.

### **§ 2965. Other Eligible Work.**

#### (a) General Eligibility

Certain other items, such as repairs to or the replacement of parks or other recreation facilities, district roads and access facilities may be eligible for state assistance, subject to the repair or replacement criteria referenced above. Other

eligible costs may include any assistance deemed necessary by the Director as stated in writing explaining the basis for the finding of necessity.

(b) Engineering and Feasibility Studies

- (1) The Director shall approve an estimate for the cost of basic engineering services, when determined necessary for construction projects.
- (2) The costs of special engineering services, such as surveys, soil investigations, or feasibility studies for repair vs. replacement determination, will be approved separately when necessary to accomplish eligible work.
- (3) Any reimbursement for architectural, construction management, or engineering services shall be based on reasonable actual costs.

(c) Hazard Mitigation

- (1) Eligible mitigation measures must be cost effective over the projected life of the facility, for a specific facility hazard mitigation project, and substantially reduce the risk of repetitive and/or future damage, hardship, loss, or suffering resulting from a disaster or emergency.
- (2) Applicants with facilities subject to repetitive damage must show cause when hazard mitigation measures are not considered when repairing new disaster damage.
- (3) Applicants with facilities in high hazard zones, or identified as a potential hazard mitigation project site in the local hazard mitigation plan, should examine hazard mitigation project possibilities when disaster repairs to these facilities are being considered.

- (4) Cost effective measures are those that will not cost more than the anticipated value of the reduction in both direct damages and subsequent indirect negative impacts to the area if future disasters or emergencies occur.
- (i) Mitigation projects costing less than fifteen percent (15%) of the approved project repair, restoration, or replacement costs shall be considered cost effective.
  - (ii) Mitigation projects above fifteen percent (15%) of the approved project cost may be considered cost effective if an acceptable benefit-cost analysis has been performed.
- (d) Landslide Stabilization  
Stabilization of landslides are eligible under the following circumstances: emergency and temporary action taken to protect life and improved property from imminent damage from a landslide; and/or the permanent stabilization of a landslide that provides an engineered purpose for a public facility, such as a building foundation or roadway.
- (e) Trees, Shrubs and Vegetation  
The replacement of trees, shrubs and vegetation that provide an engineered purpose may be eligible for reimbursement at the minimum level necessary to restore the engineered function. Engineered purpose for trees, shrubs and vegetation typically include wind barriers, erosion control, and traffic screening or separation.

### **§ 2966. Environmental Compliance.**

General provisions for compliance with CEQA and permitting responsibilities:

- (a) Prior to commencing work on a project, other than engineering, design or environmental assessment work necessary to determine the scope of work or funding eligibility, each applicant shall, if required by CEQA, prepare, adopt, certify or file, the appropriate CEQA document(s);
- (b) Prior to commencing work on a project, other than engineering, design or environmental assessment work necessary to determine the scope of work or funding eligibility, each applicant shall be responsible for obtaining the permits, clearances and necessary approvals from state and local agencies; and,
- (c) Applicants shall maintain adequate documentation that demonstrates their compliance with this Section and, upon request, shall furnish the documentation to Cal OES.

### **§ 2970. Application Process.**

- (a) Basic Procedures:
  - (1) To be eligible for assistance under the Act, a city, county or city and county must proclaim a local emergency within ten (10) days of the actual occurrence of a disaster and the proclamation must be acceptable to the Director, or the Governor must make a State of Emergency Proclamation. When a county has proclaimed a local emergency based upon conditions which include both incorporated and unincorporated territory of the county, it is

- not necessary for the cities to also proclaim the existence of a local emergency independently;
- (2) The city, county or city and county shall provide the Director written notification of a proclamation of local emergency and request for a Director's concurrence or State of Emergency proclamation within ten (10) days of the actual occurrence of a disaster. Upon receipt of the city, county or city and county's notification, the Director shall issue either (A) approval or denial of the Director's concurrence or recommendation that the Governor proclaim a state of emergency, or (B) written notification to the affected city, county or city and county indicating the approximate timeframe for rendering a recommendation. A Preliminary Damage Assessment (PDA) may be scheduled with the affected local agency to obtain additional information. If it is determined that state assistance will be provided, the affected local agency will be notified by the Director of such assistance as well as the application procedures;
  - (3) The Director, or his/her designee, shall notify the affected city, county or city and county of the incident period beginning and end dates;
  - (4) A local agency must submit a Project Application (Cal EMA 126, Rev. 12/09, incorporated by reference) to Cal OES within sixty (60) days after the date of a local proclamation. The Director or his/her designee may extend this deadline only for unusual or extraordinary circumstances. When filing an application for assistance, an applicant must

attach a List of Projects (Cal EMA 95, Rev. 12/09, incorporated by reference). Formats other than the Cal EMA 95 may be substituted if they contain the required information. Prior to application approval by the state, an applicant shall also submit or have on file a resolution designating an authorized representative. In the event of a federal declaration of a major disaster or emergency, the submittal of a federal Request for Public Assistance (FEMA 90-49, Rev. 9/98, incorporated by reference) within the specified federal application period, will meet the state application requirement;

- (5) After receipt of the application and a list of projects, Cal OES will, if necessary, schedule an on-site review of all submitted items, which will be singly detailed on separate DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference). Under normal circumstances, the state will complete DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference) with cost estimates for an applicant agency within sixty (60) days from the date of the local agency application. When a public facility, damaged in a prior disaster event, has not been completely repaired or restored at the time of a subsequent disaster event, the total damage and scope of work for both disasters, excluding the prior disaster work already completed, will be detailed on a DSR. In addition, a separate DSR will be prepared to deobligate any unexpended funds previously provided for the incomplete portion of work;



- (6) Upon approval of eligible costs, Cal OES will send copies of the state DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference) and a computerized summary of all approved costs to the applicant's authorized representative for review and approval. Cal OES will send the completed application to the applicant's designated authorized representative for review and approval with an Applicant Approval Form (CDAА Form 3a, Rev. 1/03, incorporated by reference);
- (7) Upon receipt of an Applicant Approval Form (CDAА Form 3a, Rev. 1/03, incorporated by reference), Cal OES will process an allocation for the state share of approved costs through the State Controller's Office. An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the right to a fair hearing or an appeal, by signing the Applicant Approval Form;
- (8) If the Governor proclaims a state of emergency or a catastrophic failure due to excessive damage to Federal Aid Highways as defined in Title 23 United States Code §101, the Governor may request Emergency Relief (ER) funds pursuant to Title 23 United States Code §125. Upon implementation by the FHWA, the ER Program will be initiated and administered by the California Department of Transportation (Caltrans) pursuant to Streets and Highways Code Section 820 et seq.;
- (9) All projects in the local agency application under the Act that are located Federal-Aid

Highways and are to be financed in whole or in part from federal ER funds under an approved ER program, shall be transferred to and administered by Caltrans in accordance with Title 23 United States Code. A separate local agency-Caltrans state agreement will be entered into covering those ER projects that are transferred and Caltrans will provide a copy of the agreement to Cal OES;

- (10) Caltrans will reimburse the local agencies any and all eligible amounts due them from the share of costs assessable against federal ER funds or a prorated amount if the federal allocation of ER funds for the disaster is insufficient to meet all eligible costs; and,
  - (11) When all work is satisfactorily completed and the agreement is administratively closed, Caltrans will provide all final documentation and the closing date of the agreement to Cal OES. This will allow Cal OES and Caltrans to make a final settlement with local agencies on the approved and accepted projects relating to Federal-aid Highways, non-Federal-aid Highways and other public facilities restored or replaced under the Act.
- (b) Special Procedures for School Districts:
- (1) Upon implementation of the Act, Cal OES will notify the Superintendent of Public Instruction of the availability of state financial assistance, providing copies of eligibility guidelines and instructions and forms, for distribution to affected school districts;
  - (2) An affected school district must submit a Project Application (Cal EMA 126, Rev. 12/09,

incorporated by reference), to the Superintendent, within sixty (60) days from the date of the local proclamation. The Director, or his/her designee, may extend this deadline only for unusual circumstances. When filing an application for assistance, an applicant must attach a separate List of Projects (Cal EMA 95, Rev. 12/09, incorporated by reference) for each affected school within the district. Formats other than the Cal EMA 95 may be substituted if they contain the required information. Prior to funding authorization, an applicant school district must also submit or have on file a resolution designating an authorized representative;

- (3) After the review and approval of the application for assistance, the Superintendent will forward the original Project Application (Cal EMA 126, Rev. 12/09, incorporated by reference), list of projects, and any other supporting documentation to the Director for processing by Cal OES;
- (4) After receipt of the application and a list of projects, Cal OES will, if necessary, schedule an on-site review of all submitted items, which will be singly detailed on separate DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference). Under normal circumstances, the state will complete DSRs (Cal EMA 90s, Rev. 12/09, incorporated by reference) with cost estimates for an applicant agency within sixty (60) days from the date of the local agency application;
- (5) The completed application will also include a computerized summary of all approved costs by line item. Cal OES will send the completed

application to the applicant's designated authorized representative for review and approval with an Applicant Approval Form (CDAА Form 3a, Rev. 1/03, incorporated by reference);

- (6) Upon receipt of an Applicant Approval Form (CDAА Form 3a, Rev. 1/03, incorporated by reference), Cal OES will process an allocation for the state share of approved costs through the State Controller's Office. An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the right to a fair hearing or an appeal by signing an Applicant Approval Form (CDAА Form 3a, Rev. 1/03, incorporated by reference); and,
  - (7) Funds paid against approved claims will be disbursed to the appropriate County Office of Education. All school district applicants are required to comply with the provisions of the U.S. Department of Education, when federal school disaster assistance programs are implemented in accordance with Public Laws 81-815 and 81-874.
- (c) Time Limitations for Work Completion:
- (1) In the event of a Director's concurrence with a local proclamation or a state of emergency proclamation involving no federal assistance, the deadlines shown below are set from the date of the local proclamation and apply to all projects. Applicants receiving federal major disaster or emergency assistance are expected to comply with federal regulations, which establish deadlines according to the date that a major disaster or emergency is declared;

(2) Completion deadlines:

TYPE	MONTHS
Debris clearance	6
Emergency work	6
Permanent work	18

(3) The Director may impose less stringent deadlines for work completion, if considered appropriate; or

(4) The Director may extend work completion deadlines for extenuating circumstances or unusual project requirements beyond the control of an applicant. Requests for time extensions, with appropriate justification, shall be submitted by an applicant as soon as it becomes apparent that the applicable deadline cannot be met.

(d) Supplements:

(1) During the performance of approved work, an applicant may discover that actual project costs exceed the approved DSR estimate. A supplement should be requested:

- (A) When there is a change in the scope or method of performing approved work; or,
- (B) When it is discovered that there is a substantial cost overrun to perform approved work.

(2) An applicant may submit a supplement request for a substantial cost overrun, in letter form, to Cal OES in a timely manner and, whenever possible, prior to the completion of the work in question. The request shall contain sufficient documentation to support the eligibility of all

claimed work and costs. However, cost overruns may also be addressed at the time of Final Inspection;

- (3) Requests for a change in project scope must be filed, in writing, prior to work commencement and shall contain sufficient documentation to support the eligibility of all additional proposed work and costs; and,
  - (4) Cal OES shall formally notify the applicant of the determination. Approved supplements are processed in the same manner described above for a project application.
- (e) State Share:
- For any eligible project, the state share shall amount to no more than 75 percent of the total state eligible costs unless the local match is waived by either the Director in accordance with Government Code Section 8687.2 or by amendment to the Code. The state shall make no allocation for any project application resulting in a state share of less than two-thousand five-hundred dollars (\$2,500). This provision shall not apply to those project applications which result in a state share of \$2,500 or greater and are subsequently reduced.
- (f) Quarterly Progress Reports:
- Applicants must submit information to Cal OES in order for the state to comply with state and federal grant reporting requirements. Such information will generally include project status and draw-down projections on which final project payment has not been made to the applicant. Failure to submit such information may jeopardize the availability of state and federal grant funding.
- (g) Advances:

- (1) Funds may be advanced for up to ninety percent (90%) of an applicant's approved allocation. Requests for advances should be made using a Request for Advance of Funds (CDAА Form 3a, Rev. 1/03, incorporated by reference). No request for an advance will be processed prior to Cal OES' receipt of a resolution designating an authorized representative. Advances shall be provided to applicants in order to meet current obligations and anticipated expenditures. The state reserves the right to request documentation justifying large advances.
  - (2) As a requirement of this program, an applicant must establish a special fund or account for the deposit of any state funds received. Under no circumstances should expenditures be made from this fund/account for non-approved disaster related items. Furthermore, all expenditures drawn on this account must be applied toward damages sustained from the specified disaster for which funds were advanced. Any interest earned from state funds is the property of the state and must be refunded.
- (h) Loans and Deferred Payments:
- (1) The Director may loan money to a local agency, if in the Director's opinion, the local agency is currently unable to meet its financial obligations under the Act.
  - (2) Money may be loaned to a local agency for purposes of ensuring that the local agency is able to meet its local share matching requirements, for the repair or replacement of a

public facility, or for any other purpose which the Director considers a loan of money necessary and appropriate.

- (3) The loan agreement executed between the Director and the local agency must comply with the State Contract Act and will provide for repayment of the principle and interest within ten years from the date of execution of the agreement. Interest will be estimated at an amount equal to the revenue which the state would have derived by investing the total loan amount, at the interest rate prevailing for legal state investments, on the date the loan is made.

### **§ 2980. Final Claim Process.**

(a) Forms:

After completing all approved work items, a local agency must file a final claim with Cal OES. Final claim documents shall be completed and submitted within sixty (60) days of the completion of all eligible work items. Final claim documents are as follows:

Disaster Type	Final Claim Form
State-only under a Director's concurrence with a local emergency or Governor's state of emergency proclamation and cost-share with federal programs other than FEMA	CDAА Project Summary (CDAА 4) Project Summary Certification of Documentation (CDAА Form 4a, rev. 1/03, incorporated by reference)



## CDA Regulations

Disaster Type	Final Claim Form
Cost share with FEMA disaster or emergency	Federal Project Listing (P.4)

### (b) Claimed Costs:

When preparing a claim, all eligible items approved in the application must be included, even though the total amount expended may exceed the amount approved by Cal OES. Substantial cost overruns in excess of the approved application amount shall be submitted to Cal OES for approval prior to filing a final claim.

### (c) Final Inspections:

- (1) All costs and work items included in an applicant's claim are subject to final review and inspection by the state. Cal OES, or a state agency assigned by Cal OES under Government Code Section 8685.4, may perform an on-site review of any or all completed work items. All supporting claim documentation must be at one specific location to facilitate inspection and audit processes. Inspectors shall have access to original source documentation at the time of final inspection; and,
- (2) Final supplements to approved applications will cover cost over-runs and under-runs.

(d) Audits: The Director shall conduct audits and investigations as necessary to ensure compliance with these regulations and, in connection therewith, may question such persons as may be necessary to carry out such audits and investigations. In order to make audits, examinations, excerpts and transcripts,

Federal and State auditors, and the Director, or their duly authorized representatives, shall have the right of access to any books, documents, papers, or other records which are pertinent to any activity undertaken or funded under these regulations. The rights of access shall last as long as the records are retained if retention exceeds what is required under these regulations.

- (e) **Retention Requirements for Records:** The Director will notify each applicant of the starting date of the retention period. The applicant shall retain all financial and program records, supporting documents, statistical records, and other records reasonably considered as pertinent to program regulations, or the grant agreement, for three years from the starting date of the retention period.
- (f) **Original Source Documentation:** Microfilm, microfiche, or other representations of original source documents may be accepted in lieu of original source documents, if the local agency provides to Cal OES an independent or internal auditor's report attesting to the accuracy of the alternate forms of original source documents.
- (g) **Final Funding Determination:** Any funds owed to an applicant by the state shall be paid after final determination of eligible costs by Cal OES, upon review of the final inspection report or audit.
- (h) **Recovery of Funds:** If a final inspection, audit, or other review by an awarding agency or any other authorized entity determines that payment made to the applicant exceeds the amount of actual eligible costs, Cal OES shall invoice the applicant for funds received in excess of the actual eligible costs.

The applicant shall, within thirty (30) days of receipt of the invoice, repay the invoiced amount.

### **§ 2990. Fair Hearing Process.**

In the event of a dispute or grievance between the local agency and the state concerning the application, the following administrative procedures shall be followed by both parties, prior to either party seeking judicial review:

(a) Level One:

The local agency shall first discuss the grievance with the field representative assigned by the Cal OES Recovery Division. If the grievance cannot be resolved at this stage, the local agency shall direct the grievance, together with any information in writing, to the Deputy Director, Cal OES Recovery Division or his/her designee, within sixty (60) working days of receipt of notification of the issue to be grieved, unless this deadline is extended by Cal OES. The grievance must state the issues in the dispute, the legal authority, or other basis for the local agency's position, and the remedy sought. The Deputy Director, Cal OES Recovery Division or his/her designee, shall make a determination on the grievance within sixty (60) working days after receipt of the written communication from the local agency. The Deputy Director, Cal OES Recovery Division or his/her designee, shall respond in writing to the local agency indicating the decision reached and the reasons therefor. Should the local agency disagree with this decision, the local agency may appeal to the second level.

### (b) Level Two:

The local agency shall prepare a letter indicating why the Deputy Director of Cal OES Recovery Division's or his/her designee's decision is unacceptable, attaching to it the local agency's original statement of the dispute with supporting documents, together with a copy of the Deputy Director of Cal OES Recovery Division's or his/her designee's response. This letter shall be sent to the Director of Cal OES within sixty (60) working days from receipt of the Deputy Director of Cal OES Recovery Division's or his/her designee's decision, unless this deadline is extended. Based upon a request from the local agency, the Director of Cal OES may meet with the local agency representatives to review the grievance and the issues raised. The Director of Cal OES shall issue a written decision to the local agency within sixty (60) working days of receipt of the local agency's letter. This written decision shall be deemed a final judgment for purposes of this Fair Hearing Process.

## **Article 2**

### **§ 2991. Definitions.**

The following definitions apply to this article:

- (a) Essential Community Services: Providing governmental type direct services to the community affected by an emergency or disaster, through the distribution of supplies and other disaster or emergency assistance activities. Private Nonprofit (PNP) activities are those that provide essential services including but not limited to food, water, and shelter.

- (b) Hazard Mitigation: Any cost-effective measure which will reduce the potential for damage to a facility from a future disaster event.
- (c) Intermediary Private Nonprofit (Intermediary PNP): Any private not for profit organization as defined in Section 2991 (e) that, through written agreement with a local agency, is responsible for the coordination of multiple PNPs performing essential community services within the specific jurisdiction of that local agency.
- (d) Local Agency: Any city, city and county, county, county office of education, community college district, school district, or special district.
- (e) Private Nonprofit (PNP): Any private not for profit organization that is compliant with 44 CFR Section 206.221 (f) having:
  - (1) An effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under Sections 501 (c), (d), or (e) of the Internal Revenue Code of 1954, or
  - (2) Satisfactory evidence from the state that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under state law.

### **§ 2992. General Provisions for Eligible Private Nonprofit (PNP) Activities.**

- (a) The PNP or Intermediary PNP applicant must meet all eligibility requirements described in this section.
- (b) When a state of emergency is proclaimed by the Governor, an eligible PNP or the Intermediary PNP applicant may receive state assistance pursuant to Government Code Section 8692. This applies to any

emergency proclaimed by the Governor on or after December 21, 2010.

- (c) An eligible PNP applicant may receive state financial assistance as reimbursement for the performance of essential community services provided such expenditures meet all of the eligibility requirements.
- (d) An eligible Intermediary PNP applicant may receive state financial assistance as reimbursement for the coordination of multiple PNPs performing essential community services provided such expenditures meet all of the eligibility requirements.
- (e) No PNP activities resulting from self-deployment will be eligible for reimbursement.
- (f) No state financial assistance shall be made available for any activity that occurs more than six (6) months from the date of the Governor's Proclamation without prior written approval from the California Governor's Office of Emergency Services (Cal OES).
- (g) An eligible PNP applicant shall utilize the application process as described in Section 2996. An eligible Intermediary PNP applicant shall utilize the application process as described in Section 2996.1.

### **§ 2993. PNP Applicant Eligibility.**

- (a) A PNP organization must meet all of the following criteria for eligibility to apply for state financial assistance:
- (b) A PNP organization is not eligible if it uses public funds for religious means as described in Government Code Section 8692(d) while providing emergency assistance activities.

- (3) An eligible PNP applicant must meet the definition of PNP as defined in Section 2991 (e).
- (4) An eligible PNP applicant must provide essential community services as defined in Section 2991 (a).

### **§ 2993.1. Intermediary PNP Applicant Eligibility.**

- (a) An Intermediary PNP organization must meet all of the following criteria for eligibility to apply for state financial assistance:
  - (1) An eligible Intermediary PNP applicant must meet the definition of an Intermediary PNP as defined in Section 2991 (c).
  - (2) An eligible Intermediary PNP applicant must be responsible for the coordination of multiple PNPs as described in a written agreement with the requesting local agency. The written agreement shall meet all of the following requirements:
    - (A) The written agreement shall contain a list of the PNPs performing essential community services that the Intermediary PNP is responsible for coordinating.
    - (B) The written agreement shall describe the process the requesting local agency will utilize to request the Intermediary PNP to provide the coordination of essential community services performed by the listed PNPs.
    - (C) The written agreement shall be executed within 30 days of the date of the Governor's State of Emergency Proclamation issued in response to an emergency or disaster.

- (D) This deadline for the execution of the written agreement may be extended by the Cal OES Director only for unusual or extraordinary circumstances upon written request by the Intermediary PNP or requesting local agency.
- (3) An eligible Intermediary PNP, as an applicant requesting reimbursement on behalf of the PNPs they are responsible for coordinating, must have a written agreement with these PNPs. The written agreement shall meet all of the following requirements:
  - (A) A description of the process for the local agency to request the performance of essential community services by the listed PNPs through the Intermediary PNP.
  - (B) An authorization statement with signature that the Intermediary PNP will comply with the procedures and requirements described in the agreement.

### **§ 2994. PNP Activities Eligibility.**

- (a) To be eligible for state financial assistance, the PNP activities must meet all the following criteria:
  - (1) Eligible activities must be requested by a local agency or the state and completed within a timeframe established by the requesting agency. A written agreement between an eligible PNP and the requesting local agency may replace such request if the agreement specifies the requirements of deployment and is executed prior to providing the essential community services.



- (2) Eligible activities must relate directly to a state of emergency as proclaimed by the Governor and be in support of the community affected by the emergency or disaster.
  - (3) Consistent with Government Code Section 8692(d), eligible activities must comply with state and federal civil rights laws that prohibit discrimination, and the First Amendment to the United States Constitution with regard to the use of public funds for religious activities.
- (c) Hazard mitigation, repair or permanent restoration to facilities or real property damaged by an emergency or disaster are not eligible activities under this section.

### **§ 2994.1. Intermediary PNP Coordination Activities Eligibility.**

- (a) To be eligible for state financial assistance, the Intermediary PNP coordination activities must meet all the following criteria:
- (1) Eligible coordination activities must be requested by a local agency in accordance with a written agreement between the Intermediary PNP and the local agency.
  - (2) Eligible activities include the coordination of multiple PNPs listed in the written agreement in the performance of essential community services for the requesting local agency.
  - (3) Consistent with Government Code Section 8692(d), eligible activities must comply with state and federal civil rights laws that prohibit discrimination, and the First Amendment to the

United States Constitution with regard to the use of public funds for religious activities.

- (4) Eligible coordination activities must relate directly to a state of emergency as proclaimed by the Governor and be in support of the community affected by the emergency or disaster.

### **§ 2995. PNP Cost Eligibility.**

- (a) Eligible activities must result in documented extraordinary costs.
- (b) Reasonable equal value replacement costs for documented pre-event inventory provided to the community affected by the proclaimed emergency or disaster may be eligible for reimbursement if the inventory is necessary to the PNP's ability to provide the essential community services requested by the local agency or the state.
- (c) PNP costs as described below are ineligible for state financial assistance.
  - (1) No state financial assistance will be provided for costs or expenditures prohibited by the federal or state constitution, federal or state law, or federal or state regulation.
  - (2) No reimbursement will be provided for donated resources received by the PNP on or after the first day of the incident period as specified in the Governor's State of Emergency Proclamation for the emergency or disaster for which the PNP is seeking reimbursement by the state.
  - (3) No reimbursement will be provided for donated or volunteer labor.

- (4) No reimbursement will be provided for vouchers, debit cards or other monetary relief provided to the community affected by an emergency or disaster.
- (5) No state financial assistance will be provided for damages caused by negligence or intentional acts.
- (6) No funds allocated shall be used to supplant state or federal funds otherwise available in the absence of state financial relief or assistance.

### **§ 2995.1. Intermediary PNP Cost Eligibility.**

- (a) Eligible coordination activities of multiple PNPs performing essential community services must result in documented extraordinary costs.
- (b) Intermediary PNP coordination costs as described below are ineligible for state financial assistance.
  - (1) No state financial assistance will be provided for costs or expenditures prohibited by the federal or state constitution, federal or state law, or federal or state regulation.
  - (2) No funds allocated shall be used to supplant state or federal funds otherwise available in the absence of state financial relief or assistance.

### **§ 2996. PNP Application Process.**

- (a) An eligible PNP applicant must submit to Cal OES, a PNP Application (Cal EMA PNP-2011-APP, 5/2011), hereby incorporated by reference, within 60 days after the date of a Governor's Proclamation.
  - (1) The Director or his/her designee may extend this deadline only for unusual or extraordinary circumstances.

- (2) Prior to application approval by Cal OES, an eligible PNP applicant shall also submit a PNP Applicant's Authorized Agent Resolution (Cal EMA PNP-2011-AAR, 5/2011), hereby incorporated by reference.
- (b) An eligible PNP applicant must submit a PNP Activities Claim Form (Cal EMA PNP-2011-ACF, 5/2011), hereby incorporated by reference, within 60 days of the completion of all eligible activities.
  - (1) After receipt of the PNP Activities Claim Form, Cal OES may schedule an onsite review of supporting documentation.
  - (2) The state shall provide one hundred (100) percent of the total cost of eligible PNP activities.
  - (3) Upon approval of eligible costs, Cal OES will process an allocation through the State Controller's Office. The state shall make no allocation less than one thousand dollars (\$1,000).
  - (4) If the state allocation is less than the total costs submitted on the PNP Activities Claim Form, an eligible PNP applicant has the right to a fair hearing pursuant to Section 2997.
- (c) An eligible PNP applicant providing sustained operations may submit a PNP activities claim prior to the completion of all eligible activities providing the PNP can demonstrate financial hardship.

### **§ 2996.1. Intermediary PNP Application Process.**

- (a) An eligible Intermediary PNP applicant must submit to Cal OES, a completed PNP Application (Cal EMA PNP-2011-APP, 5/2011), hereby incorporated by

reference, within 60 days after the date of a Governor's Proclamation.

- (1) The Director or his/her designee may extend this deadline only for unusual or extraordinary circumstances.
  - (2) Prior to application approval by Cal OES, an eligible Intermediary PNP Applicant's Authorized Agent Resolution (Cal EMA PNP-2011-AAR, 5/2011), hereby incorporated by reference.
- (b) An eligible Intermediary PNP applicant must submit a PNP Activities Claim Form (Cal EMA PNP-2011-ACF, 5/2011), hereby incorporated by reference, within 60 days of the completion of all eligible coordination activities.
- (c) The PNP Activities Claim Form submitted by the Intermediary PNP may include the eligible costs for all of the PNPs listed in their agreement that provided essential community services for the local agency. The Intermediary PNP will be responsible for processing the reimbursement to those listed PNPs included on their PNP Activities Claim Form.
- (1) After receipt of the Intermediary PNP Activities Claim Form, Cal OES may schedule an onsite review of supporting documentation.
  - (2) The state shall provide the Intermediary PNP one hundred (100) percent of the total eligible cost of the coordination activities and the total eligible cost paid by the Intermediary PNP to the PNPs they are responsible for coordinating.
  - (3) Upon approval of eligible costs, Cal OES will process an allocation through the State Controller's Office. The state shall make no allocation less than one thousand dollars (\$1,000).

- (4) If the state allocation is less than the total costs submitted on the activities claim, an eligible Intermediary PNP applicant has the right to a fair hearing pursuant to Section 2997.

### **§ 2997. Fair Hearing Processes.**

- (a) LEVEL ONE: The PNP or the Intermediary PNP shall submit a formal written description of the grievance with supporting documentation, to the Deputy Director of Recovery (Deputy Director) of Cal OES. The Deputy Director or his/her designee shall respond with a written decision within ten (10) working days from receipt. Should the PNP or the Intermediary PNP disagree with the decision, the PNP or the Intermediary PNP may appeal to the second level.
- (b) LEVEL TWO: The PNP or the Intermediary PNP shall prepare a formal response disputing the decision made by the Director. The PNP or the Intermediary PNP response shall include the original description of the grievance with supporting documentation, together with a copy of the response from the Deputy Director. This response shall be sent to the Director of Cal OES within thirty (30) working days from receipt of the decision of the Deputy Director. The Director or his/her designee shall issue a written decision to the PNP or the Intermediary PNP within sixty (60) working days of receipt of the PNP's or the Intermediary PNP's formal response. This written decision shall be deemed a final judgment for purposes of this fair hearing process.

### **§ 2998. Audit.**

The Director or his/her duly authorized representative shall conduct audits and investigations as necessary to ensure compliance with these regulations. State auditors, and the Director or his/her duly authorized representative, shall have the right to question any person, as appropriate, and to access all financial and program records and supporting documentation pertinent to any activity funded under these regulations. The rights of access shall last for the full length of the retention period as required under these regulations.

### **§ 2999. Requirements for Records.**

- (a) The PNP or the Intermediary PNP applicant shall retain all financial and program records and supporting documentation, reasonably considered as pertinent to these regulations for three years from the starting date of the retention period. The Director or his/her duly authorized representative will notify each PNP or the Intermediary PNP applicant of the starting date of the retention period.
- (b) Microfilm, microfiche, or other representations of original source documents may be accepted in lieu of original source documents, if the eligible PNP or the Intermediary PNP applicant provides to Cal OES an independent or internal auditor's report attesting to the accuracy of the alternate forms of original source documents

### **§ 2999.1. Intermediary PNP Application Process. [Renumbered]**

### **§ 2999.2. Fair Hearing Processes. [Renumbered]**

**§ 2999.3. Audit. [Renumbered]**

**§ 2999.4. Retention Requirements for Records.  
[Renumbered]**

**§ 2999.5. Original Source Documentation.  
[Renumbered]**



# Standardized Emergency Management System (SEMS) Regulations

## *California Code of Regulations*

### *Chapter 1 of Division 2 of Title 19*

#### *Article 1*

##### **§ 2400. Short Title.**

This Chapter shall be known and may be cited as the Standardized Emergency Management System (SEMS) Regulations.

#### *Article 2*

##### **§ 2401. Purpose and Scope.**

These regulations establish the Standardized Emergency Management System (SEMS) based upon the Incident Command System (ICS) adapted from the system originally developed by the Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE) program including those currently in use by state agencies, the Multi-Agency Coordination System (MACS) as developed by FIRESCOPE program, the operational area concept, and the Master Mutual Aid Agreement and related mutual aid systems.

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SEMS is intended to standardize response to emergencies involving multiple jurisdictions or multiple agencies. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California. SEMS requires emergency response agencies use basic principles and components of emergency management including ICS, multi-agency or inter-agency coordination, the operational area concept, and established mutual aid systems. State agencies must use SEMS. Local government must use SEMS by December 1, 1996 in order to be eligible for state funding of response-related personnel costs pursuant to activities identified in California Code of Regulations, Title 19, s2920, s2925, and s2930. Individual agencies' roles and responsibilities contained in existing laws or the state emergency plan are not superseded by these regulations.

### **Article 3**

#### **§ 2402. Definitions.**

- (a) "Action Plan" means the plan prepared in the EOC containing the emergency response objectives of that SEMS level reflecting overall priorities and supporting activities for a designated period. The plan is shared with supporting agencies.
- (b) "Activate" means, at a minimum, a designated official of the emergency response agency implements SEMS as appropriate to the scope of the emergency and the agency's role in response to the emergency.
- (c) "Cal OES" means the California Governor's Office of Emergency Services.

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- (d) "Department Operations Center" means an EOC used by a district discipline (such as flood operations, fire, medical, hazardous material), or a unit (such as Department of Public Works or Department of Health). Department operations centers may be used at all SEMS levels above the field response level depending upon the impacts of the emergency.
- (e) "Disaster Assistance Program" is a program that provides state funding or reimbursement for local government response-related personnel costs incurred in response to an incident as defined in Section 2402(i).
- (f) "Emergency" means a condition of disaster or of extreme peril to the safety of persons and property caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy.
- (g) "Emergency Operations Center (EOC)" means a location from which centralized emergency management can be performed.
- (h) "Emergency Response Agency" means any organization responding to an emergency, or providing mutual aid support to such an organization, whether in the field, at the scene of an incident, or to an operations center.

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- (i) "Emergency Response Personnel" means personnel involved with an agency's response to an emergency.
- (j) "Incident" means an occurrence or event, either human-caused or by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.
- (k) "Incident Action Plan" means the plan developed at the field response level which contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next operational period. The plan may be oral or written.
- (l) "Incident Commander" means the individual responsible for the command of all functions at the field response level.
- (m) "Incident Command System (ICS)" means the nationally used standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.
- (n) "Local Government" means local agencies as defined in Government Code §8680.2 and special

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districts defined in California Code of Regulations, Title 19, §2900(y).

- (o) "Multi-agency or interagency coordination" means the participation of agencies and disciplines involved at any level of the SEMS organization working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources and the prioritization of incidents.

### **Article 4**

#### **§ 2403. SEMS Organizational Levels and Functions.**

- (a) All emergency response agencies shall use the Standardized Emergency Management System in responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, whether single or multiple discipline.
- (b) There are five designated levels in the SEMS organization: field response, local government, operational area, regional, and state. Each level is activated as needed.
- (2) "Field response level" commands emergency response personnel and resources to carry out tactical decisions and activities in direct response to an incident or threat.
- (3) "Local government level" manages and coordinates the overall emergency response and recovery activities within their jurisdiction.
- (4) "Operational area level" manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and

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- communication link between the local government level and the regional level.
- (5) "Regional level" manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to Government Code §8600 and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.
  - (6) "State level" manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.
- (c) Local government, operational area, regional, and state levels shall provide for all of the following functions within SEMS: management, operations, planning/intelligence, logistics, and finance/administration.
- (1) Management is responsible for overall emergency policy and coordination through the joint efforts of governmental agencies and private organizations.
  - (2) Operations is responsible for coordinating all jurisdictional operations in support of the response to the emergency through implementation of the organizational level's action plan.
  - (4) Planning/Intelligence is responsible for collecting, evaluating, and disseminating information;

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developing the organizational level's action plan in coordination with the other functions; and maintaining documentation.

- (5) Logistics is responsible for providing facilities, services, personnel, equipment, and materials.
- (6) Finance/Administration is responsible for financial activities and administrative aspects not assigned to the other functions.

### **§ 2405. Field Response Level.**

- (a) Emergency response agencies operating at the field response level of an incident shall utilize the Incident Command System, incorporating the functions, principles and components of ICS.
  - (1) The functions of ICS are command, operations, planning, logistics and finance.
    - (A) Command is the directing, ordering, and/or controlling of resources by virtue of explicit legal, agency, or delegated authority.
    - (B) Operations is responsible for the coordinated tactical response of all field operations directly applicable to or in support of the mission(s) in accordance with the Incident Action Plan.
    - (C) Planning (may be referred to as planning/intelligence) is responsible for the collection, evaluation, documentation, and use of information about the development of the incident, and the status of resources.
    - (D) Logistics is responsible for providing facilities, services, personnel, equipment, and materials in support of the incident.

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- (E) Finance (may be referred to as finance/administration) is responsible for all financial and cost analysis aspects of the incident, and for any administrative aspects not handled by the other functions.
- (2) The principles of ICS are that:
  - (A) The system provides for the following kinds of operation: single jurisdictional responsibility/single agency involvement, single jurisdictional responsibility with multiple-agency involvement, and multiple-jurisdictional responsibility with multiple-agency involvement.
  - (B) The system's organizational structure adapts to any emergency or incident to which emergency response agencies would be expected to respond.
  - (C) The system shall be applicable and acceptable to all user agencies.
  - (D) The system is readily adaptable to new technology.
  - (E) The system expands in a rapid and logical manner from an initial response into a major incident and contracts just as rapidly as organizational needs of the situation decreases.
  - (F) The system has basic common elements in organization, terminology and procedures.
- (3) The components of ICS are common terminology, modular organization, unified command structure, consolidated action plans, manageable span-of-control, predesignated



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- incident facilities, comprehensive resource management, and integrated communications.
- (A) Common terminology is the established common titles for organizational functions, resources, and facilities within ICS.
  - (B) Modular organization is the method by which the ICS organizational structure develops based upon the kind and size of an incident. The organization's staff builds from the top down with responsibility and performance placed initially with the Incident Commander. As the need exists, operations, planning, logistics, and finance may be organized as separate sections, each with several units.
  - (C) Unified command structure is a unified team effort which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. This is accomplished without losing or abdicating agency authority, autonomy, responsibility or accountability.
  - (D) Consolidated action plans identify objectives and strategy determinations made by the Incident Commander for the incident based upon the requirements of the jurisdiction. In the case of a unified command, the incident objectives must adequately reflect the policy and needs of all the jurisdictional agencies. The action plan for the incident covers the

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- tactical and support activities required for the operational period.
- (E) Manageable span-of-control within ICS is a limitation on the number of emergency response personnel who can effectively be supervised or directed by an individual supervisor. The kind of incident, the nature of the response or task, distance and safety will influence the span of control range. The ordinary span-of-control range is between three and seven personnel.
  - (F) Predesignated incident facilities are identified within ICS. The determination of the kinds and locations of facilities to be used will be based upon the requirements of the incident.
  - (G) Comprehensive resource management is the identification, grouping, assignment and tracking of resources.
  - (H) Integrated communications are managed through the use of a common communications plan and an incident-based communications center established for the use of tactical and support resources assigned to the incident.
- (b) Where an agency has jurisdiction over multiple-agency incidents, it shall organize the field response using ICS to provide for coordinated decision-making with emergency response agencies.

### **§ 2407. Local Governmental Level.**

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- (b) The Standardized Emergency Management System as described under SEMS Organizational Levels and Functions (§2403) shall be utilized:
  - (1) when the local government emergency operations center is activated.
  - (2) when a local emergency, as defined in Government Code §8558(c), is declared or proclaimed.
- (c) When a local government EOC is activated, communications and coordination shall be established between the Incident Commander(s) and the department operations center(s) to the EOC or between the Incident Commander(s) and the EOC. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (d) Communications and coordination shall be established between a local government EOC, when activated, and any state or local emergency response agency having jurisdiction at an incident occurring within that local government's boundaries.
- (e) Local government shall use multi-agency or inter-agency coordination to facilitate decisions for overall local government level emergency response activities.

### **§ 2409. Optional Area Level.**

- (f) "Operational Area Level" means an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area. Each county geographic

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area is designated as an operational area. An operational area is used by the county and the political subdivisions comprising the operational area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the state's emergency operation centers and the operation centers of the political subdivisions comprising the operational area, as defined in Government Code s8559(b) & s8605. This definition does not change the definition of operational area as used in the existing fire and rescue mutual aid system.

- (g) All local governments within the county geographic area shall be organized into a single operational area by December 1, 1995, and the county board of supervisors shall be responsible for its establishment.
- (h) The operational area authority and responsibility under SEMS shall not be affected by non-participation of any local government(s) within the operational area.
- (i) The county government shall serve as the lead agency of the operational area unless another member agency of the operational area assumes that responsibility by written agreement with county government.
- (j) The lead agency of the operational area shall:
  - (3) Coordinate information, resources and priorities among the local governments within the operational area.
  - (4) Coordinate information, resources and priorities between the regional level and the local

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- government level. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (5) Use multi-agency or inter-agency coordination to facilitate decisions for overall operational area level emergency response activities.
- (k) The operational area EOC shall be activated and SEMS used as described in the SEMS Organizational Levels and Functions (s2403) when any of the following conditions exists:
- (1) A local government within the operational area has activated its EOC and requested activation of the operational area EOC to support their emergency operations.
  - (2) Two or more cities within the operational area have declared or proclaimed a local emergency.
  - (3) The county and one or more cities have declared or proclaimed a local emergency.
  - (4) A city, city and county, or county has requested a governor's proclamation of a state of emergency, as defined in Government Code s8558(b).
  - (5) A state of emergency is proclaimed by the governor for the county or two or more cities within the operational area.
  - (6) The operational area is requesting resources from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as

## Standardized Emergency Management System Regulations

provided for under the Master Mutual Aid Agreement.

- (7) The operational area has received resource requests from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

### **§ 2411. Regional Level.**

- (a) The regional level EOC shall be activated and SEMS used as described in SEMS Organizational Levels and Functions (§2403) when any operational area EOC within the mutual aid region is activated.
- (b) The lead office for establishment of the regional level EOC shall be Cal OES.
- (c) The location of the regional level EOC shall be identified by Cal OES to accommodate the needs of the operational area(s) served.
- (d) When the regional level EOC is activated, communications and coordination shall be established with the operational area(s), the state level EOC, and regional level department operations centers. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (e) The regional level shall use multi-agency or inter-agency coordination to facilitate decisions for overall regional level emergency response activities.

**§ 2413. State Level.**

- (a) The state level EOC shall be activated and SEMS used as described in SEMS Organizational Levels and Functions (§2403) when any of the following conditions exists:
  - (1) A regional level EOC is activated.
  - (2) Upon the governor's proclamation of a state of emergency.
  - (3) Upon the governor's proclamation of an earthquake or volcanic prediction.
- (b) The lead agency for establishment of the state level EOC shall be Cal OES.
- (c) When the state level EOC is activated, communications and coordination shall be established with the regional level EOC(s), state level department operations centers, and federal emergency response agencies. Coordination of fire and law enforcement resources shall be accomplished through their respective mutual aid systems.
- (d) The state level shall use multi-agency or inter-agency coordination to facilitate decisions for overall state level emergency response activities.

**§ 2415. Mutual Aid.**

- (a) "Mutual Aid" means voluntary aid and assistance by the provision of services and facilities, including but not limited to: fire, police, medical and health, communication, transportation, and utilities. Mutual aid is intended to provide adequate resources, facilities, and other support to jurisdictions whenever

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their own resources prove to be inadequate to cope with a given situation.

- (b) "Mutual Aid System" means the system which allows for the progressive mobilization of resources to/from emergency response agencies, local governments, operational areas, regions, and the state with the intent of providing adequate responses to requesting agencies. The California mutual aid system includes several discipline-specific mutual aid systems (e.g., fire and rescue, law enforcement, medical and public works) which are consistent with the Master Mutual Aid Agreement.
- (c) All mutual aid systems and agreements shall be consistent with SEMS and the Master Mutual Aid Agreement.
- (d) Unless otherwise provided by agreement, the responsible local official in whose jurisdiction(s) an incident requiring mutual aid has occurred remains in charge and retains overall direction of personnel and equipment provided through mutual aid (as provided for in Government Code §8618).

### **Article 5**

#### **§ 2425. Short Title.**

The Director, Cal OES, shall establish the SEMS Advisory Board consisting of representatives from emergency response agencies to provide advice on all aspects of this Chapter.

### **Article 6**

#### **§ 2428. Minimum Performance Objectives.**



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- (a) Emergency response agencies shall determine the appropriate level(s) of SEMS instruction for each member of their staff, based upon the staff member's potential assignment during an emergency response.
- (b) Emergency response agencies shall ensure that their emergency response personnel can demonstrate and maintain, to the level deemed appropriate, the minimum SEMS performance objectives required by their agencies' training programs. Agencies shall use the Minimum Performance Objectives contained in the Approved Course of Instruction (ACI) Syllabus dated March 1, 1995, which are hereby incorporated by reference, as the basis for their training programs. Minimum Performance Objectives are contained in Paragraph D of each Course Module description.
- (c) SEMS minimum performance objectives shall be met through completion of materials from the ACI, completion of equivalent courses of instruction, or through incorporation of the objectives into exercises.

### **Article 7**

#### **§ 2443. General Provisions.**

- (a) Local government must use SEMS in order to be eligible for state funding of response-related personnel costs occurring in response to an incident as defined in § 2402(i). All state agencies shall use SEMS to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

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- (b) Compliance with SEMS shall be documented in the areas of planning, training, exercises, and performance.
- (c) All applicants for reimbursement of response-related personnel costs shall self-certify compliance with §2445, 2446, 2447, and 2448. This self-certification shall be submitted in writing with the application.
- (d) Evidence of compliance with SEMS as set forth in §2445, 2446, 2447, and 2448 shall be available for review.
- (e) When the Cal OES Director determines sufficient evidence exists to warrant a SEMS Compliance review, a Review Team shall be established to evaluate the compliance with SEMS of any local government which has requested funding of its response-related personnel costs under disaster assistance programs, or any operational area or state agency. The Cal OES Director shall notify the local government, operational area, or state agency being evaluated, the SEMS Advisory Board, and the fund(s) administrator of any disaster assistance program of the establishment of the Review Team. At a minimum, participants on the Review Team shall include peers of the entity being evaluated, Cal OES staff, and others knowledgeable in emergency operations and SEMS. The Review Team shall meet with the local government, operational area, or state agency being evaluated and solicit all pertinent information. The team may also review records and interview persons knowledgeable on the SEMS compliance activities of the entity being evaluated. The Review Team shall report its findings to the local

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government, operational area, or state agency that was evaluated, the SEMS Advisory Board, and the Cal OES Director. This report must be issued within ninety (90) days of the establishment of the Review Team.

- (f) The SEMS Advisory Board shall examine the Review Team's report within sixty (60) days of submittal of the report. The SEMS Advisory Board shall also consider additional information pertinent to the evaluation. The local government, operational area, or state agency being evaluated may submit additional information to the Board, either verbally or in writing. After consideration, the SEMS Advisory Board shall submit a recommendation to the Cal OES Director. A copy of the recommendation shall be forwarded to the local government, operational area, or state agency being evaluated.
- (g) The Cal OES Director shall make a determination on whether or not the local government, operational area, or state agency being evaluated was in compliance with SEMS. This determination shall be forwarded to the local government, operational area, or state agency being evaluated by certified letter within thirty (30) days of the SEMS Advisory Board's recommendation. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.

### **§ 2444. Appeal Process.**

- (a) In the event the local government, operational area, or state agency being evaluated disagrees with the determination of the Cal OES Director, the

## Standardized Emergency Management System Regulations

local government, operational area, or state agency may request a reconsideration of the determination. The request must be submitted within thirty (30) days of receipt of the letter of determination.

- (b) The request for reconsideration shall be in writing and indicate why the local government, operational area, or state agency disagrees with the decision, any new or additional pertinent information, and any legal authority or other basis for the disagreement with the determination.
- (c) The Cal OES Director shall review the request for reconsideration and make a determination. The local government, operational area, or state agency that submitted the request for reconsideration shall be notified of the Cal OES Director's decision by certified letter within thirty (30) days of receipt of the request for reconsideration. A copy of the determination shall be provided to the fund(s) administrator of any disaster assistance program.
- (d) The Cal OES Director's decision shall be considered final for the purposes of the appeal process.

### **§ 2445. Planning.**

Local governments, operational areas, and state agencies shall include the use of SEMS in emergency plans and procedures pursuant to §2403, 2405, 2407, 2409, 2411, 2413 and 2415.

### **§ 2446. Training.**

## Standardized Emergency Management System Regulations

Local governments, operational areas, and state agencies shall document SEMS training provided to its emergency response personnel pursuant to §2428.

### **§ 2447. Exercises.**

Local governments, operational areas, and state agencies shall incorporate the use of SEMS pursuant to §2403, 2405, 2407, 2409, 2411, 2413 and 2415 at all levels of operation when exercises are performed.

### **§ 2448. Performance.**

Local governments, operational areas, and state agencies shall document the use of SEMS. Documentation shall include activities performed pursuant to §2403, 2405, 2407, 2409, 2411, 2413 and 2415 during the emergency.

## **Article 8**

### **§ 2450. Reporting Requirements.**

- (a) Any city, city and county, or county declaring a local emergency for which the governor proclaims a state of emergency, and any state agency responding to that emergency shall complete and transmit an after action report to Cal OES within ninety (90) days of the close of the incident period as specified in California Code of Regulations, Title 19, §2900(p).
- (b) The after action report shall, at a minimum, be a review of response actions taken, application of SEMS, suggested modifications to SEMS, necessary

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modifications to plans and procedures, identified training needs, and recovery activities to date.

# Disaster Service Worker Volunteer Program (DSWVP) Regulations

## *Chapter 2 of Division 2 of Title 19*

### **Article 1**

#### **§ 2570. Short Title.**

This subchapter shall be known and may be cited as the Disaster Service Worker Volunteer Program (DSWVP) Regulations.

#### **§ 2450.1. Purpose.**

The Legislature has long provided a state-funded program of workers' compensation benefits for disaster service worker volunteers who contribute their services to protect the health and safety and preserve the lives and property of the people of the state. This Program was established to protect such volunteers from financial loss as a result of injuries sustained while engaged in disaster service activities and to provide immunity from liability for such disaster service worker volunteers while providing disaster service, including official out-of-state deployments to jurisdictions requesting mutual aid assistance. Out-of-state training conducted in a manner geographically and functionally specific to cross-border emergency response may also be considered a covered activity.

#### **§ 2570.2. Definitions.**

(a) Disaster Service Worker Volunteer.

## Disaster Service Worker Regulations

- (2) A disaster service worker volunteer is any person registered with an accredited disaster council or the California Governor's Office of Emergency Services, or a state agency granted authority to register disaster service worker volunteers, for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.
  - (3) Disaster service worker volunteer includes public employees, performing disaster work outside their regular employment without pay, and also includes any unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his or her duties.
  - (4) Exclusion: Disaster service worker volunteer does not include any member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the county, city, town or district in which such fire department is located.
- (b) Disaster Service.
- (1) Disaster service means all activities authorized by and carried on pursuant to the California Emergency Services Act while assisting any unit of the emergency organization during a proclaimed emergency or during a Search and Rescue mission, including approved, documented and supervised:
    - activities performed to mitigate an imminent threat of extreme peril to life, property and resources, and



## Disaster Service Worker Regulations

- training necessary to engage in such activities.
- (2) Such activities are under the general direction of the accredited disaster council (or designated agency or authority) including how supervision will be performed (i.e. onsite, offsite) and who will act in a supervisory capacity, (i.e. paid staff, volunteers). It is the responsibility of the accredited disaster council (or designated agency or authority) that only persons with appropriate supervisory skills, as determined by the accredited disaster council (or designated agency or authority), act in a supervisory capacity.
- (3) Exclusions. Disaster service does not include any activities or functions performed by a person if the accredited disaster council with which the person is registered receives a fee or other compensation for the performance of that person's activities or functions.
- (c) Training. For purposes of these regulations, training is a pre-authorized activity sponsored by an accredited disaster council (or designated agency or authority) and may include classroom instruction, disaster drills or exercises, or related activities designed to enhance the disaster response skills (including safety) of the disaster service worker volunteer. Out-of-state training conducted in a manner geographically and functionally specific to cross-border emergency response may also be considered a covered activity.
- (d) Disaster Council. A disaster council is a public agency established by ordinance which is empowered to register and direct the activities of

## Disaster Service Worker Regulations

disaster service worker volunteers within the area of the county, city, city and county, or any part thereof. In this respect, the disaster council is acting as an instrument of the state in aid of carrying out general state government functions and policy with regard to disaster services.

- (e) **Accredited Disaster Council.** A disaster council may become accredited through certification by the California Governor's Office of Emergency Services, when the disaster council agrees to follow and comply with the rules and regulations established by the California Governor's Office of Emergency Services pursuant to the provisions of the Emergency Services Act. Upon certification, and not before, the disaster council becomes an accredited disaster council. A disaster council remains accredited only while the certification of the California Governor's Office of Emergency Services is in effect and is not revoked.
- (f) **Auxiliary Fire Fighter.** An auxiliary fire fighter is a person recruited, registered and trained as a supplement or reserve for unusual fire emergencies or disaster situations. Workers' compensation benefits for uncompensated auxiliary fire fighters may be provided by the state. An auxiliary fire fighter is not a "volunteer fire fighter," who is a person recruited and trained to meet the day-to-day operational requirements of a fire department. Workers' compensation insurance premiums for the volunteer fire fighter are the responsibility of the local government or fire entity.
- (g) **Public Employee.** All persons employed by the state or any county, city, city and county, state agency

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or public district, excluding aliens legally employed, are considered to be public employees.

- (h) **Convergent Volunteers.** Convergent volunteers are individuals who come forward to offer disaster response and recovery volunteer services, during a disaster event. Convergent volunteers are not persons impressed into service at the scene of an incident.

### **Article 2**

#### **§ 2571. Accredited Disaster Council.**

- (a) Disaster councils shall be accredited in accordance with Sections 8585.7 or 8612, Government Code.
- (b) When applying for accreditation, disaster councils shall furnish the California Governor's Office of Emergency Services with a certified copy of the ordinance which has provided for the following:
  - (1) a disaster council;
  - (2) a Chairperson or director of the disaster council;
  - (3) an Emergency organization; and,
  - (4) compliance with the Emergency Services Act.

### **Article 3**

#### **§ 2572.1. Classifications and General Duties.**

The various classifications of disaster service worker volunteers and the general duties of the members of each classification shall be limited to those described below. It is the responsibility of the accredited disaster council (or designated agency or authority) to determine the appropriate level of background check, if any, for each classification.

## Disaster Service Worker Regulations

- (a) Animal Rescue, Care and Shelter. Veterinarians, veterinary support staff and animal handlers/specialists providing skills in the rescue, clinical treatment, euthanasia, disposal and transportation of all animals, including but not limited to companion animals, livestock, avian, fish, equine, exhibition animals, zoo animals, laboratory and research animals, and wildlife; assisting in the procurement of shelters, equipment, and supplies; documenting arrival, sheltering, treatment, and discharge or placement of animals.
- (b) Communications. Install, operate and maintain various communications systems and perform related service, to assist officials and individuals in the protection of life and property.
- (c) Community Emergency Response Team Member. Under the direction of emergency personnel or a designated team leader, assist emergency units within their block, neighborhood, or other area assignment; survey area conditions; disseminate information; secure data desirable for emergency preparedness planning; report incidents; and generally assist officials and individuals in the protection of life and property.
- (d) Emergency Operations Center/Incident Command. Under the direction and supervision of the EOC/IC assist at the city, county, region, State, or departmental level of government in the coordination of overall response and support to an incident including performing in one or more of the Standardized Emergency Management System functions.

## Disaster Service Worker Regulations

- (e) Human Services. Assist in providing food, clothing, bedding, shelter, and rehabilitation aid; register evacuees to promote reuniting families and to support the needs of special populations; compile authoritative lists of deceased and missing persons; and other phases of emergency human services, such as maintaining morale and administering to the mental health, religious or spiritual needs of persons suffering from the effects of the disaster.
  
- (f) Fire. As auxiliary fire fighters or auxiliary wildland fire fighters, assist regular fire fighting forces or fire protection agencies to fight fire, rescue persons, and save property; control forest or wildland fires or fire hazards; instruct residents in fire prevention and property defense methods, methods of detecting fire, and precautions to be observed in reducing fire hazards.
  - (1) For purposes of these regulations only, the ratios between auxiliary fire fighters, volunteer fire fighters, and paid fire fighters shall be one auxiliary for one volunteer and three volunteers for one paid fire fighter. The basis for applying these ratios is that the staffing of an engine company, truck company, or a squad shall not exceed six paid fire fighters, and a salvage and rescue company shall not exceed two paid fire fighters. A fire department that has no volunteer fire fighters is limited to three auxiliary fire fighters for each paid fire fighter in the companies and squads, staffed as above. These staffing standards are based on the number of first line

## Disaster Service Worker Regulations

(not reserve) apparatus operated by the fire department.

(2) When auxiliary fire fighters are registered with other than an established fire service organization; for example, auxiliary fire fighters in a county or city emergency management services organization, a total number of eligible auxiliary fire fighters shall be computed for that city or unincorporated area. The emergency management services organization is entitled to register auxiliary fire fighters not otherwise registered with other established fire service organizations, and to a number not to exceed the allowable total as indicated in Section 2572.1(f)(1), above.

(g) Laborer. Under the direction and supervision of the responding agency, performs general labor services and supports emergency operations.

(h) Law Enforcement. As Auxiliaries, assist law enforcement officers and agencies to protect life and property; maintain law and order; perform traffic control duties; guard buildings, bridges, factories, and other facilities; isolate and report unexploded ordnance.

(i) Logistics. Under the direction of the emergency organization, assist in procurement, warehousing, and release of supplies, equipment materials, or other resources. Assist in mobilization and utilization of public and private transportation resources required for the movement of persons, materials, and equipment.

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- (j) Medical and Environmental Health. Staff casualty stations, establish and operate medical and public health field units; assist in hospitals, out-patient clinics, and other medical and public health installations; maintain or restore environmental sanitation; assist in preserving the safety of food, milk, and water and preventing the spread of disease; perform laboratory analysis to detect the presence and minimize the effects of nuclear, chemical, biological, radiological or other hazardous agents.
- (k) Safety Assessment Program Evaluator. Survey, evaluate and assess damaged facilities for continued occupancy or use; assist in safety evaluations of facilities for utilities, transportation, and other vital community services; and provide recommendations regarding shoring or stabilization of damaged or unsafe buildings or structures.
- (l) Search and Rescue. Under the direction of the appropriate authority, perform search and rescue operations in one or more of several areas including, but not limited to: search and rescue; SAR conducted evidence searches; urban search and rescue; or mine and confined space rescue.
- (m) Utilities. Assist utility personnel in the repair and restoration of public utilities damaged by disaster.

### **§ 2572.2. Scope of Disaster Service Duties.**

Each disaster service worker volunteer in any classification shall, without regard to a formal designation or assignment, be considered to be acting

## Disaster Service Worker Regulations

within the scope of disaster service duties while assisting any unit of the emergency organization during a proclaimed emergency or during a SAR mission, or performing activities to mitigate an imminent threat of extreme peril to life, property and resources either:

- (a) under the authorization and supervision of a duly constituted superior in the emergency organization;  
or,
- (b) under the supervision and direction of the American Red Cross while carrying out its programs in consonance with state and local statements of understanding, or in carrying out a mission assigned to that agency by a responsible state or local authority.

### **Article 4**

#### **§ 2573.1. Registration and Training.**

(a) Registration. A person shall be deemed to be registered if the following information is on file with the California Governor's Office of Emergency Services or with the appropriate authority as indicated in Section 2573.2:

- (1) name of registrant;
- (2) address of registrant;
- (3) date enrolled (established as the date the loyalty oath is administered);
- (4) name of registering government agency or jurisdiction with signature and title of authorized person;
- (5) classification of disaster service to which the volunteer is assigned; and
- (6) a signed statement that the loyalty oath or affirmation was taken or subscribed before an officer authorized to administer oaths.



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### (b) Training.

- (1) Accredited disaster councils may require each person registered as a disaster service worker volunteer to satisfactorily complete a course of training or instruction, including periodic refresher training. If warranted by the classification, disaster councils may require documented proof of professional certification or licensing.
- (2) The accredited disaster council (or designated agency or authority) shall ensure disaster training is approved, documented and supervised, and shall ensure disaster training is commensurate with the duties of the disaster service worker volunteer.
- (3) Exclusions: Unless the volunteer is directly providing disaster services, activities that are not covered include, but are not limited to, parades, public exhibitions, physical fitness training, out-of-state training not conducted in a manner geographically and functionally specific to cross-border emergency response or other training activities not related to disaster service.

### **§ 22573.2. File Retention and Recordkeeping.**

- (a) Documented proof of the oath or affirmation of any disaster service worker volunteer is an integral part of an injury claim for workers' compensation. File retention should follow the same rules as other public personnel records. The oath or affirmation shall be filed as follows:
  - (1) State. File as prescribed by the California Department of Human Resources within 30 days of the date it was taken or subscribed.

## Disaster Service Worker Regulations

- (2) County. File in the office of the county clerk or in the official department personnel file of the county employee who is designated as a disaster service worker.
  - (3) City. File in the office of the city clerk.
  - (4) Other Public Agencies or Districts. File with a public agency or district designated officer or employee.
  - (5) The oath or affirmation may be destroyed without duplication five years after the termination of the disaster service worker volunteer's service or, in the case of a public employee, five years after the termination of the employee's employment.
- (b) All registration records shall be available for inspection by any officer or employee of the State Compensation Insurance Fund or of the California Governor's Office of Emergency Services.
  - (c) The personnel officer or other individual designated by the accredited disaster council shall be responsible for keeping the registration current, and for the accuracy and safekeeping of the official registration records.
  - (d) The California Governor's Office of Emergency Services may prescribe additional registration requirements as it may deem necessary.

### **§ 2573.3. Workers' Compensation Claims.**

Claim Packages. Workers' compensation claims for injuries/illnesses sustained by disaster service worker volunteers while performing disaster service, shall be filed under the same authorities and guidelines as claims filed by paid employees. The claim shall include:

## Disaster Service Worker Regulations

- (a) the appropriate claim and employer's report of injury/illness forms as prescribed by the State Compensation Insurance Fund;
- (b) a written narrative account of the incident that may include witness statements; and,
- (c) a copy of the claimant's current disaster service worker volunteer registration form indicating the loyalty oath or affirmation was administered.
- (d) If injury due to a training activity, the claim shall also include:
  - (1) a copy of a training document verifying the disaster service worker volunteer's participation, and
  - (2) a copy of the written pre-authorization of the training activity by the accredited disaster council or its designee.

# **Emergency Compacts**

Government Code  
Sections 177–178.5

## ***Interstate Civil Defense and Disaster Compact (1951)***

### **§ 177. Ratification and approval**

The Interstate Civil Defense and Disaster Compact as set forth in Section 178 executed between the State of California, through its then Governor, Earl Warren, on December 10, 1951, and other states which are parties to the compact, is hereby ratified and approved.

### **§ 178. Provisions**

The provisions of the Interstate Civil Defense and Disaster Compact between the State of California and other states which are parties to the compact referred to in Section 177 are as follows:

The State of California, through its Governor, duly authorized, solemnly agrees with any other state or territory of the United States which is or may become a party to this compact, as follows:

#### **Article 1**

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shell fire, and atomic,

## Emergency Compacts: Interstate Civil Defense and Disaster Compact

radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

### **Article 2**

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

- (a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

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- (b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;
- (c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
- (d) The effective screening or extinguishing of all lights and lighting devices and appliances;
- (e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;
- (f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;
- (g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;
- (h) The safety of public meetings or gatherings; and
- (i) Mobile support units.

### **Article 3**

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under

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the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

### **Article 4**

Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

### **Article 5**

No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

### **Article 6**

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more

## Emergency Compacts: Interstate Civil Defense and Disaster Compact

states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

### **Article 7**

Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

### **Article 8**

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of, any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided



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further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States Government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

### **Article 9**

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out- of-pocket expenses incurred in receiving and caring for such evacuees, and for expenditures for transportation, food, clothing, medicines and medical care and like items. Such

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expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party state of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

### **Article 10**

This compact shall be available to any state, territory or possession of the United States, and the District of Columbia. The term "state" may also include any neighboring foreign country or province or state thereof.

### **Article 11**

The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

### **Article 12**

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states

## Emergency Compacts: Interstate Civil Defense and Disaster Compact

and with the Civil Defense Agency and other appropriate agencies of the United States Government.

### **Article 13**

This compact shall continue in force and remain binding on each party state until the Legislature or the Governor of such party state takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party state desiring to withdraw to the Governors of all other party states.

### **Article 14**

This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Done at the State Capitol in Sacramento, this 10th day of December in the year of our Lord one thousand nine hundred and fifty one.

IN WITNESS WHEREOF I hereby affix my signature, pursuant to the authority vested in me by law as Governor of the State of California.

Signed Earl Warren, Governor

### **§ 178.5. Article XV; provisions; authority of Governor**

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In addition to any other authority conferred upon him, the Governor is authorized and may execute for, on behalf of, and in the name of the State of California, the provisions of Article XV to the Interstate Civil Defense and Disaster Compact, which provisions provide as follows:

Article XV.

- (a) This article shall be in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide a supplementary agreement in implementation of this article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.
- (b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:
  - (1) Searches for and rescue of persons who are lost, marooned, or otherwise in danger.
  - (2) Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

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- (3) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
  - (4) The giving and receiving of aid by subdivisions of party states.
  - (5) Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.
- (c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party state, a subdivision of such state, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a state. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party states.
- (d) Nothing in this article shall be construed to exclude from the coverage of Articles I-XIV of this compact any matter which, in the absence of this article, could reasonably be construed to be covered thereby.
- (e) Nothing in subsection (a) shall be construed to limit previous or future entry into the Interstate Civil

## **Emergency Compacts: Interstate Civil Defense and Disaster Compact**

Defense and Disaster Compact of this state with other states.

***Emergency Management Assistance Compact (2005)***

Government Code  
Sections 179–179.9

***§ 179. Legislative intent; ratification and approval of Emergency Management Assistance Compact***

- (a) It is the intent of the State of California to continue its long history of sharing emergency response resources with other states during times of disaster. Californians have benefited from the assistance provided by the firefighters, law enforcement officers, emergency medical personnel and other emergency staff received from other states during our calamitous fires, earthquakes, winter storms, and other disasters. We must now join our sister states in ensuring we are prepared to aid our people during emergencies by entering into the Emergency Management Assistance Compact as it was adopted by Congress.
- (b) The Emergency Management Assistance Compact as set forth in Section 179.5 is hereby ratified and approved.

***§ 179.5. Provisions of Emergency Management Assistance Compact***

The provisions of the Emergency Management Assistance Compact between the State of California and other states that are parties to the compact referred to in Section 179 are as follows:

## **Article 1 – Purposes and Authorities**

This compact is made and entered into by and between the participating member states which enact this compact, hereafter called party states. For the purposes of this agreement, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, manmade disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.



## **Article 2 – General Implementation**

Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood. On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

## **Article 3 – Party State Responsibilities**

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the

## Emergency Compacts: Emergency Management Assistance Compact

responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

- (1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.
- (2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.
- (3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.
- (4) Assist in warning communities adjacent to or crossing the state boundaries.
- (5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.
- (6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
- (7) Provide, to the extent authorized by law, for temporary suspension of any statutes.

## Emergency Compacts: Emergency Management Assistance Compact

- (b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:
- (1) A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
  - (2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.
  - (3) The specific place and time for staging of the assisting party's response and a point of contact at that location.
- (c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

## **Article 4 – Limitations**

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

## **Article 5 – Licenses and Permits**

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

## **Article 6 – Liability**

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

## **Article 7 – Supplementary Agreements**

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a

## Emergency Compacts: Emergency Management Assistance Compact

broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, and equipment and supplies.

### **Article 8 – Compensation**

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

### **Article 9 – Reimbursement**

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state

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without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article 8 expenses shall not be reimbursable under this provision.

### **Article 10 – Evacuation**

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines, and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the

## Emergency Compacts: Emergency Management Assistance Compact

termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

### **Article 11 – Implementation**

- (a) This compact shall become operative immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon its enactment by such state.
- (b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.
- (c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

### **Article 12 – Validity**

This act shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this



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act and the applicability thereof to other persons and circumstances shall not be affected thereby.

### **Article 13 – Additional Provisions**

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of Title 18 of the United States Code.

#### **§ 179.7. Indemnification and defense**

- (a) Notwithstanding Article 6 of the Emergency Management Assistance Compact, as set forth in Section 179.5, the state shall indemnify and make whole any officer or employee who is a resident of California, or his or her heirs, if the officer or employee is injured or killed in another state when rendering aid pursuant to the compact, as if the act or acts occurred in California, less any recovery obtained under the provisions of Article 6 of the Emergency Management Assistance Compact.
- (b) Local government or special district personnel who are officially deployed under the provisions of the Emergency Management Assistance Compact pursuant to an assignment of the Office of Emergency Services shall be defended by the Attorney General or other legal counsel provided by the state, and shall be indemnified subject to the

## Emergency Compacts: Emergency Management Assistance Compact

same conditions and limitations applicable to state employees.

### **§ 179.8. Labor controversy; prohibition on giving or receiving assistance**

Notwithstanding the provisions of the Emergency Management Assistance Compact, as set forth in Section 179.5, the state shall not deploy any personnel under the compact to render aid to a party state for any conditions resulting from a labor controversy, and the state shall not receive aid from a party state for conditions resulting from a labor controversy.

### **§ 179.9. Inoperative and repeal dates**

This article shall become inoperative on March 1, 2023, and, as of January 1, 2024, is repealed.

# **California Disaster and Civil Defense Master Mutual Aid Agreement**

This agreement made and entered into by and between the STATE OF CALIFORNIA, its various departments and agencies, and the various political subdivisions, municipal corporations, and other public agencies of the State of California;

WITNESSETH:

WHEREAS, it is necessary that all of the resources and facilities of the State, its various departments and agencies, and all its political subdivisions, municipal corporations, and other public agencies be made available to prevent and combat the effect of disasters which may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage, and riot; and

WHEREAS, it is desirable that each of the parties hereto should voluntarily aid and assist each other in the event that a disaster should occur, by the interchange of services and facilities, including, but not limited to, fire, police, medical and health, communication, and transportation services and facilities, to cope with the problems of rescue, relief, evacuation, rehabilitation, and reconstruction which would arise in the event of a disaster; and

WHEREAS, it is necessary and desirable that a cooperative agreement be executed for the

## California Disaster and Civil Defense Master Mutual Aid Agreement

interchange of such mutual aid on a local, countywide, regional, statewide, and interstate basis;

NOW, THEREFORE, IT IS HEREBY AGREED by and between each and all of the parties hereto as follows:

1. Each party shall develop a plan providing for the effective mobilization of all its resources and facilities, both public and private, to cope with any type of disaster.
2. Each party agrees to furnish resources and facilities and to render services to each and every other party to this agreement to prevent and combat any type of disaster in accordance with duly adopted mutual aid operational plans, whether heretofore or hereafter adopted, detailing the method and manner by which such resources, facilities, and services are to be made available and furnished, which operational plans may include provisions for training and testing to make such mutual aid effective; provided, however, that no party shall be required to deplete unreasonably its own resources, facilities, and services in furnishing such mutual aid.
3. It is expressly understood that this agreement and the operational plans adopted pursuant thereto shall not supplant existing agreements between some of the parties hereto providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis, but that the mutual aid extended under this agreement and the operational plans adopted pursuant thereto, shall be without reimbursement unless otherwise expressly provided for by the

## California Disaster and Civil Defense Master Mutual Aid Agreement

parties to this agreement or as provided in Sections 1541, 1586, and 1587, Military and Veterans Code; and that such mutual aid is intended to be available in the event of a disaster of such magnitude that it is, or is likely to be, beyond the control of a single party and requires the combined forces of several or all of the parties to this agreement to combat.

4. It is expressly understood that the mutual aid extended under this agreement and the operational plans adopted pursuant thereto shall be available and furnished in all cases of local peril or emergency and in all cases in which a STATE OF EXTREME EMERGENCY has been proclaimed.
5. It is expressly understood that any mutual aid extended under this agreement and the operational plans adopted pursuant thereto, is furnished in accordance with the "California Disaster Act" and other applicable provisions of law, and except as otherwise provided by law that: "The responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans." (Section 1564, Military and Veterans Code.)
6. It is expressly understood that when and as the State of California enters into mutual aid agreements with other states and the Federal Government, the parties to this agreement shall abide by such mutual aid agreements in accordance with the law.

## California Disaster and Civil Defense Master Mutual Aid Agreement

7. Upon approval or execution of this agreement by the parties hereto all mutual aid operational plans heretofore approved by the State Disaster Council, or its predecessors, and in effect as to some of the parties hereto, shall remain in full force and effect as to them until the same may be amended, revised, or modified. Additional mutual aid operational plans and amendments, revisions, or modifications of existing or hereafter adopted mutual aid operational plans, shall be adopted as follows:
  - a. Countywide and local mutual aid operational plans shall be developed by the parties thereto and are operative as between the parties thereto in accordance with the provisions of such operational plans. Such operational plans shall be submitted to the State Disaster Council for approval. The State Disaster Council shall notify each party to such operational plans of its approval, and shall also send copies of such operational plans to other parties to this agreement who did not participate in such operational plans and who are in the same area and affected by such operational plans. Such operational plans shall be operative as to such other parties 20 days after receipt thereof unless within that time the party by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, declines to participate in the particular operational plan.
  - b. Statewide and regional mutual aid operational plans shall be approved by the State Disaster Council and copies thereof shall forthwith be

## California Disaster and Civil Defense Master Mutual Aid Agreement

sent to each and every party affected by such operational plans. Such operational plans shall be operative as to the parties affected thereby 20 days after receipt thereof unless within that time the party by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, declines to participate in the particular operational plan.

- c. The declination of one or more of the parties to participate in a particular operational plan or any amendment, revision or modification thereof, shall not affect the operation of this agreement and the other operational plans adopted pursuant thereto.
- d. Any party may at any time by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, decline to participate in any particular operational plan, which declination shall become effective 20 days after filing with the State Disaster Council.
- e. The State Disaster Council shall send copies of all operational plans to those state departments and agencies designated by the Governor. The Governor may, upon behalf of any department or agency, give notice that such department or agency declines to participate in a particular operational plan.
- f. The State Disaster Council, in sending copies of operational plans and other notices and information to the parties to this agreement, shall send copies to the Governor and any

## California Disaster and Civil Defense Master Mutual Aid Agreement

department or agency head designated by him; the chairman of the board of supervisors, the clerk of the board of supervisors, the County Disaster Council, and any other officer designated by a county; the mayor, the clerk of the city council, the City Disaster Council, and any other officer designated by a city; the executive head, the clerk of the governing body, or other officer of other political subdivisions and public agencies as designated by such parties.

8. This agreement shall become effective as to each party when approved or executed by the party, and shall remain operative and effective as between each and every party that has heretofore or hereafter approved or executed this agreement, until participation in this agreement is terminated by the party. The termination by one or more of the parties of its participation in this agreement shall not affect the operation of this agreement as between the other parties thereto. Upon approval or execution of this agreement the State Disaster Council shall send copies of all approved and existing mutual aid operational plans affecting such party which shall become operative as to such party 20 days after receipt thereof unless within that time the party by resolution or notice given to the State Disaster Council, in the same manner as notice of termination of participation in this agreement, declines to participate in any particular operational plan. The State Disaster Council shall keep every party currently advised of who the other parties to this agreement are and whether any of



## California Disaster and Civil Defense Master Mutual Aid Agreement

- them has declined to participate in any particular operational plan.
9. Approval or execution of this agreement shall be as follows:
    - a. The Governor shall execute a copy of this agreement on behalf of the State of California and the various departments and agencies thereof. Upon execution by the Governor a signed copy shall forthwith be filed with the State Disaster Council.
    - b. Counties, cities, and other political subdivisions and public agencies having a legislative or governing body shall by resolution approve and agree to abide by this agreement, which may be designated as "CALIFORNIA DISASTER AND CIVIL DEFENSE MASTER MUTUAL AID AGREEMENT." Upon adoption of such a resolution, a certified copy thereof shall forthwith be filed with the State Disaster Council.
    - c. The executive head of those political subdivisions and public agencies having no legislative or governing body shall execute a copy of this agreement and forthwith file a signed copy with the State Disaster Council.
  10. Termination of participation in this agreement may be effected by any party as follows:
    - a. The Governor on behalf of the State and its various departments and agencies, and the executive head of those political subdivisions and public agencies having no legislative or governing body, shall file a written notice of termination of participation in this agreement with the State Disaster Council and this

## California Disaster and Civil Defense Master Mutual Aid Agreement

agreement is terminated as to such party 20 days after the filing of such notice.

- b. Counties, cities, and other political subdivisions and public agencies having a legislative or governing body shall by resolution give notice of termination of participation in this agreement and file a certified copy of such resolution with the State Disaster Council, and this agreement is terminated as to such party 20 days after the filing of such resolution.

IN WITNESS WHEREOF this agreement has been executed and approved and is effective and operative as to each of the parties as herein provided.

Signed by: EARL WARREN GOVERNOR

On behalf of the State of California and all its  
Departments and Agencies

ATTEST:

November 15, 1950 Signed by: FRANK M. JORDAN  
SECRETARY OF STATE



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