

AMENDED IN SENATE MAY 27, 2008

SENATE BILL

No. 1227

Introduced by Senator Hollingsworth

February 14, 2008

An act to amend Section ~~8690.6~~ of 8558 of, and to amend and repeal Section 8690.6 of, the Government Code, relating to disaster assistance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as amended, Hollingsworth. Disaster assistance: ~~Disaster Response-Emergency Operations Account.~~ *emergencies.*

Existing

(1) *Existing* law, the California Disaster Assistance Act, establishes, until January 1, 2009, the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties and continuously appropriates its revenue 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.

This bill would ~~delete~~ *extend* the termination date for ~~the these~~ provisions, ~~thereby extending the existence of the account indefinitely until January 1, 2014,~~ and would *thereby* make an appropriation by extending the time during which funds may be continuously appropriated from the account.

(2) *Existing* law, the California Emergency Services Act, defines a "state of emergency" for purposes of its provisions as the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by specified conditions.

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

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

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

1 SECTION 1. Section 8558 of the Government Code is amended
2 to read:

3 8558. Three conditions or degrees of emergency are established
4 by this chapter:

5 (a) “State of war emergency” means the condition ~~which~~ *that*
6 exists immediately, with or without a proclamation thereof by the
7 Governor, whenever this state or nation is attacked by an enemy
8 of the United States, or upon receipt by the state of a warning from
9 the federal government indicating that such an enemy attack is
10 probable or imminent.

11 (b) “State of emergency” means the duly proclaimed existence
12 of conditions of disaster or of extreme peril to the safety of persons
13 and property within the state caused by ~~such~~ *such* conditions *such* as
14 air pollution, fire, flood, storm, epidemic, riot, drought, sudden
15 and severe energy shortage, plant or animal infestation or disease;
16 the Governor’s warning of an earthquake or volcanic prediction;
17 ~~or~~; an earthquake, ~~or~~; other conditions, other than conditions
18 resulting from a labor controversy or conditions causing a “state
19 of war emergency,” which, by reason of their magnitude, are or
20 are likely to be beyond the control of the services, personnel,
21 equipment, and facilities of any single county, city and county, or
22 city and require the combined forces of a mutual aid region or
23 regions to combat; or with respect to regulated energy utilities,
24 a sudden and severe energy shortage requires extraordinary
25 measures beyond the authority vested in the California Public
26 Utilities Commission. *“State of emergency” does not include*
27 *conditions in the state’s prisons, medical facilities, or youth*
28 *correctional facilities resulting solely from the action or inaction*
29 *of the Department of Corrections and Rehabilitation in*
30 *administering those facilities.*

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

16 ~~SECTION 4.~~

17 *SEC. 2.* Section 8690.6 of the Government Code is amended
18 to read:

19 8690.6. (a) The Disaster Response-Emergency Operations
20 Account is hereby established in the Special Fund for Economic
21 Uncertainties. Notwithstanding Section 13340, moneys in the
22 account are continuously appropriated, subject to the limitations
23 specified in subdivisions (c) and (d), without regard to fiscal years,
24 for allocation by the Director of Finance to state agencies for
25 disaster response operation costs incurred by state agencies as a
26 result of a proclamation by the Governor of a state of emergency,
27 as defined in subdivision (b) of Section 8558. These allocations
28 may be for activities that occur within 120 days after a
29 proclamation of emergency by the Governor.

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

38 (c) Funds shall be allocated from the account subject to the
39 conditions of this section and upon notification by the Director of
40 Finance to the Chairperson of the Joint Legislative Budget

1 Committee and the chairpersons of the fiscal committees in each
2 house.

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

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

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

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

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

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

31 (h) *This section shall remain in effect only until January 1, 2014,*
32 *and as of that date is repealed, unless a later enacted statute, that*
33 *is enacted before January 1, 2014, deletes or extends that date.*