

AMENDED IN ASSEMBLY AUGUST 8, 2008

AMENDED IN SENATE MAY 27, 2008

SENATE BILL

No. 1227

Introduced by Senator Hollingsworth

February 14, 2008

~~An act to amend Section 8558 of, and to amend and repeal~~ *An act to amend* 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: emergencies.

~~(1) Existing~~

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 extend the termination date for these provisions 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

~~The bill would specify that these conditions do not include also preclude expenditure of funds in this account 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.~~

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 that exists~~
6 ~~immediately, with or without a proclamation thereof by the~~
7 ~~Governor, whenever this state or nation is attacked by an enemy~~
8 ~~of the United States, or upon receipt by the state of a warning from~~
9 ~~the federal government indicating that such an enemy attack is~~
10 ~~probable or imminent.~~
11 ~~(b) "State of emergency" means the duly proclaimed existence~~
12 ~~of conditions of disaster or of extreme peril to the safety of persons~~
13 ~~and property within the state caused by conditions such as air~~
14 ~~pollution, fire, flood, storm, epidemic, riot, drought, sudden and~~
15 ~~severe energy shortage, plant or animal infestation or disease; the~~
16 ~~Governor's warning of an earthquake or volcanic prediction; an~~
17 ~~earthquake; other conditions, other than conditions resulting from~~
18 ~~a labor controversy or conditions causing a "state of war~~
19 ~~emergency," which, by reason of their magnitude, are or are likely~~
20 ~~to be beyond the control of the services, personnel, equipment,~~
21 ~~and facilities of any single county, city and county, or city and~~
22 ~~require the combined forces of a mutual aid region or regions to~~
23 ~~combat; or with respect to regulated energy utilities, a sudden and~~
24 ~~severe energy shortage requires extraordinary measures beyond~~
25 ~~the authority vested in the California Public Utilities Commission.~~
26 ~~"State of emergency" does not include conditions in the state's~~
27 ~~prisons, medical facilities, or youth correctional facilities resulting~~
28 ~~solely from the action or inaction of the Department of Corrections~~
29 ~~and Rehabilitation in administering those facilities.~~

1 (e) ~~“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 conditions such as air pollution, fire,~~
5 ~~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; an earthquake;~~
8 ~~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 utilities,~~
13 ~~a sudden and severe energy shortage requiring extraordinary~~
14 ~~measures beyond the authority vested in the California Public~~
15 ~~Utilities Commission.~~

16 ~~SEC. 2.~~

17 *SECTION 1.* Section 8690.6 of the Government Code is
18 amended 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) *Notwithstanding any other provision of law, no funds in the*
32 *Disaster Response-Emergency Operations Account shall be*
33 *expended for conditions in the state's prisons, medical facilities,*
34 *or youth correctional facilities resulting solely from the action or*
35 *inaction of the Department of Corrections and Rehabilitation in*
36 *administering those facilities.*

37 (~~h~~)

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

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