



California Emergency Services Act

2007 Cumulative Pocket Part

Supplementing 2006 main volume

Includes statutory changes as of January 2007

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California Government Code

8575. Creation; composition

(a) There is hereby created a California Emergency Council, to consist of all of the following members:

(1) The Governor, or an alternate appointed by him or her.

(2) The Lieutenant Governor, or an alternate appointed by him or her.

(3) The Attorney General, or an alternate appointed by him or her.

(4) One representative of the city governments of the state and one representative of the county governments of the state, to be appointed by the Governor and to serve at his or her pleasure, except that these members shall be from different counties.

(5) One representative of the American National Red Cross, to be appointed by the Governor.

(6) One representative of the city or county fire services of the state and one representative of the city or county law enforcement services of the state, to be appointed by the Governor and to serve at his or her pleasure, except that these members shall be from different counties.

(7) One representative of a local public health agency, to be appointed by the Governor and to serve at his or her pleasure.

(b) The President pro Tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Emergency Council to the same extent as members of the council appointed by the Governor, except when that participation is constitutionally incompatible with their respective positions as Members of the Legislature.

(c) If the President pro Tempore of the Senate does not desire to serve on the Emergency Council, the Senate Rules Committee may appoint a Member of the Senate to serve in his or her stead. If the Speaker of the Assembly does not desire to serve on the Emergency

Council, he or she may appoint a Member of the Assembly to serve in his or her stead.

8576. Governor as ex officio chairperson; staff support

(a) The Governor shall be ex officio Chairperson of the Emergency Council.

(b) The Office of Emergency Services shall provide staff support to the Emergency Council as necessary.

8579. Power and duties

(a) It shall be the duty of the Emergency Council, and it is hereby empowered, to act as an advisory body to the Governor in times of emergency and with reference thereto in order to minimize the effects of those occurrences by recommending ameliorative action.

(b) The powers and duties of the Emergency Council shall include all of the following:

(1) To consider, recommend, and approve orders and regulations that are within the province of the Governor to promulgate.

(2) To consider and recommend to the Governor for approval the boundaries of any mutual aid regions of the state as may be designated.

(3) To recommend to the Governor the assignment of any responsibility, service, or activity relative to emergencies or emergency planning to a state agency having duties related to that responsibility, service, or activity.

(4) To consider and recommend the creation by the Governor of advisory committees in order to make civilian participation and cooperation in emergency planning and activities available to the state.

(5) To consider and recommend the expenditures of moneys appropriated for any of the objectives or purposes of this chapter.

(6) To consider and recommend to the Governor for approval a State Emergency Plan built around mutual aid and the integration into that plan of the several state agencies whose resources are necessary in coping with emergencies.

(7) To encourage the development and maintenance of emergency

plans based on mutual aid, whereunder political subdivisions may most effectively protect life and property and mitigate other effects of emergencies.

(8) To evaluate and report to the Governor on state communications systems with particular regard to their adequacy in case of emergency.

(9) To encourage the individual and integrated emergency preparedness efforts of communities, businesses, and schools.

(c) (1) The Emergency Council shall, at a minimum, have the following two standing advisory committees, with members selected by the Governor:

(A) An advisory committee composed of representatives of volunteer organizations that aid or prepare their communities for potential disasters.

(B) An advisory committee composed of the business leaders representing businesses in the state that will work in partnership with government to prepare businesses and communities for potential disasters.

(2) The duties of the advisory committees shall include, but not be limited to, all of the following:

(A) Developing and promoting statewide initiatives and programs to better prepare communities, businesses, and schools to survive disasters.

(B) Advising the Emergency Council on how public, private, and nonprofit entities can provide resources, assets, personnel, volunteers, and any other relevant services to fully integrate the private sector into the state's emergency preparedness, mitigation, response, and recovery plans.

(C) Advising the Emergency Council on appropriate agreements to provide for quick access to emergency supplies and services in order to minimize the need to stockpile those supplies.

(3) The members of the advisory committees shall receive no compensation for their service.

(d) When the Emergency Council is not meeting, the Office of Emergency Services shall provide notice to the members of the council of any state of emergency proclaimed by the Governor

pursuant to Section 8558, as soon as practical after the issuance of the proclamation. The notification shall include the status of emergency activities.

8580 – See 8585.5

8581 – See 8585.7

8581.5 Publication of report on state of emergency preparedness for catastrophic disasters; contents

The Emergency Council shall publish a biennial report on the state of emergency preparedness for catastrophic disasters. This report shall include information from the after action analysis of disasters in the preceding two years, research directed by the Emergency Council, and surveys of local and state emergency response agencies. The biennial report shall also include a summary of strategic actions necessary to address identified gaps in emergency preparedness and an evaluation of previous efforts to close gaps identified in previous reports, audits, and independent analyses.

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

The Office of Emergency Services shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The Office of Emergency Services 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 of Emergency Services may certify the accredited status of local disaster councils, subject to the requirements of Section 8612.

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 of Emergency Services 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 cost 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 Account is hereby created in the General Fund. Upon appropriation by the Legislature, the Director of the Office of Emergency Services may expend the money in the account for the costs associated within this section. (h) Any new

activity undertaken by the office under this section shall be contingent upon the receipt of donations to the Disaster Resistant Communities Account.

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

(a) The Director of the Governor's Office of Emergency Services shall appoint representatives of the disabled 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 produce a report containing recommendations regarding preparedness, planning, procedures, and provision of accessible information on emergency evacuations regarding the needs of people with disabilities and submit it to the Legislature and appropriate state and local agencies by January 1, 2009. The recommendations shall include, but not be limited to, proposed legislative and regulatory actions, relevant research or technology design, and training and exercise considerations.

(d) 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.

(e) 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.

(f) 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.

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:

(1) The Office of Emergency Services, who shall serve as chairperson.

(2) 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 Game.

(7) The Department of Forestry and Fire Protection.

(8) The Department of Justice.

(9) The Department of Water Resources.

(10) The State Department of Health Services.

(11) The Emergency Medical Services Authority.

(12) The Department of General Services.

(13) The Office of Homeland Security.

(14) The Military Department.

(15) 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 Communications 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 Telecommunications Division of the Department of General 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.

8592.6. Report to legislature on progress in implementing article; use of report as strategic plan to establish statewide integrated, interoperable public safety communications network; contents; consultation

(a) The committee shall report to the Legislature by January 1 of each year on the committee's progress in implementing this article.

(b) (1) The annual report shall serve as the state's strategic plan to establish a statewide integrated, interoperable public safety communications network. The report shall include, but not be limited to, implementation strategies and timelines to achieve the goals and objectives set forth in the report. The implementation strategies and timelines may include identification of resource needs, including data formats, possible funding sources, prioritization of expenditures, and the development of common protocols that build upon industry and governmental standards for interoperability as set forth in paragraphs (1) and (2) of subdivision (a) of Section 8592.5 that will advance the integration of local, regional, and statewide interoperable public safety communication networks. The report shall be updated annually, as strategies, timelines, goals, and objectives are accomplished or changed.

(2) In developing the report, the committee, at its discretion, shall consult with any other local, regional, state, or federal entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum, and other first response agencies. The report may include recommendations for local, regional, state, or federal entities to coordinate resources and the development of common protocols to advance the integration of local, regional, and statewide interoperable public safety communication networks.

(c) The report will include a complete listing of purchases by state departments of public safety radio communications equipment, for which a waiver of subdivision (a) of Section 8592.5 was granted by the committee.

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 included in the annual report required pursuant to Section 8592.6.

(c) The Telecommunications Division of the Department of General Services shall review the plans submitted pursuant to subdivision (a) for consistency with the technical requirements of the statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6.

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 the Office 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 Homeland Security.
 - (B) A representative of the Attorney General's office.
 - (C) A representative of the State Department of Health Services.
 - (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 of the Office of Emergency Services.
- (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 Homeland Security.
- (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 shall report the findings and recommendations of the working group to the Legislature no later than one year from the date the working group is convened.

(e) The director may accept private monetary or in-kind donations for the purposes of this section.

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

(a) 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.

(b) No later than January 31, 2007, the Department of Food and Agriculture shall enter into a memorandum of understanding with the Office of Emergency Services and other interested parties to incorporate the CARES program into their emergency planning.

8612. Certification by Office of Emergency Services

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.

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 California Victim Compensation and Government Claims Board 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.

8685.9 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.

(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 mudslides 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, mudslides, and landslides that occurred in northern California during the period from December 17,

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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.



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