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AB-2213 Office of Emergency Services: planning guidance: telecommunications. (2019-2020)

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Assembly Bill No. 2213

CHAPTER 98

An act to amend Sections 8593.3 and 8593.4 of, and to add Sections 8589.65 and 8593.5 to, the Government Code, and to amend Section 10850.9 of the Welfare and Institutions Code, relating to emergency services.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2213, Limón. Office of Emergency Services: planning guidance: telecommunications.

The California Emergency Services Act authorizes the Governor to declare a state of emergency, and local officials and local governments to declare a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist.

Existing law establishes the Office of Emergency Services (OES) within the office of the Governor and requires the OES, among other duties, to develop model guidelines for local governmental agencies and community-based organizations planning to develop a disaster registry program.

This bill would require the OES and California Volunteers, in coordination with Voluntary Organizations Active in Disaster, to develop planning guidance to identify volunteers and donation management resources that could assist in responding to or recovering from local, tribal, regional, national, or international disasters, as specified. The bill would require the OES to publish and distribute the initial planning guidance, once developed, and update the Legislature on the status of the planning guidance in a written report submitted no later than May 1, 2022.

Existing law provides that the OES is 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.

Existing law authorizes each county, including a city and county, to enter into an agreement to access the contact information of resident accountholders through the records of a public utility or other agency responsible for water service, waste and recycling services, or other property-related services for the sole purpose of enrolling county residents in a county-operated public emergency warning system. Existing law requires any county that enters into such an agreement to 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 resident's contact information. Existing law prohibits the use of the information gathered for any purpose other than for emergency notification.

This bill would expand these provisions to authorize a city to enter into an agreement to access the contact information of resident accountholders through the records of a public utility, as specified. The bill would also expand the types of public utilities that can enter into these agreements by defining public utility to include, among others, a local publicly owned electric utility, mobile telephony services, a public water agency, and an agency responsible for solid waste or recycling services. The bill would require

a local government that enters into an agreement to access information of resident accountholders to, upon receipt of that information, notify residents that they have been entered into the public emergency warning system. The bill would require a local government that enters into an agreement to access information to 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. The bill would also authorize a governing body of a postsecondary institution that receives state funds, including funds for student financial assistance, to use its own enrollment, registration, and personnel records to access the contact information of students and employees for the sole purpose of enrolling students and employees in a university- or college-operated public emergency warning system. The bill would require the governing body of a postsecondary institution that receives state funds, including funds for student financial assistance, to notify students and employees that they have been entered into the public emergency warning system and include procedures to enable them to opt out of the warning system.

Existing law requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by emergency communications, emergency evacuation for individuals who are dependent on public transportation, and accessible emergency sheltering.

Existing law permits an authorized employee of a county social services department to disclose the name and residential address of elderly or disabled clients to police, fire, or paramedical personnel, or other designated emergency services personnel, in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Existing law requires the Director of Social Services to seek any federal approval necessary to implement these provisions, and prohibits these provisions from being implemented unless the director executes a declaration stating that any required federal approval has been obtained, and only for the duration of that approval. Existing law defines "public safety emergency" for these purposes to include, but not be limited to, specified events that jeopardize the immediate physical safety of county residents.

This bill would authorize a local government to enter into an agreement with a, or to use the records of its own, social services department to access the contact information of persons from the access and functional needs population, and the contact information of the designated emergency contacts of those persons, if any, for the sole purpose of enrolling those individuals, who are residents of that local government, in a city-operated, county-operated, or city- and county-operated public emergency warning system, as specified. The bill would require a local government that enters into an agreement to access information of resident accountholders or designated emergency contacts to, upon receipt of that information, notify residents and designated emergency contacts that they have been entered into the public emergency warning system. The bill would require a local government that enters into an agreement to access information to include procedures to enable any resident or designated emergency contact to opt out of receiving messages from the warning system via their personal contact information and a process to terminate the receiving agency's access to the contact information of the resident or designated emergency contact from a county social services department.

Existing law permits an authorized employee of a county social services department to disclose the name and residential address of elderly or disabled clients to police, fire, or paramedical personnel, or other designated emergency services personnel, in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Existing law specifies that public safety emergencies include, but are not limited to, events that jeopardize the immediate physical safety of county residents.

This bill would additionally permit those individuals' telephone numbers and email addresses to be disclosed and would specifically identify a public safety power shutoff as a public safety emergency. The bill would require a county social services agency that intends to disclose information as described above to notify elderly or disabled individuals receiving services of that fact and give the individual, beginning on January 1, 2022, the option to opt out of having that information disclosed. The bill would limit the use of the disclosed information to providing emergency services in the event of a public safety emergency described above.

This bill would incorporate additional changes to Section 8593.3 of the Government Code proposed by AB 2730 to be operative only if this bill and AB 2730 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8589.65 is added to the Government Code, immediately following Section 8589.6, to read:

8589.65. (a) The Office of Emergency Services and California Volunteers, in coordination with Voluntary Organizations Active in Disaster, also referred to as VOADs and VOAD member agencies, shall develop planning guidance to identify volunteers and

donation management resources that could assist in responding to or recovering from local, tribal, regional, national, or international disasters.

(b) The guidance required by subdivision (a) shall, at a minimum, do all of the following:

(1) Include a purpose statement specifying that the intent of preidentifying local volunteers and donation management resources that could support disaster operations is to strengthen the response to all disasters by enhancing the ability of nonprofit, community-based, faith-based, and private sector resources to be quickly leveraged and deployed to meet the needs of those in need.

(2) Support and be in alignment with the Volunteer and Donations Management Annex (Emergency Support Function 17) of the state's Emergency Operations Plan.

(3) Support the operations of volunteer coordination groups, as established by California Volunteers, as well as nonprofit, community-based, faith-based, and private sector organizations active in disasters.

(4) Include best practices to address the unique needs of people with access and functional needs and vulnerable populations.

(5) Include lessons learned from recent disasters that contribute to the robustness of logistics, distribution management, sheltering, and feeding plans.

(c) (1) The office shall publish and distribute the initial planning guidance, once developed.

(2) The office shall update the Legislature on the status of the planning guidance in a written report submitted no later than May 1, 2022. The report shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 8593.3 of the Government Code is amended to read:

8593.3. (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 being served by the following:

(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) A local government may enter into an agreement with a, or may use the records of its own, social services department to access the contact information of persons from the access and functional needs population, and the contact information of the designated emergency contacts of those persons, if any, for the sole purpose of enrolling those individuals, who are residents of that local government, in a city-operated, county-operated, or city- and county-operated public emergency warning system.

(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.

(d) A local government that enters into an agreement to access information pursuant to subdivision (b) shall include procedures to enable any covered resident or designated emergency contact to opt out of the warning system and a process to terminate the local government's access to the contact information of the resident or the designated emergency contact from a county social services department. A local government or any third-party contractor or agent that assists with or administers an emergency warning system shall not use the information gathered for any purpose other than for emergency notification. The local government shall ensure that the confidentiality of the contact information is protected under reasonable security procedures.

(e) A local government that enters into an agreement to access information pursuant to subdivision (b) shall, upon receipt of that information, notify residents and designated emergency contacts that they have been entered into the public emergency warning system. This notification shall include a process to opt out of the warning system and to terminate the local government's access to the contact information of the resident or the designated emergency contact for purposes of the emergency warning system, regardless of the source of the information.

(f) For purposes of this section:

(1) "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, older adults, 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.

(2) "Contact information" means a person's name, address, telephone number, and email address.

(3) "Local government" means a city or county, including a city and county.

(g) Any contact information of a person from the access and functional needs population or the contact information of the designated emergency contact for that person, obtained by a local government pursuant to this section shall not specify whether that person receives public benefits or any other information, besides the contact information, that would be considered personal or confidential.

SEC. 2.5. Section 8593.3 of the Government Code is amended to read:

8593.3. (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 being served by the following:

(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) A local government may enter into an agreement with a, or may use the records of its own, social services department to access the contact information of persons from the access and functional needs population, and the contact information of the designated emergency contacts of those persons, if any, for the sole purpose of enrolling those individuals, who are residents of that local government, in a city-operated, county-operated, or city- and county-operated public emergency warning system.

(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.

(d) A local government that enters into an agreement to access information pursuant to subdivision (b) shall include procedures to enable any covered resident or designated emergency contact to opt out of the warning system and a process to terminate the local government's access to the contact information of the resident or the designated emergency contact from a county social services department. A local government or any third-party contractor or agent that assists with or administers an emergency warning system shall not use the information gathered for any purpose other than for emergency notification. The local government shall ensure that the confidentiality of the contact information is protected under reasonable security procedures.

(e) A local government that enters into an agreement to access information pursuant to subdivision (b) shall, upon receipt of that information, notify residents and designated emergency contacts that they have been entered into the public emergency warning system. This notification shall include a process to opt out of the warning system and to terminate the local government's access to the contact information of the resident or the designated emergency contact for purposes of the emergency warning system, regardless of the source of the information.

(f) For purposes of this section:

(1) "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, older adults, 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.

(2) "Contact information" means a person's name, address, telephone number, and email address.

(3) "Local government" means a city or county, including a city and county.

(g) Any contact information of a person from the access and functional needs population or the contact information of the designated emergency contact for that person, obtained by a local government pursuant to this section shall not specify whether

that person receives public benefits or any other information, besides the contact information, that would be considered personal or confidential.

(h) (1) (A) A county, including a city and county, may enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county's emergency management and transportation services in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the adjacent county. The services to be provided under an agreement entered into pursuant to this subdivision shall be available 24 hours per day, seven days per week.

(B) For purposes of this paragraph, "adjacent county" means a county within the same or a contiguous mutual aid region or regions, as defined in Section 8559.

(2) A county, including a city and county, that chooses to enter into an agreement pursuant to paragraph (1) shall integrate that agreement into its emergency plan within 90 days of entering into the agreement.

SEC. 3. Section 8593.4 of the Government Code is amended to read:

8593.4. (a) A local government may enter into an agreement to access the contact information of resident accountholders through the records of a public utility for the sole purpose of enrolling residents of that local government in a city-operated, county-operated, or city- and county-operated public emergency warning system.

(b) A local government that enters into an agreement to access the records of a public utility 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. A local government or a third-party contractor or agent that assists with or administers the emergency warning system 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) A local government that enters into an agreement to access contact information pursuant to subdivision (a) shall, upon receipt of that information, notify residents that they have been entered into the public emergency warning system. This notification shall include a process to opt out of the warning system and to terminate the local government's access to the contact information of the resident for purposes of the emergency warning system, regardless of the source of the information.

(d) Notwithstanding any other law, a public utility 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 local government under this section, including, without limitation, for any deficiencies or inaccuracies of the contact information provided.

(e) For purposes of this section:

(1) "Contact information" means a person's name, address, telephone number, and email address.

(2) "Local government" means a city or county, including a city and county.

(3) "Public utility" has the same meaning as in subdivision (a) of Section 216 of the Public Utilities Code and also includes a local publicly owned electric utility as defined in Section 224.3 of the Public Utilities Code, a mobile telephony service as defined in subdivision (d) of Section 224.4 of the Public Utilities Code, a public water agency, and an agency responsible for solid waste or recycling services.

SEC. 4. Section 8593.5 is added to the Government Code, to read:

8593.5. (a) A governing body of a postsecondary institution that receives state funds, including funds for student financial assistance, may access its own enrollment, registration, and personnel records for the sole purpose of enrolling students and employees in a university- or college-operated public emergency warning system.

(b) The governing body of a postsecondary institution that receives state funds, including funds for student financial assistance, that operates a public emergency warning system pursuant to subdivision (a), shall include procedures to enable any student or employee to opt out of receiving messages from the warning system via contact information, as defined in subdivision (d). The governing body of a postsecondary institution that receives state funds, including funds for student financial assistance, and any third-party contractor or agent that assists with or administers the emergency warning system may not use the information gathered for any purpose other than for emergency notification. The governing bodies of a postsecondary institution that receives state funds, including funds for student financial assistance, shall each ensure that the confidentiality of the contact information is protected under reasonable security procedures.

(c) A governing body of a postsecondary institution that receives state funds, including funds for student financial assistance, that accesses contact information pursuant to subdivision (a), upon receipt of that information, shall notify students and employees that they have been entered into the public emergency warning system. This notification shall include a process to opt out of receiving messages from the warning system via contact information, as defined in subdivision (d).

(d) For purposes of this section, "contact information" means a person's name, home address, personal telephone number or numbers, and personal email address.

SEC. 5. Section 10850.9 of the Welfare and Institutions Code is amended to read:

10850.9. (a) (1) Notwithstanding Section 10850, an authorized employee of a county social services department may disclose the name, residential address, telephone number, and email address of elderly or disabled individuals receiving services to police, fire, paramedical personnel, or other designated emergency services personnel, in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Those public safety emergencies include, but are not limited to, fires, earthquakes, gas leaks, bomb scares, public safety power shutoffs, and other natural or human-made occurrences that jeopardize the immediate physical safety of county residents.

(2) If a county social services agency intends to disclose information pursuant to paragraph (1), it shall notify elderly or disabled individuals receiving services, at the time the individual is enrolled in services or at the time of the agency's next contact with the individual, whichever comes first, of that fact. Beginning on January 1, 2022, the individual shall have the option to opt out of having their name, residential address, telephone number, and email address disclosed as described in paragraph (1).

(A) Information disclosed pursuant to paragraph (1) shall be used only by the receiving entity to provide emergency services in the event of a public safety emergency that necessitates the possible evacuation of the area in which an elderly or disabled individual resides.

(B) However, in the event of a public safety power shutoff, the county may disclose information pursuant to paragraph (1) to the extent necessary to prepare an individual for the loss of power and to ensure their safety and well-being within 48 hours preceding and following the event.

(b) The Director of Social Services shall seek any federal approval necessary to implement subdivision (a).

(c) Subdivision (a) shall be implemented only if the director executes a declaration, that shall be retained by the director, stating that any federal approval required for implementation of subdivision (a) has been obtained, and only for the duration of that approval.

SEC. 6. Section 2.5 of this bill incorporates amendments to Section 8593.3 of the Government Code proposed by both this bill and Assembly Bill 2730. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 8593.3 of the Government Code, and (3) this bill is enacted after Assembly Bill 2730, in which case Section 2 of this bill shall not become operative.