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AB-580 Emergency services: vulnerable populations. (2021-2022)

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Assembly Bill No. 580

CHAPTER 744

An act to amend Sections 8588.15, 8593.7, and 8607 of, and to add Section 8593.3.2 to, the Government Code, relating to emergency services.

[Approved by Governor October 09, 2021. Filed with Secretary of State October 09, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 580, Rodriguez. Emergency services: vulnerable populations.

Existing law, the California Emergency Services Act, establishes, within the office of the Governor, the Office of Emergency Services (OES) under the supervision of the Director of Emergency Services. Existing law makes OES responsible for addressing natural, technological, or manmade disasters and emergencies, including activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

Existing law requires OES to establish a standardized emergency management system for use by all emergency response agencies. Existing law requires the director to appoint representatives of the disabled community to serve on pertinent committees related to that system, and to ensure that the needs of the disabled community are met within that system by ensuring certain committee recommendations include the needs of people with disabilities.

This bill instead would require the director to appoint representatives of the access and functional needs population, provided a majority of appointees are from specified groups, to serve on those committees and to ensure the needs of that population are met within that system.

Under existing law, political subdivisions, as defined, have full power during a local emergency to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements. Existing law defines "emergency plan" for these purposes to mean official and approved documents that describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. Existing law requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan and to include representatives from the access and functional needs population, as defined, regarding that integration.

This bill would require a county to send a copy of its emergency plan to OES on or before March 1, 2022, and upon any update to the plan after that date. By creating a new duty for counties, this bill would impose a state-mandated local program. The bill would require OES, if requested, in consultation with representatives of people with a variety of access and functional needs, to review the emergency plan of each county to determine whether the plans are consistent with certain best practices and guidance, as specified. The bill would require counties to develop and revise emergency plans to address the issues identified by OES in OES's review. The bill would require OES, if requested, to provide technical assistance to a county in developing and revising its emergency plan to address the issues that the office identified in its review.

Existing law, on or before July 1, 2019, requires OES, in consultation with specified groups and entities, including the disability community, to develop guidelines for alerting and warning the public of an emergency, as specified, and to provide each city and county with a copy of the guidelines. Existing law requires OES, within 6 months of making those guidelines available and at least annually, to develop an alert and warning training that includes information regarding certain emergency alert systems and the alert and warning guidelines.

This bill, instead, would require OES to develop those guidelines on or before July 1, 2022, would include the access and functional needs community, as provided, instead of the disability community in the list of groups that OES is required to consult, and would require OES to develop the alert and warning training with involvement of representatives of the access and functional needs community.

Existing law requires OES, in cooperation with involved state and local agencies, to complete an after-action report within 180 days after each declared disaster that reviews public safety response and disaster recovery activities.

This bill would require OES to include conclusions and recommendations based on findings in the report.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 8588.15 of the Government Code is amended to read:

8588.15. (a) The director shall appoint representatives of the access and functional needs population to serve on the evacuation, sheltering, communication, recovery, and other pertinent Standardized Emergency Management System committees, including one representative to the Technical Working Group. At least a majority of appointees shall be representatives of the groups specified in paragraphs (1) through (3). Remaining appointees shall be representatives of the access and functional needs population and shall, to the extent practicable, represent the groups specified in paragraphs (1) through (3), as follows:

(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 access and functional needs population are met by ensuring all committee recommendations regarding preparedness, planning, and procedures relating to emergencies include the needs of the access and functional needs population.

(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 access and functional needs population, 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.

SEC. 2. Section 8593.3.2 is added to the Government Code, to read:

8593.3.2. (a) A county shall send a copy of its emergency plan to the Office of Emergency Services on or before March 1, 2022, and upon any update to the plan after that date.

(b) The office, if requested, in consultation with representatives of people with a variety of access and functional needs, shall review each county's emergency plans pursuant to the schedule described in subdivision (c) to determine whether the plans are consistent with best practices and guidance issued by the Federal Emergency Management Agency (FEMA), including those practices that relate to adequately addressing the needs of those individuals with access and functional needs, including people with disabilities, as described in paragraphs (1) through (3) of subdivision (a) of Section 8588.15. The review shall include an evaluation of the following:

- (1) The status of the county emergency alert system, including the different alerting systems used and the number of individuals signed up for each system.
- (2) Evacuation routes and plans and shelter-in-place plans, including preparations for evacuating or caring for individuals with access and functional needs.
- (3) Efforts at community outreach to prepare communities and individuals to take action in the event of an emergency or a disaster.
- (4) Large animal evacuation plans.
- (5) Plans to ensure the health and safety of citizens during power outages.

(c) On or before January 1, 2023, the office shall conduct a review pursuant to subdivision (b) of the emergency plans of at least 10 counties that are of high risk for natural disasters. On or before January 1, 2024, and annually thereafter, the office shall conduct a review pursuant to subdivision (b) of the emergency plans of at least ten counties. On or before January 1, 2028, the office shall conduct a review pursuant to subdivision (b) of the emergency plan of each county.

(d) The county shall develop and revise its emergency plan to address the issues that the office identified in its review pursuant to subdivision (b).

(e) The office, if requested, shall provide technical assistance to a county in developing and revising its emergency plan to address the issues that the office identified in its review pursuant to subdivision (b).

SEC. 3. Section 8593.7 of the Government Code is amended to read:

8593.7. (a) On or before July 1, 2022, 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 access and functional needs community, including people with disabilities, as described in paragraphs (1) through (3) of subdivision (a) of Section 8588.15, 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) (1) 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 and with involvement of representatives from the access and functional needs community, including people with disabilities, as described in paragraphs (1) through (3) of subdivision (a) of Section 8588.15, shall develop an alert and warning training.

(2) The training developed pursuant to this subdivision shall include, at minimum, information regarding the following:

(A) 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.

(B) 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.

(C) 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.

SEC. 4. Section 8607 of the Government Code is amended to read:

8607. (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 before 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.

(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) Within 180 days after each declared disaster, the Office of Emergency Services shall, in cooperation with involved state and local agencies, complete an after-action report that includes a review of the public safety response and disaster recovery activities and conclusions and recommendations based on findings. The office shall make the report available to all interested public safety and emergency management organizations.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.