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SB-821 Emergency notification: Office of Emergency Services: county jurisdictions. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 821

**Introduced by Senator Jackson
(Principal coauthor: Assembly Member Limón)**

January 03, 2018

An act to amend Section 8585 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 821, as introduced, Jackson. Emergency notification: Office of Emergency Services: county jurisdictions.

The California Emergency Services Act establishes the Office of Emergency Services in the office of the Governor and provides that the office is responsible for the state's emergency and disaster response services for 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.

This bill would specify that the Office of Emergency Services may assist county jurisdictions in developing effective public emergency warning systems.

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

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

SECTION 1. Section 8585 of the Government Code is amended to read:

8585. (a) (1) There is in state government, within the office of the Governor, the Office of Emergency Services. The Office of Emergency Services shall be under the supervision of the Director of Emergency Services, who shall have all rights and powers of a head of an office as provided by this code, and shall be referred to as the Director of Emergency Services.

(2) Unless the context clearly requires otherwise, whenever the term "California Emergency Management Agency" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Office of Emergency Services, and whenever the term "Secretary of Emergency Management" or the "Secretary

of the Emergency Management Agency" appears in statute, regulation, or contract, or in any other code, it shall be construed to refer to the Director of Emergency Services.

(3) Unless the context clearly requires otherwise, whenever the term "Director of Homeland Security" or "Office of Homeland Security" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Office of Emergency Services, and whenever the term "Director of Homeland Security" or "Director of the Office of Homeland Security" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Director of Emergency Services.

(b) (1) The Office of Emergency Services and the Director of Emergency Services shall succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the California Emergency Management Agency and the Secretary of Emergency Management, respectively.

(2) The Office of Emergency Services and the Director of Emergency Services shall succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Office of Homeland Security and the Director of Homeland Security, respectively.

(c) The Office of Emergency Services shall be considered a law enforcement organization as required for receipt of criminal intelligence information pursuant to subdivision (f) of Section 6254 by persons employed within the office whose duties and responsibilities require the authority to access criminal intelligence information.

(d) Persons employed by the Office of Emergency Services whose duties and responsibilities require the authority to access criminal intelligence information shall be furnished state summary criminal history information as described in Section 11105 of the Penal Code, if needed in the course of their duties.

(e) (1) The Office of Emergency Services shall be 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.

(2) *The Office of Emergency Services may assist county jurisdictions in developing effective public emergency warning systems.*

(f) Notwithstanding any other law, ~~nothing in~~ this section shall *not* authorize an employee of the Office of Emergency Services to access criminal intelligence information under subdivision (c) or (d) for the purpose of determining eligibility for, or providing access to, disaster-related assistance and services.

Senate Bill 821

Emergency Notification

Senator Jackson

SUMMARY

Once amended, this bill will authorize counties to automatically enroll residents into county-operated emergency notification systems, and will also allow enrolled residents to opt-out of receiving emergency alerts from these systems.

BACKGROUND

Emergency warning systems in California come in a variety of forms and each form has specific capabilities and drawbacks. Systems range from relatively low-tech options like making door-to-door announcements on foot, to auto-dialing telephones that can relay detailed emergency information to houses at a block-by-block level.

One of the more modern alert systems in use in California and across the country is the Wireless Emergency Alert (WEA) system. Administered by the Federal Communications Commission, WEA allows mobile phone subscribers to receive geographically-targeted, text-like messages alerting them of imminent threats to safety in their area. These alerts are broadcast to all mobile devices within a defined alert zone, meaning that an alert issued in downtown Sacramento is received by all WEA-capable mobile devices in that zone, even if they are roaming or the phone's owner is visiting from another area. WEA's inclusive approach to issuing warnings helps ensure that an emergency message is widely disseminated, but using this system could be counterproductive in certain scenarios including, for example, executing a staged evacuation in an area with limited road capacity to outrun an advancing wildfire.

Many local jurisdictions in California supplement WEA with their own telephonic emergency notification systems in order to communicate more precisely with residents during an emergency. These systems can send pre-recorded messages to telephones located within a defined target area, usually based on the physical address assigned to a landline telephone number. Mobile telephones can also receive text and voice alerts from these notification systems, but only if

the phone's user has opted-in to receive alerts from the service and registered their device with their local jurisdiction.

Given the unique ability to target alerts using physical addresses, locally operated telephonic notification systems are among the most precise emergency notification systems in use today, but because registration of mobile phones is not automatic many jurisdictions struggle to get residents to sign up to receive alerts. When the Thomas Fire -- the largest fire in California history -- broke out, less than 30 percent of residents had signed up to receive county-generated cell phone and email alerts. During the Northern California wildfires, which resulted in the death of 44 people, timely and accurate notification of residents has also been scrutinized as inadequate.

SOLUTION - SB 821

This bill helps ensure that more California residents will receive critical emergency alerts by authorizing county emergency management officials to automatically enroll residents in county-operated emergency notification systems. The bill also ensures that residents who do not wish to receive alerts have the opportunity to opt-out from participating in local warning systems.

SUPPORT

STATUS

Introduced on January 3, 2018

CONTACT

Tobias Halvarson
Legislative Director, Senator Jackson
State Capitol, Room 2032
Sacramento, CA 95814
916-651-4019 phone
tobias.halvarson@sen.ca.gov