

Introduced by Senators McGuire, Dodd, and Hill

(Principal coauthors: Assembly Members Aguiar-Curry, Levine, and Wood)

January 4, 2018

An act to add Sections 8588.4 and 8594.6 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as introduced, McGuire. Emergency alerts: evacuation orders: operators.

The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. The act also provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others, and requires the Department of the California Highway Patrol to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met.

This bill would provide for a red alert system designed to issue and coordinate alerts following an evacuation order, as specified. The bill would require the red alert system to incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation, as appropriate. The bill would require a local government agency or state agency that uses the federal Wireless Emergency Alert (WEA) system to alert a specified area of an evacuation order to use the term "red alert" in the alert and notify OES of the alert.

The bill would further require, on or before January 1, 2019, OES to both include a red alert link on its Internet Web site and establish standards, guidelines, and procedures for the red alert system. On or before July 1, 2019, the bill would require OES to both ensure that each emergency management office within a county or city is a registered WEA operator and has up-to-date WEA software and equipment. The bill also would require OES to ensure that emergency management personnel trained on the WEA system receive yearly training in WEA software and equipment operation.

The bill, upon appropriation by the Legislature, would require an emergency management office within a county or city and county to be provided moneys for the purposes of implementing this provision. The bill also would authorize the state and local government agencies to receive in-kind contributions or donations from the private sector, or grant funds from the federal government for this provision. By increasing the duties of local governments, this bill would impose a state-mandated local program.

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.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares as follows:
- 2 (a) The size and scope of wildland fires in California have grown
- 3 significantly over the past decade. These disasters have put the
- 4 lives of millions at risk and the need to alert residents of danger
- 5 from these unprecedented disasters has never been greater.
- 6 (b) While opt-in emergency alert systems, such as Nixel, are
- 7 critical to the safety of residents, it has become clear that the state
- 8 must develop an emergency alert system that is deployed to all
- 9 residents on multiple communication mediums and not just to
- 10 those who subscribe to opt-in systems.

1 (c) The Northern California firestorm of 2017 is the most
2 destructive and deadly wildland fire disaster in American history.

3 (d) The death toll from blazes in northern California remains at
4 44 people, including 24 people in the County of Sonoma, nine
5 people in the County of Mendocino, seven people in the County
6 of Napa, and four people in the County of Yuba.

7 (e) About 170,000 acres were burned in the northern California
8 fires.

9 (f) The Southern California wildfires of December 2017,
10 including the Thomas Fire, burned over 307,000 acres.

11 (g) The Thomas Fire is the largest wildland fire in California's
12 modern history, burning at least 281,620 acres.

13 (h) The federal Wireless Emergency Alert (WEA) system is a
14 public safety system that allows customers who own certain
15 wireless telephones and other enabled mobile devices to receive
16 geographically targeted, text-like messages alerting them of
17 imminent threats to safety in their area. The WEA system was
18 established in 2008 pursuant to the federal Warning, Alert, and
19 Response Network (WARN) Act and became operational in 2012.
20 Since then, over 21,000 WEA alerts have been issued.

21 (i) Authorized national, state, or local government authorities
22 may send alerts regarding public safety emergencies—such as
23 evacuation orders or shelter-in-place orders due to severe weather,
24 a terrorist threat, or chemical spill—using WEA.

25 (j) The alerts from authenticated public safety officials are sent
26 through the Federal Emergency Management Agency's (FEMA's)
27 Integrated Public Alert and Warning System (IPAWS) to
28 participating wireless carriers, which then push the alerts to mobile
29 devices in the affected area.

30 (k) It is the intent of the Legislature that every tool be used to
31 prevent another catastrophe like the north coast firestorm.

32 SEC. 2. Section 8588.4 is added to the Government Code, to
33 read:

34 8588.4. (a) On or before July 1, 2019, the Office of Emergency
35 Services (OES) shall ensure both of the following:

36 (1) That each emergency management office within a county
37 or city and county is a registered federal Wireless Emergency Alert
38 (WEA) operator.

39 (2) That each emergency management office within a county
40 or city and county has functional, up-to-date WEA software or

1 state-sanctioned equivalent software along with suitable ancillary
2 equipment needed to operate the WEA system or state-sanctioned
3 equivalent emergency alert software.

4 (b) The Office of Emergency Services shall ensure that the
5 personnel of each emergency management office within a county
6 that are trained on the WEA system receive training in WEA
7 equipment and software operation at least once each year.

8 SEC. 3. Section 8594.6 is added to the Government Code, to
9 read:

10 8594.6. (a) For purposes of this section, “red alert” system
11 means a quick response system designed to issue and coordinate
12 alerts following an evacuation order.

13 (b) The red alert system shall incorporate a variety of notification
14 resources and developing technologies that may be tailored to the
15 circumstances and geography of the underlying evacuation. The
16 red alert system shall utilize the state-utilized emergency
17 notification systems, including but not limited to, local digital
18 signs, radio, television, focused text, automated emergency
19 notification systems, or other technologies, as appropriate, in
20 addition to the federal Wireless Emergency Alert (WEA) system,
21 if authorized and under conditions permitted by the federal
22 government.

23 (c) A local government agency or state agency that uses the
24 federal WEA system to alert a specified area of an evacuation
25 order shall both use the term “red alert” in the alert and notify the
26 Office of Emergency Services of the alert. Upon receiving this
27 notification, the Office of Emergency Services shall utilize the
28 state-utilized emergency notification systems, including, but not
29 limited to, local digital signs, radio, television, focused text, or
30 other technologies, as appropriate, in addition to the federal WEA
31 system for the alert.

32 (d) When the emergency management office within a county
33 or city and county uses the federal WEA system to alert a specified
34 area of an evacuation order, the emergency management office
35 shall also send an equivalent alert to all landline phones within
36 that specified area.

37 (e) On or before January 1, 2019, the Office of Emergency
38 Services shall augment the office’s public Internet Web site to
39 include a red alert link that describes the red alert process,
40 objectives, and available quick responses. The Internet Web site

1 shall explain that the term “red alert” will communicate that an
2 evacuation is underway and that the scope of an alert will be
3 tailored to the circumstances of the evacuation and available
4 technologies.

5 (f) On or before January 1, 2019, the Office of Emergency
6 Services shall establish the following for the red alert system:

7 (1) Standards for when counties should use and deploy the
8 system.

9 (2) Guidelines and protocols for when and how the alerts should
10 be sent.

11 (3) Guidelines for sending alerts to cell phones and landline
12 phones.

13 (4) Procedures for verifying, initiating, modifying, and canceling
14 alerts transmitted via an alert system.

15 (5) Guidelines for the technical capabilities of an alert system.

16 (6) Guidelines for the technical capability that provides for the
17 priority transmission of alerts.

18 (7) Guidelines for other capabilities of an alert system.

19 (8) Standards for equipment and technologies used by an alert
20 system.

21 (9) Cost estimates for technology purchasing.

22 (g) Upon appropriation by the Legislature, an emergency
23 management office within a county or city and county shall be
24 provided moneys for the purpose of implementing this section.
25 The state and local government agencies also may receive in-kind
26 contributions or donations from the private sector, or grant funds
27 from the federal government, for these purposes.

28 (h) This section shall not be construed to limit the ability of
29 emergency management offices or other WEA operators to use
30 the WEA system for other emergency purposes.

31 SEC. 4. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.