

Assembly Concurrent Resolution No. 38

RESOLUTION CHAPTER 31

Assembly Concurrent Resolution No. 38—Relative to the Joint Legislative Committee on Emergency Management.

[Filed with Secretary of State June 13, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 38, Bonnie Lowenthal. The Joint Legislative Committee on Emergency Management.

This measure continues in existence the Joint Legislative Committee on Emergency Management, comprised of 7 Members of the Senate and 7 Members of the Assembly, as specified, to address California's emergency management issues, until abolished by the Legislature.

WHEREAS, California is the site of some of the most extraordinary natural disasters in North America, including fires, earthquakes, floods, landslides, mudslides, insect infestations, and drought; and

WHEREAS, California is the nation's most populous state and home to many of the nation's most critical military installations, industrial facilities, ports, academic institutions, and tourist destinations, and as such California is especially vulnerable to potential acts of terrorism; and

WHEREAS, The failed governmental response to Hurricane Katrina in 2005 indicates an immediate need to continue to assess and improve upon California's emergency preparedness and response plans, especially in the following areas: the specific roles of local, state, and federal agencies; evacuation planning; interoperable communication systems; emergency warning protocols; and private sector preparedness; and

WHEREAS, The recurrent threat of avian and pandemic flu could also present unprecedented challenges to the state's public health system and thus place at risk the state's residents and our economy; and

WHEREAS, On November 2, 2003, then-Governor Gray Davis and then-Governor-elect Arnold Schwarzenegger established a Blue Ribbon Fire Commission representing federal, state, and local agencies, the firefighting community, and certain communities; and

WHEREAS, The Blue Ribbon Fire Commission was established to conduct a review of the efforts to fight the October 2003 fires and present recommendations to make California less vulnerable to disasters of such enormity in the future; and

WHEREAS, The Blue Ribbon Fire Commission, in its report to the Governor, made numerous recommendations and prioritized their importance, including the establishment of a permanent Joint Legislative Committee on Emergency Services and Homeland Security; and

WHEREAS, The Joint Legislative Committee on Emergency Services and Homeland Security has been in continuous existence since it was first established by Resolution Chapter 144 of the Statutes of 2004, and subsequently reauthorized by Resolution Chapter 106 of the Statutes of 2005, Resolution Chapter 152 of the Statutes of 2006, and reauthorized and renamed as the Joint Legislative Committee on Emergency Management by Resolution Chapter 36 of the Statutes of 2009; and

WHEREAS, The Joint Legislative Committee on Emergency Management has provided essential oversight of the California Emergency Management Agency and conducted numerous hearings on the subject of emergency preparedness and homeland security issues; and

WHEREAS, The members of the Joint Legislative Committee on Emergency Management and the Legislature recognize that the work of the joint committee needs to continue; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Committee on Emergency Management is continued in existence from the 2009–10 Regular Session; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management shall be in continuous existence until abolished by the Legislature; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management shall consist of 14 members, and shall include seven Members of the Senate appointed by the Senate Committee on Rules, four from the political party having the largest number of members in the Senate and three from the political party having the second largest number of members, and seven Members of the Assembly appointed by the Speaker of the Assembly, four from the political party having the largest number of members in the Assembly and three from the political party having the second largest number of members; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management shall be under the direction of a chairperson and vice chairperson that shall alternate between the Senate and the Assembly from session to session; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management may provide a public forum for discussion of California's emergency management issues related to natural or human-caused threats to California; and be it further

Resolved, That, in order to assist the Joint Legislative Committee on Emergency Management in carrying out its duties, the joint committee may form technical advisory committees, including representatives from the public safety and emergency services disciplines, to help evaluate federal, state, and local strategies, provide technical assistance on an ongoing basis, and take active roles in supporting the passage of any necessary legislation; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management may work in cooperation with the Governor and the standing

committees and subcommittees of the Legislature to address the level of support necessary for public safety and related safety agencies to implement essential emergency management services and policies; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management shall, during each biennial session of the Legislature, report to the Governor and the Legislature on the joint committee's progress and includes any recommendations relating to the status of the services and policies that are necessary to have in place to adequately address public safety and essential emergency management services and policies; and be it further

Resolved, That the Joint Legislative Committee on Emergency Management and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Assembly and Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this joint committee and its members; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

**Joint Legislative Committee on Emergency Management
(formerly the Joint Legislative Committee on
Emergency Services and Homeland Security)
Accomplishments 2004-2012**

Hearings

- 1) 10/5/04 – 2003 Historic Southern California Fires: An Assessment One Year Later
- 2) 10/24/05 – Is California Prepared for the Big One: Earthquake, Tsunami, Wildfire, Flood, an Act of Terrorism?
- 3) 11/29/05 – How Do We Prevent the Next Firestorm?
- 4) 12/5/05 – How Counterterrorism has Evolved in California since 9/11; Are We Better Prepared to Prevent, Respond to and Recover from an Attack?
- 5) 3/17/06 – Is California Prepared for a Bird Flu Pandemic?
- 6) 8/11/06 – Securing California’s Maritime Transportation System: Seamless Operational Security (Joint hearing with the Assembly Select Committee on Ports)
- 7) 7/18/07 – California Fire Season and Emergency Preparedness and Response Report
- 8) 8/21/07 – Federal Homeland Security and Emergency Preparedness and Response Grant Programs: How Will Funds be Distributed and Used by State and Local Governments?
- 9) 12/12/07 – The 2007 Southern California Wildfires: Assessing Preparedness, Response and Recovery Efforts in San Diego County
- 10) 12/13/07 – The 2007 Southern California Wildfires: Assessing Preparedness, Response and Recovery Efforts in Los Angeles, San Bernardino and Orange Counties
- 11) 8/27/09 – Evaluating the Impact of H1N1 Pandemic on California’s Public Health and Education Systems: Are We Ready for the Flu Season? (Joint hearing with the Senate Health Committee and the Senate Select Committee on Disaster and Emergency Response)
- 12) 9/23/09 – Evaluating the Cost and Effectiveness of California’s Year Round Firefighting Capability
- 13) 3/24/10 – A Review of the Draft 2010 Strategic Fire Plan for California
- 14) 11/30/10 – As Local Tax Dollars Disappear, Can the End of Mutual Aid Agreements Be Far Behind?
- 15) 08/12/11 - Emergency Communications: Who’re You Going to Call?
- 16) 10/20/11 - Water Reliability and Seismic Risk (Joint hearing with the Assembly Select Committee on Regional Approaches to Addressing the State’s Water Crisis)
- 17) 10/26/11 - Addressing Grid Vulnerabilities: September 8, 2011 Southwest Power Outage (Joint hearing with the Assembly Committee on Utilities and Commerce)
- 18) 02/03/12 - Investigation of December 2011 Southern California Windstorm Outage (Joint hearing with the Assembly Committee on Utilities and Commerce)
- 19) 08/06/12 - Emergency Interoperability: What’s Next for California?

Activities

- The Committee has been the legislative point of contact for CalEMA (formerly the Governor's Offices of Emergency Services and Homeland Security), CalFIRE, the Department of Public Health and others, and as such, has taken the lead on keeping legislators up to date on emergency preparedness and response issues.
- Receives daily situations reports from CalEMA and participate in periodic updates by CalEMA and federal emergency agencies in response to both natural and man-made disasters.
- Worked with former Governor Schwarzenegger's office regarding his proposed Emergency Response Initiative.
- Worked with CalEMA to create the Office for Access and Functional Needs within the agency. Also worked to ensure that people with functional needs have representation on appropriate emergency planning committees. Attended a statewide meeting on functional needs within the emergency management system.
- Participated in numerous conference calls with CalEMA and federal emergency agency partners related to pandemic flu, fire damage, winter storms, the San Bruno explosion, and earthquake and tsunami updates.
- Provided oversight to an independent third party contractor that was hired under the direction of former Senate pro Tem Don Perata, to prepare a report on gaps in California's emergency services and response needs. The final report was never released by former Governor Schwarzenegger.
- Met with several foreign delegations interested in learning about California's emergency preparedness.
- Researched problems concerning defensible space issues and independent third party contractors with local fire departments based on complaints from California citizens.
- Participated in meetings and calls regarding the Draft 2010 Strategic Fire Plan for California.
- Coordinated information flow between the Legislature and CalEMA to facilitate a disaster declaration for the San Bruno PG&E pipeline explosion.
- As a result of information presented at the November 30, 2010 hearing noted above, Senator Kehoe presented a request to the Joint Legislative Audit Committee for an audit of the California Mutual Aid System. That request was approved by the Committee on February 16, 2011. California's mutual aid system is a model for the country, but is being threatened by a number of stressors. Without a robust mutual aid system, public safety could be at risk. The purpose of the audit is to conduct a performance review of the current mutual aid system, identify concerns and provide recommendations on how it can be improved, so the Legislature

and other stakeholders can take appropriate action. The audit report was issued on January 31, 2012.

Educational Opportunities and Demonstration Participation

- Attended a CalFIRE field trip to learn about how homeowners are implementing defensible space requirements as models for other communities.
- Attended a briefing by CalEMA on the Homeland Security Grant Program for 2010.
- Attended a number of interoperability and other disaster-related product and equipment demonstrations.
- Participated as an observer in a number of emergency preparedness drills in Sacramento and southern California.
- Attended legislative tour of CalEMA.
- Attended a tour of the CAL FIRE aerial firefighting fleet.

Committee-Generated Legislation

- 1) AB 823 (Nava) Chapter 233, Statutes of 2005: Enacts a modified version of the Emergency Management Assistance Compact (EMAC) that has been adopted by other states and ratified by Congress, until January 1, 2008.
- 2) AB 1889 (Nava) Chapter 502, Statutes of 2006: Requires the membership of the California Emergency Council to include a representative of a local public health agency, to be appointed by the Governor. Requires the council to have two advisory committees with specified memberships and duties, and includes the encouragement of certain community, business, and school preparedness efforts and the publication of a biennial report on emergency preparedness, among the council's duties.
- 3) AB 2041 (Nava) Chapter 855, Statutes of 2006: Modifies the membership of the Public Safety Radio Strategic Planning Committee (PSRSPC) to ensure that the appropriate partner organizations are involved in shaping the state's policies to achieve communications interoperability and requires PSRSPC to coordinate with the California State Interoperability Executive Committee (CALSIEC) and first response agencies at various levels of government.
- 4) AB 2852 (Nava, 2006): Created the California Tsunami Steering Committee to guide the state in preparing a tsunami mitigation plan. (Died on the Assembly Appropriations Committee Suspense File.)
- 5) SB 1451 (Kehoe) Chapter 600, Statutes of 2006: Required the Office of Emergency Services to ensure that members of the disability community are represented on all pertinent emergency preparedness committees.

- 6) AB 287 (Nava, 2007): Provided certain agricultural employers affected by the January 2007 freeze with a credit equal to 40% of wages paid to employees through January 1, 2009. (Died on the Assembly Appropriations Committee Suspense File.)
- 7) AB 319 (Nava, 2007): Would create the "California Tsunami Hazard Preparedness and Mitigation Steering Committee" to guide tsunami hazard preparation activities and require the Office of Emergency Services to establish a statewide tsunami hazard preparedness and mitigation program to assist local governments in preparing for, responding to, and mitigating the effects of tsunamis. (Vetoed by the Governor.)
- 8) AB 1564 (Nava) Chapter 414, Statutes of 2007: Extends from January 1, 2008, to January 1, 2013, the operation of the Emergency Management Assistance Compact. In addition, the bill prohibits the state from giving or receiving assistance for any condition resulting from a labor controversy.
- 9) AJR 6 (Nava, 2007): Memorializes the President of the United States to expeditiously declare as a federal natural disaster area the portions of this state affected by severe freezing conditions and consequent frost damage that occurred in January 2007 to allow critical relief to this state's small-business owners, farmers, and workers.
- 10) SB 426 (Kehoe, 2007): Would require the Director of the Governor's Office of Emergency Services (OES) to create the position of Deputy Director of Access and Functional Needs Coordination. (Died in Senate Appropriations, but the issue was successful by working with the Governor's office and OES.)
- 11) SB 1595 (Kehoe) Chapter 366, Statutes of 2008: Updated defensible space laws and recast them in terms of fuels management instead of vegetation management.
- 12) AB 38 (Nava) – Chapter 372, Statutes of 2008: Created CalEMA as an independent agency, reporting directly to the Governor, and vested with the duties, powers, purposes and responsibilities, and jurisdictions previously held within the Office of Homeland Security and the Governor's Office of Emergency Services.
- 13) AB 2796 (Nava) Chapter 363, Statutes of 2008: Authorizes the Office of Emergency Services to establish a statewide registry of private businesses and nonprofit organizations that are interested in making donations, at no cost to the state, to prepare the state for emergencies and disasters, and imposes certain duties on these entities in this regard.
- 14) SB 1617 (Kehoe, 2008): Would require the State Board of Forestry and Fire Protection to establish an annual fire prevention fee of \$50 to be collected for all occupied structures in SRAs beginning with the 2010-11 fiscal year to be used for fire prevention activities. (Died on the Assembly Floor.)
- 15) AB 1214 (Nava) Chapter 517, Statutes of 2009: Requires any privately owned or operated resources hired by an insurer to protect structures threatened by fire or to perform firefighting duties to report to and follow the direction of the Incident Commander as that term is used in California's Standardized Emergency Management System (SEMS).

16 & 17) SCA 21 (Kehoe, 2008) and SCA 12 (Kehoe, 2009): Would allow local governments to fund certain emergency and public safety infrastructure, services, equipment, interoperable communications equipment, etc. with the approval of 55% of its voters. (SCA 21 died in Senate Revenue and Taxation and SCA 12 died on the Senate Floor.)

18 & 19) SB 505 (Kehoe, 2009) and SB 1207 (Kehoe, 2010): Would require local governments that have State Responsibility Areas and very high fire hazard severity zones in their jurisdictions, to include in the safety elements of their general plans key information about planning for fire hazards. (Both were vetoed by the Governor.)

20 & 21) SBX8 40 (Kehoe, 2010) and SB 1258 (Kehoe, 2010): Governor's Emergency Response Initiative: Would impose a 4.8% emergency response surcharge on all new or renewed commercial and residential fire or multi-peril insurance premiums issued or renewed on or after July 1, 2010 in California. (SBX8 40 died on Senate Floor and SB 1258 died in Senate Appropriations.)

22) ACR 38 (Lowenthal), Chapter 31, Statutes of 2011: Reconstituted the Joint Committee on Emergency Management in perpetuity, until it is eliminated by the Legislature. Also required the Joint Committee to report biennially to the Governor and the Legislature the Joint Committee's progress and recommendations on the status of the services and policies necessary to address public safety and essential emergency management services and policies.

23) AB 946 (Lowenthal), Chapter 400, Statutes of 2011: Allowed the County of Los Angeles or the Los Angeles Regional Interoperable Communications System (LA-RICS) the option to use a solicitation process to award a contract for design, construction, and delivery or a regionally interoperable communications system and all related infrastructure. This authority will help decrease the overall project risk, time required for implementation, and overall costs.

24) SB 1241 (Kehoe), Chapter 311, Statutes of 2012: Requires local governments to update the safety elements of their general plans with fire hazard information on or after January 1, 2014 upon the next revision of their housing element, if they have State Responsibility Areas and fire hazard severity zones within their jurisdiction. Also requires local governments to make three findings about compliance with state laws and regulations and fire protection availability before they approve a tentative map.