

**Introduced by Senator Jackson**  
**(Coauthor: Senator Nielsen)**  
(Coauthors: Assembly Members Gallagher and Limón)

December 3, 2018

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An act to amend Section 8593.4 of, and to add Section 8593.5 to, the Government Code, and to repeal and add Section 10850.9 of the Welfare and Institutions Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 46, as introduced, Jackson. State government: emergency services.

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 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, wireless telephony services. The bill would also authorize the governing bodies of the California State University, the University of California, and each community college district to enter into similar agreements to access the contact information of student and employee accountholders through the records of a public utility.

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 recast those provisions to instead permit an authorized employee of a county social services department, to the extent permitted by federal law, to disclose the contact information of persons from the access and functional needs population who are receiving public social services, and the contact information of the designated emergency contacts of those persons, to the above-described entities, in order to protect those persons in the event of a public safety emergency. The bill would revise the definition of “public safety emergency” to include a heat emergency. The bill would limit the use of disclosed contact information to the provision of emergency notification or direct emergency services. The bill would require the director of a county social services department to determine a public safety emergency exists in order for these disclosures to be authorized.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 8593.4 of the Government Code, as added  
2 by Chapter 615 of the Statutes of 2018, is amended to read:  
3 8593.4. (a) ~~A county, including a city and county, local~~  
4 ~~government~~ may enter into an agreement to access the contact  
5 information of resident accountholders through the records of a  
6 public utility ~~or other agency, including an electrical or gas~~  
7 ~~corporation, local publicly owned electric utility, public water~~  
8 ~~agency, or other agency responsible for water service, waste and~~  
9 ~~recycling services, or other related services for a property address,~~  
10 ~~for the sole purpose of enrolling county residents of that local~~  
11 ~~government in a county-operated city-, county-, or~~  
12 ~~city-and-county-operated public emergency warning system.~~  
13 (b) ~~A county, including a city and county, local government~~  
14 ~~that enters into an agreement to access information pursuant to~~  
15 ~~subdivision (a) shall include procedures to enable any resident to~~  
16 ~~opt out of the warning system and a process to terminate the~~  
17 ~~receiving agency’s access to the contact information of the resident~~  
18 ~~from a public utility or other agency, including an electrical or gas~~  
19 ~~corporation, local publicly owned electric utility, public water~~  
20 ~~agency, or other agency responsible for water service, waste and~~  
21 ~~recycling services, or other related services for a property address.~~  
22 ~~A county, or city and county, utility. A local government may not~~  
23 ~~use the information gathered for any purpose other than for~~  
24 ~~emergency notification. The receiving agency shall ensure that the~~  
25 ~~confidentiality of the contact information is protected under~~  
26 ~~reasonable security procedures.~~  
27 (e) ~~For purposes of this section, “contact information” means~~  
28 ~~a person’s name, address, telephone numbers, and email address.~~  
29 (d)  
30 (c) Notwithstanding any other law, a public utility ~~or other~~  
31 ~~agency, including an electrical or gas corporation, local publicly~~  
32 ~~owned electric utility, public water agency, or other agency~~  
33 ~~responsible for water service, waste and recycling services, or~~  
34 ~~other related services for a property address, shall not be subject~~  
35 ~~to civil or criminal liability for the accuracy of, or any use, nonuse,~~  
36 ~~or improper release of, the contact information it provides to the~~  
37 ~~county local government under this section, including, without~~

1 limitation, for any deficiencies or inaccuracies of the contact  
2 information provided.

3 (d) *For purposes of this section:*

4 (1) *“Contact information” means a person’s name, address,*  
5 *telephone number, and email address.*

6 (2) *“Local government” means a city or county, including a*  
7 *city and county.*

8 (3) *“Public utility” has the same meaning as in subdivision (a)*  
9 *of Section 216 of the Public Utilities Code and also includes a*  
10 *mobile telephony service as defined in subdivision (d) of Section*  
11 *224.4 of the Public Utilities Code and an agency responsible for*  
12 *solid waste or recycling services.*

13 SEC. 2. Section 8593.5 is added to the Government Code, to  
14 read:

15 8593.5. (a) The governing bodies of the California State  
16 University, the University of California, and each community  
17 college district may enter into agreements to access the contact  
18 information of student and employee accountholders through the  
19 records of a public utility for the sole purpose of enrolling students  
20 and employees in a university- or college-operated public  
21 emergency warning system.

22 (b) The governing body of the California State University, the  
23 University of California, or a community college district that enters  
24 into an agreement to access information pursuant to subdivision  
25 (a) shall include procedures to enable any student or employee to  
26 opt out of the warning system and a process to terminate the  
27 receiving agency’s access to the contact information of the student  
28 or employee from a public utility. The governing body of the  
29 California State University, the University of California, or a  
30 community college district, may not use the information gathered  
31 for any purpose other than for emergency notification. The  
32 receiving agency shall ensure that the confidentiality of the contact  
33 information is protected under reasonable security procedures.

34 (c) Notwithstanding any other law, a public utility shall not be  
35 subject to civil or criminal liability for the accuracy of, or any use,  
36 nonuse, or improper release of, the contact information it provides  
37 to the governing body of the California State University, the  
38 University of California, or a community college district under  
39 this section, including, without limitation, for any deficiencies or  
40 inaccuracies of the contact information provided.

1 (d) For purposes of this section:

2 (1) “Contact information” means a person’s name, address,  
3 telephone numbers, and email address.

4 (2) “Public utility” has the same meaning as in subdivision (a)  
5 of Section 216 of the Public Utilities Code and also includes a  
6 mobile telephony service as defined in subdivision (d) of Section  
7 224.4 of the Public Utilities Code and an agency responsible for  
8 solid waste or recycling services.

9 SEC. 3. Section 10850.9 of the Welfare and Institutions Code  
10 is repealed.

11 ~~10850.9. (a) Notwithstanding Section 10850, an authorized~~  
12 ~~employee of a county social services department may disclose the~~  
13 ~~name and residential address of elderly or disabled clients to police,~~  
14 ~~fire, paramedical personnel, or other designated emergency services~~  
15 ~~personnel, in the event of a public safety emergency that~~  
16 ~~necessitates the possible evacuation of the area in which those~~  
17 ~~elderly or disabled clients reside. Those public safety emergencies~~  
18 ~~include, but are not limited to, fires, earthquakes, gas leaks, bomb~~  
19 ~~seares, and other natural or human-made occurrences that~~  
20 ~~jeopardize the immediate physical safety of county residents.~~

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

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

28 SEC. 4. Section 10850.9 is added to the Welfare and  
29 Institutions Code, to read:

30 10850.9. (a) Notwithstanding Section 10850, and to the extent  
31 permitted by federal law, an authorized employee of a county  
32 social services department may disclose the contact information  
33 of persons receiving public social services, and the contact  
34 information of the designated emergency contacts of those persons,  
35 if any, to police, fire, paramedical personnel, or other designated  
36 emergency services personnel, in order to protect those persons in  
37 the event of a public safety emergency.

38 (b) Contact information disclosed pursuant to this section shall  
39 be used only for the purpose of providing emergency notification  
40 or direct emergency services.

- 1 (c) Disclosures made pursuant to this section shall occur only
- 2 after the director of a county social services department, or his or
- 3 her designated representative, has determined that a public safety
- 4 emergency exists.
- 5 (d) For purposes of this section:
- 6 (1) “Contact information” means a person’s name, address,
- 7 telephone numbers, and email address.
- 8 (2) “Public safety emergency” means a fire, earthquake, gas
- 9 leak, bomb scare, heat emergency, or other natural or human-made
- 10 event that jeopardizes the immediate physical safety of persons
- 11 within the service area of a county social services department.
- 12 (3) “Persons receiving public social services” means individuals
- 13 from the access and functional needs population, as defined in
- 14 Section 8593.3 of the Government Code, who are receiving public
- 15 social services.