

Senate Bill No. 816

CHAPTER 292

An act to amend Section 8561 of the Government Code, relating to emergency services.

[Approved by Governor September 24, 2021. Filed with Secretary of State September 24, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 816, Committee on Governmental Organization. Master Mutual Aid Agreement: tribes.

Existing law, the California Emergency Services Act, grants the Governor certain powers to be exercised in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency. Existing law requires, during any state of war emergency, or state of emergency when the need arises for outside aid in any county, city and county, or city, aid to be rendered in accordance with approved emergency plans. In periods other than a state of war emergency, a state of emergency, or a local emergency, existing law authorizes state agencies and political subdivisions to exercise mutual aid powers in accordance with the Master Mutual Aid Agreement and local ordinances, resolutions, agreements, or plans. Existing law defines the Master Mutual Aid Agreement, an agreement between the state and its various departments and agencies, and the various political subdivisions to facilitate implementation of the act, for the purposes of the act.

This bill would add federally recognized California Indian tribes to that definition describing the agreement.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Legislature enacted the California Emergency Services Act to ensure that preparations within the state may adequately address the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and to protect the health and safety and preserve the lives and property of all people of the state.

(b) The California Emergency Services Act was further enacted to ensure that all emergency services functions of the state, local governments, the federal government, and private agencies of any type be coordinated as far as possible to the end that the most effective use may be made of all

manpower, resources, and facilitates for dealing with any emergency that may occur.

(c) Existing law defines “Master Mutual Aid Agreement” as the California Disaster and Civil Defense Master Mutual Aid Agreement, made and entered into by and between the State of California, its various departments and agencies, and the various political subdivisions of the state, to facilitate implementation of the purposes of the California Emergency Services Act.

(d) The California Disaster and Civil Defense Master Mutual Aid Agreement creates a formal structure whereby each participating jurisdiction may retain control of its personnel and facilities while also providing assistance wherever needed, to carry out the purposes of the California Emergency Services Act.

(e) While the California Emergency Services Act authorizes the state to enter into the Master Mutual Aid Agreement with other state agencies and political subdivisions, it does not expressly provide that the state may so contract with federally recognized California Indian tribes for that same purpose.

(f) California Indian tribes play a vital role in emergency response not only on tribal lands, but throughout the state, helping to ensure critically needed fire protection, rescue, paramedic, and other emergency response services to hundreds of thousands of the state’s citizens.

(g) To ensure that federally recognized Indian tribes of California can continue to contribute as part of the state’s emergency response infrastructure, it is imperative that they be treated in parity with state agencies when responding to statewide emergencies.

(h) The goals of the California Emergency Services Act are best served by amending the law to clarify that the state may contract with federally recognized California Indian tribes under the Master Mutual Aid Agreement.

SEC. 2. Section 8561 of the Government Code is amended to read:

8561. “Master Mutual Aid Agreement” means the California Disaster and Civil Defense Master Mutual Aid Agreement, made and entered into by and between the State of California, its various departments and agencies, the various political subdivisions of the state, and federally recognized California Indian tribes, to facilitate implementation of the purposes of this chapter.