

Assembly Bill No. 903

CHAPTER 400

An act to add Article 6 (commencing with Section 8692) to Chapter 7.5 of Division 1 of Title 2 of the Government Code, relating to emergency services, and making an appropriation therefor.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 903, Houston. Emergency services.

Existing law, the California Disaster Assistance Act, requires the Director of the Office of Emergency Services to allocate funds for any local agency project to restore or repair real property of the local agency damaged or destroyed by a disaster, as specified. The Disaster Assistance Fund is continuously appropriated, without regard to fiscal years, for purposes of the act.

This bill would provide that a private nonprofit organization that is eligible for specified disaster assistance under federal law would be eligible for state assistance for distribution of supplies, and other disaster or emergency assistance activities resulting in extraordinary cost. It would provide that an organization is not eligible for assistance under these provisions if it employs religious content in the provision of emergency assistance and would require that the grant of assistance comply with constitutional prohibitions against discrimination and the use of public funds to aid any religious organization or activity. It would direct the Office of Emergency Services to adopt regulations for this purpose. By expanding the purpose for which moneys in the Disaster Assistance Fund, a continuously appropriated fund, are available, this bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Article 6 (commencing with Section 8692) is added to Chapter 7.5 of Division 1 of Title 2 of the Government Code, to read:

Article 6. Nonprofit Organizations

8692. (a) If a state of emergency is proclaimed, an eligible private nonprofit organization may receive state assistance for distribution of supplies and other disaster or emergency assistance activities resulting in extraordinary cost.

(b) A private nonprofit organization is eligible for assistance under this section if it is eligible for disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121).

(c) An organization is not eligible for assistance under this section if it employs religious content in the provision of emergency assistance.

(d) Any grant of assistance under this section shall comply with Section 4 of Article I and Section 5 of Article XVI of the California Constitution, state and federal civil rights laws, and the First Amendment to the United States Constitution in regard to the funding of religious organizations and activities. These legal constraints include prohibitions on the discrimination against beneficiaries and staff based on protected categories, on the use of public funds for proselytizing of religious doctrine, religious instruction, or worship, and on the use of other religious means to accomplish programmatic goals.

(e) The Office of Emergency Services shall adopt regulations to implement this section.