

SEISMIC SAFETY COMMISSION

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Memorandum

To: Commissioners

From: Henry Sepulveda
Director of Legislation

Subj: Legislative Report

This memorandum addresses a series of legislative issues and decision-points pending before the Commission. As the upcoming legislative session resumes on January 7, the Commission will need to make decisions on legislative priorities, policy direction and the allocation of resources to shape a strategy for the Commission's legislative mission in 2002.

Timeframe. New bills can be introduced in January and February. However, to allow time for Legislative Counsel to prepare the new bills, ideas for new bills must be submitted by late January. To allow time to find authors for Commission-sponsored bills, final decisions on bills need to be made by the Commission at the January 10 Commission meeting.

Current Legislative Package. Currently, the Commission is sponsoring five bills that are pending in various committees. Each of these bills has the opportunity to be heard and advanced in the 2002. The staff time and resources dedicated to working these bills depends on the relative priority of these measures compared to other legislative priorities identified by the Commission. With respect to these measures, the Commission has the option to:

- Continue sponsorship and advocacy;
- Withdraw sponsorship, but continue support;
- Withdraw sponsorship;
- Amend the bill;
- Surrender the bill to the author.

Exhibit 1 shows the substance and current status of those Commission-sponsored measures. The exhibit also reflects the Commission's most recent decisions concerning the bills.

Potential Adjustments to the Legislative Package for 2002. Throughout the interim period, staff and Commissioners have been discussing ideas for the direction of the Commission's legislative package. Among the concepts discussed were:

- Urban Search and Rescue (USAR)
 - Some Commissioners have indicated interest in sponsoring legislation to expand the number of USAR teams in California, and to seek funding for more mobile equipment for the teams.
 - In December, Commissioners Clark and Mochizuki, former Commissioner Manning and staff met with fire department representatives from San Bernardino County, Santa Monica, Los Angeles (City), Sacramento County and OES to discuss USAR needs and funding options.**
 - One idea discussed would incorporate USA-related funding in SB 717 (Speier), the Commission's \$600 million state bond bill. The USAR portion would displace the housing component in the measure to generate funds for USAR equipment (approximately \$200 million).**
 - A second idea discussed would seek one-time funding for expanded USAR training for local fire-fighting and rescue personnel. This proposal would be in a separate, stand-alone measure (approximately \$20 million).**

- Earthquake Preparedness for California Schools
 - As originally proposed, this bill (AB 724, Corbett) would encourage compliance with existing earthquake preparedness law by offering rewards to schools that demonstrate compliance. However, the bill's fiscal impact (to fund the cash rewards) is problematic in the current year's budget crisis.
 - Consequently, staff has explored narrowing the focus and scope of the bill to enhance its potential for passage in 2002. Staff will report at the January 10 meeting regarding recent discussions with Assemblywoman Corbett's staff to amend the focus of the bill.**

- Strong Motion Instrumentation Program
 - Staff met with Commissioner Patwardhan to explore expanded funding for the SMIP in hospitals and schools. At the meeting, the decision was made to withhold final decisions about expanded SMIP funding until a firmer commitment is secured from the Division of Mines and Geology (Dept. of Conservation).

- Omnibus Statewide Seismic Safety Program
 - Discussions have taken place among Commissioners and staff

to sponsor an omnibus bill that would provide funding for various seismic research organizations and existing scientific programs, such as TriNet and CISN. This measure would entail a multi-million dollar appropriation for the State's General Fund or other state source.

The Legislative Environment in 2002. The legislative environment in 2002 is significantly different from the Spring 2001 period. Concerns about security, energy and declining State funds dominate the legislative agenda. Consequently, bills not directly related to security or energy will be at a competitive disadvantage in 2002. Furthermore, the Department of Finance has signaled a strong and firm resistance to any increases in State spending (especially General Fund expenditures) in the current fiscal year (2001-02) and the budget year (2002-03). The Department of Finance is expected to actively oppose all bills with new appropriations.

Items the Commission should consider in making decisions about new legislation:

1. Severe State Financial Conditions – Very few, if any, funds will be available for new initiatives and projects in 2002-03. In fact, the Commission has been directed to reduce its own budget (operating costs) by \$29,000 in the current year (2001-02) and \$26,000 in the budget year (2002-03).
2. Likelihood of Bill Passage -- Each new legislative idea should be evaluated by asking questions such as:
 - Does this bill address a specific, measurable, verifiable need?
 - Can addressing this need be postponed for a future year?
 - Is there broad agreement about the need and proposed remedy?
 - Who will support and who will oppose the measure?
 - What is the anticipated cost of implementing the bill?
(The best prospect for a bill to get passed in 2002 is to have nominal or no fiscal impact, especially to the General Fund.)

EXHIBIT 1

**Current Commission-Sponsored Legislation
2001-02 Session**

- **AB 977 (Alquist)** proposes full, ongoing funding for the Commission's Earthquake Emergency Investigations Account. The bill is on the Suspense File of the Senate Appropriations Committee.
 - Commission staff and Mrs. Alquist's staff would like to proceed with this bill. Currently, we are developing a strategic plan with Assemblywoman Alquist's staff and the Governor's Office.
- **SB 717 (Speier)** authorizes the issuance of \$600 million in state bonds to finance seismic retrofits of residential housing and local government buildings. It was approved by the full Senate and is on the Suspense File in the Assembly Appropriations Committee.
 - The staff would like to proceed with this bill. We are exploring the feasibility of linking the housing element to a broader housing bond measure being carried by Senator Burton.
 - With Senator Speier's agreement, staff proposes to substitute an element providing funds for USAR equipment to this bill.
- **SB 629 (Alarcon)** relating to the regulation of high storage inventory racks is on the Suspense File of the Senate Appropriations Committee (2-year bill).
 - This bill was preempted by Senator Speier's bill. The Legislative Committee recommends withdrawing sponsorship of this measure.
- **SB 998 (Alarcon)**, also pending on the Suspense File of the Senate Appropriations Committee, is a 2-year bill that directs the Governor's Office of Emergency Services to develop a Statewide Disaster Recovery Plan.
 - This bill can be dropped because OES is voluntarily undertaking that task and indicated it does not need the bill to proceed.
- **AB 724 (Corbett)**, also a 2-year bill, encourages schools' preparedness for earthquake safety by proposing periodic on-site inspections and offering rewards for schools that meet the standards. The measure is pending before the Assembly Appropriations Committee.
 - Staff is working with the author to narrow the scope of the bill (minimizing its fiscal impact).