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Memorandum

To: Commissioners

From: Henry Sepulveda
Director of Legislation

Subj: Legislative Report

This Report consists of two parts.

Part I summarizes certain new bills introduced in December for the 2003-04 Legislative Session. These bills affect subject areas of interest to the Commission. Legislative Committees can hear these bills as early as February 2003.

Part II describes and discusses legislative concepts submitted to the Commission for its consideration as potential Commission-sponsored bills for the upcoming 2003-04 Legislative Session.

I. New Legislative Session

The 2003-04 regular legislative session reconvened on January 6. The deadline for introduction of new bills is February 21.

As of December 31, staff has identified two bills in areas of interest to the Commission.

AB 28 (Pavley) establishes a Firefighter Hazardous Materials Response Team Equipment Program in OES to provide funding (out of available and appropriated federal funds) to state and local fire service agencies for the purchase of hazardous material apparatus and equipment.

Comments: In the past, the Commission has been supportive of "haz-mat" emergency response efforts, especially in connection with recovery following destructive earthquakes.

Commission staff has contacted Assemblywoman Pavley's office about this bill. Pavley's office is interested in coordinating this bill with the Commission's USAR Emergency Advisory Committee efforts (per enactment of AB 2002 last year).

SB 9 (McClintock and Perata) creates a Bureaucracy Realignment and Closure Commission that, beginning in January 2005, would develop recommendations for the closure or realignment of state agencies, departments, offices and commissions. The Commission's final report and its recommendations are due July 2006. The Governor, upon approval of the list of recommendations, would be required to submit a comprehensive reorganization plan to the Legislature.

Comments: Under existing law, the Commission is among the agencies required to adopt a strategic plan. The Commission's current strategic plan was adopted in June of 1998 and revised in June of 2000. Therefore, SB 9's terms, if the bill were to be signed into law, would apply to the Commission.

II. Legislative Concepts for Consideration as Commission-Sponsored Bills at the 2003-04 Legislative Session

At the last Commission meeting (November 2002), staff presented a series of legislative concepts for consideration by the Commission as potential Commission-sponsored bills during the 2003-04 legislative session. The Chairman invited Commissioners to review the list and communicate their views to the staff.

Based on subsequent input from Commissioners and further study by staff, the staff is recommending adoption of the following concepts for Commission-sponsored legislation. Upon approval by the Commission, staff will approach legislators to author these bills.

1. Seismic Safety Bond Act of 2004.

In 1990, the state's voters approved the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 (also known as "Proposition 122"). That measure provided \$300 million in bond monies for the seismic retrofit of State and local government buildings (\$250 million for State structures; \$50 million in matching grants for local government "essential services" buildings). The funds from this 1990 bond have all been allocated or exhausted. According to the administrators of the program (Department of General Services), there remains substantial unmet need, especially at the local government level.

To address this unmet need, the Commission sponsored a bond bill in 2001-02 that proposed \$300 million for residential seismic retrofits and \$300 million to retrofit local government (essential services) buildings.

At the last session, the bill was approved by the Senate and the Assembly policy committee, but stalled in the Assembly Appropriations Committee. The Governor signaled that he would sign bond bills up to a set ceiling amount, but the seismic bond bill was not included in the final package of bond bills approved and placed on the November 2002 ballot.

Staff recommendation: Adopt bill that would authorize the issuance of up to \$700 million in state general obligation bonds to provide funds --on a matching basis-- for the retrofit and reconstruction of local government (essential services) buildings.

2. Design-Build Contracting for K-12 School Construction Projects.

In 2002, the Governor signed legislation allowing design-build contracting, under prescribed circumstances, for certain community colleges projects (over \$10 million). The Commission recommended amendments to the bill to strengthen the role and independence of the Inspector of Record to ensure adherence to seismic safety standards. This new legislation, if introduced and enacted, would conform the standards applicable to K-12 school construction projects with the new community college contracting standards for design-build projects.

Staff recommendation: Adopt bill to conform requirements.

3. Mandatory Water Heater Strapping for Rental Residential Units.

Water heater strapping is required for homeowners at time of sale or transfer, but not for rental units (i.e., apartments, houses, mobile homes). This legislative concept would require the owners of rental units to brace (strap) the water heaters in each existing unit at the next change in occupancy. This would provide a comparable level of protection from fires (generated by natural gas ignitions from dislodged water heaters) for renters, as for homeowners.

Staff recommendation: Adopt bill to impose requirement.

4. School Safety and Preparedness.

Over the past few years, the Commission has launched efforts to increase education and earthquake awareness in public schools. Based on a recent Commission-conducted survey of schools, the Commission found that school preparedness is not adequate.

In 2001, the Commission sponsored legislation that, in its original form, requested the Department of Education (CDE) to conduct a survey of schools to assess compliance with the current school SEMS preparedness programs designed by OES. The CDE objected to the concept. Consequently, the bill proposal was revised to require periodic on-campus inspections by local fire representatives and to provide reward grants to schools that demonstrated compliance with SEMS guidelines. The bill stalled in 2001 before the Assembly Appropriations Committee due to cost concerns (local mandate).

The OES in January will be releasing a report, "School District's Guide and Checklist for Nonstructural Earthquake Hazards in California's Schools." As indicated, the report includes a useful checklist for use by schools to mitigate non-structural hazards.

Staff recommendation: Adopt bill to require periodic inspections of school facilities by local fire service personnel to assess their preparedness and safety measures. Set-up a "grading system" based on these inspections and applying the checklist included in the 2002 OES report. Publish and post the school campus grade in school publications.

5. School Safety (Follow-up on AB 16 Report).

In the recent Commission publication, “Findings and Recommendations on the Use of Non-Field Act Compliant Buildings for Public Schools” (December 2002), the Commission cited the value of creating a “Feasibility Checklist,” developed by CDE and DSA. The checklist would assist local school districts evaluating the feasibility of acquiring a non-Field Act compliant building for use as a school classroom facility.

Staff recommendation: Adopt bill directing CDE to develop such a checklist for use by local school districts.

Staff Comment: Assemblyman Frommer’s staff notified Commission staff that he is interested in authoring a bill of this nature.