

**SEISMIC SAFETY COMMISSION**

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**Memorandum**

August 31, 2004

**To:** Commissioners

**From:** Henry Sepulveda  
Director of Legislative Affairs

**Subj:** Final Legislative Report for 2003-04 Session

The 2003-04 Legislative Session adjourned on Saturday, August 28. Unless called back by the Governor for a Special Session, the Legislature will not return to Sacramento until December for the start of the 2005-06 Legislative Session.

Consequently, all the bills considered during the 2003-04 session have reached final legislative disposition. For the 2003-04 bills, all that remains is final action by the Governor on those bills ("Enrolled") that were passed by the Legislature and sent to the Governor's desk for signature. The Governor has three options:

- Sign the bill (it becomes law);
- Veto the bill;
- Take no action on the bill (if unsigned 30 days after referral to the Governor, the bill is dead).

Table 1 (attached) provides a comprehensive summary of all of the bills on which the Commission has taken a formal position or which were being monitored on a "Watch" basis. It also includes bills of interest that were amended since the last Commission meeting in July.

As indicated in Table 1, many of the bills have been enrolled (that is, passed by the Legislature), but show no final action. This is because many bills were sent to the Governor during the final week of the session. The Governor has a deadline of late September to sign, veto, or allow a bill to die without his signature.

The following is a brief narrative summary of some of the more significant 2003-04 legislation involving seismic and/or issues of interest to the Commission.

### Commission-sponsored Bills

- **AB 3032 (Yee)** exempts URM building owners that complete improvements to a URM building from the existing requirement to post an entry-area sign warning about the dangers posed by URM buildings during earthquakes.

*UPDATE: Passed by the Legislature, signed by the Governor, and becomes effective on January 1.*

- **AB 3033 (Yee)** promotes seismic retrofit improvement of URM buildings by restricting the requirements imposed by local building departments on retrofit projects. Specifically, the bill proposes, on a trial basis, to restrict additional requirements that local building agencies may impose as a pre-condition to approving a proposed URM retrofit project and, thereby, minimizing the costs of the project. The measure also calls for a Commission report on the impact of the changes in promoting the retrofitting of URM structures. The measure has a 2009 sunset date.

*UPDATE: Passed by the Legislature. Awaiting Governor's signature.*

- **AB 3082 (Assembly Judiciary Committee)** is a non-substantive, technical clean-up measure that re-numbers the existing law (in the California Insurance Code) authorizing the collection of fees to support the Commission's operations.

*UPDATE: Approved by the Legislature and signed by the Governor.*

### Field Act Legislation

- **SB 1175 (Denham)** proposed allowing newly constructed "joint-use" facilities on community college campuses to be built in accordance with either the UBC or the Field Act. Under current law, the construction of facilities on community college campuses must comply with the Field Act. The Commission adopted an "Oppose" position.

*UPDATE: Failed. The Assembly Higher Education Committee heard the bill on June 15. The bill failed to obtain sufficient votes for passage. On June 21, an amended version of the bill was granted re-consideration by the Committee, but again failed to obtain sufficient votes for passage.*

- **SB 1727 (Scott)** would exempt all future community college facilities from the Field Act.

*UPDATE: Withdrawn by author before first hearing.*

- **AB 3010 (Laird)**, as introduced, was identical to SB 1175 (Denham) regarding the optional applicability of the Field Act to community college facilities. However, the bill was amended on April 12 to delete those provisions. The enrolled version calls on the State Architect to establish a collaborative review process during the design phase of community college projects. It also requires the DSA to set up a fee-supported training session for designers/planners of community college facilities.

The Commission's original "Oppose" position (on the introduced version) was changed to "Watch" after the Field Act provisions were deleted.

*UPDATE: Passed by the Legislature. Awaiting Governor's signature.*

#### School Safety Legislation

- **AB 1790 (Corbett)** states legislative intent to consider a seismic upgrade program for K-12 facilities. This measure is a follow-up to the comprehensive seismic safety study review of K-12 schools mandated by AB 300, Corbett (2000) and conducted by the Division of the State Architect. The Commission adopted a "Support" position.

*UPDATE: Vetoed by Governor on August 27, 2004.*

- **AB 2570 (Dutton)** authorizes school districts to apply for school bond funds to prevent damage to a building facing "imminent danger."

*UPDATE: Died on the Suspense File of the Assembly Appropriations Committee.*

#### URM Buildings Legislation

- **AB 2533 (Salinas)** imposes civil and private action penalties on owners of unreinforced masonry buildings for failure to comply with existing law requiring the posting of placards warning the public about the earthquake-related hazards in URM buildings. The Commission adopted a "Support" position.

*UPDATE: Passed by the Legislature. Awaiting the Governor's signature.*

- **AB 3032 (Yee) and AB 3033 (Yee)**, see above under "Commission-sponsored Bills."

### Emergency Preparedness Legislation

- **AB 1588 (Negrete McLeod)** enacts the Rapid Disaster Response Act of 2004 that authorizes the use of federal funds (unspecified amount) for the purchase of helicopters for use in response to natural disasters, including earthquakes. Equipment purchase may be made only upon specific appropriation.

*UPDATE: Passed by the Legislature. Awaiting Governor's signature.*

- **AB 2031 (Cogdill)** requires counties to adhere to the terms of a Search and Rescue Model Operating Plan (developed by OES) to determine which local agencies (fire services or law enforcement) are better suited to respond to different types of local emergencies.

*UPDATE: Passed by the Legislature, signed by Governor and becomes effective January 1, 2004.*

- **SB 902 (Burton)** creates the Response and Rescue Fire Engine Act of 2004 authorizing OES to tap \$25 million in federal Homeland Security Act funds to purchase 150 fire engines for use in responding to terrorist incidents and natural disasters, including earthquakes.

*UPDATE: Passed by the Legislature. Awaiting Governor's signature.*

- **SB 1363 (Ducheny)** prohibits operators of lodging near disaster areas from raising their rates in excess of 10% over pre-disaster rates. Commission adopted a "Support" position.

*UPDATE: Passed by the Legislature, signed by Governor and becomes effective January 1, 2004.*

- **SB 1654 (MacPherson)** requires, to promote standardization, that purchases of public safety radio communications equipment comply with specified federal standards.

*UPDATE: Passed by the Legislature. Awaiting Governor's signature.*

### Hospital Seismic Safety Legislation

- **AB 2632 (Bogh)** exempts certain type of alternations to skilled nursing facilities from OSHPD review (applies only to single-story, wood frame or light steel frame construction).

*UPDATE: Passed by the Legislature, signed by the Governor and becomes effective January 1, 2004.*

- **AB 2973 (Cohn)** provides for an alternate expedited review process by OSHPD. Under the enrolled version, hospitals with seismic retrofit projects in excess of \$50 million would be permitted to employ OSHPD-certified independent plan reviewers (IRPs) in lieu of a full OSHPD review. In addition, for projects of \$20-50 million, the hospital may employ IRPs, if OSHPD determines that “undue delay” may otherwise occur in reviewing the plans. The bill also calls on OSHPD to “make every effort to perform a review of the certified plans within 90 days of submission.” The Commission had a “Watch” position on this bill.

*UPDATE: Vetoed by the Governor on August 27, 2004.*

### Seismic Safety of Dams

- **AB 2197 (Aghazarian)**, in earlier versions, prohibited the Division of the Safety of Dams (in the Department of Water Resources) from making inspections of dams that are licensed and inspected by the Federal Energy Regulatory Commission. An estimated 200 dams are subject to dual jurisdiction under current law.

The enrolled version of the bill now calls on the Secretary of the Resources Agency to consult with a list of designated private and public organizations (including the Seismic Safety Commission) to evaluate whether the department should continue its periodic inspections of the dual-jurisdiction dams.

*UPDATE: Passed by the Legislature. Awaiting Governor's signature.*