

SEISMIC SAFETY COMMISSION

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February 7, 2002

Memorandum

To: Commissioners

From: Henry Sepulveda
Director of Legislation

Subj: Legislative Report

This memorandum addresses legislative issues and decision-points pending before the Commission. The 2001-02 Legislative session resumed on January 7. Bills are currently being amended and new bills are being introduced. At the February meeting, the Commission will make final decisions on legislative priorities, policy direction and the allocation of resources for 2002.

Timeframe: The deadline for introducing new bills is February 22.

Commission's Current Legislative Package

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 will proceed with this bill. Currently, we are developing a strategic plan with Assemblywoman Alquist's staff. We will meet with the Governor's office to discuss this bill on February 13. This bill is scheduled to be heard by the Senate Appropriations Committee in June or August 2002.**

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 and Senator Speier's office will proceed with this bill in its current version. Senator Speier opted not to accept**

amendments from SSC staff to include Urban Search and Rescue (USAR)-related funding in this bond bill.

AB 724 (Corbett), in its current version, encourages school preparedness for earthquake safety by proposing periodic on-site inspections and offering rewards for schools that meet the standards. The measure was approved by the Assembly Education Committee in 2001 and is currently pending before the Assembly Appropriations Committee.

- **Assemblywoman Corbett decided to abandon this bill in favor of pursuing a revised version in newly introduced legislation (see “New Legislation” section below).**

Proposals for New Legislation Sponsored by the Commission

At the January meeting, the Commission discussed sponsoring three new bills in 2002.

- **Urban Search and Rescue (USAR)**
-- Following a series of discussions with USAR personnel and OES officials, the Commission has been considering sponsoring new legislation to provide funding for USAR units in California. The funds would be used to purchase additional vehicles and equipment, and to build new training facilities (estimated total cost: \$200 million).

Initially, the Commission considered amending SB 717 (Speier), a Commission-sponsored State bond bill, to finance the USAR items. However, Senator Speier has indicated she is not supportive of amending SB 717 for this purpose.

The Commission could seek a one-time General Fund appropriation for the USAR items. However, given the severity of the State’s current budget constraints, this strategy is unlikely to succeed in 2002.

-- Staff is recommending an alternative approach: a bill would be sponsored directing OES to form an advisory group in 2002 consisting of USAR representatives and State emergency officials. The advisory group would collaborate to identify the needs of California’s USAR terms and funding strategies to finance that need.

To minimize the fiscal impact of the bill, the measure would provide that the formation of the advisory group and funding for the recommended acquisitions would be conditioned on future appropriations in a Budget Act or a specific bill. This action is similar to an action taken by the Commission in 2000 relating to the funding of communications equipment for firefighters and emergency

personnel.

Commission Decision-point: *Proceed with sponsoring bill?*

- Earthquake Preparedness for California Schools
(successor to AB 724, Corbett)
-- This proposal, as submitted to Legislative Counsel, would allow K-12 schools (via the school district office) to submit to the seismic Safety Commission by June 30, 2003, a certification letter describing compliance with existing requirements for school disaster plans and earthquake emergency systems to the Commission.

This data submitted by the districts would be used to determine eligibility for a State-awarded grant (in an amount not to exceed \$1,000) for supplies needed to comply with the School Emergency Management Plans. Based on information submitted by the school districts, the Commission would then recommend to the Governor and the Legislature grants up to \$1,000 for qualifying schools from an available funding source in the 2003-2004 fiscal year. This would be done on a one-time basis to allow an evaluation of the program.

Funding for the grants is to be obtained from any available federal and/or private sources.

--This is a description of the current form of the proposal that has been submitted for drafting by Legislative Counsel. Once it has been drafted by Counsel, it will be returned to Assemblywoman Corbett for possible introduction as a new bill.

Commission Decision-point: *Proceed with sponsoring bill?*

- Hospital Placarding
--This bill would require hospitals with buildings classified by the Office of Health Planning and Development as Structural Performance Category One (SBC-1) to place a placard in a conspicuous place to inform the public that a building may be hazardous during an earthquake.

--Staff has submitted this bill to Legislative Counsel for preparation; however, no author has been identified to carry this measure.

Commission Decision-point: Proceed with sponsoring bill?

Legislative Tracking Report

--Attached is the Commission's current Legislative Tracking Report for the 2001-02 Session (see Exhibit 1). The Report includes the bill number, subject, author, committee location, last action date, and current Commission position. The Commission has taken positions on these bills; however, a few of the bills have been amended since the Commission last took its position and, therefore, need to be re-visited.

Other bills are presented here for the first time. Each of these measures has been reviewed by staff and is presented with staff recommendations (see Exhibit 1). Exhibit 2 presents a description of the new (or amended) bills.

The following is a list of bills on which staff recommends the Commission take a formal position.

State Legislation

- SB 842 (Speier) **Hospital Seismic Safety**
- AB 1000 (Simitian) **Design Build: Community Colleges**
- AB 1815 (Frommer) **Homeland Defense Bonds**

Federal Legislation

- HR 1472 (Rep. Johnson, TX)
Funding for the National Science Foundation (NSF) includes appropriations for earthquake engineering.
- HR 1858 (Rep. Boehlert, NY)
Funding for the National Mathematics and Science Foundation. Appropriations in HR 1472 were placed into this bill for the NSF.

Exhibit 2

Description of Selected Legislation

SB 332 (Sher)

Commission Position: Neutral

Description: Specifies building guidelines that apply to structures constructed of baled rice straw, subject to findings made by the local building agencies.

Status: Senate Desk

SB 355 (Escutia)

Commission Position: Neutral

Description: States legislative intent regarding a recent appellate court decision to impose liability on builders of new construction who violate building codes by failing to install safety protections such as seismic restraints.

Status: Assembly

SB 709 (Alpert)

Commission Position: Oppose

Description: Deletes the existing January 1, 2003 deadline for use of leased nonconforming school buildings (certified by a structural engineer as in "substantial compliance" with Field Act). Expands existing exemptions to include leased commercial buildings (with initial construction permit issued on or after January 1, 1976).

Status: Pending before Assembly Appropriations Committee.

SB 842 (Speier)

Commission Position: Support, if amended (on prior version of bill)

Recommended: Support if amended (new version)

Description: **AMENDED Aug 30, 2001.** Allows five-year extensions (to 2013) of existing hospital seismic safety deadlines if the hospital agrees to comply with 2030 requirements by 2013. Also authorizes OSHPD to grant up to five-year extensions on a case-by-case basis so long as the hospital submits a compliance plan that includes specific work progress milestones.

- SB 928 (Dunn)** Status: Assembly Floor (inactive file).
Commission Position: Support
- Description: States legislative intent for the State to provide public funding (by the issuance of state general obligation bonds) to not-for-profit hospitals to comply with SB 1953 requirements.
- Status: Pending before Assembly Health Committee.
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- AB 557 (Aroner)** Commission Position: Support
- Description: Establishes the Safe Hospitals Bond Act of 2004 and the Safe Hospitals Bond Act of 2006 to authorize the issuance of State general obligation bonds to provide financial assistance to hospitals to comply with the SB 1953 deadlines. The bonds would be issued as follows: \$1 billion in 2004 and \$1 billion in 2006.
- Status: Senate Appropriations Committee
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- AB 940 (Keeley)** Commission Position: Watch
- Description: Adds two voting members to the California Earthquake Authority Board (one representative from the State Senate and one representative from the State Assembly). Reporting requirements are also changed to include the Assembly Judiciary Committee and the Joint Legislative Audit Committee.
- Status: Senate Inactive
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- AB 1000 (Simitian)** Commission Position: **Recommended: *Oppose Unless Amended***
- Description: Allows Community Colleges to enter into a design-build contracts for projects exceeding \$10 million. 2008 Sunset date.
- Status: Senate

AB 1156 (Aroner) Commission Position: Support

Description: States legislative intent to establish the Safe Hospitals Bond Act of 2002 to authorize the issuance of State general obligation bonds (unspecified amount) to fund hospital construction for purposes of complying with SB 1953 requirements. Hospitals are required to provide up to 25% matching funds, unless waived by the Legislature.

Status: Pending before the Senate Health and Human Services Committee.

AB 1362 (Wiggins) Commission Position:

Description: Establishes the California Building Rehabilitation Code Advisory Council to make recommendations on a California building rehabilitation guideline on the re-use and safety of existing buildings. 2006 Sunset date.

Status: Senate Rules Committee

AB 1632 (Pescetti) Commission Position: Oppose

Description: Permits the Grant Joint Union H.S. District to use a nonconforming former military base building (McClellan AFB) as a classroom facility.

Status: Pending since April 4 before Assembly Education Committee.

AB 1815 (Frommer) Commission Position: **Recommended: Support**

Description: Authorizes the issuance of general obligation bonds ("California Homeland Defense Bonds"), with the proceeds to be used to fund antiterrorism activities by local firefighting agencies, local police departments, and local emergency services agencies.

Status: Assembly Desk

AB 1823 (Papan) Commission Position:

Description: Imposes a schedule of deadlines for public works projects connected to the Hetch Hetchy Project and conditionally establishes a special district to manage regional water distribution in the Bay Area.

Status: Assembly Desk

