

SEISMIC SAFETY COMMISSION

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September 4, 2002

Memorandum

To: Commissioners

From: Henry Sepulveda
Director of Legislation

Subj: Legislative Report- End of 2001-02 Legislative Session

The regular Legislative session ended on August 31, 2002. This report describes the final status of Commission-sponsored bills and bills of interest to the Commission. Because delays in the Legislature's bill reporting and tracking system occur near the end of the session, this report is subject to change as more bill status information is released by the Legislative Counsel. The Commission will receive an updated report (and tables) at the September 12 meeting.

Section I below presents a final status report of the Commission-sponsored bills.

Section II summarizes those measures (actively-monitored bills, bills on which the Commission has taken formal position, and recently-amended bills) that the Commission staff has followed during the second half of the 2001-02 session.

I. Commission's Current Legislative Package (see Exhibit 1)

AB 2002 (Alquist) directs the Commission, in consultation with the Director of the Office of Emergency Services (OES), to establish a USAR¹ Emergency Response Advisory Committee to prepare and submit a strategy plan with recommendations.

- The bill directs the SSC to convene an Advisory Committee to develop a strategic plan addressing the resource needs of local USAR units.
- The original version of the bill included representatives from several firefighter organizations on the Committee. Later amendments added representatives from four law enforcement agencies.

¹ Urban Search and Rescue.

- Advisory Committee's report is due September 2003.
- The bill was approved by both houses of the Legislature ("enrolled"), sent to the Governor on August 15, 2002 and is awaiting his signature.
- Several local jurisdictions sent letters of support for the bill to the Legislature and the Governor.
- California Professional Firefighters is a co-sponsor of this bill.

AB 977 (Alquist) proposes full, ongoing funding for the Commission's Earthquake Emergency Investigations Account. The current Account balance is \$100,000. Though previously approved by the Assembly and the Senate Government Organizations Committee, the bill was being held by the Senate Appropriations Committee at the end of the legislative session.

- The bill was on the Suspense File of the Senate Appropriations Committee, and effectively died at the end of the session

SB 717 (Speier) authorizes the issuance of \$600 million in state general obligation bonds to finance seismic retrofits of residential housing and local government buildings. It was approved by the full Senate and was being held by the Assembly Appropriations Committee.

- The bill was on the Suspense File of the Assembly Appropriations Committee, and effectively died at the end of the session

II. Updates on Legislation of Interest to the Commission

This section provides a description of recent activity (generally, since the Commission's last meeting in July) on selected legislation. Please refer to the summary tables (Exhibit 2) for a description of the bills referenced below.

SB 1500 (Johnson), relating to disclosure requirements for real property located in Seismic Hazard Zones, was amended on June 26 pursuant to changes accepted by the author when the bill was before the Assembly Housing and Community Development Committee. At the June Commission meeting, the Commission voted to take an "Oppose unless amended" position on SB 1500 because of ambiguities in the disclosure terms. The bill was amended on June 26 addressing the Commission's concerns, and the Commission altered its official position to "neutral." The June 26 amendments:

- Clarify the role of local government in approving mitigation actions; and
- Cross-reference to the California Building Code in the absence of local agency requirements.
- Bill was enrolled and sent to the Governor on August 14, 2002.

SB 1992 (Perata), relating to the installation of gas shut-off valves in residential properties, was amended to remove the requirement for mandatory installation of gas shut-off valves in new residential construction (and re-construction). The June 11 and June 26 amendments:

- Direct the State Department of Housing and Community Development, State Architect, and the State Fire Marshal to consider proposing that the State Building Standards Commission adopt a statewide mandate for gas shut-off valves
- Bill was enrolled and sent to the Governor on August 21, 2002.

AB 1000 (Simitian) allows three Community College districts (Los Angeles, San Jose and San Mateo) to enter into design-build contracts for campus projects exceeding \$10 million. In addition, the Chancellor of Community Colleges system may select up to five campus projects that may enter in design-build contracts for the construction or renovation of campus facilities (so long as those projects are in excess of \$10 million in estimated cost). The authorization expires in January 2008.

- Community college buildings are subject to the Field Act. Historically, the Commission has opposed legislation that would dilute the seismic safety protections afforded by the Field Act. The Commission has generally opposed design-build contracting because design-build facilities have performed poorly in earthquakes (Northridge, 1994).
- The Commission suggested amendments to AB 1000 to ensure the independence of the on-site Inspector of Record (IOR). Those amendments were accepted and incorporated into the bill's final version.
- The bill requires the Community Colleges Board of Governors to develop guidelines for design-build projects by June 30, 2003. The guidelines are to be developed in consultation with specified state agencies (including the Seismic Safety Commission).

AB 1511 (Frommer) Deletes the existing January 1, 2003 deadline for use of leased or purchased nonconforming school buildings (so long as the facility is certified by a structural engineer as in “substantial compliance” with Field Act or describing modifications necessary to resist earthquake forces). Requires DSA approval of modifications Expands existing exemptions to include leased commercial buildings.

- The Commission has an official “oppose” position on this measure.
- The bill had been inactive in the Senate since August 2001, but was resurrected by the author on August 30 (at the end of the legislative session).
- **[Additional information on this bill will be provided at the September 12 Commission meeting.]**

AB 1823 (Papan) requires that the City of San Francisco submit an annual report to the Seismic Safety Commission describing the progress of the previous year’s public works projects associated with the Hetch Hetchy Water system.

- The bill directs the Commission to submit comments to the city on the progress report.
- This bill was amended on Aug. 12 to add the Commission in an advisory capacity.

Seismic Safety Commission

Enrolled Bills

September 2002

Bill Number/Author	Location	Summary	Comments
<p>AB 2002 (Alquist) Urban Search and Rescue Advisory Committee <i><u>Sponsor</u></i></p>	<p>Enrolled to the Governor (awaiting Governor's signature).</p>	<p>Directs the Commission to form an advisory group consisting of USAR representatives, State law enforcement agencies, and State emergency officials. The advisory group would collaborate to develop a strategy and plan to address the resource needs of California's USAR teams. Report due Sept. 2003.</p>	<p>Co-sponsored by the Calif. Professional Firefighters.</p>
<p>AB 1000 (Simitian) Design-build (Community Colleges) <i><u>Neutral</u></i></p>	<p>Enrolled. Sent to Governor.</p>	<p><u>Amended 8/29.</u> Authorizes the L.A., San Jose and San Mateo Community College districts (and five community college facility projects selected by the Chancellor) to enter into design-build contracts for projects exceeding \$10 million. All construction and alternations are subject to DSA approval. Chancellor is to consult with certain oversight agencies (including SSC) regarding guidelines.</p>	<p>The 6/11 amendments addressed the Commission's prior concerns with this bill. Consequently, at the June meeting, the SSC changed its position to "neutral." The 8/29 amendments maintain adherence to protections recommended by Commission.</p>
<p>AB 1511 (Frommer) Field Act (K-12): N Non-conforming School Buildings <i><u>Neutral</u></i></p>	<p>Enrolled. Sent to Governor.</p>	<p>Deletes the existing January 1, 2003 deadline for use of <u>leased or purchased</u> nonconforming school buildings (so long as the facility is certified by a structural engineer as in "substantial compliance" with Field Act or describing modifications necessary to resist earthquake forces). Requires DSA approval of modifications Expands existing exemptions to include leased commercial buildings.</p>	<p><u>Commission has official "Oppose" position on this measure.</u> Bill may affect Commission's current AB 16 Advisory Committee activity.</p>

Seismic Safety Commission

Enrolled Bills

September 2002

<p>AB 1823 (Papan)</p> <p>Hetch Hetchy System</p> <p><i>Watch</i></p>	<p>Enrolled. Sent to Governor..</p>	<p><u>Amended 8/26</u> Requires that the City of San Francisco submit a report annually to the Seismic Safety Commission showing the progress of the previous year's public works projects associated with the Hetch Hetchy system. If any changes are made to the programs, the city is to submit an additional report to the Commission for comments.</p>	<p>Final version of bill requires SSC to comment on any changes to existing seismic retrofit project plans, and requires City to submit reports to SSC.</p>
<p>AB 2406 (G.O.Committee)</p> <p><i>Neutral</i></p>	<p>Enrolled. Sent to Governor.</p>	<p>Renames the Natural Disaster Assistance Act to the Disaster Assistance Act. This expands the uses of the appropriated monies in this fund to include other disasters such as terrorism.</p>	<p>OES-sponsored legislation.</p>
<p>SB 1350 (McPherson)</p> <p>Terrorism Training</p> <p><i>Support</i></p>	<p>Enrolled. Sent to Governor.</p>	<p><u>Amended 8/25.</u> Establishes the Emergency Response Training Advisory Committee to develop specific training dealing with terrorism awareness training and response using federal funding. Specifies different firefighting and police agencies to be associated with OES and this advisory committee. All subject to Federal funding.</p>	
<p>SB 1500 (Johnson)</p> <p>Seismic Hazard Mapping Act (Disclosure Statement)</p> <p><i>Neutral</i></p>	<p>Enrolled Sent to Governor</p>	<p>The bill makes changes to disclosure statement sellers must make to inform prospective buyers about seismic hazards.</p>	<p>CGS is opposed to this bill.</p>

Seismic Safety Commission

Enrolled Bills

September 2002

SB 1629 (Soto) Firefighter Training Grants <i>Support</i>	Enrolled Sent to Governor	Requires the Emergency Medical Services Authority to provide grants to local agencies for the training of firefighters as paramedics. <u>Subject to available federal funds</u>	
SB 1992 (Perata) Gas Shut-off Valves <i>Watch</i>	Enrolled Sent to Governor	Directs the State Department of Housing and Community Development to consider proposing to the State Building Standards Commission that it adopt regulations for the installation of gas shut-off devices in residential dwellings.	Prior version of bill required statewide mandatory installation of gas shut-off devices. SSC concerns relayed to policy committee and author. Bill was subsequently amended to call for a study by departments.

Seismic Safety Commission

Failed Bills

September 2002

Assembly Bills	Location	Summary	Comments
<p>AB 977 (Alquist)</p> <p>Earthquake Emergency Investigation Account</p> <p><i><u>Sponsor</u></i></p>	<p>Senate Appropriations Committee</p>	<p>Proposes full, ongoing funding for the Commission's Earthquake Emergency Investigations Account.</p>	<p>Died on the Suspense File of the Senate Appropriations Committee.</p>
<p>SB 717 (Speier)</p> <p>Calif. Seismic Safety Bond Act of 2002</p> <p><i><u>Sponsor</u></i></p>	<p>Assembly Appropriations Committee</p>	<p>Authorizes the issuance of \$600 million in state General Obligation bonds to finance seismic retrofits of residential housing and local government (essential services) buildings.</p>	<p>Died on the Suspense File of the Assembly Appropriations Committee.</p>
<p>AB 419 (Dutra)</p> <p>Seismic Retrofit of Bridges</p>	<p>Senate Transportation Committee</p>	<p><u>Amended 8/19</u>. Requires that a progress report on seismic retrofits for bridges be submitted quarterly to the Assembly and Senate Transportation committees for review. This bill also has intent language for the funding of the seismic retrofits.</p>	<p>This bill was originally a design build bill.</p> <p>The bill died in committee.</p>

Seismic Safety Commission

Failed Bills

September 2002

<p>AB 1362 (Wiggins)</p> <p>Calif. Building Rehabilitation</p> <p><u>Watch</u></p>	<p>Senate Housing and Community Development Committee</p>	<p>Establishes the California Building Rehabilitation Code Advisory Council to advise the State Building Standards Commission on whether the development of state building rehabilitation guidelines will improve the re-use and safety of existing buildings. Includes a 2006 sunset date.</p>	<p>The bill died in committee.</p>
<p>AB 1815 (Frommer)</p> <p>CA Homeland Defense Bonds</p> <p><u>Support</u></p>	<p>Assembly Appropriations Committee</p>	<p>Declares legislative authority to authorize the issuance of up to \$500 million in state G.O. bonds (“California Homeland Defense Bonds”); Proceeds to be used to fund anti-terrorism activities by local firefighting agencies, police depts., and local emergency services agencies. Bonds would have short (5-year) maturities and be patterned after US Savings EE bonds.</p>	<p>The bill died in committee.</p>
<p>AB 2035 (Frommer)</p> <p>Disaster Response Hospital Act</p> <p><u>Support</u></p>	<p>Assembly Appropriations Committee</p>	<p>Establishes the Disaster Response Field Hospitals Act and directs the state Emergency Services Management Authority (EMSA) to operate three disaster response field hospitals (one each in Northern, Central and Southern California) staffed by local, regional and state personnel. <u>Subject to Budget Act funding</u>, the field hospitals are to be operational by January 1, 2004. Bill also requires each general acute care hospital to submit an HEICS plan by July 1, 2003.</p>	<p>The bill died in committee.</p>

Seismic Safety Commission

Failed Bills

September 2002

<p>AB 2046 (Corbett)</p> <p>School Safety Advisory Council</p> <p><u>Support</u></p>	<p>Assembly Appropriations Committee</p>	<p>This bill creates the School Safety Advisory Council to consider issues of school safety and report to the State Department of Education and to the Legislature. The Council sunsets on January 1, 2004.</p>	<p>The bill died in committee.</p>
<p>AB 2201 (Corbett)</p> <p>Emergency Manager/Schools</p> <p><u>Support</u></p>	<p>Assembly Appropriations Committee</p>	<p>This bill requires school districts to appoint an emergency manager to develop and manage emergency plans. This would create a state-mandated program.</p>	<p>This bill died in committee.</p>
<p>SB 27 (McPherson)</p> <p>Terrorism Training</p> <p><u>Support</u></p>	<p>Assembly Governmental Organization Committee</p>	<p>Requires OES to develop terrorism and bio-terrorism training curriculum for local agency "first responders." Creation of a network of statewide trainers to be completed by June 30, 2002</p>	<p>Died in Committee.</p>
<p>SB 709 (Alpert)</p> <p>Field Act</p> <p><u>Oppose</u></p>	<p>Assembly Appropriations Committee</p>	<p>Deletes existing Jan 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 (initial construct. permit issued on or after Jan 1, 1976).</p>	<p>Died in Committee.</p>

Seismic Safety Commission

Failed Bills

September 2002

SB 842 (Speier) Prescription Drugs	Assembly Health Committee	Amended 8/20.	Prior version of this bill was related to hospital seismic safety.
SB 928 (Dunn) Emergency Medical Services: Alcohol	Assembly Health Committee	Amended 7/2.	Prior version of this bill was related to Hospital Seismic Safety Bonds.