

**UTAH SCHOOL SEISMIC HAZARD****INVENTORY**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Larry B. Wiley**

Senate Sponsor: \_\_\_\_\_

---

**LONG TITLE****General Description:**

This bill establishes requirements relating to public school seismic safety.

**Highlighted Provisions:**

This bill:

- requires a seismic evaluation of all public schools, using specified standards;
- creates a public school seismic safety committee for a certain period of time;
- requires the Public School Seismic Safety Committee to determine a threshold score on the seismic evaluation; and
- requires the State Board of Education to adopt administrative rules.

**Monies Appropriated in this Bill:**

This bill appropriates:

- \$500,000 from the General Fund for fiscal year 2009-10 only, to the State Board of Education and makes the appropriation non-lapsing.

**Other Special Clauses:**

This bill takes effect on July 1, 2009.

**Utah Code Sections Affected:**

AMENDS:

**63I-2-253**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6

ENACTS:



53A-13-1201, Utah Code Annotated 1953

53A-13-1202, Utah Code Annotated 1953

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-13-1201** is enacted to read:

**Part 12. School Seismic Safety**

**53A-13-1201. Public School Seismic Safety Committee.**

(1) There is created the Public School Seismic Safety Committee, consisting of seven members.

(2) (a) The governor shall appoint three members who are licensed structural engineers, including:

(i) one member from the public or private sector appointed from a list of at least two names submitted by the Utah Seismic Safety Commission;

(ii) one member from the public or private sector appointed from a list of at least two names submitted by the Utah Division of Facilities Construction and Management; and

(iii) one member from the public or private sector, after considering recommendations from professional associations representing structural engineers.

(b) The state superintendent of public instruction shall appoint four members, including:

(i) one member representing a small school district;

(ii) one member representing a medium-sized school district;

(iii) one member representing a large school district; and

(iv) one member from the state superintendent's staff.

(3) (a) Except as required by Subsection (3)(b), each member is appointed to a four-year term.

(b) Notwithstanding the requirement of Subsection (3)(a), the governor and state superintendent shall, at the time of appointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.

(4) (a) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) A state or school district employee member who does not receive salary, per diem, or expenses from the entity the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(c) A member may decline to receive per diem and expenses for the member's service.

(5) (a) The committee shall elect one of the members to serve as chair.

(b) A majority of the members of the committee constitutes a quorum of the committee.

(c) The action of a majority of a quorum constitutes the action of the committee.

(6) The state superintendent's staff shall provide staff support to the committee.

(7) The committee shall advise and make recommendations to the Legislature, governor, state superintendent, and State Board of Education on seismic safety issues in public schools.

Section 2. Section **53A-13-1202** is enacted to read:

**53A-13-1202. Definitions -- Seismic safety evaluation.**

(1) As used in this section:

(a) "Evaluation score worksheet" means the appropriate scoring worksheet for the location and type of building, as contained within federal guidelines.

(b) "Federal guidelines" means guidelines and procedures specified in "Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook, 2nd Edition" published by the United States Federal Emergency Management Agency.

(c) "Threshold score" means a score on the evaluation score worksheet under Subsection (2)(c)(i) which indicates that a building warrants a more detailed structural evaluation for its intended use.

(2) On or before June 30, 2011, each school district and charter school shall:

(a) conduct a seismic safety rapid visual screening of each facility utilized by the school district or charter school, in accordance with federal guidelines;

90 (b) complete the appropriate evaluation score worksheet; and

91 (c) report its findings to the State Board of Education, including for each building:

92 (i) the evaluation score worksheet;

93 (ii) the current estimated number of building occupants during normal business hours;

94 and

95 (iii) the square footage.

96 (3) The rapid visual screening and completion of the evaluation score worksheet under  
97 Subsection (2) shall be supervised or performed by a licensed professional structural engineer  
98 or a licensed professional civil engineer with experience in seismic evaluations.

99 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
100 Board of Education, after consultation with the Public School Seismic Safety Committee, shall  
101 make rules to establish standardized forms and procedures for conducting and reporting the  
102 results of the rapid visual screening.

103 (5) (a) The State Board of Education shall allocate funds appropriated for this purpose  
104 to reimburse school districts and charter schools for costs of complying with this section and to  
105 cover expenses of the Public School Seismic Safety Committee.

106 (b) If reimbursement requests from school districts and charter schools exceed  
107 available funds, the State Board of Education shall proportionately reduce the allocation for  
108 each reimbursement request to match the level of available funds.

109 (c) (i) If reimbursement requests from school districts and charter schools are less than  
110 available funds, the State Board of Education, after consultation with the Public School  
111 Seismic Safety Committee, shall allocate any remaining funds for additional evaluations of  
112 buildings below the threshold score.

113 (ii) If additional evaluations are funded pursuant to Subsection (5)(c)(i), the State  
114 Board of Education, after consultation with the Public School Seismic Safety Committee, shall  
115 require that the additional evaluations be performed using a nationally recognized standard.

116 (iii) The State Board of Education may require matching funds as a condition of  
117 funding any additional evaluations.

118 (6) The state superintendent shall report to the Education Interim Committee of the  
119 Legislature the findings of the statewide seismic evaluation, including any additional  
120 evaluations, on or before November 30, 2011, including:

(a) by district or charter school, the total number of screened buildings and the score for each building;

(b) the total estimated number of building occupants and the total estimated number of building occupants in structures below the threshold score;

(c) the total facility square footage statewide and the total facility square footage statewide in structures below the threshold score; and

(d) the number of districts and facilities for which no report was submitted.

(7) The Public School Seismic Safety Committee shall:

(a) provide technical assistance to the State Board of Education, state superintendent, school districts, and charter schools in conducting and overseeing the evaluations conducted pursuant to Subsection (2); and

(b) after completion of the evaluations required by Subsection (2), establish the threshold score.

(8) The state, a school district, a charter school, and their officers and employees are immune from suit for any injury or damage resulting from the exercise or performance or the failure to exercise or perform any action related to seismic safety as a result of the evaluations performed pursuant to this section.

Section 3. Section **63I-2-253** is amended to read:

**63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

(1) Section 53A-1-403.5 is repealed July 1, 2012.

(2) Subsection 53A-1-603(5) is repealed July 1, 2010.

(3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

(4) Section 53A-3-702 is repealed July 1, 2008.

(5) Section 53A-6-112 is repealed July 1, 2009.

(6) Subsection 53A-13-110(3) is repealed July 1, 2013.

(7) Sections 53A-13-1201 and 53A-13-1202 are repealed July 1, 2012.

[~~(7)~~] (8) Section 53A-17a-152 is repealed July 1, 2010.

[~~(8)~~] (9) Section 53A-17a-162 is repealed July 1, 2012.

Section 4. **Appropriation.**

(1) There is appropriated \$500,000 from the General Fund for fiscal year 2009-10 only, to the State Board of Education for:

152           (a) reimbursement of school district and charter school seismic safety evaluation costs  
153 incurred pursuant to Section 53A-13-1202; and  
154           (b) expenses of the Public School Seismic Safety Committee created under Section  
155 53A-13-1201.  
156           (2) The funds appropriated in Subsection (1) are non-lapsing.  
157           Section 5. **Effective date.**  
158           This bill takes effect on July 1, 2009.

---

---

**Legislative Review Note**  
**as of 2-5-09 6:06 PM**

**Office of Legislative Research and General Counsel**

---

---

## H.B. 330 - Utah School Seismic Hazard Inventory

### Fiscal Note

2009 General Session

State of Utah

---

---

#### State Impact

Enactment of this bill will appropriate \$500,000 one-time from the General Fund for FY 2010 and includes non-lapsing authority.

	<u>2009 Approp.</u>	<u>2010 Approp.</u>	<u>2011 Approp.</u>	<u>2009 Revenue</u>	<u>2010 Revenue</u>	<u>2011 Revenue</u>
General Fund, One-Time	\$0	\$500,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

---

#### Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.