

1 **UTAH SCHOOLS SEISMIC HAZARD INVENTORY**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Larry B. Wiley**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill establishes requirements relating to public school seismic safety.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ enacts the School Seismic Safety Act, which:

13 • requires a school district or charter school to conduct a seismic evaluation of
14 each facility used by the school district or charter school using specified
15 standards;

16 • creates and specifies the duties of the Public School Seismic Safety Committee;

17 • directs the State Board of Education to adopt rules; and

18 • provides certain immunity from suit relating to a seismic safety evaluation;

19 ▶ repeals the School Seismic Safety Act on July 1, 2022; and

20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 This bill appropriates for the fiscal year beginning July 1, 2012 and ending June 30,
23 2013:

24 ▶ to State Board of Education - School Seismic Safety as a one-time appropriation:

25 • from the General Fund, \$500,000.

26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2012.



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **63G-7-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 31 **63I-2-253**, as last amended by Laws of Utah 2011, Chapters 303, 330, and 419
- 32 **63J-1-602.3**, as last amended by Laws of Utah 2011, Chapters 30, 284, 294, 303, and
- 33 329

34 ENACTS:

- 35 **53A-15-1301**, Utah Code Annotated 1953
- 36 **53A-15-1302**, Utah Code Annotated 1953
- 37 **53A-15-1303**, Utah Code Annotated 1953
- 38 **53A-15-1304**, Utah Code Annotated 1953



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

41 Section 1. Section **53A-15-1301** is enacted to read:

42 **Part 13. School Seismic Safety Act**

43 **53A-15-1301. Title.**

44 This part is known as the "School Seismic Safety Act."

45 Section 2. Section **53A-15-1302** is enacted to read:

46 **53A-15-1302. Definitions.**

47 As used in this part:

48 (1) "Committee" means the Public School Seismic Safety Committee created in

49 Section 53A-15-1303.

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

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

55 (4) "Threshold score" means a score on an evaluation score worksheet that indicates
56 that a building warrants a more detailed structural evaluation for its intended use.

57 Section 3. Section **53A-15-1303** is enacted to read:

58 **53A-15-1303. Public School Seismic Safety Committee.**

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

61 (2) (a) The governor shall appoint ~~Ĥ~~→ [three] two ←Ĥ members who are licensed
61a structural engineers ~~Ĥ~~→ and one member who is a licensed architect ←Ĥ .
62 including:

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

65 (ii) one member from the public or private sector appointed from a list of at least two
66 names submitted by the state superintendent of public instruction; and

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

69 (b) The state superintendent shall appoint four members, including:

70 (i) one member representing a small school district;

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

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

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

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

76 (b) The governor and state superintendent shall, at the time of appointment, adjust the
77 length of terms to ensure that the terms of committee members are staggered so that
78 approximately half of the committee is appointed every two years.

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

81 (4) A member may not receive compensation or benefits for the member's service, but
82 may receive per diem and travel expenses in accordance with:

83 (a) Section 63A-3-106;

84 (b) Section 63A-3-107; and

85 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
86 63A-3-107.

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

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

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

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

91 (7) The committee shall:

92 (a) advise and make recommendations to the Legislature, governor, state
93 superintendent, and State Board of Education on seismic safety issues in public schools;

94 (b) provide technical assistance to the State Board of Education, state superintendent,
95 school districts, and charter schools in conducting and overseeing the seismic safety
96 evaluations required by Section 53A-15-1304; and

97 (c) after completion of the seismic safety evaluations required by Subsection
98 53A-15-1304(1), establish the threshold score.

99 Section 4. Section **53A-15-1304** is enacted to read:

100 **53A-15-1304. Seismic safety evaluation.**

101 (1) On or before June 30, 2013, each school district and charter school shall:

102 (a) conduct a seismic safety rapid visual screening of each facility used by the school
103 district or charter school that has not been evaluated in accordance with federal guidelines or a
104 more detailed seismic structural evaluation;

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

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

107 (i) the evaluation score worksheet;

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

109 and

110 (iii) the square footage.

111 (2) The rapid visual screening and completion of the evaluation score worksheet under
112 Subsection (1) shall be supervised or performed by a licensed professional structural engineer
113 or a licensed professional civil engineer with experience in seismic evaluations.

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

118 (4) (a) The State Board of Education shall reimburse school districts and charter
119 schools for the costs of complying with this section from funds appropriated for that purpose.

120 (b) If reimbursement requests from school districts and charter schools exceed

121 available funds, the State Board of Education shall proportionately reduce the allocation for
122 each reimbursement request to match the level of available funds.

123 (c) (i) If reimbursement requests from school districts and charter schools are less than
124 available funds, the State Board of Education, after consultation with the Public School
125 Seismic Safety Committee, shall allocate any remaining funds for additional evaluations of
126 buildings that receive a score on the building's evaluation score worksheet that is below the
127 threshold score established by the committee.

128 (ii) If additional evaluations are funded pursuant to Subsection (4)(c)(i), the State
129 Board of Education, after consultation with the Public School Seismic Safety Committee, shall
130 require that the additional evaluations be performed using a nationally recognized standard.

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

133 (5) The Public School Seismic Safety Committee shall report to the Education Interim
134 Committee the provisional findings of the statewide seismic evaluation, including any
135 additional evaluations, on or before October 31, 2014, including:

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

138 (b) the total estimated number of building occupants;

139 (c) the total estimated number of building occupants in structures that receive a score
140 on the building's evaluation score worksheet that is below the threshold score established by
141 the committee;

142 (d) the total facility square footage statewide;

143 (e) the total facility square footage statewide in structures that receive a score on the
144 building's evaluation score worksheet that is below the threshold score established by the
145 committee; and

146 (f) the number of school districts, charter schools, and facilities for which no report
147 was submitted.

148 (6) Immunity from suit of a governmental entity is not waived if the injury arises out
149 of, in connection with, or results from, a seismic safety evaluation, including a seismic safety
150 rapid visual screening, or failure to conduct a seismic safety evaluation, including a seismic
151 safety rapid visual screening.

152 (7) (a) A seismic safety evaluation, seismic safety rapid visual screening, score,
153 worksheet, report, or any document created or prepared as a result of, or in connection with, a
154 seismic safety evaluation is not subject to discovery, subpoena, or similar compulsory process
155 in any civil, judicial, or administrative proceeding.

156 (b) An individual or organization with access to the data described in Subsection (7)(a)
157 may not be compelled to testify with regard to a seismic safety evaluation or proceedings in
158 connection with a seismic safety evaluation.

159 (c) Documents described in Subsection (7)(a) and testimony described in Subsection
160 (7)(b) are not admissible in a civil, judicial, or administrative proceeding.

161 Section 5. Section **63G-7-201** is amended to read:

162 **63G-7-201. Immunity of governmental entities from suit.**

163 (1) Except as may be otherwise provided in this chapter, each governmental entity and
164 each employee of a governmental entity are immune from suit for any injury that results from
165 the exercise of a governmental function.

166 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
167 governmental entity, its officers, and its employees are immune from suit for any injury or
168 damage resulting from the implementation of or the failure to implement measures to:

169 (a) control the causes of epidemic and communicable diseases and other conditions
170 significantly affecting the public health or necessary to protect the public health as set out in
171 Title 26A, Chapter 1, Local Health Departments;

172 (b) investigate and control suspected bioterrorism and disease as set out in Title 26,
173 Chapter 23b, Detection of Public Health Emergencies Act; [and]

174 (c) respond to a national, state, or local emergency, a public health emergency as
175 defined in Section 26-23b-102, or a declaration by the President of the United States or other
176 federal official requesting public health related activities[-]; and

177 (d) conduct a seismic safety evaluation, including a seismic safety rapid visual
178 screening pursuant to Title 53A, Chapter 15, Part 13, School Seismic Safety Act.

179 Section 6. Section **63I-2-253** is amended to read:

180 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

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

182 (2) Subsection 53A-1-603(5) is repealed July 1, 2015.

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

184 (4) Subsection 53A-13-110(4) is repealed July 1, 2013.

185 (5) Section 53A-15-1215 is repealed July 1, 2012.

186 (6) Title 53A, Chapter 15, Part 13, School Seismic Safety Act, is repealed July 1, 2022.

187 Section 7. Section **63J-1-602.3** is amended to read:

188 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

189 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in
190 Section 53-2-107.

191 (2) Appropriations made to the Department of Public Safety from the Department of
192 Public Safety Restricted Account, as provided in Section 53-3-106.

193 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section
194 53-3-905.

195 (4) Appropriations from the DNA Specimen Restricted Account created in Section
196 53-10-407.

197 (5) The Canine Body Armor Restricted Account created in Section 53-16-201.

198 (6) Money appropriated to the State Board of Education for reimbursement of school
199 district and charter school seismic safety evaluation costs incurred pursuant to Section
200 53A-15-1304 and expenses of the Public School Seismic Safety Committee created under
201 Section 53A-15-1303.

202 [~~6~~] (7) Appropriations to the State Board of Education, as provided in Section
203 53A-17a-105.

204 [~~7~~] (8) Certain funds appropriated from the Uniform School Fund to the State Board
205 of Education for new teacher bonus and performance-based compensation plans, as provided in
206 Section 53A-17a-148.

207 [~~8~~] (9) Money received by the State Office of Rehabilitation for the sale of certain
208 products or services, as provided in Section 53A-24-105.

209 [~~9~~] (10) Certain funds appropriated from the General Fund to the State Board of
210 Regents for teacher preparation programs, as provided in Section 53B-6-104.

211 [~~10~~] (11) A certain portion of money collected for administrative costs under the
212 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

213 [~~11~~] (12) Certain surcharges on residential and business telephone numbers imposed

214 by the Public Service Commission, as provided in Section 54-8b-10.

215 ~~[(12)]~~ (13) Certain fines collected by the Division of Occupational and Professional
216 Licensing for violation of unlawful or unprofessional conduct that are used for education and
217 enforcement purposes, as provided in Section 58-17b-505.

218 ~~[(13)]~~ (14) Certain fines collected by the Division of Occupational and Professional
219 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
220 provided in Section 58-63-103.

221 ~~[(14)]~~ (15) Appropriations from the Relative Value Study Restricted Account created
222 in Section 59-9-105.

223 Section 8. **Appropriation.**

224 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
225 following sums of money are appropriated from resources not otherwise appropriated, or
226 reduced from amounts previously appropriated, out of the funds or accounts indicated for the
227 fiscal year beginning July 1, 2012 and ending June 30, 2013. These are additions to amounts
228 previously appropriated for fiscal year 2013.

229 To State Board of Education

230 From General Fund, One-time \$500,000

231 Schedule of Programs:

232 School Seismic Safety \$500,000

233 Section 9. **Effective date.**

234 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 1-12-12 10:38 AM

Office of Legislative Research and General Counsel