

Representative Gage Froerer proposes the following substitute bill:

**PUBLIC SCHOOL SEISMIC STUDIES**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill imposes requirements on a school district regarding seismic safety evaluations of school buildings.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a school district to conduct or update a seismic safety evaluation of a school district building constructed before 1975 if the school district issues certain general obligation bonds on or after July 1, 2013; ~~H~~→ [and] ←~~H~~

- provides that a school district is not required to conduct or update a seismic safety evaluation of a building constructed before 1975 if a seismic safety evaluation was performed on the building within the 25-year period before the school district issues certain general obligation bonds ~~H~~→ [-] ; and

- provides that the creation of a seismic safety evaluation of a school, or a list of schools needing seismic upgrades, shall not be construed as expanding or changing the state's or a school district's common law duty of care for liability purposes. ←~~H~~

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**



26 ENACTS:

27 **53A-18-107**, Utah Code Annotated 1953

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

30 Section 1. Section **53A-18-107** is enacted to read:

31 **53A-18-107. Requirement to conduct seismic safety evaluations when issuing a**  
 32 **bond.**

33 (1) As used in this section:

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

37 (b) "Qualifying general obligation bond" means a bond:

38 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and

39 (ii) authorized by an election held on or after July 1, 2013.

40 (c) "Seismic safety evaluation" means a seismic safety rapid visual screening evaluated  
 41 in accordance with federal guidelines or a more detailed seismic structural evaluation.

42 (2) If a school district issues a qualifying general obligation bond, the school district  
 43 shall:

44 (a) except as provided in Subsection (4), conduct or update a seismic safety evaluation  
 45 of each school district building:

46 (i) constructed before 1975; and

47 (ii) used by the school district as a school; and

48 (b) provide a copy of a seismic safety evaluation prepared under Subsection (2)(a) to  
 49 the Utah Seismic Safety Commission created in Section 63C-6-101.

50 (3) A seismic safety evaluation conducted under Subsection (2) shall be conducted by a  
 51 licensed structural engineer familiar with seismic codes.

52 (4) A school district is not required to conduct or update a seismic safety evaluation of  
 53 a building as required in Subsection (2)(a) if ~~H~~→ :

53a (a) ~~←H~~ a seismic safety evaluation was performed on the  
 54 building within the 25-year period before the school district issues the qualifying general  
 55 obligation bond ~~H~~→ [ ] ; and

55a (b) the school district provides a copy of the school district's seismic safety evaluation  
 55b described in Subsection (4)(a) to the Utah Seismic Safety Commission. ~~←H~~

55c **~~H~~→ (5) Creation of a seismic safety evaluation of a school, or a list of schools needing**  
 55d **seismic upgrades, shall not be construed as expanding or changing the state's or a school**  
 55e **district's common law duty of care for liability purposes. ~~←H~~**

56 Section 2. **Effective date.**