

**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; ~~and~~

- 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 ~~and~~ 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. ~~and~~

**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.**

57           If approved by two-thirds of all the members elected to each house, this bill takes effect  
58 upon approval by the governor, or the day following the constitutional time limit of Utah  
59 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
60 the date of veto override.