

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 8870-8870.95

Seismic Safety Act

8870. The Legislature finds and declares as follows:

The work of the Legislature's Joint Committee on Seismic Safety as well as that of the Governor's Earthquake Council provides impressive and wide-ranging evidence for the following:

First, many different agencies at various levels of government have substantial responsibilities in the fields of earthquake preparedness and seismic safety.

Second, there is a pressing need to provide a consistent policy framework and a means for coordinating on a continuing basis the earthquake-related programs of agencies at all governmental levels and their relationships with elements of the private sector involved in practices important to seismic safety. This need is not being addressed by any continuing state government organization.

Third, through concerted efforts of broad scope, coordinated by a Seismic Safety Commission, long-term progress should be made toward higher levels of seismic safety.

Fourth, it is not the purpose of this chapter to transfer to the commission the authorities and responsibilities now vested by law in state and local agencies.

8870.1. There is created in the state government a Seismic Safety Commission which shall report annually to the Governor and to the Legislature on its findings, progress, and recommendations relating to earthquake hazard reduction.

8870.2. (a) The commission shall consist of 15 members appointed by the Governor and confirmed by the Senate, one member appointed by the Senate Rules Committee, and one member appointed by the Speaker of the Assembly. The Seismic Safety Commission shall elect annually from its membership its own chairperson and vice chairperson and may replace them with other commissioners by majority vote. Commission members shall be residents of California.

(b) A quorum shall consist of nine members if there are no vacancies, or else a majority of the members of the commission at the time.

(c) The Legislature declares that the individuals appointed to the commission are intended to represent the professions of architecture, planning, fire protection, public utilities, electrical engineering, mechanical engineering, structural engineering, soils engineering, geology, seismology, local government, insurance, social services, emergency services, and the Legislature and that such representation serves the public interest. Accordingly, the Legislature finds that for purposes of persons who hold this office the specified professions are tantamount to and constitute the public generally within the meaning of Section 87103.

8870.25. The initial Seismic Safety Commission membership shall consist of seven members appointed by the Governor from a list of not more than 16 nominees submitted to the Governor by the Chairman of the Joint Committee on Seismic Safety, seven members appointed by the Governor from a list of nominees submitted to the Governor by the Governor's Earthquake Council, an initial chairperson appointed by the Governor from a nominee mutually agreed upon by the Chairman of the Joint Committee on Seismic Safety and the Chairman of the Governor's Earthquake Council, and one Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker of the Assembly.

8870.3. (a) After the initial appointments, the membership of the Seismic Safety Commission shall be appointed by the Governor and confirmed by the Senate from lists of nominees submitted by organizations as listed below:

(1) Four members appointed from established organizations in the fields of architecture and planning, fire protection, public utilities, and electrical engineering and mechanical engineering.

(2) Four members appointed from established organizations in the fields of structural engineering, soils engineering, geology, and seismology.

(3) Four members appointed from nominees submitted by the League of California Cities and the California State Association of Counties. One of these members shall be a building official.

(4) Three members appointed from established organizations in the fields of insurance, social service, and emergency services.

(b) One member shall be appointed from the Senate by the Senate Rules Committee, and one member shall be appointed from the Assembly by the Speaker of the Assembly. Each of the members appointed pursuant to this subdivision may designate an alternate who shall be counted toward a quorum, who may vote, and who may receive the expenses specified in Section 8870.4.

8870.35. The term of office for each member of the Seismic Safety Commission shall be four years and each shall hold office until the appointment and qualification of his or her successor, except that of the initial commissioners, the Governor shall appoint seven members whose terms will expire two years after appointment and seven members plus the chairperson whose terms shall expire four years after appointment. All initial appointments shall be made by July 1, 1975.

Any vacancies shall be immediately filled by the appointing power for the unexpired portion of the term in which they occur.

8870.4. The members of the Seismic Safety Commission shall serve without compensation but shall be paid per diem expenses of fifty dollars (\$50) for each day's

attendance at a meeting of the commission, plus actual necessary travel expenses as determined by Department of Personnel Administration rules.

8870.5. The commission, in the discharge of its responsibilities, may do any of the following:

(a) Accept grants, contributions, and appropriations from public agencies, private foundations, or individuals.

(b) Appoint committees from its membership, appoint advisory committees from interested public and private groups, and appoint ex officio members who shall not be entitled to vote, to advise the commission.

(c) Contract for or employ, with the approval of the Director of Finance, any professional services and research required by the commission or required for the performance of necessary work and services which, in the commission's opinion, cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(d) Enter into agreements to act cooperatively with private nonprofit scientific, educational, or professional associations or foundations engaged in promoting seismic safety in California, including activities under the California Earthquake Education Act of 1984 (Chapter 11 (commencing with Section 2805) of Division 2 of the Public Resources Code). These associations or foundations may furnish materials for sale, and the commission may provide personnel services and office space therefore. Subject to rules and regulations adopted by the commission, all moneys received from the sale of publications or other materials provided by an association or foundation shall be returned to the association or foundation for use in furthering seismic safety programs.

(e) Do any and all other things necessary to carry out the purposes of this chapter.

8870.55. The commission shall initiate, with the assistance and participation of other state, federal, and local government agencies, a comprehensive program to prepare the state for responding to a major earthquake prediction. The program should be implemented in order to result in specific tools or products to be used by governments in responding to an earthquake prediction, such as educational materials for citizens. This program may be implemented on a prototypical basis in one area of the state affected by earthquake predictions, provided that it is useful for application in other areas of the state upon its completion.

8870.6. The commission shall appoint an executive director who shall be responsible for managing the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall appoint such employees as may be necessary to carry out the functions of the commission.

8870.7. The commission is responsible for all of the following in connection with earthquake hazard mitigation:

- (a) Setting goals and priorities in the public and private sectors.
- (b) Requesting appropriate state agencies to devise criteria to promote earthquake and disaster safety.
- (c) Scheduling a report on disaster mitigation issues from the Office of Emergency Services, on the commission agenda as required. For the purposes of this subdivision, the term disaster refers to all natural hazards which could have impact on public safety.
- (d) Recommending program changes to state agencies, local agencies, and the private sector where such changes would improve earthquake hazards and reduction.
- (e) Reviewing the recovery and reconstruction efforts after damaging earthquakes.
- (f) Gathering, analyzing, and disseminating information.
- (g) Encouraging research.
- (h) Sponsoring training to help improve the competence of specialized enforcement and other technical personnel.
- (i) Helping to coordinate the earthquake safety activities of government at all levels.
- (j) Establishing and maintaining necessary working relationships with any boards, commissions, departments, and agencies, or other public or private organizations.

8870.71. To implement the foregoing responsibilities, the commission may do any of the following:

- (a) Review state budgets and review grant proposals, other than those grant proposals submitted by institutions of postsecondary education to the federal government, for earthquake related activities and to advise the Governor and Legislature thereon.
- (b) Review legislative proposals, related to earthquake safety to advise the Governor and Legislature concerning the proposals, and to propose needed legislation.
- (c) Recommend the addition, deletion, or changing of state agency standards when, in the commission's view, the existing situation creates undue hazards or when new developments would promote earthquake hazard mitigation, and conduct public hearings as deemed necessary on the subjects.
- (d) In the conduct of any hearing, investigation, inquiry, or study which is ordered or undertaken in any part of the state, administer oaths and issue subpoenas for the attendance of witnesses and the production of papers, records, reports, books, maps, accounts, documents, and testimony.
- (e) (1) Conduct a specific comprehensive investigation of the May 2, 1983, earthquake which devastated the City of Coalinga, focusing on commercial redevelopment, housing, land use planning, financing, codes and standards, and to provide funding and expert technical assistance to the people of Coalinga for planning and reconstruction.

- (2) Prepare and publish, with the assistance and participation of other state, federal, and local government agencies and other knowledgeable investigators from the private sector, a comprehensive report on the Coalinga earthquake to include, but not be limited to, lessons learned for earthquake preparation and mitigation in California, an assessment of the earthquake's impact upon state and local seismic safety policies and programs, and to

make recommendations to the Governor and the Legislature concerning the areas mentioned in this subdivision.

(f) In addition, the commission may perform any of the functions contained in subdivisions (a) to (e), inclusive, in relation to other disasters, as defined in subdivision (c) of Section 8870.7, in connection with issues or items reported or discussed with the Office of Emergency Services at any commission meeting.

8870.75. In addition to the responsibilities listed in Section 8870.7, the Seismic Safety Commission shall undertake a study to determine the feasibility of (i) establishing a comprehensive program of earthquake hazard reduction having as its purposes the saving of -lives and mitigating damage to property and (ii) developing and implementing a system for predicting damaging earthquakes in California.

The study shall accomplish the following tasks:

(a) Earthquake hazard reduction.

The study shall develop a comprehensive program for the reduction of earthquake hazards in California. It shall include, but not necessarily be limited to, the following:

(1) A review of and recommendations for improving the development and implementation of technically and economically feasible codes, standards, and procedures for the design and construction of new structures and the strengthening of existing structures so as to increase the earthquake resistance of structures located in areas of significant seismic hazard.

(2) A review of current methods and recommendations for new methods to improve the development, publication, and promotion, in conjunction with local officials, research organizations, and professional organizations, of model codes and other means to provide better information about seismic hazards to guide land use policy decisions and building activity.

(3) A review of and recommendations for methods, practices, and procedures to educate the public, including local officials, about the nature and consequences of earthquakes, about procedures for identifying those locations and structures especially susceptible to earthquake damage, and about ways to reduce and mitigate the adverse effects of an earthquake.

(4) A review of and recommendations for programs and techniques to improve preparedness for and response to damaging earthquakes with special attention being given to hazard control measures, pre-earthquake emergency planning, readiness of emergency services, and planning for post-earthquake reconstruction and redevelopment.

(b) Earthquake prediction.

The study shall analyze the current methodologies, systems, and processes for predicting earthquakes and assess them for their effectiveness, reliability, and accuracy as they relate to California.

The study also shall examine the feasibility of implementing earthquake prediction systems in all areas of significantly high or moderate seismic risk and for identifying, evaluating, and accurately characterizing the associated hazards. In analyzing potential prediction systems, the study shall include requirements for necessary technical, scientific, and volunteer personnel; and technology, procedures, and other resources

necessary to operate such a system. Special attention should be given to a critical review of existing and possible future technology, data collection and management systems, the availability of expert trained personnel, the dissemination of warnings, the scope and methods for organizing and maintaining a volunteer program for the purpose of making prediction observations, and the social and economic consequences of earthquake predictions. Wherever appropriate and reasonable, the study shall also recommend how a state earthquake prediction system can be best integrated with those of federal agencies and other institutions and organizations.

(c) Implementation processes.

With respect to implementation of earthquake hazard reduction and earthquake prediction, the study shall include the following:

(1) Recommendations for new roles, responsibilities, and programs for state and local agencies, universities, private organizations, and volunteer organizations, including goals, priorities, and expenditures of future state funds specifically identified for the recommended earthquake prediction and hazards reduction program.

(2) Recommendations for methods and procedures to disseminate and implement basic and applied earthquake research in order to achieve higher levels of seismic safety.

(d) Coordination with other agencies.

To the extent it is practical to do so, the study required by this section shall be coordinated with the relevant local, regional, and federal government agencies, key elements of the private sector, and at least the following state agencies: Office of Emergency Services, Division of Mines and Geology, Office of the State Architect, Department of Housing and Community Development, Department of Water Resources, State Energy Resources Conservation and Development Commission, Department of Real Estate, Department of Industrial Relations, Public Utilities Commission, State Department of Health Services, Office of the State Fire Marshal, Department of Transportation, Department of Finance, Military Department, Department of Insurance, Franchise Tax Board, Department of Savings and Loan, Department of Education, Banking Department, and Office of Planning and Research.

(e) The study shall include recommendations for statutory changes and specific executive actions to be taken by state and local agencies necessary to establish and implement an earthquake hazards reduction program and an earthquake prediction system for the State of California.

The commission shall submit the study to the Legislature by June 30, 1980, or earlier at its discretion.

8870.9. This act shall be known and cited as the Seismic Safety Commission Act.

8870.95. The Building Safety Board established in Section 129925 of the Health and Safety Code shall report annually to the Seismic Safety Commission.