

Model Enabling Legislation

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§ 1000. Legislative Declaration

The Legislature finds and declares as follows:

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 Advisory Board, long-term progress should be made toward higher levels of seismic safety.

Fourth, earthquakes have caused and can cause in the future enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, that loss, injury, destruction, and disruption can be reduced substantially by developing and implementing earthquake hazards reduction measures, including, but not limited to, the following:

- (1) Improving design and construction methods and practices.
- (2) Rehabilitating vulnerable buildings.
- (3) Coordinating emergency planning for response by the government and private sectors.
- (4) Implementing land use and redevelopment planning.
- (5) Developing public information and education programs.
- (6) Improving emergency response capabilities and emergency management systems.
- (7) Developing long-term social and economic recovery strategies.
- (8) Upgrading the strong motion instrumentation system.
- (9) Improving basic research of physical and social earthquake phenomena.

Fifth, while the major responsibility for dealing with earthquakes before

and after they happen is firmly fixed with local government, state government also has fundamental responsibilities to take all reasonable measures to reduce the seismic risk to which the citizens of [name of state] are exposed. The state should assume a leadership role by influencing the direction of existing and future national earthquake risk reduction programs and should serve as a model for local risk reduction measures.

Sixth, earthquake risk reduction measures often benefit many state programs and bring about improvements in buildings, dams, transportation facilities, communications, fire safety, toxic materials handling, and emergency response preparations.

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

§ 1002. Seismic safety advisory board; creation; report

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

§ 1003. Members; appointment; chairman; vice chairman; quorum; public interest

- (a) The advisory board shall consist of 15 members appointed by the Governor and confirmed by the Senate, one member appointed by the Senate President pro tempore, and one member appointed by the Speaker of the Assembly. The Seismic Safety Advisory Board shall elect annually from its membership its own chairman and vice chairman and may replace them with other advisory

boarders by majority vote. Advisory Board members shall be residents of the State of [name].

[NOTE: As used herein, "Senate" means the upper legislative house and "Assembly," the lower.]

- (b) A quorum shall consist of nine members if there are no vacancies, or else a majority of the members of the advisory board at the time.
- (c) The Legislature declares that the individuals appointed to the advisory board are intended to represent the professions of architecture, planning, fire protection, public utilities, electrical engineering, mechanical engineering, structural engineering, geotechnical engineering, engineering geology, seismology, local government, insurance, social services, emergency services, and the State Legislature and that such representation best serves the public interest.

§ 1004. Appointments to advisory board

The membership of the Seismic Safety Advisory Board shall be appointed by the Governor and confirmed by the Senate from lists of nominees submitted by organizations as listed below:

- (a) Four members appointed from established organizations in the fields of architecture and planning, fire protection, public utilities, and electrical engineering and mechanical engineering;
- (b) Four members appointed from established organizations in the fields of structural engineering, geotechnical engineering, engineering geology, and seismology;
- (c) Four members appointed from nominees submitted by an association representing the cities of [name of state] and an

association representing the county supervisors of [name of state] (OPTION: at least one of which shall be a member of the public at large);

- (d) Three members appointed from established organizations in the fields of insurance, social service, and emergency services;
- (e) One member shall be appointed from the Senate by the Senate President *pro tempore*, 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 1006.

§ 1005. Term of office

The term of office for each member of the Seismic Safety Advisory Board shall be four years and each shall hold office until the appointment and qualification of his or her successor, except that of the initial advisory boarders, the Governor shall appoint seven whose terms will expire two years after appointment and seven members plus the chairman whose terms shall expire four years after appointment. All initial appointments shall be made by [date]. Any vacancies shall be immediately filled by the appointing power for the unexpired portion of the term in which they occur.

§ 1006. Per diem; expenses

The members of the Seismic Safety Advisory Board shall serve without compensation but shall be paid per diem expenses of one hundred dollars (\$100) for each day's attendance at a meeting of the advisory board, plus actual necessary travel expenses as determined by the _____

§ 1007. Powers and Duties

The advisory board, 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 advisory board.
- (c) Contract for or employ, any professional services and research required by the advisory board or required for the performance of necessary work and services which, in the advisory board'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 [State's name], including activities under the [State's name] Earthquake Risk Reduction Program as provided in Section 1010 of this Act. These associations or foundations may furnish materials for sale, and the advisory board may provide personnel services and office space therefor. Subject to rules and regulations adopted by the advisory board, 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.

§ 1008. Executive director; employees

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

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

§ 1009. Earthquake risk reduction responsibilities

The advisory board is responsible for all of the following in connection with earthquake risk 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) Recommending program changes to state agencies, local agencies, and the private sector where such changes would lessen earthquake risk and improve risk management.
- (d) Reviewing the recovery and reconstruction efforts after damaging earthquakes.
- (e) Gathering, analyzing, and disseminating information.
- (f) Encouraging research.
- (g) Sponsoring training to help improve the competence of specialized enforcement and other technical personnel.
- (h) Helping to coordinate the earthquake safety activities of government at all levels.
- (i) Establishing and maintaining necessary working relationships

with any boards, advisory boards, departments, and agencies, or other public or private organizations.

§ 1010. Establishment and objectives of the [State's name] Earthquake Risk Reduction and Management Program

- (a) There is hereby established a coordinated program pursuant to which the state shall implement new and expanded activities to significantly reduce the earthquake threat to its citizens. This program, to be known as the [State's name] Earthquake Risk Reduction and Management Program, shall be prepared and administered by the Seismic Safety Advisory Board.
- (b) The program set forth in subdivisions (a) shall specify priorities, funding sources and amounts, schedules, and other resources needed to significantly reduce earthquake risk, etc. statewide by January 1, [year]. The achievement of this goal shall be undertaken by establishing objectives within the following categories:
 - (1) Risk Reduction. The reduction of the earthquake risk to acceptable levels through significant reduction in the number of vulnerable buildings, avoiding the creation of new or greater seismic risks, and the promotion and expansion of scientific and engineering studies to help achieve these goals.
 - (2) Emergency Response. Develop plans, agreements and protocols, to deal with special issues, such as earthquake prediction, hazardous materials, critical facilities, and disaster response and mutual aid plans for all major population centers; establish public education, training, and

information; and develop plans to increase the coordination and integration of federal, state and local resources, enhance the state's capability to respond to a major earthquake disaster.

Improve the state's emergency response capability by strengthening the statewide communication system, creating a state emergency coordination center or centers, and automating emergency management data; and training respondents.

- (3) Recovery. Develop systems to manage earthquake recovery, and minimize unemployment, business failures, tax base erosion, and associated monetary and financial losses critical to the restoration of [State's name] economy and public services.

(c) The state's existing seismic safety activities are currently administered by over [insert number] separate agencies. Responsibility for administering these activities shall remain with these agencies. These existing activities shall continue and their efforts shall be incorporated into the coordinated program established under subdivision (a).

(d) The program shall consist of a series of five-year plans and each five-year plan shall be revised by the [State's name] Seismic Safety Advisory Board annually and submitted to the Governor and the Legislature. Each revision shall include a finding on the state's progress toward the goal stated in subdivision (b).

(e) The immediate steps to be undertaken by the Board shall include the performance of existing activities provided the budget prepared by the Governor for the [date] fiscal year and the Budget Act of [date] and the preparation of the first five-year program.

- (f) The first five-year plan document shall be completed by [date], and shall include specific measures and funding needed for adequate progress towards the state's earthquake safety goals by January 1, [date]. This plan and subsequent plans shall cover a five-year implementation period and shall recommend any necessary statutory changes for program implementation.

§ 1011. Implementation of earthquake risk mitigation program

To implement the foregoing responsibilities, the advisory board 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 advisory board's view, the existing situation creates undue hazards or when new developments would promote earthquake risk 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.

§ 1012. Consultation with other agencies and groups

The board shall prepare the [State's name] Earthquake Risk Reduction and Management Program, in consultation with the [list appropriate agencies responsible for emergency services, geology, emergency medical services, the state's universities and other appropriate institutions of higher

learning, the National Guard], other appropriate state and local agencies, the private sector, volunteer groups, and the Legislature.

The board may hold public hearings or joint hearings with other groups and conduct other activities as necessary for the development of the program.

§ 1013. Short Title

This act shall be known and cited as the Seismic Safety Advisory Board Act.