

# AUGUST 2005 LEGISLATIVE REPORT

## CALIFORNIA FIRE CHIEF'S FIRE PREVENTION OFFICERS

The following is legislation in the California Legislature being monitored by the FPO Legislative Committee.

For current information or to review any of these bills go to [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**Support and Opposed Bills** are being actively lobbied by Cal-Chiefs –FPO Legislative Committee.

**Watch:** Bills being monitored by the Committee with no position yet.

AB = Assembly Bill	SB = Senate Bill
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Bills removed from this month's report that were being tracked in previous months have either died in committee or are now a two-year bill. Two-year bills will not be taken up

**AB 178 (Koretz) California Cigarette Fire Safety and Firefighter Protection Act.** *See Attached letter Status* :In Senate 1<sup>st</sup> reading

**Summary:** Existing law requires the State Fire Marshal to adopt regulations that specify standards for the special design of cigarette lighters with respect to safety features that prevent operation of the lighters by children 5 years of age or younger. This bill would prohibit the sale of cigarettes unless the manufacturer of those cigarettes certifies to the Attorney General that the cigarettes have been tested by the manufacturer in accordance with standards established by the American Society of Testing and Materials and no more than 25% of the cigarettes it manufactures exhibit full-length burns when tested. The bill would require cigarette manufacturers to mark packages of cigarettes to be sold in California to show compliance with these provisions and would require manufacturers, distributors, wholesalers, and retailers to permit an employee of the State Board of Equalization to inspect these markings. Failure or refusal to allow an inspection would make a person guilty of a misdemeanor and subject to a fine not to exceed \$1,000. By creating a new crime the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Support**

**AB 304 (Hancock) Building standards: reconstruction.**

**Status:** Senate 2<sup>nd</sup> Reading

**Summary:** Existing law authorizes a city, city and county, or county to establish, by ordinance, building reconstruction standards applicable to the reconstruction of buildings identified, as specified, by the city, city and county, or county as being hazardous to life if an earthquake occurs. This bill would authorize the governing body of a city, city and county, or county to establish reconstruction standards applicable to existing wood-frame, multiunit residential buildings where the ground floor portion of the structure contains parking or other similar open floor space that causes soft, weak, or open-front wall lines, as specified.

**Watch**

**AB 403 (La Malfa) Propane tanks: hazardous materials inventory and business plans**

**Status:** In the Senate for 3<sup>rd</sup> reading

**Summary:** (1) Under existing law, businesses are required to have response plans for releases of specified hazardous materials and provide an annual inventory of hazardous materials handled to the administering agency, as specified. Existing law requires the certified unified program agency (CUPA), except as specified, to serve as the administering agency to implement these requirements. Existing law requires the Secretary for Environmental Protection to adopt regulations and implement a unified hazardous waste and hazardous materials management regulatory program. Existing law requires every county to apply to the secretary to be certified to implement the unified program as a certified unified program agency (CUPA) and authorizes a city or local agency that meets specified requirements to apply to the secretary to

implement the unified program. This bill would require the administering agency to exempt, from those hazardous materials business plan and inventory requirements, propane handled by a business only for the purpose of providing heat for the premises of that business, thereby imposing a state-mandated local program by imposing a new duty upon administering agencies. This bill contains other related provisions and other existing laws. **Watch**

**AB 1194 (Oropeza) Entertainment: emergency exits.**

**Status:** In the Senate for 3<sup>rd</sup> reading

**Summary:** Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in, among other things, any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education. This bill would require that any person, as specified, that owns, rents, leases, or manages a facility, as defined, that charges admission to a performance of live entertainment make an announcement of the availability of emergency exits prior to the beginning of the live entertainment. Because a violation of this provision would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime. This bill contains other related provisions and other existing laws. **Support**

**AB 1249 (Blakeslee) Waste tire facility permit.**

**Status:** In Assembly

**Summary:** Under existing law, the California Integrated Waste Management Board, in consultation with the State Fire Marshal and the State Department of Health Services, is required to adopt emergency regulations setting forth procedures and requirements necessary to obtain a major waste tire facility permit. Existing law specifies the content of regulations for a major waste tire facility permit. This bill would, instead, require the board, in consultation with the State Department of Health Services, to adopt those regulations. The bill would require the State Fire Marshal, in consultation with the board, to adopt fire prevention regulations for the storage of waste and used tires. The bill would require the major waste tire facility permit regulations to include by reference the fire prevention regulations adopted by the State Fire Marshal. The bill would make related and technical, nonsubstantive changes. **Watch**

**AB 1718 (Mountjoy) Forestry and fire prevention: screens.**

**Status:** Senate 3<sup>rd</sup> Reading

**Summary:** Existing law requires any person who owns, leases, controls, operates, or maintains any occupied dwelling or occupied structure in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass-covered land, or any land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by a local agency, to take specified actions to prevent fires including, among other things, providing and maintaining at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. This bill would revise those provisions to require that the screen be a noncombustible, corrosion-resistant screen with a mesh size no greater than 1/4 inch covering the attic and subfloor vents, and over the outlet of every chimney or stovepipe that is attached to a fireplace, stove, or other device that burns any solid or liquid fuel. Because a violation of these provisions would constitute a crime under others existing provisions, the bill would create a state-mandated local program by changing the definition of a crime. This bill contains other related provisions and other existing laws. **Watch**

**SB 40 (Dunn) Mobilehome parks.**

**Status:** In Senate

**Summary:** The Mobilehome Parks Act requires the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of the act to enter and inspect mobilehome parks every 7 years to ensure enforcement of the act and implementing regulations. The Special Occupancy Parks Act requires the Department of Housing and Community Development to

enforce the act and authorizes the officers or agents of the department or a city, county, or city and county that assumes responsibility for the enforcement of the act to enter and inspect all parks and inspect all accommodations, equipment, or paraphernalia used in connection therewith. Existing law requires an enforcement agency to issue a notice to correct a violation within 10 days of determining that a mobilehome park or special occupancy park is in violation of the act or implementing regulations or immediately if the violation constitutes an imminent threat to health and safety. Existing law requires violations that constitute an imminent threat to health and safety to be corrected within a reasonable time, as determined by the enforcement agency. The provisions of the Mobilehome Parks Act apply to a manufactured housing community. This bill would, if an owner or operator of a mobilehome park, manufactured housing community, or a special occupancy park fails to comply within a reasonable time with the terms of the order or notice, authorize the enforcement agency, a homeowner or resident, or a homeowner or resident association or organization to seek and the court to order the appointment of a receiver for the park if the violation or violations are so extensive and of a nature that the health and safety of the homeowners, residents, or the public is substantially endangered. The bill would specify the receiver's powers and duties in this regard, including providing relocation benefits if the conditions of the park or the repair or rehabilitation of the park significantly affect the safe and sanitary use of the park by any homeowner or resident, to the extent that the homeowner or resident cannot safely reside on his or her lot. This bill contains other related provisions. **Watch**

### **SB 246 (Figueroa) Board of Professional Engineers and Land Surveyors**

Status: 2-year bill

**Summary:** Existing law establishes the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. Existing law authorizes the board to make and enforce rules and regulations that are reasonably necessary to carry out the provisions of law regulating land surveyors. Existing law provides that these provisions are to become inoperative and are repealed on July 1, 2006, and January 1, 2007, respectively. This bill would instead make these provisions inoperative and repealed on July 1, 2012, and January 1, 2013, respectively. Existing law recognizes various engineering disciplines. Existing law prohibits the practicing of civil, electrical, and mechanical engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in that discipline. With respect to other engineering disciplines, existing law prohibits persons other than those licensed by the board from using certain engineering branch titles.

This bill would eliminate the disciplines of agricultural, industrial, and metallurgical engineering. The bill would prohibit the practicing of chemical, control systems, **fire protection, nuclear**, petroleum, and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline. The bill would make other changes to related provisions. This bill would also eliminate the temporary authorization process to practice as a professional land surveyor. **Support**

### **SB 502 (Kehoe) Weed and vegetation management**

Status: In Senate

**Summary:** Existing law, relating to fire protection, requires firebreaks with respect to the maintenance of flammable vegetation or other combustible growth around occupied buildings located within very high fire hazard severity zones, as designated. Existing law exempts certain vegetation from those requirements. This bill would revise that exemption, as specified. This bill contains other related provisions and other existing laws. **Watch**

### **SB 1084 (Kehoe) Forest practices.**

Status: In Assembly

**Summary:** Under existing law, the State Board of Forestry and Fire Protection is required to classify all lands within the state to determine areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. The bill would prohibit a person from selling, offering for sale, leasing, or renting to any person a specified internal combustion engine, unless the equipment has a

permanent warning label attached warning of the danger of starting a fire from sparks created by the operation of the equipment. This bill contains other related provisions. **Support**

**SCR 29 (Kehoe) Emergency services and homeland security.**

**Status:** In Senate

**Summary:** Under existing law, the Blue Ribbon Fire Commission is established in state government by action of the Governor to investigate the circumstances surrounding the October 2003 fires in southern California and that commission recommended the establishment of a permanent Joint Legislative Committee on Emergency Services and Homeland Security. This measure would create the Joint Legislative Committee on Emergency Services and Homeland Security, with specified membership of each house of the Legislature. The joint committee would be constituted as an investigating committee of the houses, and its powers would include making recommendations as to legislation and forming technical advisory committees to assist it in carrying out its duties. The joint committee would continue in existence until November 30, 2006. **Watch**

**NEW BILL**

**S.B. No. 962 (Chesbro Coauthor: Senator Alquist) Adult Residential Facility for Persons with Special Health Care Needs: pilot project. Pilot Program**

**Status:** Assembly Appropriations (Suspense file)

**Summary:** This bill would, until January 1, 2010, authorize the State Department of Social Services and the State Department of Developmental Services, to jointly establish and administer a pilot project for licensing and regulating Adult Residential Facilities for Persons with Special Health Care Needs, to the extent that funds are appropriated for this purpose in the annual Budget Act, and would make conforming changes. The bill would authorize entering into a contract for independent evaluation of the program, and would require a report to the Legislature by January 1, 2009. By changing the definition of crimes provided for under the California Community Care Facilities Act, this bill would impose a state-mandated local program. **NOTE:** This bill requires the units to be protected with NFPA 13 D systems.