

MARCH 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

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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AB 44 (Cohn) Health facilities.

WATCH

Status: 03/10/2005-Re-referred to Com. on HEALTH.

Current Location: 03/10/2005-A HEALTH

Calendar Events: 04/19/05 1:30 p.m. - Room 4202 ASM HEALTH

Summary: The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires the Office of Statewide Health Planning and Development to assume duties relating to construction and alteration of hospital buildings, including, but not limited to, review and approval of construction plans, in order to ensure that the buildings are reasonably capable of providing services after a disaster. After January 1, 2008, the act requires any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life to only be used for nonacute care hospital purposes. The act authorizes the office to grant a delay in this deadline. This bill would repeal those provisions and would instead require the hospital owner to submit to the office, six months prior to the January 1, 2008, or six months prior to the compliance deadline if an extension has been granted, a written plan for the disposition of each pre-1973 hospital building, specifying its replacement, removal from acute care services, or retrofit. This bill contains other related provisions and other existing laws.

AB 178 (Koretz) California Cigarette Fire Safety Act.

SUPPORT

Status: 02/15/2005-Referred to Com. on G.O.

Current Location: 02/15/2005-A G.O.

Calendar Events: 04/06/05 Anticipated Hearing ASM G.O.

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 wholesale

dealers, agents, and retail dealers to permit the State Fire Marshal to inspect these markings. This bill contains other related provisions.

AB 292 (Maze) Employee housing: agricultural workers. **WATCH**
Status: 02/22/2005-Referred to Com. on H. & C.D.
Current Location: 02/22/2005-A H. & C.D.

Summary: Existing law requires every person operating employee housing to obtain, from the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of provisions regarding employee housing, a permit to operate that employee housing unless exempted from this requirement. This bill would provide that, except for local health ordinances, this housing is not deemed a use that implies that it is an activity that differs in any other way from an agricultural use and would declare that the provisions governing this type of employee housing do not prohibit local officials from enforcing local health ordinances. This bill contains other existing laws.

AB 304 (Hancock) Building standards: reconstruction. **WATCH**
Status: 03/17/2005-Re-referred to Com. on H. & C.D.
Current Location: 03/17/2005-A H. & C.D.
Calendar Events: 03/30/05 9:00 a.m. - Room 126 ASM HOUSING AND COMMUNITY DEVELOPMENT

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.

AB 389 (Arambula) Farm labor housing. **WATCH**
Status: 02/15/2005-From printer. May be heard in committee March 17.
Current Location: 02/11/2005-A PRINT

Summary: Under existing law, employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household is deemed an agricultural land use designation and is not deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. Existing law prohibits a conditional use permit, zoning variance, or other zoning clearance that is not required of any other agricultural activity in the same zone from being required of this employee housing. This bill would state the intent of the

Legislature to enact legislation to increase the control of a county board of supervisors over farm labor housing development in areas of the county zoned for agriculture.

AB 403 (La Malfa) Propane tanks: hazardous materials inventory. **WATCH**

Status: 02/16/2005-From printer. May be heard in committee March 18.

Current Location: 02/15/2005-A PRINT

Summary: 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, as specified. This bill would declare the intent of the Legislature to exempt rented or leased propane tanks from those requirements.

AB 560 (Emmerson) Fire protection

WATCH

Status: 02/17/2005-From printer. May be heard in committee March 19.

Current Location: 02/16/2005-A PRINT

Summary: Existing law authorizes the State Fire Marshal to enforce building standards and other regulations relating to fire protection outside corporate cities, and within corporate cities upon request of the chief fire official or the governing body. This bill would delete the reference to those cities as "corporate."

AB 895 (Walters) Environment: California Environmental Protection Agency. **WATCH**

Status: 02/20/2005-From printer. May be heard in committee March 22.

Current Location: 02/18/2005-A PRINT

Summary: The Governor's Reorganization Plan No. 1 of 1991, which was not fully statutorily implemented, created the California Environmental Protection Agency, transferred the State Air Resources Board, the California Integrated Waste Management Board, the State Water Resources Control Board, and the California regional water quality control boards to the agency and created the Department of Toxic Substances Control and the Department of Pesticide Regulation within that agency. This bill would declare the intent of the Legislature to enact legislation that would consolidate, into a unified program under the authority of the California Environmental Protection Agency, the emergency response program of the Department of Toxic Substances Control, the business plan and accident release program of the Office of Emergency Services, the Marine Facilities Division of the State Lands Commission, and the oil spill unit of the California Coastal Commission.

AB 923 (Chavez) Fireworks: sale: disposal.
Status: 03/17/2005-Referred to Com. on G.O.
Current Location: 03/17/2005-A G.O.

OPPOSE

Summary: Existing law authorizes the retail sale of safe and sane fireworks from June 28 to July 6 annually pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance. This bill would authorize the sale of certified safe and sane fireworks from 9 a.m. December 26 through January 1 pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes. These provisions would become inoperative on January 2, 2012, and would be repealed on January 1, 2013. This bill contains other related provisions and other existing laws.

AB 984 (Laird) Private nuisance: remedies. **WATCH**
Status: 02/20/2005-From printer. May be heard in committee March 22.
Current Location: 02/18/2005-A PRINT

Summary: Existing law specifies the remedies for a private nuisance. This bill would make technical, nonsubstantive changes to that provision.

AB 1194 (Oropeza) Entertainment: emergency exits. **WATCH**
Status: 02/23/2005-From printer. May be heard in committee March 25.
Current Location: 02/22/2005-A PRINT

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.

AB 1249 (Blakeslee) Waste tire facility permit.

WATCH

Status: From printer. May be heard in committee March 27.

Current Location: A Print

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 Marshall. The bill would make related and technical, nonsubstantive changes.

AB 1295 (Bermudez) Fireworks: sale: disposal.

OPPOSE

Status: Referred to Com. on G.O.

Current Location: 03/17/2005

Summary: Existing law authorizes the retail sale of safe and sane fireworks from June 28 to July 6 annually pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance.

This bill would authorize the sale of certified safe and sane fireworks from 9 a.m. December 26 through January 1 pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes. These provisions would become inoperative on January 2, 2012, and would be repealed on January 1, 2013.

AB 1327 (Tran) Hazardous materials: accidental release prevention program **WATCH**

Status: 02/25/2005-From printer. May be heard in committee March 27.

Current Location: 02/22/2005-A PRINT

Summary: Existing law requires businesses that handle hazardous materials to prepare a business plan and submit an annual inventory form to the administering agency and provides for the imposition of civil penalties upon a business that violates those requirements. Existing law requires the issuance of an enforcement order or the imposition of an administrative penalty by an administering agency to be conducted using the administrative penalty procedures required to be followed by a Certified Unified

Program Agency. This bill would make conforming changes with regard to the setting of those civil penalties to delete a reference to the setting of the amount of the penalty by the governing body of the administering agency. This bill contains other related provisions and other existing laws.

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

Status: 02/25/2005-From printer. May be heard in committee March 27.

Current Location: 02/22/2005-A PRINT

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.

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

Status: 03/15/2005-Do pass as amended, and re-refer to the Committee on Appropriations.

Current Location: 03/15/2005-S APPR.

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.

SB 224 (Chesbro) Health facilities: construction plans.

WATCH

Status: 03/18/2005-Author's amendments.

Current Location: 02/24/2005-S HEALTH Calendar Events:03/30/05 1:30 p.m. - John L. Burton Hearing Room (4203) SEN HEALTH

Summary: The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHPD) to approve or reject all plans for the construction or alteration of a hospital building, but authorizes OSHPD to exempt from that review or expedite the review for certain projects. Existing law requires projects for the construction or alteration of hospital buildings and skilled nursing and intermediate care facilities that are single-story, wood-frame or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met. This bill would delete the requirement that hospital buildings and skilled nursing and intermediate care facilities be single-story, wood-frame, or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met, and would instead require that exemption for all hospital buildings and skilled nursing and intermediate care facilities. This bill contains other related provisions and other existing laws.

SB 502 (Kehoe) Weed and vegetation management.

WATCH

Status: SEN NATURAL RESOURCES AND WATER

Current Location: SEN NATURAL RESOURCES AND WATER

Calendar Events: 03/29/2005

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. Existing law defines the term "weeds" for the purposes of the abatement of hazardous weeds and rubbish as a public nuisance. This bill would revise that definition, as specified.

SB 516 (Ortiz) Fire protection: adult residential facility: residential care facility for the elderly. **SUPPORT**

Status: 03/22/2005-Author's amendments.

Current Location: 03/03/2005-S HUM. S.

Calendar Events: 04/12/05 1:30 p.m. - Room 3191 SEN HUMAN SERVICES

Summary: Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities. This bill would require adult residential facilities and residential care facilities for the elderly, as defined, that house or care for no more than 6 clients or residents, to have an approved, operable automatic fire sprinkler system on and after January 1, 2011, if they are licensed as of January 1, 2007. The bill would require every facility for which a license is newly issued on or after January 1, 2007, to have an approved, operable automatic fire sprinkler system on and after the date of issuance. The bill would require the State Fire Marshal to adopt regulations to implement these provisions by January 1, 2007, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system has been installed and maintained. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 686 (Machado) Fire protection: transmission lines. **WATCH**

Status: 03/10/2005-To Com. on N.R. & W.

Current Location: 03/10/2005-S N.R. & W.

Summary: Existing law requires, generally, a person that owns, controls, operates, or maintains an electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land to maintain a clearance of a specified distance between all vegetation and all conductors that are carrying electric current, as specified. Existing law requires old decadent trees, among other trees, to be felled, cut, or trimmed, as provided. This bill would delete old decadent trees from that requirement. The bill would make a clarifying change and various technical, nonsubstantive changes.