

CHAPTER NO. 905

SENATE BILL NO. 3068

By Kyle, Bowers, Norris, Herron

Substituted for: House Bill No. 2192

By Kernell, Lois DeBerry, Pleasant, Marrero, Larry Turner, John Deberry, Miller, Hargett, Maddox, Pinion, Cooper, Todd, Fitzhugh, Mr. Speaker Naifeh, Crider, Henri Brooks, Towns, Tidwell, Ulysses Jones, Rowe, Borchert, Eldridge, Kelsey, McDaniel, Gresham, Rinks, Shaw, Stanley

AN ACT to amend Tennessee Code Annotated, Title 58, relative to a commission on the mitigation of earthquake hazards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 58, is amended by adding Sections 2 through 7 as a new chapter thereto.

SECTION 2. (a) There is hereby created a "West Tennessee Seismic Safety Commission", which shall be attached administratively to the University of Memphis.

(b) The commission shall consist of twelve (12) members, to be appointed as follows: two (2) members chosen by the Speaker of the House of Representatives, two (2) members chosen by the Speaker of the Senate and eight (8) members appointed by the governor. The members shall include persons who represent the following professional areas: architecture, fire protection, public utilities, engineering, geology or seismology, local government, insurance, business, emergency health services, nonprofit emergency assistance, local education and emergency management.

(c) The commission shall elect annually from its membership a chair and vice chair. A quorum shall consist of seven (7) members. All commission members shall be residents of the state and shall have reasonable knowledge of issues relating to earthquakes.

(d) The term of office for each member of the commission shall be four (4) years, except that of the initial appointments, six (6) members shall be appointed for terms of two (2) years and six (6) members shall be appointed for terms of four (4) years. Any member may be removed from office by the governor for cause. A member is eligible for reappointment. If there is a vacancy for any cause, the governor shall make an appointment for the unexpired term.

(e) Each member of the commission shall serve without compensation but shall receive compensation for travel expenses. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the attorney general.

(f) The Center for Earthquake Research and Information, created by § 49-8-602, is hereby authorized and directed to provide any information or services requested by the commission.

SECTION 3. The commission shall have the authority to:

(1) Accept grants, contributions and appropriations from public agencies, private foundations or individuals;

(2) 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;

(3) Contract for or employ, subject to appropriations made for that purpose, any professional and research services 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;

(4) Enter into agreements to act cooperatively with private nonprofit scientific, educational or professional associations or foundations engaged in promoting seismic safety in Tennessee; and

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

SECTION 4. 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. The program shall be implemented in order to create specific tools or products to be used by governments in responding to an earthquake, such as educational materials for citizens. This program may be implemented on a prototypical basis in one (1) area of the state affected by earthquake predictions, provided that it is useful for application in other areas of the state upon its completion.

SECTION 5. The commission is responsible for all of the following in connection with earthquake hazard mitigation:

(1) Setting goals and priorities in the public and private sectors;

(2) Requesting appropriate state agencies, including the emergency management agency, to devise criteria to promote earthquake and disaster safety;

(3) Recommending program changes to state agencies, local agencies and the private sector where such changes would improve earthquake hazards and reduction;

(4) Reviewing the recovery and reconstruction efforts after damaging earthquakes;

(5) Gathering, analyzing and disseminating information;

(6) Encouraging research;

(7) Helping to coordinate the earthquake safety activities of government at all levels; and

(8) Establishing and maintaining necessary working relationships with any boards, commissions, departments and agencies or other public or private organizations.

SECTION 6. To implement its responsibilities, the commission may:

(1) 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 the general assembly thereon;

(2) Review programs relating to earthquake safety and advise the governor and the general assembly concerning earthquake hazard mitigation proposals; and

(3) Recommend the addition, deletion or changing of state and local agency standards when, in the commission's view, the existing situation creates undue hazards or when new developments would promote earthquake hazard mitigation.

SECTION 7. The commission shall undertake a study to determine the feasibility of establishing a comprehensive program of earthquake hazard reduction having as its purpose the saving of lives and mitigating damage to property in Tennessee.

(1) The study shall accomplish the following tasks:

(A) 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;

(B) 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;

(C) 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; and

(D) 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.

(2) With respect to implementation of earthquake hazard reduction, the study shall include the following:

(A) 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 hazards reduction program; and

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

(3) 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 hazard reduction program for the state.

(4) The commission shall submit the study to the general assembly by January 15, 2007.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR