

SENATE RULES COMMITTEE

SB 1473

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 1473

Author: Calderon (D)

Amended: 8/8/08

Vote: 21

SENATE ENV. QUALITY COMMITTEE: 4-0, 8/29/08

AYES: Simitian, Runner, Aanestad, Corbett

NO VOTE RECORDED: Florez, Kuehl, Lowenthal

SEN. TRANSPORTATION & HOUSING COMMITTEE: 8-1, 4/8/08

AYES: Lowenthal, Cedillo, Corbett, Dutton, Kehoe, Oropeza, Torlakson,
Yee

NOES: Harman

NO VOTE RECORDED: McClintock, Ashburn, Simitian

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 5-2, 4/14/08

AYES: Simitian, Florez, Kuehl, Lowenthal, Steinberg

NOES: Runner, Aanestad

SENATE APPROPRIATIONS COMMITTEE: 10-3, 5/12/08

AYES: Torlakson, Cox, Cedillo, Corbett, Dutton, Florez, Kuehl, Ridley-
Thomas, Simitian, Yee

NOES: Aanestad, Ashburn, Runner

NO VOTE RECORDED: Oropeza, Wyland

SENATE FLOOR: 25-10, 5/22/08

AYES: Alquist, Calderon, Cedillo, Corbett, Cox, Denham, Ducheny,
Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Margett, Migden,
Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson,
Vincent, Yee

NOES: Aanestad, Ackerman, Battin, Cogdill, Correa, Hollingsworth,
Machado, McClintock, Negrete McLeod, Wyland

CONTINUED

NO VOTE RECORDED: Ashburn, Maldonado, Ridley-Thomas, Runner,
Wiggins

ASSEMBLY FLOOR: 52-21, 8/13/08 - See last page for vote

SUBJECT: Building standards

SOURCE: California Building Industry Association
California Business Properties Association

DIGEST: This bill requires cities and counties to collect a fee on building permit applicants, in the amount of \$4 per every \$100,000 in valuation. Cities and counties will be authorized to retain 10 percent of the fees collected for administrative costs and code enforcement education, while the remainder will be available to the Building Standards Commission (BSC), upon appropriation, for the purpose of funding the development of building standards, with emphasis on the development, adoption, publication, updating, and educational efforts associated with green building standards.

Assembly Amendments (1) authorize the BSC to develop and adopt green building standards applicable to building types for which no state agency currently has authority or expertise to propose, (2) stipulate that, for model building codes currently referenced in statute but no longer published, the standards most recently approved by the BSC are those contained in the most recent additions of model codes approved by the BSC as the basis for the 2007 edition of the California Building Standards Code, (3) allow the Department of Housing and Community Development and the State Fire Marshal to expend moneys, upon appropriation, in the Building Standards Administration Special Revolving Fund, which this bill creates, for the same purposes as the BSC, and (4) delete language which required the BSC, upon appropriation, to allocate up to \$25,000 to each state agency that adopts or proposes building standards.

ANALYSIS:

Existing Law

1. Establishes the BSC within the State and Consumer Services Agency.

2. Requires all state agencies that adopt or propose adoption of any building standard under the California Building Standards Code to submit the building standard to the BSC for review and approval or adoption.
3. States that, where no state agency has authority to adopt building standards applicable to state buildings, the BSC must adopt, approve, codify, and publish building standards for the design and construction of state buildings.
4. Requires the Department of Housing and Community Development (HCD) to propose the adoption, amendment, or repeal of building standards to the BSC relating to hotels, motels, lodging houses, apartment houses, and dwellings and the buildings and structures accessory thereto.
5. Requires the State Energy Resources Conservation and Development Commission (Energy Commission) to prescribe building design and construction standards as well as energy conservation design standards that increase energy efficiency for new residential and non-residential buildings.
6. Authorizes a local government to make changes or modifications in building standards to provide for local variances relating to local climatic, geological, or topographical conditions, upon making certain findings and filing those findings with the BSC.

Executive Orders

1. Establishes, pursuant to the Governor's Executive Order S-20-04, The Green Building Initiative, and orders the state to take specified actions, including (a) committing to aggressive action to reduce state building electricity usage by 20 percent in 2015, through cost-effective efficiency measures and distributed generation technologies, and (b) siting, constructing, and operating all new and renovated state-owned facilities as LEED Silver or higher certified buildings.
2. Establishes, pursuant to the Governor's Executive Order S-3-05, a program that calls for a reduction of greenhouse gas emissions to 2000 levels by 2010; to 1990 levels by 2020; and to 80 percent below 1990 levels by 2050. The Governor established the Climate Action Team, headed by the Secretary for the California Environmental Protection

Agency, to implement global warming emission reduction programs and to report on the progress made toward meeting the statewide greenhouse gas targets that were established in the order.

This bill:

1. Requires every city and county to collect a fee of up to \$4 per \$100,000 in valuation from every applicant for a building permit.
2. Authorizes the city, county, or city and county to retain not more than 10 percent of the fees collected for related administrative costs and for code enforcement education, including certifications in the voluntary construction inspector certification program, and requires the city, county, or city and county to transmit the remainder of the BSC for deposit in the Building Standards Administration Special Revolving Fund (Fund) which this bill creates.
3. Authorizes BSC, the Department of Housing and Community Development (HCD), and the State Fire Marshal, to expend the moneys in the Fund for the purpose of funding the development of building standards with emphasis on the development, adoption, publication, updating and education efforts associated with green building standards.
4. Requires the BSC to develop and adopt green building standards for any building type for which no state agency currently has authority to propose such standards.
5. Stipulates that, for model building codes currently referenced in statute but no longer published, the standards most recently approved by the BSC are those contained in the most recent additions of model codes approved by the BSC as the basis for the 2007 edition of the California Building Standards Code.
6. States legislative intent that this bill shall not affect the ability of local governments to adopt changes, modifications, amendments, additions, or deletions to the Building Standards Code.
7. States legislative intent that the BSC and HCD jointly develop an expenditure plan for the use of funds allocated under the provisions of this bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

<u>Major Provisions</u>	<u>Fiscal Impact (in thousands)</u>			<u>Fund</u>
	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	
Building standards administration fee (new state revenue)	Approximately \$1,500-\$2,500 annually in new revenue generated from fees			Special*
Building standards administration fee (new local revenue)	Approximately \$150-250 annually in new revenue generated from fees			Local
BSC: building standards development, outreach, and training		\$296	\$275	Special*

*Building Standards Administration Special Revolving fund (created by this bill)

SUPPORT: (Verified 8/30/08)

- California Building Industry Association (co-source)
- California Business Properties Association (co-source)
- California State Pipe Trades Council
- Western Council of Sheet Metal Workers

OPPOSITION: (Verified 8/30/08)

- American Lung Association
- Environment California
- Environmental Defense Fund
- National Resources Defense Council
- Planning and Conservation League
- Sierra Club, California
- United States Green Building Council, Northern California

ASSEMBLY FLOOR:

AYES: Adams, Aghazarian, Arambula, Beall, Berg, Berryhill, Blakeslee, Brownley, Caballero, Charles Calderon, Carter, Coto, Davis, De La Torre, De Leon, DeSaulnier, Dymally, Eng, Evans, Feuer, Fuentes, Furutani, Garcia, Garrick, Hayashi, Hernandez, Horton, Houston, Huffman, Jones, Karnette, Krekorian, Levine, Lieber, Ma, Mendoza, Mullin, Nava, Nunez, Parra, Plescia, Portantino, Price, Ruskin, Salas, Saldana, Smyth, Solorio, Swanson, Torrico, Wolk, Bass

NOES: Anderson, Benoit, DeVore, Duvall, Emmerson, Fuller, Gaines, Galgiani, Huff, Jeffries, Keene, La Malfa, Laird, Maze, Nakanishi, Niello, Silva, Spitzer, Strickland, Villines, Walters

NO VOTE RECORDED: Cook, Hancock, Leno, Lieu, Sharon Runner, Soto, Tran

JJA:cm 8/30/08 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** **END** ****