

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE APRIL 14, 2011

AMENDED IN SENATE MARCH 29, 2011

AMENDED IN SENATE MARCH 14, 2011

SENATE BILL

No. 245

Introduced by Senator Rubio

February 10, 2011

~~An act to amend, repeal, and add Section 18029.6 of the Health and Safety Code, relating to smoke detectors. An act to add Sections 13998.1, 13998.2, 13998.3, 13998.4, 13998.5, 13998.6, and 13998.7 to the Government Code, relating to the retention of military base reuse.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Rubio. ~~Smoke detectors: mobilehomes, manufactured homes, and commercial modulars. Military installations: plan for retention and sustainability.~~

Existing law requires the Secretary of Business, Transportation and Housing to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to the agency.

This bill would establish the Office of Military Support in the Business, Transportation and Housing Agency, and set forth its duties and authority with respect to state and local defense retention and conversion. It would provide that the Office of Military Support would be in the charge of a director who would be appointed by the Governor. The bill would authorize the office to establish a Military Advisory Committee with a specified membership.

This bill also would authorize the office to seek private funds for the operations of the office. The bill would establish the Military Support Account in the Special Deposit Fund in the State Treasury and require that any private funds the office accepts be deposited in that account. The bill would authorize, upon the approval of the Secretary of Business, Transportation and Housing, the office to expend moneys in the account, upon appropriation by the Legislature, for specified purposes of the office.

~~The Mobilehomes-Manufactured Housing Act of 1980 requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, special purpose commercial coach, or commercial coach. Under existing law, a knowing violation of the act, as specified, is punishable as a misdemeanor offense.~~

~~The act requires that on or after January 1, 2009, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold have a smoke alarm installed in each room for sleeping that is operable on the date of transfer of the title. Existing law also requires that for manufactured homes and multifamily manufactured homes manufactured on or after September 16, 2002, each smoke alarm comply with the federal Manufactured Housing Construction and Safety Standards Act.~~

~~This bill would require that on or after July 1, 2012, all used manufactured homes, mobilehomes, and multifamily manufactured homes have a smoke alarm installed in each room designed for sleeping. The bill would additionally impose new requirements and specifications for manufactured homes, including those that are new and used, manufactured at specified times, and for mobilehomes and multifamily manufactured homes, manufactured at any time.~~

~~By expanding the scope of a crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *Military and Aerospace Support Act of 2011.*

3 *SEC. 2. The Legislature finds and declares as follows:*

4 *(a) For over half a century, California's industries, universities,*
5 *businesses, and workers have contributed to our nation's defense,*
6 *utilizing their capital, talents, and skills to develop and bring to*
7 *production important new technologies and advanced weapons*
8 *systems, aircraft, and missiles.*

9 *(b) Defense spending in California peaked at sixty billion dollars*
10 *(\$60,000,000,000) in 1988.*

11 *(c) California has experienced five rounds of base closures*
12 *resulting in the closure or realignment of 29 bases since 1988.*
13 *Additional bases may be considered for closure in future closure*
14 *rounds.*

15 *(d) California lost more federal payroll jobs from its 29 military*
16 *base closures under rounds one to four, inclusive, than all of the*
17 *rest of the states put together. The reduced military payroll,*
18 *including military and civilian employees, in California is*
19 *approximately 101,000 jobs. About 300,000 private sector defense*
20 *industry jobs in California have been lost.*

21 *(e) In preparation for the 2005 Base Realignment and Closure*
22 *(BRAC) the Legislature and Governor assumed a leadership role*
23 *by creating special committees in the Assembly and Senate,*
24 *enacting legislation that created the Office of Military and*
25 *Aerospace Support, and created the Base Retention Council.*
26 *Meetings were held statewide by the select committees and the*
27 *council. A California handbook was created and submitted to*
28 *members of Congress and senior DOD officials which stressed*
29 *the military value of California military installations and the*
30 *missions.*

31 *(f) Previous military support legislation that created and enabled*
32 *California to meet the challenge of BRAC 2005 has expired.*

33 *(1) Senate Bill 1099 of the 1999–2000 Regular Session (SB*
34 *1099) established the California Defense Retention and Conversion*
35 *Act. SB 1099 created the California Defense Retention and*
36 *Conversion Council in the Trade and Commerce Agency and the*
37 *Office of Military Base Retention and Reuse (OMBRR). OMBRR*
38 *and the Council were charged with developing reports and a grant*

1 *program to deal with the base closures and protection of bases*
2 *proposed for closure. The name of OMBRR was subsequently*
3 *changed to the Office of Military Support. The act expired January*
4 *1, 2007.*

5 *(2) Senate Bill 926 of the 2003–04 Regular Session established*
6 *the Military and Aerospace Support Act. SB 926 repealed the*
7 *statute establishing the Defense Retention and Conversion Council,*
8 *and created the Office of Military and Aerospace Support (OMAS)*
9 *in the Business, Transportation and Housing Agency. OMAS was*
10 *charged with providing a central clearinghouse for all defense*
11 *retention, conversion, and base reuse activities and to communicate*
12 *with military installations in the state. SB 926 expired January 1,*
13 *2007.*

14 *(g) In August 6, 2006, Governor Schwarzenegger signed*
15 *Executive Order S-16-06, August 2006, creating the Governor’s*
16 *Advisor for Military Affairs (AMA). AMA was tasked to coordinate*
17 *the development of state policies that are crucial to the military,*
18 *including, but not limited to, all of the following:*

19 *(1) Land use planning to ensure sustainability of defense*
20 *activities in California.*

21 *(2) Development of legislation that supports the*
22 *California-Department of Defense relationship.*

23 *(3) Working with the defense agencies to address regulatory*
24 *activities by state agencies that affect the sustainability of defense*
25 *operations in California.*

26 *(4) Working with relevant agency secretaries and the department*
27 *directors to identify critical staff in the administration to further*
28 *facilitate cooperation between the state and military.*

29 *(5) Serving as the Administration’s lead advocate on state and*
30 *federal policy impacting the armed forces based in California.*

31 *(h) The AMA was never appointed.*

32 *(i) California needs a focused, coordinated defense retention*
33 *and conversion program within the state in order to protect the*
34 *existing defense installations and facilities within the state and to*
35 *assist those communities that have experienced an installation’s*
36 *closing.*

37 *(j) Currently, there are over 237,000 active duty and civilian*
38 *defense personnel in California.*

1 (k) *The direct Department of Defense expenditures in California*
2 *are over fifty-nine billion dollars (\$59,000,000,000) for employees,*
3 *contracts, and capital investment.*

4 (l) *California has over 30 major active military installations.*

5 (m) *The Department of Defense pays three million dollars*
6 *(\$3,000,000) annually in fees, permits, and licenses within the*
7 *state.*

8 (n) *Having been the leader in the nation’s defense effort, the*
9 *state must now also assume the role as leader in defending existing*
10 *military installations within its borders. That role will require a*
11 *coordinated effort to ensure that California promotes the necessity*
12 *of existing defense facilities, assists local governments and*
13 *organizations in planning retention efforts, and designs and*
14 *implements a single unified plan for active defense retention efforts*
15 *on the federal level.*

16 (o) *It is the intent of the Legislature that the state’s role in*
17 *defense retention, conversion, and military support be consolidated*
18 *in the Business, Transportation and Housing Agency.*

19 SEC. 3. *Section 13998.1 is added to the Government Code, to*
20 *read:*

21 13998.1. (a) *The Legislature recognizes the potential for*
22 *federal legislation to close additional military installations*
23 *nationwide. In an effort to be proactive in retaining these facilities*
24 *within this state that are necessary for the defense of the nation*
25 *and to provide for a single, focused defense of these installations,*
26 *the Office of Military Support is hereby created in the Business,*
27 *Transportation and Housing Agency.*

28 (b) *The Office of Military Support shall be in the charge of a*
29 *director who is under the direction of the Secretary of Business,*
30 *Transportation and Housing. The director’s title shall be the*
31 *Governor’s Advisor on Military Affairs (AMA). The AMA shall be*
32 *appointed by the Governor. The AMA shall hold office at the*
33 *pleasure of the Governor and shall receive a salary fixed by the*
34 *secretary with the approval of the Department of Personnel*
35 *Administration.*

36 (c) *It shall be the purpose of the office to provide a central*
37 *clearinghouse for all defense retention, conversion, base reuse,*
38 *and sustainability activities in the state and to interact and*
39 *communicate with military installations in the state.*

40 (d) *“Office” means Office of Military Support.*

1 *SEC. 4. Section 13998.2 is added to the Government Code, to*
2 *read:*

3 13998.2. (a) *The office may establish a Military Advisory*
4 *Committee to provide input, information, technical advice, or other*
5 *comments to the office on military-related matters, including, but*
6 *not limited to, active Department of Defense installations in this*
7 *state and defense conversion issues. The office may call meetings*
8 *of the committee at times and locations when necessary.*
9 *Participation by committee members is voluntary and there is no*
10 *reimbursement for per diem or expenses.*

11 (b) *The committee membership may include, but is not limited*
12 *to, policy level representatives from the following:*

13 (1) *The Secretary of Business, Transportation and Housing.*

14 (2) *The Secretary for Environmental Protection.*

15 (3) *The Director of Employment Development.*

16 (4) *The Director of Planning and Research.*

17 (5) *The Chairperson of the State Energy Resources,*
18 *Conservation and Development Commission.*

19 (6) *The Director of Transportation.*

20 (7) *The Executive Director of the Employment Training Panel.*

21 (8) *The Secretary for Natural Resources.*

22 (9) *The President of the University of California.*

23 (10) *The Chancellor of the California State University.*

24 (11) *The Chancellor of the California Community Colleges.*

25 (12) *The President pro Tempore of the Senate.*

26 (13) *The Speaker of the Assembly.*

27 (14) *The California Air Resources Board.*

28 (15) *The State Energy Resources, Conservation and*
29 *Development Commission.*

30 (16) *Any other legislative offices, state agencies, local*
31 *governments, industry, civic, and research organizations that may*
32 *have an interest in defense-related activities.*

33 *SEC. 5. Section 13998.3 is added to the Government Code, to*
34 *read:*

35 13998.3. *The Office of Military Support shall do all of the*
36 *following:*

37 (a) *Develop and recommend to the Governor and the Legislature*
38 *a strategic plan for state and local defense sustainability, retention,*
39 *and conversion efforts. The plan shall address the state's role in*
40 *assisting communities with potential base closures and those*

1 *impacted by previous closures. The office may coordinate with*
2 *other state agencies, local groups, and interested organizations*
3 *on this strategic plan to retain current Department of Defense*
4 *installations, facilities, bases, and related civilian activities.*

5 *(b) Conduct outreach to entities and parties involved in defense*
6 *retention and conversion across the state and provide a network*
7 *to facilitate assistance and coordination for all defense retention*
8 *and conversion activities within the state.*

9 *(c) Help develop and coordinate state retention advocacy efforts*
10 *at the federal level.*

11 *(d) (1) Conduct an evaluation of existing state retention and*
12 *conversion programs and provide the Legislature recommendations*
13 *on the continuation of existing programs, including, but not limited*
14 *to, the possible elimination or alteration of those programs. This*
15 *evaluation shall be transmitted to the Legislature.*

16 *(2) The office may provide recommendations to the Legislature*
17 *on the necessity of new programs for defense retention and*
18 *adequate funding levels.*

19 *(e) Utilize and update the plan prepared by the Military Advisory*
20 *Council prepared for the 2005 Base Realignment and Closure*
21 *proceeding to minimize California's loss of bases and jobs in future*
22 *rounds of base closures. This plan shall include, but not be limited*
23 *to, all of the following:*

24 *(1) Identification of major installations in this state.*

25 *(2) Determination of how best to defend existing bases and base*
26 *employment in this state.*

27 *(3) Coordination of retention activities with communities that*
28 *may face base closures.*

29 *(4) Development of data and analyses on bases in this state.*

30 *(5) Coordination with the congressional delegation, the*
31 *Legislature, and the Governor. With the consent of the appropriate*
32 *authority, the office may temporarily borrow technical, policy,*
33 *and administrative staff from other state agencies, including the*
34 *Legislature.*

35 *(f) Serve as the primary state liaison with the Department of*
36 *Defense and its installations in this state. In order to maximize the*
37 *mission use of the installations, the Office of Military Support shall*
38 *assist in resolving any disputes or issues between the Department*
39 *of Defense and state entities.*

1 (g) Review actions or programs by state agencies that may affect
2 or impact Department of Defense installations or the state's
3 military base retention and reuse activities and recommend to the
4 Governor and the Legislature actions that may be taken to resolve
5 or prevent similar problems in the future.

6 (h) Where funds and resources are available, the office may
7 undertake all of the following activities:

8 (1) Provide a central clearinghouse for all base retention or
9 conversion assistance activities, including, but not limited to,
10 employee training programs and regulation review and permit
11 streamlining.

12 (2) Provide technical assistance to communities with potential
13 or existing base closure activities.

14 (3) Provide a central clearinghouse for all defense retention
15 and conversion funding, regulations, and application procedures
16 for federal or state grants.

17 (4) Serve as a central clearinghouse for input and information,
18 including needs, issues, and recommendations from businesses,
19 industry representatives, labor, local government, and communities
20 relative to retention and conversion efforts.

21 (5) Identify available state and federal resources to assist
22 businesses, workers, communities, and educational institutions
23 that may have a stake in retention and conversion activities.

24 (6) Provide one-stop coordination, maintain and disseminate
25 information, standardize state endorsement procedures, and
26 develop fast-track review procedures for proposals seeking state
27 funds to match federal defense conversion funding programs.

28 (7) Maintain and establish databases in such fields as
29 defense-related companies, industry organization proposals for
30 the state and federal defense industry, community assistance,
31 training, and base retention, and provide electronic access to the
32 databases.

33 SEC. 6. Section 13998.4 is added to the Government Code, to
34 read:

35 13998.4. (a) The updated plan as provided in subdivision (e)
36 of Section 13998.3 shall include identification of whether other
37 military installations or missions located in other states could be
38 recruited to this state.

1 (b) The office shall submit to the Governor and the Legislature
2 an updated strategic plan pursuant to Section 13998.3 specific to
3 the federal BRAC 2005 process by January 1, 2015.

4 (c) (1) The requirement for submitting a report imposed under
5 subdivision (b) is inoperative on January 1, 2019, pursuant to
6 Section 10231.5.

7 (2) A report to be submitted pursuant to subdivision (b) shall
8 be submitted in compliance with Section 9795.

9 SEC. 7. Section 13998.5 is added to the Government Code, to
10 read:

11 13998.5. (a) The Office of Military Support shall apply for
12 grants and may seek contributions from private industry to fund
13 its operations.

14 (b) The office shall actively solicit and accept funds from
15 industry, foundations, or other sources to support its operations
16 and responsibilities under this chapter.

17 (c) Any private funds the office accepts shall be deposited into
18 the Military Support Account, which is hereby established in the
19 Special Deposit Fund in the State Treasury. The office may, upon
20 the approval of the Secretary of Business, Transportation and
21 Housing, expend moneys in the account, upon appropriation by
22 the Legislature in the annual Budget Act, for the purposes of this
23 chapter and for no other purpose. Records of funds received and
24 expenditures made pursuant to this section shall be subject to
25 public disclosure. A report describing the receipt and expenditure
26 of these funds shall be submitted to the Department of Finance,
27 the Assembly Committee on Budget, and the Senate Committee on
28 Budget and Fiscal Review at least biennially.

29 SEC. 8. Section 13998.6 is added to the Government Code, to
30 read:

31 13998.6. In addition to the duties specified in Section 13998.3,
32 the office shall prepare a study considering strategies for the
33 long-term protection of lands adjacent to military bases from
34 development that would be incompatible with the continuing
35 missions of those bases. The study shall include the effects of local
36 land use encroachment, environmental impact considerations, and
37 population growth issues. The study shall recommend basic criteria
38 to assist local governments in identifying lands where incompatible
39 development may adversely impact the long-term missions of these
40 bases. The study shall also identify potential mechanisms, including

1 *recommendations for changes in law at the local or state level, to*
2 *address these issues.*

3 *SEC. 9. Section 13998.7 is added to the Government Code, to*
4 *read:*

5 *13998.7. The Business, Transportation and Housing Agency,*
6 *with input and assistance from the office, may establish a military*
7 *support grant program to grant funds to communities with military*
8 *bases to assist them in developing a retention strategy.*

9 ~~SECTION 1. Section 18029.6 of the Health and Safety Code~~
10 ~~is amended to read:~~

11 ~~18029.6. (a) (1) On or after January 1, 2009, all used~~
12 ~~manufactured homes, used mobilehomes, and used multifamily~~
13 ~~manufactured homes that are sold shall have a smoke alarm~~
14 ~~installed in each room designed for sleeping that is operable on~~
15 ~~the date of transfer of title. For manufactured homes and~~
16 ~~multifamily manufactured homes manufactured on or after~~
17 ~~September 16, 2002, each smoke alarm shall comply with the~~
18 ~~federal Manufactured Housing Construction and Safety Standards~~
19 ~~Act. For manufactured homes and multifamily manufactured homes~~
20 ~~manufactured before September 16, 2002, each smoke alarm shall~~
21 ~~be installed in accordance with the terms of its listing and~~
22 ~~installation requirements, and battery-powered smoke alarms shall~~
23 ~~be acceptable for use when installed in accordance with the terms~~
24 ~~of their listing and installation requirements.~~

25 ~~(2) For manufactured homes and multifamily manufactured~~
26 ~~homes manufactured before September 16, 2002, the smoke alarm~~
27 ~~manufacturer's information describing the operation, method and~~
28 ~~frequency of testing, and proper maintenance of the smoke alarm~~
29 ~~shall be provided to the purchaser for any smoke alarm installed~~
30 ~~pursuant to paragraph (1).~~

31 ~~(b) On or after January 1, 2009, the requirements of subdivision~~
32 ~~(a) shall be satisfied if, within 45 days prior to the date of transfer~~
33 ~~of title, the transferor signs a declaration stating that each smoke~~
34 ~~alarm in the manufactured home, mobilehome, or multifamily~~
35 ~~manufactured home is installed pursuant to subdivision (a) and is~~
36 ~~operable on the date the declaration is signed.~~

37 ~~(c) The department may promulgate rules and regulations to~~
38 ~~clarify or implement this section.~~

39 ~~(d) For sales of manufactured homes or mobilehomes installed~~
40 ~~on real property pursuant to subdivision (a) of Section 18551, as~~

1 to real estate agents licensed pursuant to Division 4 (commencing
2 with Section 10000) of the Business and Professions Code, the
3 real estate licensee liability provisions of subdivisions (e), (f), and
4 (g) of Section 13113.8 shall apply to the disclosures required by
5 this section.

6 (e) ~~This section shall become inoperative on July 1, 2012, and
7 as of January 1, 2013, is repealed, unless a later enacted statute
8 that is enacted before January 1, 2013, deletes or extends the dates
9 on which it becomes inoperative and is repealed.~~

10 SEC. 2. ~~Section 18029.6 is added to the Health and Safety
11 Code, to read:~~

12 ~~18029.6. (a) On or after July 1, 2012, all used manufactured
13 homes, used mobilehomes, and used multifamily manufactured
14 homes shall have a smoke alarm installed in each room designed
15 for sleeping. For all manufactured homes and multifamily
16 manufactured homes manufactured on or after September 16, 2002,
17 each smoke alarm shall comply with the federal Manufactured
18 Housing Construction and Safety Standards Act. For manufactured
19 homes manufactured before September 16, 2002, and for
20 mobilehomes and multifamily manufactured homes manufactured
21 at any time, each smoke alarm shall be installed in accordance
22 with the terms of its listing and installation requirements, and
23 battery-powered smoke alarms shall be acceptable for use when
24 installed in accordance with the terms of their listing and
25 installation requirements.~~

26 ~~(b) On or after July 1, 2012, within 45 days prior to the date of
27 transfer of title and as a condition of transfer of title, the transferor
28 shall sign a declaration stating that each smoke alarm in the
29 manufactured home is installed pursuant to subdivision (a) and is
30 operable on the date the declaration is signed.~~

31 ~~(c) The department may promulgate rules and regulations to
32 clarify or implement this section.~~

33 ~~(d) For sales of manufactured homes or mobilehomes installed
34 on real property pursuant to subdivision (a) of Section 18551, as
35 to real estate agents licensed pursuant to Division 4 (commencing
36 with Section 10000) of the Business and Professions Code, the
37 real estate licensee liability provisions of subdivisions (e), (f), and
38 (g) of Section 13113.8 shall apply to the disclosures required by
39 this section.~~

1 (e) ~~This section shall become operative on July 1, 2012.~~

O