

**Introduced by Senator Runner**

February 18, 2010

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~~An act to amend Sections 17077.30, 17255, 17263, 17267, 17280, 17285, 17292, 17295, 17307, 17352, 17354, 81133, 81138, and 81149 of, to repeal Sections 17280.1, 17280.5, 17281, 17282.5, 17296, 17297, 17298, 17299, 17300, 17301, 17303, 17304, 17305, 17306, 17307.5, 17308, 17309, 17310, 17311, 17313, 17314, 17315, 17317, 17351, 17355, 17356, 17357, 17358, 17359, 17360, 81130, 81130.3, 81133.1, 81133.2, 81133.5, 81134, 81135, 81136, 81141, 81142, 81143, 81146, and 81147 of, and to repeal Article 3.3 (commencing with Section 17319) of Chapter 3 of Part 10.5 of Division 1 of Title 1 of, the Education Code, and to amend Sections 4453, 4454, and 4459.5 of, and to repeal Section 4453.5 of, the Government Code, relating to school facilities. An act to amend Sections 17306, 17315, 81136, and 81147 of the Education Code, relating to school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as amended, Runner. School facilities: construction.

*(1) Existing law authorizes a school district or community college district that has submitted a school construction application for review to the Department of General Services to request that the department refer the documents necessary for the review of the application to a qualified plan review firm operating under contract with the department, as specified. Existing law requires the department immediately to grant the request.*

*This bill instead would authorize the department to grant the request as it deems appropriate.*

(2) Existing law requires the Department of General Services to issue a certification that a school building complies with specified statutory requirements when construction on the building is completed, specified documents have been submitted, and other specified requirements have been satisfied. Existing law allows a school district or community college district to occupy the building prior to the issuance of the certification.

This bill instead would prohibit the use or occupancy of a school building that has been constructed, reconstructed, altered, or added to, except as specified, until the department has issued the certification.

~~(1) Existing law, the Field Act, requires the Department of General Services, under the police power of the state, to supervise the design and construction of any school building, as defined to include buildings used for elementary, secondary, and community college purposes, or the reconstruction or alteration of or addition to any school building, as defined to include buildings used for elementary, secondary, and community college purposes, if not exempted, to ensure that plans and specifications comply with adopted rules and regulations and specified building standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications; for the protection of life and property. Existing law requires the plans and specifications for any school building, as defined, together with cost estimates, to be submitted to the Department of General Services for approval. Existing law requires a manufacturer of factory-built buildings designed or intended for use as school buildings to submit to the Department of General Services and the State Department of Education for approval, its plans, specifications, methods of construction, and estimates of cost of those buildings.~~

~~This bill would transfer the duties of the Department of General Services with regard to design and construction of school buildings, as defined to include buildings used for elementary, secondary, and community college purposes, to the building department of the appropriate local jurisdiction.~~

~~(2) 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. Section 17306 of the Education Code is amended*  
2 *to read:*

3     17306. (a) Upon submitting a complete application for review  
4 under this article, the applicant may request that the Department  
5 of General Services refer the documents necessary for the review  
6 of that application to a qualified plan review firm operating under  
7 contract with the department pursuant to Section 17305. The  
8 department ~~immediately shall~~ *may* grant the request ~~and refer the~~  
9 ~~necessary documents to a qualified plan review firm if the applicant~~  
10 ~~so requests~~ *as it deems appropriate.*

11     Upon completing the review, the qualified plan review firm shall  
12 submit the documents referred to it for the review of the  
13 application, together with the results of its review, to the  
14 Department of General Services.

15     (b) The Department of General Services shall establish a  
16 procedure governing the use by applicants of the review process  
17 alternative described in this section, including, but not limited to,  
18 provisions restricting the use of qualified plan review firms on the  
19 basis of conflict of interest.

20     *SEC. 2. Section 17315 of the Education Code is amended to*  
21 *read:*

22     17315. (a) When a school building *is* constructed in accordance  
23 with plans and specifications approved by the Department of  
24 General Services ~~is completed, the notice of completion is filed,~~  
25 and all final verified reports and all ~~testing and inspection~~  
26 documents, as required by this article or as required by the rules  
27 and regulations adopted pursuant to this article, are submitted to  
28 and on file with the Department of General Services, and all  
29 required fees paid by the school district, the department shall issue  
30 a certification that the school building complies with the  
31 requirements of this article. ~~Nothing in this article shall prevent~~  
32 ~~beneficial occupancy by a school district prior to the issuance of~~  
33 ~~this certification.~~ *A school building that has been constructed,*  
34 *reconstructed, altered, or added to, except for school building*  
35 *projects exempted from department approval by Section 17295,*  
36 *shall not be used or occupied until the Department of General*  
37 *Services has issued a certification that the school building complies*  
38 *with the requirements of this article.*

1 (b) When a school building, constructed in accordance with  
2 approved plans and specifications, is completed but final verified  
3 reports, as are required under Section ~~39151~~ 17309, have not been  
4 submitted to the Department of General Services due to the  
5 incapacitating illness, death, or the default of any persons required  
6 to file such reports, the Department of General Services shall, upon  
7 written request of the school district, review all of the project  
8 records and make such examinations as it deems necessary to  
9 enable it to certify that the school building otherwise complies  
10 with the requirements of this article. The Department of General  
11 Services may request the school district to have made, reported,  
12 and verified any other tests and inspections which the department  
13 deems necessary to complete its examinations of the construction.

14 (c) The costs incurred by the Department of General Services  
15 in connection with this section shall be paid by the school district.  
16 The actual costs to perform the examinations, tests, and inspections  
17 shall be an appropriate cost of the project to be paid from the  
18 building funds of the district. Certification of the project by the  
19 Department of General Services shall be withheld until all the costs  
20 have been paid by the school district.

21 (d) This section shall not relieve any individual of his or her  
22 responsibility to file verified reports, as required in Section 17309,  
23 or any other documents required by the rules and regulations  
24 adopted pursuant to this article. This section shall not abrogate the  
25 provisions of Section 17312.

26 *SEC. 3. Section 81136 of the Education Code is amended to*  
27 *read:*

28 81136. (a) Upon submitting a complete application for review  
29 under this article, the applicant may request that the Department  
30 of General Services refer the documents necessary for the review  
31 of that application to a qualified plan review firm operating under  
32 contract with the department pursuant to Section 81135. The  
33 department ~~immediately shall~~ *may* grant the request ~~and refer the~~  
34 ~~necessary documents to a qualified plan review firm if the applicant~~  
35 ~~so requests as it deems appropriate.~~ Upon completing the review,  
36 the qualified plan review firm shall submit the documents referred  
37 to it for the review of the application, together with the results of  
38 its review, to the Department of General Services.

39 (b) The Department of General Services shall establish a  
40 procedure governing the use by applicants of the review process

1 alternative described in this section, including, but not limited to,  
2 provisions restricting the use of qualified plan review firms on the  
3 basis of conflict of interest.

4 *SEC. 4. Section 81147 of the Education Code is amended to*  
5 *read:*

6 81147. (a) When a school building *is* constructed in accordance  
7 with plans and specifications approved by the Department of  
8 General Services ~~is completed, the notice of completion is filed,~~  
9 and all final verified reports and all ~~testing and inspection~~  
10 documents, as required by this article or as required by the rules  
11 and regulations adopted pursuant to this article, are submitted to  
12 and on file with the Department of General Services, and all  
13 required fees paid by the community college district, the  
14 department shall issue a certification that the school building  
15 complies with the requirements of this article. ~~Nothing in this~~  
16 ~~article shall prevent beneficial occupancy by a community college~~  
17 ~~district prior to the issuance of this certification.~~ *A school building*  
18 *that has been constructed, reconstructed, altered, or added to,*  
19 *except for school building projects exempted from department*  
20 *approval by Section 81133, shall not be used or occupied until the*  
21 *Department of General Services has issued a certification that the*  
22 *school building complies with the requirements of this article.*

23 (b) When a school building, constructed in accordance with  
24 approved plans and specifications, is completed but final verified  
25 reports, as are required under Section 81141, have not been  
26 submitted to the Department of General Services due to the  
27 incapacitating illness, death, or the default of any persons required  
28 to file such reports, the Department of General Services shall, upon  
29 written request of the community college district, review all of the  
30 project records and make such examinations as it deems necessary  
31 to enable it to certify that the school building otherwise complies  
32 with the requirements of this article. The Department of General  
33 Services may request the community college district to have made,  
34 reported, and verified any other tests and inspections which the  
35 department deems necessary to complete its examinations of the  
36 construction.

37 (c) The costs incurred by the Department of General Services  
38 in connection with this section shall be paid by the community  
39 college district. The actual costs to perform the examinations, tests,  
40 and inspections shall be an appropriate cost of the project to be

1 paid from the building funds of the district. Certification of the  
2 project by the Department of General Services shall be withheld  
3 until all the costs have been paid by the community college district.  
4 (d) This section shall not relieve any individual of his or her  
5 responsibility to file verified reports, as required in Section 81141,  
6 or any other documents required by the rules and regulations  
7 adopted pursuant to this article. This section shall not abrogate the  
8 provisions of Section 81144.

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**All matter omitted in this version of the bill  
appears in the bill as introduced in the  
Senate, February 18, 2010. (JR11)**