

Assembly Bill No. 1301

CHAPTER 947

An act relating to school facilities.

[Approved by Governor October 14, 2001. Filed
with Secretary of State October 14, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1301, Goldberg. School facilities: site contamination: Belmont Learning Complex.

(1) Existing law prohibits the governing board of a school district from approving a project involving the acquisition of a schoolsite or the construction of a school by the school district unless specified actions are taken with regard to potential contamination of the site, including a determination by the lead agency, as defined, that the property purchased or to be built upon is not the site of a current or former hazardous waste disposal site or solid waste disposal site, or a hazardous substance release site.

This bill would require the Los Angeles Unified School District, by January 1, 2003, to prepare a remedial investigation and feasibility study for the Belmont Learning Complex site and to submit the study to the Department of Toxic Substances Control for review. The bill would require the district to obtain a determination that the study is complete and meets the requirements of the Carpenter-Presley-Tanner Hazardous Substances Account Act before the district opens the Belmont Learning Complex as a school or takes any action to use the site for any nonschool purpose. The bill would require the district to reimburse the department for oversight costs incurred by the department and to post the study on its Internet Web site. The bill would impose a state-mandated local program by imposing new duties on a school district.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



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

SECTION 1. The Legislature finds and declares as follows:

(a) Construction of new schools is of the utmost priority and importance, particularly in overcrowded school districts. New facilities will help decrease the number of pupils who must be bussed out of their home districts, ease crowded classrooms, and decrease the number of multitrack, year-round schools.

(b) Belmont Learning Center, located in the City of Los Angeles, has been near completion for two years. Yet, this desperately needed facility, located in a district that busses thousands of pupils out of the area every day, cannot open due to political and environmental controversies. It is the intent of the Legislature to clarify and ameliorate these concerns.

SEC. 2. (a) As used in this section, the following terms have the following meanings:

(1) “Department” means the Department of Toxic Substances Control.

(2) “District” means the Los Angeles Unified School District.

(3) “Remedial investigation and feasibility study” means a remedial investigation, as defined in Section 25322.2 of the Health and Safety Code, and a feasibility study, as defined in Section 25314 of the Health and Safety Code, in accordance with Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(b) On or before January 1, 2003, the district shall do both of the following:

(1) Prepare a remedial investigation and feasibility study for the Belmont Learning Complex site located at the corner of Beaudry Avenue and First Street in the City of Los Angeles.

(2) Submit the study to the department for review.

(c) The district shall obtain the department’s determination that the remedial investigation and feasibility study prepared pursuant to subdivision (b) is complete and meets all applicable requirements of Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code before the district opens the Belmont Learning Complex as a school, or takes any action to use the Belmont Learning Complex for any nonschool purpose.

(d) The district may contract with an entity approved by the department to prepare the remedial investigation and feasibility study required by subdivision (b).

(e) The district shall reimburse the department for any oversight costs incurred by the department pursuant to this section. In determining these costs, the department shall comply with the applicable requirements of Chapter 6.66 (commencing with Section 25269) of Division 20 of the



Health and Safety Code. On and after January 2, 2003, the district shall also make the remedial investigation and feasibility study available to the public by posting the study on its Internet Web site.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

