

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 14, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 736

Introduced by Assembly Member Hancock

February 19, 2003

An act to add Section 17077.36 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 736, as amended, Hancock. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (~~the Greene Act of 1998~~), requires the State Allocation Board to administer the allocation of funds for public school facilities.

This bill would state the intent of the Legislature ~~with regard to requiring~~ *encourage* new schools to be designed according to the criteria developed by the Collaborative for High Performance Schools and the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

Existing law requires the State Allocation Board to adjust a project grant amount not to exceed 5%, for the state's share of costs associated with design and other plan components related to school facility energy efficiency.

This bill would, in addition, require the State Allocation Board to establish regulations to implement prescribed ~~additional~~ adjustments in state grants to school districts that meet the criteria developed by the

Collaborative for High Performance Schools and to those school districts that build schools that qualify for certification under the LEED Green Building Rating System.

The bill would declare the intent of the Legislature to enact *subsequent* legislation to appropriate to the Division of the State Architect \$1,000,000 from subsequently approved general obligation bond proceeds for the purposes of this act.

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

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

1 SECTION 1. (a) The Legislature hereby finds and declares
2 the following:

3 (1) The Collaborative for High Performance Schools has
4 developed a set of criteria for new school design that, if adopted,
5 lead to school buildings that enhance pupil performance and
6 teacher satisfaction, reduce operating costs, and minimize
7 environmental impacts.

8 (2) The United States Green Building Council has developed
9 a set of independently certified criteria for building construction,
10 including school construction, called the Leadership in Energy and
11 Environmental Design (LEED) Green Building Rating System
12 that, if adopted, lead to school buildings that enhance pupil
13 performance and teacher satisfaction, reduce operating costs, and
14 minimize environmental impacts.

15 (b) It is therefore the intent of the Legislature to ~~require~~
16 *encourage* new schools to be designed according to criteria
17 developed by the Collaborative for High Performance Schools or
18 the LEED Green Building Rating System.

19 (c) *It is further the intent of the Legislature to provide school*
20 *districts with a financial incentive for energy efficiency.*

21 SEC. 2. Section 17077.36 is added to the Education Code, to
22 read:

23 17077.36. (a) The board shall adopt, through the Division of
24 the State Architect and the Office of Public School Construction,
25 regulations to implement the incentives specified in this section for
26 the allocation of proceeds of general obligation bonds for school
27 districts that design schools that meet the criteria established by the
28 Collaborative for High Performance Schools (CHPS) and for



1 school districts that build schools that qualify for certification
2 under the Leadership in Energy and Environmental Design
3 (LEED) Green Building Rating System.

4 (b) In adopting regulations establishing incentives pursuant to
5 this section, the board shall consider recommendations of the
6 United States Green Building Council and the 2001 Best Practices
7 Manual of the Collaborative for High Performance Schools.

8 (c) An applicant school district that includes plan design and
9 other project components pursuant to this section that seek school
10 facility high performance and resource efficiency approaching the
11 ultimate goals of school facility efficiency, reduced operating
12 costs, and health and educational conduciveness may seek a grant
13 adjustment ~~in addition to that set forth in subdivision (d) of Section~~
14 ~~17077.35~~ for the state share of the increased costs associated with
15 those components.

16 (d) Components that are eligible for inclusion into a project
17 pursuant to this section include, but are not limited to, all of the
18 following:

19 (1) Energy efficiency, conservation, or renewable generation
20 measures.

21 (2) Water efficiency, conservation, and reuse measures.

22 (3) Material efficiency, conservation, and reuse measures.

23 (4) Indoor environmental quality measures.

24 (5) Environmental and community sensitive facility siting
25 measures.

26 (6) Approval of a comprehensive maintenance and operations
27 plan that incorporates high performance ideals.

28 (e) In order to be eligible for the grant adjustment pursuant to
29 this section, the building proposed for the project shall meet or
30 exceed the standards specified in the regulations to be adopted
31 jointly by the Division of the State Architect and the Office of
32 Public School Construction pursuant to subdivision (a).

33 (f) *A school district that has received, or has an application*
34 *pending for, a grant adjustment under subdivision (d) of Section*
35 *17077.35 is not eligible for a grant adjustment for that project*
36 *pursuant to this section.*

37 (g) Any grant awarded to an applicant for a new construction
38 or modernization project shall be increased by the following
39 amounts:



1 (1) By 2 percent, if the project to be funded by the grant is
2 designed to meet the criteria specified in the 2001 Best Practices
3 Manual of the Collaborative for High Performance Schools.

4 (2) By an additional 1 percent, if the project is also proposed to
5 be built in compliance with the LEED Green Building Rating
6 System.

7 ~~(g)~~

8 (h) The Division of the State Architect shall verify that a
9 facility for which a grant adjustment has been provided pursuant
10 to paragraph (1) of subdivision ~~(f)~~ (g), meets the minimum criteria
11 specified in the 2001 Best Practices Manual of the Collaborative
12 for High Performance Schools.

13 ~~(h)~~

14 (i) The Division of the State Architect shall verify that a facility
15 for which a grant adjustment has been provided pursuant to
16 paragraph (2) of subdivision ~~(f)~~ (g), has been certified and
17 approved by the United States Green Building Council under the
18 LEED Green Building Rating System.

19 ~~(i)~~

20 (j) If the Division of the State Architect determines that a
21 facility for which a grant adjustment has been awarded pursuant
22 to this section is not in compliance with this section, it shall notify
23 the Department of Finance. The Department of Finance shall
24 reduce any allocation of proceeds of bonds to the school district in
25 the following year by 1 percent.

26 ~~(j)~~

27 (k) This section does not prevent a school district from
28 receiving grants from public utilities for conservation measures.

29 ~~(k)~~

30 (l) An applicant school district shall consult with its local
31 public utility district regarding energy efficiency programs.

32 SEC. 3. It is the intent of the Legislature to enact *subsequent*
33 legislation to appropriate one million dollars (\$1,000,000) to the
34 Division of the State Architect from the proceeds of general
35 obligation bonds of the state approved by the voters at the 2004
36 direct primary election or the 2004 statewide general election for
37 the purposes of this act.

