

Introduced by Senator CorbettFebruary 23, 2012

An act to add and repeal Section 17280.6 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1271, as introduced, Corbett. School facilities: Field Act: seismic safety standards: workgroup.

Existing law requires the Department of General Services, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted, to ensure that plans and specifications comply with specified rules, regulations, and building standards and to ensure that the work of construction is performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law authorizes the department to issue a stop work order when construction work on a public school is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety, but requires the department to allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

Existing law establishes in the Department of General Services the Division of the State Architect and provides that the State Architect has general charge, under the Department of General Services, of the erection of all state buildings.

This bill would require the Department of General Services to convene a workgroup to develop and adopt standards, subject to the approval of other members of the working group, with respect to the seismic safety

of schools and to make recommendations to the Legislature on ways to amend the Field Act to make it more effective. The bill would require the workgroup to include representatives from the office of the State Auditor, the Superintendent of Public Instruction, the Office of Emergency Services, and the State Architect. The bill would require the workgroup to adopt the standards and submit the recommendations by January 1, 2014. The bill would repeal these provisions on January 1, 2016.

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 finds and declares all of the
- 2 following:
- 3 (1) California has 9,903 public schools, many of which are at
- 4 risk of not meeting the construction requirements of the Field Act
- 5 and, therefore, they may not be seismically safe.
- 6 (2) There are 15,000 fault lines that lay across California, with
- 7 the San Andreas and the Hayward Faults being significantly active
- 8 fault zones.
- 9 (3) On average, approximately 37,300 earthquakes are recorded
- 10 and analyzed per year, amounting to over 100 earthquakes per day.
- 11 (4) According to a December 2011 report by the State Auditor
- 12 concerning an audit of the Division of the State Architect, there
- 13 are significant gaps in the effective and comprehensive level of
- 14 oversight of school construction and seismic safety projects.
- 15 (5) While the Division of the State Architect must certify school
- 16 construction projects when they comply with the act, as of
- 17 December 2010 approximately 16,400 projects statewide remained
- 18 uncertified.
- 19 (6) The Division of the State Architect did not effectively
- 20 document its determinations about the risk level of uncertified
- 21 projects or use these determinations to guide its approach to
- 22 following up on those projects.
- 23 (7) The Division of the State Architect has been inconsistent
- 24 and ineffective in enforcing the Field Act and using its authority
- 25 to order school districts to stop work on projects after identifying
- 26 a potential threat to public safety.

1 (8) The Division of the State Architect does not have a process
2 for planning oversight for projects of similar size and complexity
3 and cannot demonstrate that it has provided adequate field
4 oversight

5 (b) Therefore, it is the intent of the Legislature to ensure that
6 the state's public schools are seismically safe and in compliance
7 with the Field Act.

8 SEC. 2. Section 17280.6 is added to the Education Code, to
9 read:

10 17280.6. (a) The Department of General Services shall convene
11 a workgroup to develop and adopt standards, subject to the
12 approval of other members of the working group, with respect to
13 the seismic safety of schools and shall make recommendations to
14 the Legislature on ways to amend the Field Act to make it more
15 effective. By January 1, 2014, the workgroup shall adopt the
16 standards and submit the recommendations.

17 (b) The workgroup shall not exceed six members and shall
18 include, but not be limited to, representatives from all of the
19 following:

20 (1) The office of the State Auditor.

21 (2) The Superintendent of Public Instruction.

22 (3) Office of Emergency Services.

23 (4) The State Architect.

24 (c) The workgroup shall hold a public hearing to solicit public
25 comments before adopting standards pursuant to subdivision (a).

26 (d) In developing standards for the seismic safety of schools
27 and recommendations on ways to amend the Field Act, the
28 Department of General Services and the workgroup, by January
29 1, 2014, shall consider all of the following:

30 (1) The Division of the State Architect's use of orders to comply
31 and stop work orders.

32 (2) The Division of the State Architect's use of penalties for
33 school districts.

34 (3) Policies regarding classifying types of uncertified projects.

35 (4) Improved communication with school districts on uncertified
36 projects.

37 (5) Specific expectations for conducting site visits and
38 monitoring efforts to its planned actions.

39 (6) Directions for the field engineers to increase their presence
40 on project sites.

- 1 (7) Increasing training on current code requirements.
- 2 (8) Evaluating inspectors, including providing consistent
- 3 documentation of performance.
- 4 (9) Increased oversight by qualified individuals of
- 5 accessibility-related and fire and life safety-related issues.
- 6 (10) Increased transparency to the public of the Division of the
- 7 State Architect's actions.
- 8 (e) This section shall remain in effect only until January 1, 2016,
- 9 and as of that date is repealed, unless a later enacted statute, that
- 10 is enacted before January 1, 2016, deletes or extends that date.