

AMENDED IN ASSEMBLY JULY 5, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1271

Introduced by Senator Corbett
(Principal coauthor: Senator Alquist)
(Coauthors: Senators Blakeslee and, Hancock, Lieu, and Vargas)

February 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 amended, Corbett. School facilities: Field Act: seismic safety: 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, as specified, to develop and adopt recommendations for improving the oversight of school construction projects. The bill would require the workgroup to review changes made within the Division of the State Architect to improve its oversight of school construction projects and to review the Field Act to consider changes to the act concerning occupancy of school facilities when and if significant safety concerns are identified. The bill would require the Division of the State Architect to report the recommendations of the workgroup to the Senate Select Committee on Earthquake and Disaster Preparedness, Response and Recovery by January 1, 2014, at a public hearing with an opportunity for public comment, as specified, *and to the appropriate Senate and Assembly policy committees also by January 1, 2014.* The bill would repeal these provisions on January 1, ~~2016~~ 2015.

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)~~
- 7 (1) There are 15,000 faultlines that lay across California, with
- 8 the San Andreas and the Hayward faults being significantly active
- 9 fault zones.
- 10 ~~(3)~~
- 11 (2) On average, approximately 37,300 earthquakes are recorded
- 12 and analyzed per year, amounting to over 100 earthquakes per day.
- 13 ~~(4)~~
- 14 (3) According to a December 2011 report by the State Auditor
- 15 concerning an audit of the Division of the State Architect, ~~there~~
- 16 *the following findings were reported:*

1 (A) *There* are significant gaps in the effective and comprehensive
2 level of oversight of school construction and seismic safety
3 projects.

4 ~~(5)~~

5 (B) While the Division of the State Architect must certify school
6 construction projects when they comply with the act, as of
7 December 2010 approximately 16,400 projects statewide remained
8 uncertified.

9 ~~(6)~~

10 (C) The Division of the State Architect did not effectively
11 document its determinations about the risk level of uncertified
12 projects or use these determinations to guide its approach to
13 following up on those projects.

14 ~~(7)~~

15 (D) The Division of the State Architect has been inconsistent
16 and ~~ineffective~~ *lacks authority* in enforcing the Field Act and using
17 its authority to order school districts to stop work on projects after
18 identifying a potential threat to public safety, *thereby increasing*
19 *the risk that school construction projects may be unsafe.*

20 ~~(8)~~

21 (E) The Division of the State Architect does not have a process
22 for planning oversight for projects of similar size and complexity
23 and cannot demonstrate that it has provided adequate field
24 oversight.

25 (b) Therefore, it is the intent of the Legislature to ensure that
26 *the Division of the State Architect has the ability and authority to*
27 *oversee the design and construction of* the state's public schools
28 *to ensure that they are seismically safe and in compliance with the*
29 *Field Act.*

30 SEC. 2. Section 17280.6 is added to the Education Code, to
31 read:

32 17280.6. (a) The Department of General Services shall convene
33 a workgroup to develop and adopt recommendations for improving
34 the oversight of school construction projects. The workgroup shall
35 review both of the following:

36 (1) Changes made internal to the Division of the State Architect
37 to improve its oversight of school construction projects since
38 December 2011. The workgroup shall make any recommendations
39 it determines are necessary to further improve oversight, process,
40 training, and inspection activities under the control of the Division

1 of the State Architect concerning school facility construction and
2 seismic, fire, and life safety.

3 (2) The Field Act, as it relates to occupancy of school facilities,
4 to consider what, if any, statutory changes should be made to
5 prohibit occupancy when and if significant safety concerns are
6 identified, and what, if any, penalties the Division of the State
7 Architect should be able to levy against school districts that do not
8 provide all required documents.

9 (b) In convening the workgroup, the ~~department~~ *Department of*
10 *General Services* shall adapt or alter an existing advisory board
11 or committee or combine existing advisory boards or committees
12 so that the workgroup contains, but is not necessarily limited to,
13 representatives from all of the following:

14 (1) The Division of the State Architect.

15 (2) The Superintendent of Public Instruction.

16 (3) The Seismic Safety Commission.

17 (4) The State Fire Marshal.

18 (5) School districts that represent the diverse size and geography
19 of California's school districts.

20 (6) The Office of the Chancellor of the California Community
21 Colleges.

22 (7) A community college district.

23 (c) The Division of the State Architect shall report the
24 recommendations of the workgroup, including, but not limited to,
25 any actions taken by the Division of the State Architect to modify
26 its oversight of school construction projects pursuant to paragraph
27 (1) of subdivision (a), to the Senate Select Committee on
28 Earthquake and Disaster Preparedness, Response and Recovery
29 by January 1, 2014, at a public hearing of the committee, *and to*
30 *the appropriate Senate and Assembly policy committees also by*
31 *January 1, 2014*. The Senate Select Committee on Earthquake and
32 Disaster Preparedness, Response and Recovery shall provide an
33 opportunity for public comment before proposing statutory changes
34 recommended by the workgroup.

35 (d) This section shall remain in effect only until January 1, ~~2016~~
36 *2015*, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, ~~2016~~ *2015*, deletes or extends
38 that date.

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