

AMENDED IN ASSEMBLY AUGUST 6, 2012

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, 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, *or continue to use an existing 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 *by July 1, 2013*, 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, 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) There are 15,000 ~~faultlines that lay~~ *faults that have been*
4 *mapped* across California, with the San Andreas and the Hayward
5 faults being significantly active fault zones.
- 6 (2) On average, approximately 37,300 earthquakes are recorded
7 and analyzed per year, amounting to over 100 earthquakes per day.
- 8 (3) According to a December 2011 report by the State Auditor
9 concerning an audit of the Division of the State Architect the
10 following findings were reported:
- 11 (A) There are significant gaps in the effective and
12 comprehensive level of oversight of school construction and
13 seismic safety projects.

1 (B) While the Division of the State Architect must certify school
2 construction projects when they comply with the act, as of
3 December 2010 approximately 16,400 projects statewide remained
4 uncertified.

5 (C) The Division of the State Architect did not effectively
6 document its determinations about the risk level of uncertified
7 projects or use these determinations to guide its approach to
8 following up on those projects.

9 (D) The Division of the State Architect *lacks authority to enforce*
10 *and* has been inconsistent ~~and lacks authority~~ in enforcing the Field
11 Act and using its authority to order school districts to stop work
12 on projects after identifying a potential threat to public safety,
13 thereby increasing the risk that school construction projects may
14 be unsafe.

15 (E) The Division of the State Architect does not have a process
16 for planning oversight for projects of similar size and complexity
17 and cannot demonstrate that it has provided adequate field
18 oversight.

19 (F) *On December 6, 2011, Chester “Chet” Widom was newly*
20 *appointed by Governor Jerry Brown to serve as California’s State*
21 *Architect within the Department of General Services. The new*
22 *State Architect is looking at all possible solutions to address issues*
23 *cited by the Bureau of State Audits in a December 2011 audit*
24 *critical of the state’s seismic safety regulator for public schools.*

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, *or continue to use an existing workgroup*, to develop
34 and adopt recommendations for improving the oversight of school
35 construction projects. The workgroup shall review both of the
36 following:

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

1 training, and inspection activities under the control of the Division
2 of the State Architect concerning school facility construction and
3 seismic, fire, and life safety.

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

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

15 (1) The Division of the State Architect.

16 (2) The Superintendent of Public Instruction.

17 (3) The Seismic Safety Commission.

18 (4) The State Fire Marshal.

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

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

23 (7) A community college district.

24 (8) *Project inspectors certified by the Division of the State*
25 *Architect with both public school and community college oversight*
26 *experience.*

27 (9) *Structural engineers with both public school and community*
28 *college planning, design, and oversight experience.*

29 (10) *Architect with both public school and community college*
30 *planning, design, and oversight experience.*

31 (c) ~~The~~ *On or before July 1, 2013, the* Division of the State
32 Architect shall report the recommendations of the workgroup,
33 including, but not limited to, any actions taken by the Division of
34 the State Architect to modify its oversight of school construction
35 projects pursuant to paragraph (1) of subdivision (a), to the Senate
36 Select Committee on Earthquake and Disaster Preparedness,
37 Response and Recovery ~~by January 1, 2014,~~ at a public hearing
38 of the committee, and to the appropriate Senate and Assembly
39 policy committees ~~also by January 1, 2014.~~ The Senate Select
40 Committee on Earthquake and Disaster Preparedness, Response

1 and Recovery shall provide an opportunity for public comment
2 before proposing statutory changes recommended by the
3 workgroup.

4 (d) This section shall remain in effect only until January 1, 2015,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2015, deletes or extends that date.

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