

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Member V. Manuel Pérez

February 22, 2013

An act to amend Section ~~17251.5~~ 17282 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, V. Manuel Pérez. School facilities: ~~construction.~~ *natural disasters: expedited review and approval process.*

Existing law ~~states that, when exclusively using local funds for acquisition of a potential schoolsite, a school district is not required to receive final approval of a site by the State Department of Education prior to adopting a resolution of necessity in an eminent domain proceeding or prior to closing escrow on a site purchase through voluntary sale.~~ *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, unless subject to a specific exemption, to ensure, among other things, that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law requires all reviews or approvals required under certain provisions to be expedited, and in no event to exceed 60 days, if a school facility has been damaged or destroyed by fire, earthquake, flood, or other manmade or natural disaster. Existing law authorizes a state agency required to perform any expedited review or approval to hire additional personnel or incur additional costs necessary to perform the review or approval within*

the 60-day time limit and requires the state agency to charge the school district a fee that does not exceed the actual costs of the review or approval.

This bill would ~~make nonsubstantive changes to that law.~~ instead require the state agency to charge the school district a fee, as described above, that does not exceed the actual costs of the review or approval up to a maximum of 3% of the total cost of the project.

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

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

1 SECTION 1. Section 17282 of the Education Code is amended
2 to read:

3 17282. (a) It is the intent of the Legislature to expedite the
4 repair, alteration, and reconstruction of school facilities that have
5 been damaged or destroyed by fire, earthquake, flood, or other
6 manmade or natural disasters, to return those school facilities to
7 a condition that makes them useful to school districts in the least
8 amount of time and at the lowest appropriate cost while maintaining
9 the integrity and safety of the structure as required by the laws of
10 this state.

11 (b) Notwithstanding any other law, if a school facility has been
12 damaged or destroyed by fire, earthquake, flood, or other manmade
13 or natural disaster, all reviews or approvals required by this article
14 shall be expedited. In no event shall ~~any~~ a review or approval
15 exceed 60 days, excluding weekends and holidays, from the date
16 of receipt of all complete plans, specifications, and documentation
17 for the facilities from the *school* district.

18 (c) If, upon review, the plans or specifications require minor
19 amendment or modification, these minor amendments or
20 modifications shall not delay the completion of the review or
21 approval beyond the 60-day requirement specified in subdivision

22 (b) unless the amendment or modification constitutes a major
23 substantive change affecting the entire project. While any minor
24 amendments or modifications are being undertaken, the remainder
25 of the project shall continue under review so that a timely and
26 adequate review may be completed within the 60-day requirement
27 of subdivision (b).

1 (d) A state agency that is required to perform ~~any~~ a review or
2 approval under this article may hire additional personnel or incur
3 any additional costs necessary to perform the review or approval
4 within the time limits set forth in this section and shall charge the
5 *school* district a fee not to exceed the actual cost of the review or
6 approval *up to a maximum of 3 percent of the total cost of the*
7 *project.*

8 (e) As used in this section, “damaged” means damages to the
9 extent that occupancy is precluded based upon a report of an
10 architect or a structural engineer and the concurrence of the
11 Department of General Services in the report’s conclusion that the
12 occupancy of the premises is precluded.

13 (f) The expedited review and approval required by this section
14 shall not apply if the documents are not submitted within six
15 months of the damage to, or destruction of, the facilities.

16 ~~SECTION 1. Section 17251.5 of the Education Code is~~
17 ~~amended to read:~~

18 ~~17251.5. Notwithstanding any other law, when exclusively~~
19 ~~using local funds for acquisition of a potential schoolsite, a school~~
20 ~~district is not required to receive final approval of a site by the~~
21 ~~State Department of Education before adopting a resolution of~~
22 ~~necessity in an eminent domain proceeding or before closing~~
23 ~~escrow on a site purchase through voluntary sale.~~