

AMENDED IN ASSEMBLY JANUARY 8, 1998

AMENDED IN ASSEMBLY JANUARY 5, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 425**

**Introduced by Assembly Member Baldwin**

February 20, 1997

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An act to amend Sections 8093, 16322, 17022.7, 17281, 81033, 81160, 81162, 81177, 81332, 81348, 81401, 81523, 81528, 81529, and 81530 of, to add Article 3 (commencing with Section 81050) to, and to repeal Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, and to amend Sections 13143 and 19168 of the Health and Safety Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 425, as amended, Baldwin. Community college facilities: building standards.

Existing law requires the Department of General Services to supervise the design and construction of certain school buildings to ensure that plans and specifications comply with specified structural safety standards and to ensure 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 also requires the Department of General Services to pass upon and approve or reject all plans for the construction, and in some cases, the alteration of any school building subject to those provisions, and to inspect

the school buildings and the work of construction or alteration that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of students, instructors, and the public. These requirements are part of the body of law known as the Field Act.

This bill would repeal the provisions of the Field Act that govern community college facilities. The bill would require that community college buildings, as defined, be subject to the State Building Standards Law. The bill would make conforming changes. By requiring community college districts to comply with the State Building Standards Law, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 8093 of the Education Code is  
2 amended to read:  
3 8093. Article 3 (commencing with Section 39140) of  
4 Chapter 2 of Part 23 does not apply to any building that  
5 is used by a private postsecondary educational institution  
6 for purposes of providing vocational skill training for  
7 pupils pursuant to a contract under Section 8092 entered  
8 into by a public school entity and a private educational  
9 institution if all of the following requirements are met:



1 (a) The building is not owned, leased, rented, or being  
2 purchased by, nor situated on property owned or being  
3 purchased by, a public school entity.

4 (b) The only public school purpose for which the  
5 building is used is pursuant to a contract entered into  
6 pursuant to Section 8092.

7 (c) The building is not reconstructed, altered, or  
8 added to by a public school entity at a cost exceeding ten  
9 thousand dollars (\$10,000).

10 SEC. 1.5. Section 16322 of the Education Code, as  
11 added by Chapter 277 of the Statutes of 1996, is amended  
12 to read:

13 16322. (a) The State Department of Education shall  
14 provide the following services to school districts making  
15 applications for apportionments under this article:

16 (1) It shall assist school districts in organizing a  
17 comprehensive planning effort. It shall guide a planning  
18 process through its appropriate steps and, when  
19 requested by a school district, it shall provide the school  
20 district with sources of expertise, either public or private,  
21 that may be able to contribute to the development of  
22 plans to find solutions for specific problems a school  
23 district may have.

24 (2) It shall provide continuing research in relation to  
25 all phases of educational programs and the school  
26 facilities that are required to implement these  
27 educational programs.

28 (3) It shall provide a review and evaluation service to  
29 school districts to assure the effectiveness of the facilities  
30 that have been provided in accommodating educational  
31 programs.

32 (4) It shall provide communication media through  
33 publications and seminars, and prepare planning guides  
34 and procedures containing recommendations, which  
35 guides shall be used to disseminate educational planning  
36 information to all school districts.

37 (b) Unless specifically exempted by the State  
38 Allocation Board, each school district that files an  
39 application for an apportionment of funds under this



1 article after July 1, 1973, shall prepare and submit to the  
2 board any of the following:

3 (1) A long-range comprehensive master plan  
4 justifying the application, prepared in accordance with  
5 acceptable planning procedures.

6 (2) A certification to the effect that replacement  
7 school buildings for which application has been made will  
8 all be located on existing schoolsites containing a school  
9 building or buildings.

10 (3) A certification that the applicant school maintains  
11 only one school.

12 (c) Specific information relating to the following  
13 factors must be included in the master plan:

14 (1) A statement of the educational programs and goals  
15 of the district in relation to its programs, both current and  
16 future.

17 (2) A comprehensive evaluation and report of the  
18 utilization of the school facilities now existing in the  
19 district together with preliminary plans of the facilities to  
20 be reconstructed or replaced under this article, prepared  
21 in accordance with the requirements of Section 17302 or  
22 81138.

23 (3) A comprehensive demographic study of the  
24 district, as it currently exists and as projected into the  
25 future.

26 (4) A policy statement regarding actual or potential  
27 human problems.

28 (5) A policy statement as to the priority in which the  
29 district proposes to solve its school housing problems.

30 (6) A policy statement regarding cooperation with  
31 other local public agencies to achieve total community  
32 development.

33 (7) A policy to ensure continuous review so that plans  
34 will be kept up to date and changing conditions will be  
35 reviewed and accommodated by appropriate revision of  
36 plans.

37 (d) The director shall review the long-range master  
38 plan and project development plan and shall report his or  
39 her findings and recommendations thereon to the board.  
40 The board shall not approve an application or make an



1 apportionment therefor until it has determined to its  
2 satisfaction that the facility for which the apportionment  
3 is sought is justified by an appropriate estimate of average  
4 daily attendance and location within the district.

5 SEC. 2. Section 17022.7 of the Education Code, as  
6 added by Chapter 277 of the Statutes of 1996, is amended  
7 to read:

8 17022.7. (a) The funding for any reconstruction  
9 project approved by the board pursuant to this chapter  
10 that meets the requirements set forth in subdivision (b)  
11 shall include all of the following, not to exceed the total  
12 cost of the reconstruction project or 75 percent of the  
13 replacement cost of the facility to be reconstructed,  
14 whichever is less:

15 (1) Twenty-five percent of the replacement cost of the  
16 facility.

17 (2) A funding entitlement to the extent that the  
18 reconstruction will result in an increased capacity of the  
19 facility to house pupils, calculated pursuant to the cost  
20 standards for new construction established by the board  
21 under Section 17017.

22 (3) Any costs incurred by the district as required to  
23 ensure that the facility, as reconstructed, complies with  
24 applicable structural safety standards for school buildings  
25 pursuant to Article 3 (commencing with Section 17280)  
26 and Article 6 (commencing with Section 17365) of  
27 Chapter 2 of Part 10.5, and Article 8 (commencing with  
28 Section 81160) of Chapter 1 of Part 49, and building  
29 standards for community colleges pursuant to Article 3  
30 (commencing with Section 81050) of Chapter 1 of Part 49.

31 (b) In order to qualify for the funding entitlement set  
32 forth in subdivision (a), a school district reconstruction  
33 project shall be required to meet all of the following  
34 conditions:

35 (1) The facility to be reconstructed is at least 30 years  
36 old as of the date the application is filed.

37 (2) The cost of the reconstruction project exceeds 25  
38 percent of the replacement cost of the facility.

39 (3) The reconstruction will result in an increased  
40 capacity of the facility to house pupils.



1 (c) No reconstruction project shall be approved under  
2 this chapter for which the total cost exceeds 75 percent  
3 of the replacement cost of the facility to be reconstructed.

4 SEC. 3. Section 17281 of the Education Code, as added  
5 by Chapter 277 of the Statutes of 1996, is amended to read:

6 17281. This article and Article 6 (commencing with  
7 Section 17365) shall be known and may be cited as the  
8 “Field Act.”

9 SEC. 4. Section 81033 of the Education Code is  
10 amended to read:

11 81033. (a) The governing board of a community  
12 college district, prior to acquiring any site on which it  
13 proposes to construct any community college building, as  
14 defined in Section 81050, shall have the site, or sites, under  
15 consideration investigated by competent personnel to  
16 ensure that the final site selection is determined by an  
17 evaluation of all factors affecting the public interest and  
18 is not limited to selection on the basis of raw land cost  
19 only. If the prospective college site is located within the  
20 boundaries of any special studies zone or within an area  
21 designated as geologically hazardous in the safety  
22 element of the local general plan as provided in  
23 subdivision (g) of Section 65302 of the Government Code,  
24 the investigation shall include any geological and soil  
25 engineering studies by competent personnel needed to  
26 provide an assessment of the nature of the site and  
27 potential for earthquake or other geological hazard  
28 damage.

29 The geological and soil engineering studies of the site  
30 shall be of a nature that will preclude siting of a college  
31 in any location where the geological and site  
32 characteristics are such that the construction effort  
33 required to make the school building safe for occupancy  
34 is economically unfeasible. No studies are required to be  
35 made if the site or sites under consideration have been the  
36 subject of adequate prior studies. The evaluation also shall  
37 include location of the site with respect to population,  
38 transportation, water supply, waste disposal facilities,  
39 utilities, traffic hazards, surface drainage conditions, and



1 other factors affecting the operating costs, as well as the  
2 initial costs, of the total project.

3 For the purposes of this article, a special studies zone  
4 is an area that is identified as a special studies zone on any  
5 map, or maps, compiled by the State Geologist pursuant  
6 to Chapter 7.5 (commencing with Section 2621) of  
7 Division 2 of the Public Resources Code. A copy of the  
8 report of each investigation conducted pursuant to this  
9 section shall be submitted to the board of governors.

10 (b) Geological and soil engineering studies as  
11 described in subdivision (a) shall be made, within the  
12 boundaries of any special studies zone, for the  
13 construction of any community college building, as  
14 defined in Section 81050, or, if the estimated cost exceeds  
15 twenty thousand dollars (\$20,000), for the reconstruction  
16 or alteration of or addition to that building for work that  
17 alters structural elements. The Department of General  
18 Services may require similar geological and soil  
19 engineering studies for the construction or alteration of  
20 any building on a site located outside of the boundaries of  
21 any special studies zone. These studies need not be made  
22 if the site under consideration has been the subject of  
23 adequate prior studies.

24 No school building shall be constructed, reconstructed,  
25 or relocated on the trace of a geological fault along which  
26 surface rupture can reasonably be expected to occur  
27 within the life of the school building.

28 A copy of the report of each investigation conducted  
29 pursuant to this section shall be submitted to the  
30 Chancellor's office of the California Community  
31 Colleges. The cost of geological and soil engineering  
32 studies and investigations conducted pursuant to this  
33 section may be treated as a capital expenditure.

34 (c) To promote the safety of students, comprehensive  
35 community planning, and greater educational usefulness  
36 of community college sites, the governing board of each  
37 community college district, if the proposed site is within  
38 two miles, measured by air line, of that point on an airport  
39 runway, or runway proposed by an airport master plan,  
40 that is nearest the site and excluding them if the property



1 is not so located, before acquiring title to property for a  
2 new community college site or for an addition to a present  
3 site, shall give the board of governors notice in writing of  
4 the proposed acquisition and shall submit any  
5 information required by the board of governors.

6 Immediately after receiving notice of the proposed  
7 acquisition of property that is within two miles, measured  
8 by air line, of that point on an airport runway, or runway  
9 proposed by an airport master plan, that is nearest the  
10 site, the board of governors shall notify the Division of  
11 Aeronautics of the Department of Transportation, in  
12 writing, of the proposed acquisition. The Division of  
13 Aeronautics shall make an investigation and report to the  
14 board of governors within 30 working days after receipt  
15 of the notice. If the Division of Aeronautics is no longer  
16 in operation, the board of governors, in lieu of notifying  
17 the Division of Aeronautics, shall notify the Federal  
18 Aviation Administration or any other appropriate  
19 agency, in writing, of the proposed acquisition for the  
20 purpose of obtaining from the authority or other agency  
21 any information or assistance it may desire to give.

22 The board of governors shall investigate the proposed  
23 site and, within 35 working days after receipt of the  
24 notice, shall submit to the governing board a written  
25 report and its recommendations concerning acquisition  
26 of the site. The governing board shall not acquire title to  
27 the property until the report of the board of governors  
28 has been received. If the report does not favor the  
29 acquisition of the property for a community college site  
30 or an addition to a present community college site, the  
31 governing board shall not acquire title to the property  
32 until 30 days after the department's report is received and  
33 until the board of governors' report has been read at a  
34 public hearing duly called after 10 days' notice published  
35 once in a newspaper of general circulation within the  
36 community college district, or if there is no such  
37 newspaper, then in a newspaper of general circulation  
38 within the county in which the property is located.

39 (d) If, with respect to a proposed site located within  
40 two miles of an operative airport runway, the report of



1 the board of governors submitted to a community college  
2 district governing board under subdivision (c) does not  
3 favor the acquisition of the site on the sole or partial basis  
4 of the unfavorable recommendation of the Division of  
5 Aeronautics of the Department of Transportation, no  
6 state agency or officer shall grant, apportion, or allow to  
7 that community college district for expenditure in  
8 connection with that site, any state funds otherwise made  
9 available under any state law whatever for community  
10 college site acquisition or college building construction,  
11 or for expansion of existing sites and buildings, and no  
12 funds of the community college district or of the county  
13 in which the district lies shall be expended for those  
14 purposes. However, this section shall not be applicable to  
15 sites acquired prior to January 1, 1966, or to any additions  
16 or extensions to those sites.

17 If the recommendation of the Division of Aeronautics  
18 is unfavorable, the recommendation shall not be  
19 overruled without the express approval of the board of  
20 governors ~~and the State Allocation Board.~~

21 (e) No action undertaken by the board of governors ,  
22 any other state agency, or any political subdivision  
23 pursuant to this chapter, or in compliance with this  
24 chapter, shall be construed to affect any rights arising  
25 under Section 19 of Article I of the California  
26 Constitution.

27 SEC. 5. Article 3 (commencing with Section 81050) is  
28 added to Chapter 1 of Part 49 of the Education Code, to  
29 read:

30

31

Article 3. Building Standards

32

33 81050. "Community college building," as used in this  
34 article, means any building used, or designed to be used,  
35 for community college purposes that is constructed,  
36 reconstructed, altered, or added to, by the state or any  
37 city, city and county, political subdivision, district of any  
38 kind within the state, regional occupational center or  
39 program created by, or authorized to act by, an



1 agreement under a joint exercise of power arrangement,  
2 or the United States government, or any agency thereof.

3 81051. Notwithstanding any other provision of law,  
4 community college buildings are subject to Part 2.5  
5 (commencing with Section 18901) of Division 13 of the  
6 Health and Safety Code.

7 81052. *The governing board of each community*  
8 *college district shall give consideration to seismic safety*  
9 *in the design and construction of new and reconstructed*  
10 *buildings to assure a high level of safety for students and*  
11 *faculty members pursuant to structural requirements*  
12 *contained in the California Building Standards Code as*  
13 *published by the California Building Standards*  
14 *Commission.*

15 SEC. 5.5. Article 7 (commencing with Section 81130)  
16 of Chapter 1 of Part 49 of the Education Code is repealed.

17 SEC. 6. Section 81160 of the Education Code is  
18 amended to read:

19 81160. (a) This article does not apply to an offsite  
20 building during the time the building is used wholly or in  
21 part for community college purposes if the building is  
22 neither owned by a community college district nor leased  
23 by a community college district under a lease containing  
24 an option to purchase the building. For the purposes of  
25 this section, an “offsite building” is a building that is  
26 situated on land that is neither owned by a community  
27 college district nor leased by a community college district  
28 under a lease containing an option to purchase the land.

29 (b) “School building” as used in this article excludes  
30 any building that is used for community college district  
31 administrative buildings located on a site separate from  
32 the community college campuses of the district, and into  
33 which students are not required to enter.

34 (c) “School building” as used in this article shall be  
35 limited to any physical structure capable of being  
36 occupied by pupils, but shall exclude all of the following:

37 (1) Any bleacher or grandstand with less than six rows  
38 of seats.

39 (2) Any building that is used exclusively for  
40 warehouse, storage, garage, or districtwide



1 administrative office purposes, into which pupils are not  
2 required to enter, and off-campus buildings utilized by  
3 adult schools or community colleges for voluntary adult  
4 education courses or registered apprentice courses.

5 (3) Any swimming pool.

6 (4) Any yard or lighting poles or flagpoles or  
7 playground equipment that does not exceed 35 feet in  
8 height.

9 If any building so excluded was not repaired,  
10 reconstructed, or replaced in accordance with this article,  
11 there shall be posted in a conspicuous place on the  
12 building a public notice stating that the building does not  
13 meet the structural standards imposed by law for  
14 earthquake safety.

15 SEC. 7. Section 81162 of the Education Code is  
16 amended to read:

17 81162. Whenever an examination of the structural  
18 condition of any school building of a community college  
19 district has been made by the Department of General  
20 Services, by any licensed structural engineer or licensed  
21 architect for the governing board of the district, or under  
22 the authorization of law, and a report of the examination,  
23 including the findings and recommendations of the  
24 agency or person making the examination, has been  
25 made to the governing board of the district, and the  
26 report shows that the building is unsafe for use, the  
27 governing board of the district immediately shall have  
28 prepared an estimate of the cost necessary to make  
29 repairs to the building or buildings that are necessary, or,  
30 if necessary, to reconstruct or replace the building so that  
31 the building when repaired or reconstructed, or any  
32 building erected to replace it, shall meet those standards  
33 of structural safety established pursuant to Article 3  
34 (commencing with Section 81050). The estimate shall be  
35 based on current costs and may include other costs to  
36 reflect modern educational needs. ~~Also, an estimate of the  
37 cost of replacement based on the standards established by  
38 the State Allocation Board for area per student and cost  
39 per square foot shall be made and reported.~~ needs.



1 The report required by this section shall include a  
2 statement that each of the buildings examined is safe or  
3 unsafe for school use. For the purpose of this statement,  
4 the sole consideration shall be protection of life and the  
5 prevention of personal injury at a level of safety  
6 equivalent to that established in Article 3 (commencing  
7 with Section 81050) and the rules and regulations adopted  
8 thereunder, disregarding, insofar as possible, building  
9 damage not jeopardizing life that would be expected  
10 from one disturbance of nature of the intensity used for  
11 design purposes in those rules and regulations adopted  
12 pursuant to Article 3 (commencing with Section 81050).

13 The governing board, utilizing the information  
14 acquired from the examination and report developed  
15 pursuant to this section, shall establish a system of  
16 priorities for the repair, reconstruction, or replacement  
17 of unsafe ~~school~~ *community college* buildings.

18 SEC. 8. Section 81177 of the Education Code is  
19 amended to read:

20 81177. (a) No member of the governing board of a  
21 community college district shall be held personally liable  
22 for injury to persons or damage to property resulting from  
23 the fact that a ~~school~~ *community college* building was not  
24 constructed under the requirements of former Article 7  
25 (commencing with Section 81130), as it existed prior to  
26 the effective date of the act repealing that article and  
27 amending this section during the 1996–97 Regular Session  
28 of the Legislature, or Article 3 (commencing with Section  
29 81050), as applicable, if the governing board complies  
30 with this article.

31 A licensed structural engineer or licensed architect,  
32 employed by a governing board to examine any school  
33 building under this article, shall not be held personally  
34 liable for injury to persons or damage to property as a  
35 result of the structural inadequacy and failure of a  
36 building, if he or she has exercised normal professional  
37 diligence in carrying out his or her functions under  
38 former Article 7 (commencing with Section 81130), as it  
39 existed prior to the effective date of the act repealing that  
40 article and amending this section during the 1996–97



1 Regular Session of the Legislature, or Article 3  
2 (commencing with Section 81050), as applicable, and this  
3 article.

4 (b) Except as provided in subdivision (a), nothing in  
5 this article shall be construed as relieving any member of  
6 the governing board of a community college district of  
7 any liability for injury to persons or damage to property  
8 imposed by law.

9 SEC. 9. Section 81332 of the Education Code is  
10 amended to read:

11 81332. Before the governing board of a community  
12 college district enters into a lease or agreement pursuant  
13 to this article, it shall have available a site upon which a  
14 building to be used by the district may be constructed and  
15 shall have complied with the provisions of law relating to  
16 the selection and approval of sites. It shall have prepared  
17 and shall have adopted plans and specifications for the  
18 building that have been approved pursuant to Article 3  
19 (commencing with Section 81050) of Chapter 1. A district  
20 has a site available for the purposes of this section if it  
21 owns a site or if it has an option on a site that allows the  
22 community college district or the designee of the district  
23 to purchase the site. Any community college district may  
24 acquire and pay for an option containing that provision.

25 SEC. 10. Section 81348 of the Education Code is  
26 amended to read:

27 81348. Any building constructed for the use of a  
28 community college district pursuant to this article is  
29 subject to Part 2.5 (commencing with Section 18901) of  
30 Division 13 of the Health and Safety Code.

31 SEC. 11. Section 81401 of the Education Code is  
32 amended to read:

33 81401. Any building constructed for the use of a  
34 community college district pursuant to this article is  
35 subject to Part 2.5 (commencing with Section 18901) of  
36 Division 13 of the Health and Safety Code.

37 SEC. 12. Section 81523 of the Education Code is  
38 amended to read:

39 81523. (a) The governing board of a community  
40 college district may lease temporary-use buildings for a



1 term extending to the expected duration of use by the  
2 district.

3 (b) Any lease agreement or contract entered into  
4 pursuant to this section shall be initiated by resolution  
5 authorizing the action and prescribing the terms thereof  
6 adopted by vote of a majority of the members of the  
7 governing board.

8 (c) A governing board of a community college district  
9 shall not enter into a lease pursuant to subdivision (a),  
10 unless the resolution adopted pursuant to subdivision (b)  
11 has been published in a newspaper published in the  
12 district and having a general circulation there; or if there  
13 is no such newspaper, then in a newspaper having a  
14 general circulation in the district; or if there is no such  
15 newspaper, then in a newspaper having a general  
16 circulation in a county in which the district or any part  
17 thereof is situated. Notice shall be published no less than  
18 once a week for three weeks prior to the execution of the  
19 lease by the board.

20 (d) Any temporary-use building in which students are  
21 expected to enter and which is leased under one, or  
22 successive leases, for a total time in excess of three years,  
23 or under a lease-purchase contract, shall be subject to  
24 Article 3 (commencing with Section 81050) and Article  
25 8 (commencing with Section 81160) of Chapter 1.

26 SEC. 13. Section 81528 of the Education Code is  
27 amended to read:

28 81528. Any lease contract or agreement entered into  
29 pursuant to Section 81526 shall be subject to the following  
30 conditions:

31 (a) A leased relocatable structure in which students  
32 are expected to enter and that is to be used for school  
33 purposes for a total time in excess of three years shall be  
34 subject to Article 3 (commencing with Section 81050) and  
35 Article 8 (commencing with Section 81160) of Chapter 1.

36 (b) Subdivision (a) shall not apply to trailer coaches  
37 used for classrooms or laboratories if the trailer coaches  
38 conform to the requirements of Part 2 (commencing with  
39 Section 18000) of Division 13 of the Health and Safety  
40 Code, and the rules and regulations promulgated



1 thereunder concerning mobilehomes, are not expanded  
2 or fitted together with other sections to form one unit  
3 greater than 16 feet in width, are used for special  
4 educational purposes, and are used by not more than 12  
5 students at a time, except that such trailer coaches may  
6 be used by not more than 20 students at a time for driver  
7 training purposes.

8 (c) The site on which a leased relocatable structure is  
9 located shall be owned by the community college district,  
10 or shall be under the control of the district pursuant to a  
11 lease or a permit.

12 SEC. 14. Section 81529 of the Education Code is  
13 amended to read:

14 81529. (a) Notwithstanding any other provision of  
15 law to the contrary, the governing board of a community  
16 college district may designate a building, which is  
17 primarily used for other than ~~public school~~ *community*  
18 *college* purposes, as an “offsite location” for the purpose  
19 of conducting instruction in educational programs as  
20 prescribed by the governing board, if the educational  
21 programs require an “offsite location” in order to  
22 adequately fulfill the objective of the educational  
23 program.

24 (b) Any building used as an “offsite location” pursuant  
25 to subdivision (a) shall not be subject to Article 8  
26 (commencing with Section 81160) of Chapter 1.

27 SEC. 15. Section 81530 of the Education Code is  
28 amended to read:

29 81530. The governing board of a community college  
30 district may do all of the following:

31 (a) Lease buildings and other facilities, such as  
32 administrative offices, warehouses, athletic facilities,  
33 outdoor assembly facilities, auditoriums, quarters for  
34 adult education, transportation facilities, and  
35 communication facilities, for a period of not to exceed 12  
36 years.

37 (b) Lease property from the federal government, the  
38 state, or any county, city and county, city, or district for  
39 the purpose of constructing school buildings and facilities  
40 thereon.



1 (c) Except as otherwise provided, any building leased  
 2 for a total time in excess of three years, or under a  
 3 lease-purchase agreement, shall be deemed the  
 4 construction or alteration of a community college  
 5 building, as those terms are used in Article 3  
 6 (commencing with Section 81050) of Chapter 1.

7 SEC. 16. Section 13143 of the Health and Safety Code,  
 8 as amended by Chapter 871 of the Statutes of 1997, is  
 9 amended to read:

10 13143. (a) Except as provided in Section 18930, the  
 11 State Fire Marshal, with the advice of the State Board of  
 12 Fire Services, shall prepare, adopt, and submit building  
 13 standards for approval pursuant to Chapter 4  
 14 (commencing with Section 18935) of Part 2.5 of Division  
 15 13 and shall prepare and adopt other regulations  
 16 establishing minimum requirements for the prevention  
 17 of fire and for the protection of life and property against  
 18 fire and panic in any building or structure used or  
 19 intended for use as an asylum, jail, mental hospital,  
 20 hospital, home for the elderly, children’s nursery,  
 21 children’s home or institution not otherwise excluded  
 22 from the coverage of this subdivision, school, or any  
 23 similar occupancy of any capacity, and in any assembly  
 24 occupancy where 50 or more persons may gather  
 25 together in a building, room, or structure for the purpose  
 26 of amusement, entertainment, instruction, deliberation,  
 27 worship, drinking or dining, awaiting transportation, or  
 28 education. The State Fire Marshal shall adopt and submit  
 29 building standards for approval pursuant to Chapter 4  
 30 (commencing with Section 18935) of Part 2.5 of Division  
 31 13 for the purposes described in this section. Regulations  
 32 adopted pursuant to this subdivision and building  
 33 standards relating to fire and panic safety published in the  
 34 California Building Standards Code shall establish  
 35 minimum requirements relating to the means of egress  
 36 and the adequacy of exits from, the installation and  
 37 maintenance of fire extinguishing and fire alarm systems  
 38 in, the storage and handling of combustible or explosive  
 39 materials or substances, and the installation and  
 40 maintenance of appliances, equipment, decorations,



1 security bars, grills, grates, and furnishings that present a  
2 fire, explosion or panic hazard, and the minimum  
3 requirements shall be predicated on the height and  
4 fire-resistive qualities of the building or structure and the  
5 type of occupancy for which it is to be used. The building  
6 standards and other regulations shall apply to auxiliary or  
7 accessory buildings used or intended for use with any of  
8 the occupancies mentioned in this subdivision. Violation  
9 of any building standard or other regulation shall be a  
10 violation of this chapter.

11 In preparing and adopting building standards for  
12 approval pursuant to Chapter 4 (commencing with  
13 Section 18935) of Part 2.5 of Division 13, and in preparing  
14 and adopting other regulations affecting public schools,  
15 the State Fire Marshal shall also secure the advice of the  
16 State Department of Education. No regulation adopted  
17 by the State Fire Marshal shall conflict with any rule,  
18 regulation, or building standard lawfully adopted or  
19 enforced by the Department of General Services  
20 pursuant to Article 3 (commencing with Section 39140)  
21 of Chapter 2 of Part 23 of the Education Code.

22 In addition to any other requirements for location of  
23 exit signs or devices in any building or structure used or  
24 intended for use as an asylum, jail, mental hospital,  
25 hospital, home for the elderly, children's nursery,  
26 children's home or institution not otherwise excluded  
27 from the coverage of this subdivision, school, or any  
28 similar occupancy of any capacity, and in any assembly  
29 occupancy where 50 or more persons may gather  
30 together in a building, room, or structure for the purpose  
31 of amusement, entertainment, instruction, deliberation,  
32 worship, drinking or dining, awaiting transportation, or  
33 education, the State Fire Marshal shall adopt building  
34 standards pursuant to this section establishing minimum  
35 requirements for the placement of distinctive devices,  
36 signs, or other means that identify exits and can be felt or  
37 seen near the floor. Exit sign technologies permitted by  
38 the model building code upon which the California  
39 Building Standards Code is based, shall be permitted.  
40 These building standards shall be adopted before July 1,



1 1998, and shall apply to all newly constructed buildings or  
2 structures subject to this subdivision for which a building  
3 permit is issued, (or construction commenced, where no  
4 building permit is issued) on or after January 1, 1989.

5 (b) Notwithstanding the provisions of subdivision (a)  
6 and Section 13143.6, facilities licensed pursuant to  
7 Chapter 3 (commencing with Section 1500) of Division  
8 2 which provide nonmedical board, room, and care for six  
9 or fewer ambulatory children placed with the licensee for  
10 care or foster family homes and family day care homes for  
11 children, licensed pursuant to Chapter 3.6 (commencing  
12 with Section 1597.50) of Division 2, with a capacity of six  
13 or fewer and providing care and supervision for  
14 ambulatory children or children two years of age or  
15 younger, or both, shall not be subject to the provisions of  
16 Article 1 (commencing with Section 13100) or Article 2  
17 (commencing with Section 13140) of this chapter or  
18 regulations adopted pursuant thereto. No city, county, or  
19 public district shall adopt or enforce any requirement for  
20 the prevention of fire or for the protection of life and  
21 property against fire and panic with respect to structures  
22 used as facilities specified in this subdivision, unless the  
23 requirement would be applicable to a structure  
24 regardless of the special occupancy. Nothing in this  
25 subdivision shall restrict the application of state or local  
26 housing standards to those facilities, if the standards are  
27 applicable to residential occupancies and are not based  
28 upon the use of the structure as a facility specified in this  
29 subdivision.

30 “Ambulatory children,” as used in this subdivision, does  
31 not include nonambulatory persons, as defined in Section  
32 13131, and relatives of the licensee or the licensee’s  
33 spouse.

34 (c) The State Fire Marshal shall adopt building  
35 standards establishing regulations providing that all  
36 school classrooms constructed after January 1, 1990, not  
37 equipped with automatic sprinkler systems, which have  
38 metal grills or bars on all their windows and do not have  
39 at least two exit doors within three feet of each end of the  
40 classroom opening to the exterior of the building or to a



1 common hallway used for evacuation purposes, shall have  
2 an inside release for the grills or bars on at least one  
3 window farthest from the exit doors. The window or  
4 windows with the inside release shall be clearly marked  
5 as an emergency exit, in accordance with regulations  
6 adopted by the State Fire Marshal.

7 SEC. 17. Section 19168 of the Health and Safety Code  
8 is amended to read:

9 19168. Nothing in this article shall apply to those  
10 buildings and structures governed by Chapter 1  
11 (commencing with Section 15000) of Division 12.5 of this  
12 code or Article 3 (commencing with Section 39140) of  
13 Chapter 2 of Part 23 of the Education Code or Article 3  
14 (commencing with Section 81050) of Chapter 1 of Part 49  
15 of the Education Code or any state-owned buildings or  
16 structures located in any city, city and county, or county.

17 SEC. 18. Notwithstanding Section 17610 of the  
18 Government Code, if the Commission on State Mandates  
19 determines that this act contains costs mandated by the  
20 state, reimbursement to local agencies and school  
21 districts for those costs shall be made pursuant to Part 7  
22 (commencing with Section 17500) of Division 4 of Title  
23 2 of the Government Code. If the statewide cost of the  
24 claim for reimbursement does not exceed one million  
25 dollars (\$1,000,000), reimbursement shall be made from  
26 the State Mandates Claims Fund.

27 Notwithstanding Section 17580 of the Government  
28 Code, unless otherwise specified, the provisions of this act  
29 shall become operative on the same date that the act  
30 takes effect pursuant to the California Constitution.

