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AMENDED IN SENATE MAY 27, 1998  
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AMENDED IN ASSEMBLY JANUARY 5, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 425**

**Introduced by Assembly Members Baldwin and Kaloogian**

February 20, 1997

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An act to add Sections 81134, 81135, 81136, 81137, 81149, and 81530.5 to the Education 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 structural safety standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications. 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 is necessary or proper. These requirements are part of the body of law known as the Field Act. *Existing law also establishes standards for personal service contracts.*

This bill would require the Department of General Services to establish methods to ensure that an application submitted pursuant to these provisions of the Field Act has been completed sufficiently, and set deadlines for the department to review applications and notify applicants as review of the application progresses. *The bill would also authorize the Department of General Services to contract with qualified plan review firms pursuant to standards established for personal service contracts.*

The bill would authorize a community college district to purchase, for use as a ~~community college school~~ building, any offsite building constructed prior to January 1, 1998, that meets certain requirements. The bill would also authorize a community college district to lease, for use as a community college building, an offsite commercial building that meets certain requirements.

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. Section 81134 is added to the Education  
 2 Code, to read:  
 3 81134. (a) The Department of General Services shall  
 4 establish one or more methods to ensure that each  
 5 application submitted pursuant to this article has been  
 6 completed sufficiently by the applicant to enable the plan  
 7 review to be performed. The department shall take no  
 8 more than five working days to review either the original  
 9 or corrected application, to deem it as complete to enable  
 10 plan review, or to request the applicant's architect or  
 11 structural engineer to correct or complete any part of the  
 12 application.  
 13 (b) Upon receipt of a complete application, the  
 14 Department of General Services shall immediately  
 15 inform the applicant of the period of time that it



1 anticipates to elapse prior to commencing review of the  
2 applicant's plans. As necessary to ensure that this period  
3 of time does not exceed 15 working days, the department  
4 shall do one or more of the following:

5 (1) Contract for assistance from one or more qualified  
6 plan review firms pursuant to Section ~~81137~~—81136 and  
7 *Section 19130 of the Government Code*.

8 (2) Employ additional staff on a temporary basis.

9 (3) Maximize the use of department staff through the  
10 use of overtime or other appropriate means.

11 (4) Take any other action determined by the  
12 department to have the effect of expediting the review  
13 and approval process.

14 (c) Each application shall identify, for purposes of  
15 receiving the notifications required by this section, an  
16 employee of the applicant community college district  
17 and either the applicant's architect or structural  
18 engineer.

19 (d) The Department of General Services shall  
20 immediately notify the employee and the architect or  
21 structural engineer identified pursuant to subdivision (c)  
22 when each of the following steps in the plan review  
23 process occurs:

24 (1) The department requests the applicant's architect  
25 or structural engineer to correct or complete any part of  
26 the application.

27 (2) An application number is assigned to the  
28 application.

29 (3) Review of the applicant's plans is commenced.

30 (4) Review of the applicant's plans is completed and  
31 the department returns the plans to the architect or  
32 structural engineer for correction.

33 (5) Corrected plans are returned to the department  
34 by the applicant's architect or structural engineer for  
35 final review and approval.

36 (6) The department approves the plans and causes a  
37 final record set of the plans to be printed.

38 (e) The department may provide additional  
39 notifications to applicants as it deems necessary.



1 (f) The department shall be available to meet with the  
2 applicant's architect or structural engineer within 20  
3 working days after receipt of the corrected plans for a  
4 final review and approval of the plans in compliance with  
5 this article, the requirements of Section 4454 of the  
6 Government Code, and applicable fire standards.

7 SEC. 2. Section 81135 is added to the Education Code,  
8 to read:

9 81135. (a) Upon approving the plans submitted by an  
10 applicant pursuant to this article, the Department of  
11 General Services shall cause a final record set of the plans  
12 to be printed. The department may contract with one or  
13 more private entities to perform that printing at one or  
14 more of the regional area offices of the department. The  
15 costs incurred pursuant to this subdivision shall be paid by  
16 the applicant.

17 (b) No later than five working days after approving  
18 plans submitted by an applicant pursuant to this article,  
19 the department shall issue a final letter of approval to the  
20 applicant.

21 SEC. 3. Section 81136 is added to the Education Code,  
22 to read:

23 81136. (a) Notwithstanding Section 14952 of the  
24 Government Code, the Department of General Services  
25 may contract with one or more qualified plan review  
26 firms, *pursuant to the standards established by Section*  
27 *19130 of the Government Code*, for assistance in  
28 performing the plan review required under this article.

29 (b) For purposes of this article, "qualified plan review  
30 firm" means an individual, firm ~~or~~, *or qualified employee*  
31 *of a local building department that is identified by the*  
32 *Department of General Services as having necessary*  
33 *expertise and knowledge of the requirements that apply*  
34 *to community college buildings under this article. The*  
35 *department shall establish and maintain a list of the*  
36 *individuals, firms ~~and~~, and qualified employees of local*  
37 *building departments so identified, and shall make that*  
38 *list available, upon request, to community college*  
39 *districts and other interested parties.*



1 SEC. 4. Section 81137 is added to the Education Code,  
2 to read:

3 81137. (a) (1) Upon submitting a complete  
4 application for review pursuant to this article, ~~the~~*an*  
5 applicant may request that the Department of General  
6 Services refer the documents necessary for the review of  
7 that application to a qualified plan review firm operating  
8 under contract with the department pursuant to Section  
9 81136 *and Government Code Section 19130*. The  
10 department shall grant the request immediately if the  
11 department anticipates that more than 15 working days  
12 will elapse prior to its commencing the review of the  
13 applicant's plans. In addition, if more than 15 working  
14 days elapse after the applicant submits the complete  
15 application before the department commences review,  
16 the department shall immediately offer to the applicant  
17 to refer the necessary documents to a qualified plan  
18 review firm.

19 ~~Upon~~

20 (2) *Upon* completing the review, the qualified plan  
21 review firm shall submit the documents referred to it for  
22 the review of the application, together with the results of  
23 its review, to the Department of General Services. Within  
24 15 working days, the Department of General Services  
25 shall review the marked-up plans submitted by a  
26 qualified plan review firm for sufficiency, and provide  
27 feedback to the qualified plan review firm regarding any  
28 insufficiencies with the marked-up plans. If the ~~division~~  
29 *department* does not respond to the qualified plan review  
30 firm within 15 working days of the marked-up plans being  
31 submitted, the ~~division~~*department* will be deemed to  
32 accept the plans.

33 (b) The Department of General Services shall  
34 establish a procedure governing the use by applicants of  
35 the review process alternative described in this section,  
36 including, but not limited to, provisions restricting the  
37 use of qualified plan review firms on the basis of conflict  
38 of interest.

39 SEC. 5. Section 81149 is added to the Education Code,  
40 to read:



1 81149. (a) Notwithstanding any provision of law, a  
2 community college district may purchase any offsite  
3 building constructed prior to January 1, 1998 *that meets*  
4 *the structural requirements of the 1976 Uniform Building*  
5 *Code, or subsequent additions to that code, but,* that does  
6 not meet the requirements of Section 81130, for use as a  
7 ~~community college school~~ building, as defined in Section  
8 81130.5, if the governing board of the district finds that all  
9 of the following conditions have been met:

10 (1) A structural engineer has inspected the building  
11 and submitted a report to the governing board of the  
12 community college district that certifies that the building  
13 is in substantial compliance with the requirements of this  
14 article, or describes in detail any structural modifications  
15 necessary to render the building in substantial  
16 compliance with the this article. For purposes of this  
17 section, substantial compliance with this article means  
18 that the building is likely to resist, without catastrophic  
19 collapse, earthquake forces generated by major  
20 earthquakes of the intensity and severity of the strongest  
21 experienced in California, but may experience some  
22 reparable architectural or structural damage. This  
23 requirement is satisfied if the structural engineer affixes  
24 his or her seal of approval to the report and he or she  
25 attests in that report that to the best of his or her  
26 knowledge:

27 (A) He or she has reviewed the design calculations,  
28 construction documents, and the local government  
29 construction inspection records of the building, to the  
30 extent those items are available.

31 (B) He or she has authorized testing and has observed  
32 or reviewed the test results and the inspections of an  
33 adequate sample of the structure's welds, anchor bolts,  
34 and other structural elements.

35 (C) He or she has observed that the nonstructural  
36 elements, including, but not limited to, light fixtures,  
37 heating, and air-conditioning diffusers are adequately  
38 braced or anchored.

39 (2) The governing board of the community college  
40 district shall forward the report submitted pursuant to



1 paragraph (1) to the Department of General Services for  
2 its review. Within 45 working days, the Department of  
3 General Services shall review the report for compliance  
4 with the above requirements, to provide feedback to the  
5 structural engineer regarding any insufficiencies with the  
6 report, and to determine whether or not the building is  
7 in substantial compliance with the requirements of this  
8 article, or whether any proposed structural modifications  
9 will render the structure in substantial compliance with  
10 this article. If the Department of General Services does  
11 not respond within 45 working days of the submission of  
12 the final and complete report, the department will be  
13 deemed to have concurred with the structural engineer's  
14 report. If structural modifications are necessary to  
15 achieve substantial compliance with this article, plans  
16 shall be submitted to the department for review and  
17 approval. Construction shall be completed in compliance  
18 with the continuous inspection requirements of this  
19 article.

20 (b) (1) No member of the governing board of a  
21 community college district, nor any employee of a  
22 community college district, shall be held personally liable  
23 for injury to persons or damage to property resulting from  
24 the fact that the governing board of the community  
25 college district purchased a building pursuant to this  
26 subdivision for a school and the building was not  
27 constructed pursuant to the requirements of Section  
28 81130.

29 (2) The exemption from personal liability for  
30 members of the governing board and employees of a  
31 community college district described in paragraph (1) is  
32 not intended to limit the liability of the community  
33 college district for injury to persons or damage to  
34 property resulting from the fact that the governing board  
35 or any employee of the community college district used  
36 a building pursuant to this subdivision for a school if the  
37 building was not constructed pursuant to the  
38 requirements of Section 81130. The exemption from  
39 personal liability for members of the governing board and  
40 employees of a community college district described in



1 paragraph (1) is not intended to limit the liability of the  
2 community college district, the governing board or the  
3 district's employees pursuant to Section 835 of the  
4 Government Code.

5 (3) Section 81144 is not applicable to a person who,  
6 pursuant to this section, purchases a building that meets  
7 the requirements of this section but does not meet the  
8 requirements of Section 81130. Approval and use of a  
9 building pursuant to this section does not constitute a  
10 violation of this article.

11 SEC. 6. Section 81530.5 is added to the Education  
12 Code, to read:

13 81530.5. (a) Notwithstanding Section 81530, or any  
14 other provision of law, a community college district may  
15 lease an offsite commercial building that does not meet  
16 the requirements of Section 81130, for use as a ~~community~~  
17 ~~college~~ *school* building, as defined in Section 81130.5, if  
18 the governing board of the district finds that all of the  
19 following conditions have been met:

20 (1) The building was constructed in accordance with  
21 seismic safety standards for commercial buildings  
22 constructed within an earthquake zone.

23 (2) The building permit for the initial construction of  
24 the building was issued on or after January 1, 1990, *or*  
25 *meets the structural requirements of the 1976 Uniform*  
26 *Building Code, or subsequent additions to that code.*

27 (3) A structural engineer has inspected the building  
28 and submitted a report to the governing board of the  
29 community college district that certifies that the building  
30 is in substantial compliance with the requirements of this  
31 article. For purposes of this section, substantial  
32 compliance with this article means that the building is  
33 likely, without catastrophic collapse, to resist earthquake  
34 forces generated by major earthquakes of the intensity  
35 and severity of the strongest experienced in California,  
36 but may experience some reparable architectural or  
37 structural damage. This certification requirement is  
38 satisfied if the structural engineer affixes his or her seal of  
39 approval to the report and he or she attests in that report  
40 that to the best of his or her knowledge:



1 (A) He or she has reviewed the design calculations,  
2 construction documents, and the local government  
3 construction inspection records of the building, to the  
4 extent those items are available.

5 (B) He or she has authorized testing and has observed  
6 or reviewed the test results and the inspections of an  
7 adequate sample of the structure's welds, anchor bolts,  
8 and other structural elements deemed necessary for the  
9 satisfactory performance of the building.

10 (C) He or she has observed that the overhead  
11 nonstructural elements, including, but not limited to,  
12 light fixtures, heating, and air-conditioning diffusers are  
13 adequately braced or anchored.

14 (b) The governing board of the community college  
15 district shall forward the report submitted pursuant to  
16 paragraph (3) of subdivision (a) to the Department of  
17 General Services for its review. Within 45 working days,  
18 the Department of General Services shall review the  
19 report for compliance with the above requirements, to  
20 provide feedback to the structural engineer regarding  
21 any insufficiencies with the report, and to determine  
22 whether or not the building is in substantial compliance  
23 with the requirements of this article. If the Department  
24 of General Services does not respond within 45 working  
25 days of the submission of the final and complete report,  
26 the department will be deemed to have concurred with  
27 the structural engineer's report. A final decision by the  
28 governing board of the community college district to  
29 occupy the building for school purposes shall not occur  
30 until the governing board has reviewed and considered  
31 the feedback of the department, or the 45 workday  
32 review period has passed.

33 (c) (1) No member of the governing board of a  
34 community college district, nor any employee of a  
35 community college district, shall be held personally liable  
36 for injury to persons or damage to property resulting from  
37 the fact that the governing board of the community  
38 college district used a commercial building pursuant to  
39 this subdivision for a school and the building was not  
40 constructed under the requirements of Section 81130.



1 (2) The exemption from personal liability for  
2 members of the governing board and employees of a  
3 community college district described in paragraph (1) is  
4 not intended to limit the liability of the community  
5 college district for injury to persons or damage to  
6 property resulting from the fact that the governing board  
7 or any employee of the community college district used  
8 a commercial building pursuant to this subdivision for  
9 educational purposes and the building was not  
10 constructed under the requirements of Section 81130.  
11 The exemption from personal liability for members of the  
12 governing board and employees of a community college  
13 district described in paragraph (1) is not intended to limit  
14 the liability of the community college district, the  
15 governing board or the district's employees pursuant to  
16 Section 835 of the Government Code.

17 (3) Section 81144 is not applicable to a person who,  
18 pursuant to this section, leases or uses a building for a  
19 community college building that meets the requirements  
20 of this section but does not meet the requirements of  
21 Section 81130. Approval and use of a building pursuant to  
22 this section does not constitute a violation of this article.

