

Assembly Bill No. 1687

Passed the Assembly August 26, 1998

Chief Clerk of the Assembly

Passed the Senate August 24, 1998

Secretary of the Senate

This bill was received by the Governor this ___ day
of _____, 1998, at ___ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Sections 17072.40, 17074.30, and 32006 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, Lempert. School facilities.

Existing law, the Leroy F. Greene State School Building Lease-Purchase Law (Greene Act), requires all school buildings constructed, altered, or added to through the expenditure of funds apportioned under that law to be the property of the state and requires the Director of General Services to file a certificate indicating the state's interest in real property of the school district, without the necessity of particularizing the real property. The Greene Act also requires the State Allocation Board to establish rents for all projects acquired under the Greene Act. Existing law provides for the continuously appropriated State School Building Lease-Purchase Fund for expenditure for purposes of the Greene Act.

This bill would provide that a modernization project funded under the Leroy F. Greene Act of 1998, pursuant to SB 50 of the 1997–98 Regular Session, may consist entirely of the installation of a prescribed automatic fire detection and alarm system, and that the project would be the property of the district as set forth in that act.

Existing law requires every public, private, or parochial school building to be provided with a dependable and operative fire warning system and requires the fire alarm signal to be sounded upon the discovery of fire.

This bill would authorize school districts, as defined, to apply to the State Allocation Board for funding under the Leroy F. Greene Act of 1998, pursuant to SB 50 of the 1997–98 Regular Session, for the purposes of improving school safety by installing an automatic fire detection and alarm system and would require 20% local matching funds as set forth in that act. The bill would require the State Fire Marshal to propose emergency regulations on or before July 1, 1999, regarding fire protection in public



school buildings funded pursuant to the Leroy F. Greene Act of 1998 to reflect these requirements and would require the State Building Standards Commission to adopt, amend, and repeal related regulations.

Existing law, relating to the construction of school buildings, requires the Department of General Services to pass upon and approve or reject all plans for the construction of, or, if the estimated cost exceeds \$25,000, the alteration of, any school building.

This bill would authorize the funding of construction and modernization projects including an automated fire detection and alarm system pursuant to the Leroy F. Greene Act of 1998, and would, commencing May 4, 1999, prohibit the Department of General Services from approving a plan for the construction or modernization of a school building funded pursuant to the Leroy F. Greene Act of 1998 unless, upon the completion of that project, the school building will contain an automatic fire alarm and detection system.

The bill would provide that certain of its provisions would not become operative unless the voters approve a statewide school facilities bond measure set forth in SB 50 of the 1998 Regular Session in the November 3, 1998, statewide general election.

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

SECTION 1. (a) The Legislature finds and declares as follows:

(1) Many of the school buildings in use in this state are 20 to 30 years old or older and do not provide sufficient fire protection in the building construction, nor do these schools provide an adequate fire detection and alarm system.

(2) Without early warning systems, including smoke and heat detectors, fires, like the one at the Green Oaks Family Academy Elementary School, are silent killers that can move quickly through open attic space above classrooms full of children until the classrooms are ignited into inescapable infernos.



(3) An early warning system would give protection to pupils and school personnel by providing additional time for evacuation.

(b) This act shall be known and may be cited as the Green Oaks Family Academy Elementary School Fire Protection Act.

SEC. 2. Section 17072.40 is added to Article 5 (commencing with Section 17072.20) of Chapter 12.5 of Part 10 of the Education Code, as added by Senate Bill 50 of the 1997–98 Regular Session, to read:

17072.40. (a) Construction and modernization projects, including an automated fire detection and alarm system as set forth in subdivision (c), may be funded under this chapter. Commencing May 4, 1999, the Department of General Services shall not approve the plans for a project for the construction or modernization of a school building funded pursuant to this chapter unless, upon the completion of that project, the school building will contain an automatic fire detection and alarm system, as described in subdivision (b) and approved by the State Fire Marshal, or a superior fire detection and alarm system, as determined by the State Fire Marshal. Prior to adoption of the regulations pursuant to subdivision (c), the State Department of General Services shall administer this section based upon the standards set forth in subdivision (b).

(b) The system shall consist of a combination of smoke or heat detectors installed in each unit of a school building, including attic spaces, and the detectors shall activate an alarm signal that sounds an audible alarm throughout the school facility.

(c) The State Fire Marshal shall, on or before July 1, 1999, propose, and the State Building Standards Commission shall adopt, amend, and repeal, regulations regarding fire protection in public school buildings funded pursuant to this chapter to reflect the requirements of this section. The regulations shall be adopted as emergency regulations.

SEC. 3. Section 17074.30 is added to Article 7 (commencing with Section 17074.10) of Chapter 12.5 of



Part 10 of the Education Code, as added by Senate Bill 50 of the 1997–98 Regular Session, to read:

17074.30. (a) A modernization project funded pursuant to this article may consist entirely of the installation of an automatic fire detection and alarm system as described in subdivision (b) of Section 17072.40.

(b) Any project funded under this article that involves the installation in school facilities of an automatic fire detection and alarm system, as described in subdivision (b) of Section 17072.40, shall be subject to Section 17070.70. The provision of state funding for the project shall not cause the transfer to the state of title or any other property interest in the subject facilities.

SEC. 4. Section 32006 is added to the Education Code, to read:

32006. (a) School districts and county offices of education may apply to the State Allocation Board for funding under Chapter 12.5 (commencing with Section 17070.10) of Part 10 for the purposes of improving school safety by installing an automatic fire detection and alarm system as specified in subdivision (b) of Section 17072.40. To receive funding pursuant to this section, a school district shall provide local matching funds as set forth in Section 17074.15.

(b) Notwithstanding subdivision (a) of Section 17072.40, a school district or county office of education may access available funding from the State Allocation Board pursuant to this section if it is available on or after January 1, 1999.

SEC. 5. The provisions set forth in Sections 2 to 4, inclusive, of this bill shall not become operative unless the statewide school facilities bond measure that authorizes funding for kindergarten and grades 1 to 12, inclusive, set forth in Senate Bill 50 of the 1998 Regular Session, is approved by the voters in the November 3, 1998, statewide general election.



Approved _____, 1998

Governor

