

AMENDED IN SENATE MAY 8, 1997

**SENATE BILL**

**No. 708**

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**Introduced by Senator Greene**

February 25, 1997

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An act to amend Sections ~~17042.5 and 17088.5~~ 17290, 17291, 17405, 39141.10, and 39304.5 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 708, as amended, Greene. School facilities: ~~portable classrooms~~ relocatable buildings.

*Existing law authorizes the State Allocation Board to approve requests from school districts for the waiver of Field Act provisions requiring approval of plans and relating to the structural safety of school buildings, and specifies that any waiver granted on or before September 30, 1996, is extended until September 30, 1997. Those provisions are repealed as of September 30, 1997, at which point other provisions become operative that do not provide for that waiver of the Field Act.*

*This bill would extend that waiver authority to September 30, 2000. This bill would also change the repeal date of the provisions authorizing the waivers to September 30, 2000, and would change the operative date of the provisions without the waiver authorization to September 30, 2000. The bill would also make conforming changes to identical provisions of law that will be repealed as of January 1, 1998, because of a reorganization of a portion of the Education Code.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~(1) Under existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (the Greene Act), the State Allocation Board is required to provide for the manner of determining the area of adequate school construction in a school district at the time the district applies for funding under the Greene Act. Existing law provides that the area of adequate school construction that exists in an applicant school district shall include all portable classrooms, whether owned or leased, except as specified.~~

~~This bill would exclude from the area of adequate school construction that exists in an applicant school district, all leased portable classrooms, portable classrooms that are more than 30% of the total classroom space at a schoolsite, and nonconforming portable classrooms. This bill would define “nonconforming portable classrooms” as those portable classrooms that do not meet the requirements of a provision of the Field Act and that are not approved by the Division of the State Architect.~~

~~(2) Existing law establishes a program for the acquisition of portable classrooms known as the State Relocatable Classroom Law of 1979. Existing law provides that where any qualifying school district or county superintendent of schools is deemed by the State Allocation Board to be eligible for the lease of portable classrooms under that act, but adequate funds are not available at that time to the State Allocation Board for the purchase of those classrooms, the State Allocation Board may authorize the school district or county superintendent of schools to purchase portable classrooms, pursuant to specified conditions, including, to the extent that funding is subsequently made available, that the State Allocation Board shall purchase the portable classrooms from the school district or county superintendent of schools, for an amount not to exceed the purchase price that the State Allocation Board determines it would have paid for the classroom or classrooms at the time they were acquired.~~

~~This bill, instead, would provide that to the extent that funding is subsequently made available to the State Allocation Board, the State Allocation Board shall purchase the portable~~



~~classrooms from the school district or county superintendent of schools for the cost incurred by the school district or county superintendent of schools less any depreciation based upon the 20-year life of the unit.~~

Vote: majority  $\frac{2}{3}$ . 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 17042.5 of the Education Code is~~  
2 *SECTION 1. Section 17290 of the Education Code is*  
3 *amended to read:*  
4 17290. (a) An owned relocatable building or  
5 structure that is to be used for school purposes shall be  
6 subject to the provisions of Article 3 (commencing with  
7 Section 17280) and Article 6 (commencing with Section  
8 17365). The governing board of a school district may  
9 request and obtain from the State Allocation Board a  
10 one-time waiver of Article 3 (commencing with Section  
11 17280) and Article 6 (commencing with Section 17365)  
12 for a maximum of three years upon presentation of  
13 satisfactory evidence to the State Allocation Board that  
14 the district is proceeding in a timely manner with a  
15 program that will eliminate the need for the owned  
16 relocatable facilities within that time period.  
17 (b) Notwithstanding subdivision (a), a waiver granted  
18 to a school district pursuant to that subdivision prior to  
19 January 1, 1993, may be renewed by the State Allocation  
20 Board for one additional period of no more than three  
21 years, not extending past September 30, 1996. However,  
22 any waiver granted to a school district that will expire on  
23 or before September 30, 1996, is hereby extended until  
24 September 30, ~~1997~~ 2000.  
25 (c) This section applies only to relocatable buildings or  
26 structures owned by school districts on or before April 17,  
27 1990, and does not authorize school districts to purchase  
28 relocatable buildings or structures to be used for school  
29 purposes which do not comply with the provisions of  
30 Article 3 (commencing with Section 17280) and Article  
31 6 (commencing with Section 17365) of this chapter.



1 (d) This section shall remain in effect only until  
2 September 30, ~~1997~~ 2000, and as of that date is repealed,  
3 unless a later enacted statute, that is enacted before  
4 September 30, ~~1997~~ 2000, deletes or extends that date.

5 *SEC. 2. Section 17291 of the Education Code is*  
6 *amended to read:*

7 17291. (a) An owned relocatable building or  
8 structure that is to be used for school purposes shall be  
9 subject to the provisions of Article 3 (commencing with  
10 Section 17280) and Article 6 (commencing with Section  
11 17365).

12 (b) This section shall become operative on September  
13 30, ~~1997~~ 2000.

14 *SEC. 3. Section 17405 of the Education Code, as added*  
15 *by Section 3 (first text) of Chapter 277 of the Statutes of*  
16 *1996, is amended to read:*

17 17405. Any lease or agreement shall be subject to the  
18 following requirements:

19 (a) A building or structure that is to be used for school  
20 purposes shall be subject to the provisions of Article 3  
21 (commencing with Section 17280) and Article 6  
22 (commencing with Section 17365). The governing board  
23 of a school district may request and obtain from the State  
24 Allocation Board authority for use of any building not  
25 meeting the structural standards prescribed by Article 3  
26 (commencing with Section 17280) until September 1,  
27 1990. After September 1, 1990, the governing board of a  
28 school district may request and obtain from the State  
29 Allocation Board a waiver of Article 3 (commencing with  
30 Section 17280) for a maximum of three years. A building  
31 or facility used by a school district under a lease or  
32 lease-purchase agreement into which neither pupils nor  
33 teachers are required to enter or that would be excluded  
34 from the definition of “school building,” as contained in  
35 Section 17368, shall not be considered to be a “school  
36 building” within the meaning of Section 17283.

37 (b) Notwithstanding subdivision (a), a waiver granted  
38 to a school district pursuant to that subdivision prior to  
39 January 1, 1993, may be renewed by the State Allocation  
40 Board for one additional period of no more than three



1 years, not extending past September 30, 1996. However,  
2 any waiver granted to a school district that will expire on  
3 or before September 30, 1996, is hereby extended until  
4 September 30, ~~1997~~ 2000.

5 (c) Subdivision (a) shall not apply to trailer coaches  
6 used for classrooms or laboratories if the trailer coaches  
7 conform to the requirements of Part 2 (commencing with  
8 Section 18000) of Division 13 of the Health and Safety  
9 Code, and the rules and regulations promulgated  
10 thereunder concerning mobilehomes, are not expanded  
11 or fitted together with other sections to form one unit  
12 greater than 24 feet in width, are used for special  
13 educational purposes, and are used by not more than 12  
14 pupils at a time, except that the trailer coaches may be  
15 used by not more than 20 pupils at a time for driver  
16 training purposes.

17 (d) The site on which a leased relocatable structure is  
18 located shall be owned by the school district, or shall be  
19 under the control of the school district pursuant to a lease  
20 or a permit.

21 “Relocatable structure” is any structure that is  
22 designed to be relocated.

23 (e) This section shall remain in effect only until  
24 September 30, ~~1997~~ 2000, and as of that date is repealed,  
25 unless a later enacted statute, that is enacted before  
26 September 30, ~~1997~~ 2000, deletes or extends that date.

27 *SEC. 4. Section 17405 of the Education Code, as added*  
28 *by Section 3 (second text) of Chapter 277 of the Statutes*  
29 *of 1996, is amended to read:*

30 17405. Any lease or agreement shall be subject to the  
31 following requirements:

32 (a) A building or structure that is to be used for school  
33 purposes shall be subject to the provisions of Article 3  
34 (commencing with Section 17280) and Article 6  
35 (commencing with Section 17365). A building or facility  
36 used by a school district under a lease or lease-purchase  
37 agreement into which neither pupils nor teachers are  
38 required to enter or that would be excluded from the  
39 definition of “school building,” as contained in Section



1 17368, shall not be considered to be a “school building”  
2 within the meaning of Section 17283.

3 (b) Subdivision (a) shall not apply to trailer coaches  
4 used for classrooms or laboratories if the trailer coaches  
5 conform to the requirements of Part 2 (commencing with  
6 Section 18000) of Division 13 of the Health and Safety  
7 Code, and the rules and regulations promulgated  
8 thereunder concerning mobilehomes, are not expanded  
9 or fitted together with other sections to form one unit  
10 greater than 24 feet in width, are used for special  
11 educational purposes, and are used by not more than 12  
12 pupils at a time, except that the trailer coaches may be  
13 used by not more than 20 pupils at a time for driver  
14 training purposes.

15 (c) The site on which a leased relocatable structure is  
16 located shall be owned by the school district, or shall be  
17 under the control of the school district pursuant to a lease  
18 or a permit.

19 “Relocatable structure” is any structure that is  
20 designed to be relocated.

21 (d) For purposes of interconnection of fire alarms,  
22 buildings leased for 24 months or less shall be subject to  
23 Section 809 of the Uniform Building Code until applicable  
24 regulations proposed by the State Fire Marshal are  
25 adopted as part of Title 24 of the California Code of  
26 Regulations.

27 (e) This section shall become operative on September  
28 30, ~~1997~~ 2000.

29 *SEC. 5. Section 39141.10 of the Education Code, as*  
30 *amended by Section 1 of Chapter 655 of the Statutes of*  
31 *1995, is amended to read:*

32 39141.10. (a) An owned relocatable building or  
33 structure that is to be used for school purposes shall be  
34 subject to the provisions of Article 3 (commencing with  
35 Section 39140) and Article 6 (commencing with Section  
36 39210). The governing board of a school district may  
37 request and obtain from the State Allocation Board a  
38 one-time waiver of Article 3 (commencing with Section  
39 39140) and Article 6 (commencing with Section 39210)  
40 for a maximum of three years upon presentation of



1 satisfactory evidence to the State Allocation Board that  
2 the district is proceeding in a timely manner with a  
3 program that will eliminate the need for the owned  
4 relocatable facilities within that time period.

5 (b) Notwithstanding subdivision (a), a waiver granted  
6 to a school district pursuant to that subdivision prior to  
7 January 1, 1993, may be renewed by the State Allocation  
8 Board for one additional period of no more than three  
9 years, not extending past September 30, 1996. However,  
10 any waiver granted to a school district that will expire on  
11 or before September 30, 1996, is hereby extended until  
12 September 30, ~~1997~~ 2000.

13 (c) This section applies only to relocatable buildings or  
14 structures owned by school districts on or before April 17,  
15 1990, and does not authorize school districts to purchase  
16 relocatable buildings or structures to be used for school  
17 purposes which do not comply with the provisions of  
18 Article 3 (commencing with Section 39140) and Article  
19 6 (commencing with Section 39210) of this chapter.

20 (d) This section shall remain in effect only until  
21 September 30, ~~1997~~ 2000, and as of that date is repealed,  
22 unless a later enacted statute, that is enacted before  
23 September 30, ~~1997~~ 2000, deletes or extends that date.

24 *SEC. 6. Section 39141.10 of the Education Code, as*  
25 *added by Section 2 of Chapter 655 of the Statutes of 1995,*  
26 *is amended to read:*

27 39141.10. (a) An owned relocatable building or  
28 structure that is to be used for school purposes shall be  
29 subject to the provisions of Article 3 (commencing with  
30 Section 39140) and Article 6 (commencing with Section  
31 39210).

32 (b) This section shall become operative on September  
33 30, ~~1997~~ 2000.

34 *SEC. 7. Section 39304.5 of the Education Code, as*  
35 *amended by Section 5 of Chapter 655 of the Statutes of*  
36 *1995, is amended to read:*

37 39304.5. Any lease or agreement shall be subject to the  
38 following requirements:

39 (a) A building or structure that is to be used for school  
40 purposes shall be subject to the provisions of Article 3



1 (commencing with Section 39140) and Article 6  
2 (commencing with Section 39210). The governing board  
3 of a school district may request and obtain from the State  
4 Allocation Board authority for use of any building not  
5 meeting the structural standards prescribed by Article 3  
6 (commencing with Section 39140) until September 1,  
7 1990. After September 1, 1990, the governing board of a  
8 school district may request and obtain from the State  
9 Allocation Board a waiver of Article 3 (commencing with  
10 Section 39140) for a maximum of three years. A building  
11 or facility used by a school district under a lease or  
12 lease-purchase agreement into which neither pupils nor  
13 teachers are required to enter or that would be excluded  
14 from the definition of “school building,” as contained in  
15 Section 39214, shall not be considered to be a “school  
16 building” within the meaning of Section 39141.

17 (b) Notwithstanding subdivision (a), a waiver granted  
18 to a school district pursuant to that subdivision prior to  
19 January 1, 1993, may be renewed by the State Allocation  
20 Board for one additional period of no more than three  
21 years, not extending past September 30, 1996. However,  
22 any waiver granted to a school district that will expire on  
23 or before September 30, 1996, is hereby extended until  
24 September 30, ~~1997~~ 2000.

25 (c) Subdivision (a) shall not apply to trailer coaches  
26 used for classrooms or laboratories if the trailer coaches  
27 conform to the requirements of Part 2 (commencing with  
28 Section 18000) of Division 13 of the Health and Safety  
29 Code, and the rules and regulations promulgated  
30 thereunder concerning mobilehomes, are not expanded  
31 or fitted together with other sections to form one unit  
32 greater than 24 feet in width, are used for special  
33 educational purposes, and are used by not more than 12  
34 pupils at a time, except that the trailer coaches may be  
35 used by not more than 20 pupils at a time for driver  
36 training purposes.

37 (d) The site on which a leased relocatable structure is  
38 located shall be owned by the school district, or shall be  
39 under the control of the school district pursuant to a lease  
40 or a permit.



1 “Relocatable structure” is any structure that is  
2 designed to be relocated.

3 (e) This section shall remain in effect only until  
4 September 30, ~~1997~~ 2000, and as of that date is repealed,  
5 unless a later enacted statute, that is enacted before  
6 September 30, ~~1997~~ 2000, deletes or extends that date.

7 *SEC. 8. Section 39304.5 of the Education Code, as*  
8 *added by Section 6 of Chapter 655 of the Statutes of 1995,*  
9 *is amended to read:*

10 39304.5. Any lease or agreement shall be subject to the  
11 following requirements:

12 (a) A building or structure that is to be used for school  
13 purposes shall be subject to the provisions of Article 3  
14 (commencing with Section 39140) and Article 6  
15 (commencing with Section 39210). A building or facility  
16 used by a school district under a lease or lease-purchase  
17 agreement into which neither pupils nor teachers are  
18 required to enter or that would be excluded from the  
19 definition of “school building,” as contained in Section  
20 39214, shall not be considered to be a “school building”  
21 within the meaning of Section 39141.

22 (b) Subdivision (a) shall not apply to trailer coaches  
23 used for classrooms or laboratories if the trailer coaches  
24 conform to the requirements of Part 2 (commencing with  
25 Section 18000) of Division 13 of the Health and Safety  
26 Code, and the rules and regulations promulgated  
27 thereunder concerning mobilehomes, are not expanded  
28 or fitted together with other sections to form one unit  
29 greater than 24 feet in width, are used for special  
30 educational purposes, and are used by not more than 12  
31 pupils at a time, except that the trailer coaches may be  
32 used by not more than 20 pupils at a time for driver  
33 training purposes.

34 (c) The site on which a leased relocatable structure is  
35 located shall be owned by the school district, or shall be  
36 under the control of the school district pursuant to a lease  
37 or a permit.

38 “Relocatable structure” is any structure that is  
39 designed to be relocated.



1 (d) For purposes of interconnection of fire alarms,  
2 buildings leased for 24 months or less shall be subject to  
3 Section 809 of the Uniform Building Code until applicable  
4 regulations proposed by the State Fire Marshal are  
5 adopted as part of Title 24 of the California Code of  
6 Regulations.

7 (e) This section shall become operative on September  
8 30, ~~1997~~ 2000.

9 *SEC. 9. This act is an urgency statute necessary for the*  
10 *immediate preservation of the public peace, health, or*  
11 *safety within the meaning of Article IV of the*  
12 *Constitution and shall go into immediate effect. The facts*  
13 *constituting the necessity are:*

14 *As of September 30, 1997, school districts may not*  
15 *obtain waivers from the State Allocation Board for use of*  
16 *State of California, Department of Housing and*  
17 *Community Development approved relocatable*  
18 *classrooms. This loss of the ability to obtain waivers may*  
19 *force school districts to replace or retrofit existing*  
20 *relocatable classrooms. There is an urgent need for school*  
21 *districts to maintain current options to obtain classroom*  
22 *space because of a need resulting from the class size*  
23 *reduction program. In order to allow school districts the*  
24 *time necessary to lease, purchase, or retrofit adequate*  
25 *classroom space, it is necessary that this act take effect*  
26 *immediately.*

27 ~~amended to read:~~

28 ~~17042.5. (a) For purposes of determining the area of~~  
29 ~~adequate school construction existing in an applicant~~  
30 ~~school district pursuant to Section 17042.7, all portable~~  
31 ~~class rooms shall be included, except as otherwise~~  
32 ~~provided in paragraphs (1) to (5), inclusive.~~

33 ~~(1) Portable classrooms leased pursuant to Chapter 14~~  
34 ~~(commencing with Section 17085) shall be excluded from~~  
35 ~~the area of adequate school construction. Portable~~  
36 ~~classrooms obtained by an applicant district pursuant to~~  
37 ~~subdivision (b) of Section 17088.5 also shall be excluded~~  
38 ~~from the area of adequate school construction.~~



1 ~~(2) Portable classrooms that have been owned by the~~  
2 ~~district for 20 years or more shall be excluded from the~~  
3 ~~area of adequate school construction.~~

4 ~~(3) Leased portable classrooms shall not be included in~~  
5 ~~the area of adequate school construction.~~

6 ~~(4) Portable classrooms that are more than 30 percent~~  
7 ~~of the total classroom space at a schoolsite shall not be~~  
8 ~~included in the area of adequate school construction.~~

9 ~~(5) Nonconforming portable classrooms shall not be~~  
10 ~~included in the area of adequate school construction.~~

11 ~~(b) For purposes of this section, “portable classroom”~~  
12 ~~means a classroom building of modular design and~~  
13 ~~construction that meets all of the following criteria:~~

14 ~~(1) Is designed and constructed to be relocatable and~~  
15 ~~transportable over public streets.~~

16 ~~(2) Is designed and constructed for relocation without~~  
17 ~~the separation of the roof or floor from the building.~~

18 ~~(3) When measured at the most exterior walls, has a~~  
19 ~~floor area not in excess of 2,000 square feet.~~

20 ~~(c) For the purposes of this section, “nonconforming~~  
21 ~~portable classrooms” are those portable classrooms that~~  
22 ~~do not meet the requirements of Section 17280 and that~~  
23 ~~are not approved by the Division of the State Architect.~~

24 ~~SEC. 2. Section 17088.5 of the Education Code is~~  
25 ~~amended to read:~~

26 ~~17088.5. (a) The board may empower any lessee to~~  
27 ~~act as its agent in the performance of acts authorized~~  
28 ~~under this chapter with regard to portable classrooms to~~  
29 ~~be made available to that lessee, including, but not~~  
30 ~~necessarily limited to, contracting for architectural and~~  
31 ~~construction services and purchasing furniture and~~  
32 ~~equipment.~~

33 ~~(b) In addition, where any qualifying school district or~~  
34 ~~county superintendent of schools is deemed by the board~~  
35 ~~to be eligible under this chapter for the lease of portable~~  
36 ~~classrooms, but adequate funds are not at that time~~  
37 ~~available to the board for the purchase of those~~  
38 ~~classrooms, the board may authorize the school district or~~  
39 ~~county superintendent of schools to purchase portable~~



1 ~~classrooms, to the extent of that eligibility, pursuant to the~~  
2 ~~following conditions:~~

3 ~~(1) The portable classrooms are purchased under a~~  
4 ~~procedure determined by the board, pursuant to either~~  
5 ~~a bidding process implemented by the school district or~~  
6 ~~county superintendent of schools or by the State Office of~~  
7 ~~Procurement.~~

8 ~~(2) To the extent that funding for purposes of this~~  
9 ~~chapter is subsequently made available to the board, the~~  
10 ~~board shall purchase the portable classroom or classrooms~~  
11 ~~from the school district or county superintendent of~~  
12 ~~schools, for lease to that entity under this chapter, for the~~  
13 ~~cost incurred by the school district or county~~  
14 ~~superintendent of schools less any depreciation based~~  
15 ~~upon the 20-year life of the unit. The sale of the portable~~  
16 ~~classroom or classrooms under this paragraph shall be at~~  
17 ~~the discretion of the school district or county~~  
18 ~~superintendent of schools.~~

