

ASSEMBLY BILL

No. 20

Introduced by Assembly Member Lempert
(Principal coauthor: Senator Sher)

December 7, 1998

An act to add Article 7.5 (commencing with Section 17074.50) to Chapter 12.5 of Part 10, and to add Article 2.5 (commencing with Section 32215) to Chapter 2 of Part 19 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 20, as introduced, Lempert. School facilities: automated fire detection and alarm.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board administer the allocation of school facilities funds for public education.

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 new construction, modernization, and hardship projects that include an automated fire detection and alarm system pursuant to the Greene Act of 1998.

This bill would require Department of General Services approved projects to comply with prescribed automated fire detection and alarm system requirements and would require

adjustment of per-pupil allocations to cover the costs of the system. The bill would provide that a modernization project funded under the Greene Act of 1998 may consist entirely of the installation of a prescribed automated fire detection and alarm system.

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 require the State Fire Marshal to propose emergency regulations by July 1, 2000, to require all new public school facilities to have an automated fire detection and alarm system, thereby imposing a state-mandated local program. The bill would authorize school districts, as defined, to apply for funding under the Greene Act of 1998 for the purposes of improving school safety by installing an automated fire detection and alarm system and would require the State Building Standards Commission to adopt, amend, and repeal related regulations. The bill would require 20% local matching funds.

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 no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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



1 (1) Many of the school buildings in use in this state are
2 20 to 30 years old or older and do not provide sufficient
3 fire protection in the building construction, nor do these
4 schools provide an adequate fire detection and alarm
5 system.

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

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

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

18 SEC. 2. Article 7.5 (commencing with Section
19 17074.50) is added to Chapter 12.5 of Part 10 of the
20 Education Code, to read:

21

22 Article 7.5. Automated Fire Detection and Alarm
23 Systems

24

25 17074.50. (a) New construction modernization
26 projects, and hardship applications that include an
27 automated fire detection and alarm system as set forth in
28 subdivision (c), may be funded under this chapter.

29 (b) No project subject to the approval of the
30 Department of General Services shall be approved for
31 funding pursuant to this chapter unless, upon the
32 completion of that project, the school building or
33 buildings to be constructed or modernized will contain an
34 automatic fire detection and alarm system, as described
35 in subdivision (d) and approved by the State Fire
36 Marshal, or a superior fire detection and alarm system, as
37 determined by the State Fire Marshal.

38 (c) Prior to the adoption of the regulations by the State
39 Fire Marshal pursuant to Section 32215, the State
40 Department of General Services shall administer this



1 section based upon the standards set forth in subdivision
2 (d).

3 (d) The system shall consist of a combination of smoke
4 or heat detectors installed in each unit of a school
5 building, including attic spaces, and the detectors shall
6 activate an alarm signal that sounds an audible alarm that
7 can be heard throughout the school facility.

8 17074.51. (a) For projects approved as set forth in
9 Section 17074.50, the State Allocation Board shall adjust
10 the per pupil eligibility as set forth in Sections 17072.10
11 and 17074.10 so as to factor the full cost of the automated
12 fire detection and alarm system into the school districts’
13 eligibility determinations, including, but not limited to,
14 additional adjustments necessary for pupils with
15 exceptional needs as set forth in subdivision (c) of Section
16 17072.10.

17 (b) A modernization project funded pursuant to this
18 article may consist entirely of the installation of an
19 automatic fire detection and alarm system as described in
20 subdivision (d) of Section 17074.50.

21 SEC. 3. Article 2 (commencing with Section 32215) is
22 added to Chapter 2 of Part 19 of the Education Code, to
23 read:

24

25 Article 2. Automated Fire Detection and Alarm
26 Systems
27

28 32215. (a) The State Fire Marshal shall, on or before
29 July 1, 2000, propose, and the State Building Standards
30 Commission shall adopt, amend, and repeal, regulations
31 regarding fire protection to require all newly constructed
32 public school facilities to comply with the requirements
33 set forth in subdivision (d) of Section 17074.50. The
34 regulations shall be adopted as emergency regulations.

35 (b) School districts and county offices of education
36 may apply to the State Allocation Board for funding
37 under Chapter 12.5 (commencing with Section 17070.10)
38 of Part 10 for the purposes of improving school safety by
39 installing an automatic fire detection and alarm system as
40 described in subdivision (d) of Section 17074.50. To



1 receive funding pursuant to this section, a school district
2 shall provide local matching funds as set forth in Section
3 17074.15.

4 (c) Notwithstanding subdivision (a) of Section
5 17074.50, a school district or county office of education
6 may access funding from the State Allocation Board
7 pursuant to this section if it is available.

8 SEC. 4. No reimbursement shall be made from the
9 State Mandates Claims Fund pursuant to Part 7
10 (commencing with Section 17500) of Division 4 of Title
11 2 of the Government Code for costs mandated by the
12 state pursuant to this act. It is recognized, however, that
13 a local agency or school district may pursue any remedies
14 to obtain reimbursement available to it under Part 7
15 (commencing with Section 17500) and any other
16 provisions of law.

17 Notwithstanding Section 17580 of the Government
18 Code, unless otherwise specified, the provisions of this act
19 shall become operative on the same date that the act
20 takes effect pursuant to the California Constitution.

