

AMENDED IN ASSEMBLY JANUARY 3, 2000

AMENDED IN ASSEMBLY APRIL 12, 1999

AMENDED IN ASSEMBLY MARCH 10, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 20

Introduced by Assembly Member Lempert

(Principal coauthor: Senator Sher)

**(Coauthors: Assembly Members Alquist, Aroner, Cunneen,
Dutra, Honda, Knox, Mazzone, Romero, Strom-Martin,
Washington, and Wildman)**

(Coauthors: Senators Perata, Schiff, and Solis)

December 7, 1998

An act to amend Section 32001 of, 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 amended, 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 to 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 *projects*, ~~and including~~ hardship projects, that include an automated fire detection and alarm system pursuant to the Greene Act of 1998.

This bill would require *certain projects, which require approval of the* 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~~ *inclusion of amounts necessary* 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 *every person and public officer managing, controlling, or in charge of the school to sound* the fire alarm signal ~~to be sounded~~ upon the discovery of fire. ~~The~~

This bill would exempt *these persons* from this requirement ~~a~~ *if the* public, private, or parochial school building ~~that~~ is equipped with an automatic fire detection and alarm system ~~described in certain provisions.~~

This bill would require the State Fire Marshal to propose emergency regulations by July 1, ~~2000~~ 2001, to require all ~~new~~ *modernized* 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 *modernization* 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 for modernization and 50% local matching funds for new construction.~~



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:

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

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

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

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

20 SEC. 2. Article 7.5 (commencing with Section
21 17074.50) is added to Chapter 12.5 of Part 10 of the
22 Education Code, to read:

23



Article 7.5. Automated Fire Detection and Alarm Systems

~~17074.50. (a) New construction modernization projects, and hardship applications that include an~~

17074.50. (a) Modernization projects, including, but not limited to, hardship applications, that include an automated fire detection and alarm system as set forth in subdivision (c), may be funded under this chapter for schools that do not have an existing automated fire detection and alarm system as set forth in subdivision (d), or as set forth in subdivision (c) on and after adoption of regulations by the State Fire Marshal.

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

(c) Prior to the adoption of the regulations by the State Fire Marshal pursuant to Section 32215, the State Department of General Services shall administer this section based upon the standards set forth in subdivision (d).

(d) 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 that can be heard throughout the school facility.

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



1 ~~Section 17072.10. Any adjustment to the actual grant~~
2 ~~amount shall be adjusted to provide 50 percent of the cost~~
3 ~~for new construction and 80 percent of the cost for~~
4 ~~modernization.~~

5 17074.51. (a) *For modernization projects, including,*
6 *but not limited to, hardship applications, approved*
7 *pursuant to this article, the State Allocation Board shall*
8 *include the full costs of the automated fire detection and*
9 *alarm system, including, but not limited to, adjustments*
10 *necessary for pupils with exceptional needs, into the costs*
11 *of the project. In addition to total funding eligibility*
12 *determined pursuant to Section 17074.10, the board shall*
13 *also provide the state's share of the cost of the system.*
14 *Unless the hardship application, if any, demonstrates that*
15 *a higher percentage is warranted, the state's share of the*
16 *costs of the system shall be 80 percent, as set forth in*
17 *Section 17074.15 for modernization grants generally.*

18 (b) A modernization project, *including, but not*
19 *limited to, hardship applications, funded pursuant to this*
20 *article may consist entirely of the installation of an*
21 *automatic fire detection and alarm system as described in*
22 *subdivision (d) of Section 17074.50, or as set forth in*
23 *subdivision (c) on and after adoption of regulations by*
24 *the State Fire Marshal.*

25 SEC. 3. Section 32001 of the Education Code is
26 amended to read:

27 32001. Every public, private, or parochial school
28 building having an occupant capacity of ~~fifty (50)~~ 50 or
29 more students *or pupils* or more than one classroom shall
30 be provided with a dependable and operative fire
31 warning system. Every person and public officer
32 managing, controlling, or in charge of any public, private,
33 or parochial school shall cause the fire alarm signal to be
34 sounded upon the discovery of fire, unless ~~it~~ *the school* is
35 equipped with an automatic fire detection and alarm
36 system as described in paragraph (d) of Section 17074.50.
37 Every person and public officer managing, controlling, or
38 in charge of any public, private, or parochial school, other
39 than a two-year community college, shall cause the fire
40 alarm signal to be sounded not less than once every



1 calendar month at the elementary and intermediate
2 levels, and not less than twice yearly at the secondary
3 level, in the manner prescribed in this article except that
4 when a fire alarm system having a distinctive tone, and
5 which is used for no other purpose, is installed, the
6 manner of sounding such alarm shall not be subject to the
7 provisions of Sections 32002, 32003, and 32004.

8 A fire drill shall be held at the secondary level not less
9 than twice every school year.

10 SEC. 4. ~~Article 2~~ Article 2.5 (commencing with
11 Section 32215) is added to Chapter 2 of Part 19 of the
12 Education Code, to read:

13
14 Article 2 2.5. Automated Fire Detection and Alarm
15 Systems
16

17 32215. (a) The State Fire Marshal shall, on or before
18 July 1, ~~2000~~ 2001, propose, and the State Building
19 Standards Commission shall adopt, amend, and repeal,
20 regulations regarding fire protection to require all ~~newly~~
21 ~~constructed~~ *modernized* public school facilities to comply
22 with the requirements set forth in subdivision (d) of
23 Section 17074.50. The regulations shall be adopted as
24 emergency regulations.

25 (b) School districts and county offices of education
26 may apply to the State Allocation Board for
27 *modernization* funding under Chapter 12.5
28 (commencing with Section 17070.10) of Part 10 for the
29 purposes of improving school safety by installing an
30 automatic fire detection and alarm system as described in
31 subdivision (d) of Section 17074.50. To receive funding
32 pursuant to this section, a school district shall provide
33 local matching funds as set forth in Section 17074.15.

34 ~~(c) Notwithstanding subdivision (a) of Section~~
35 ~~17074.50, a school district or county office of education~~
36 ~~may access funding from the State Allocation Board~~
37 ~~pursuant to this section if it is available.~~

38 SEC. 5. No reimbursement shall be made from the
39 State Mandates Claims Fund pursuant to Part 7
40 (commencing with Section 17500) of Division 4 of Title



1 2 of the Government Code for costs mandated by the
2 state pursuant to this act. It is recognized, however, that
3 a local agency or school district may pursue any remedies
4 to obtain reimbursement available to it under Part 7
5 (commencing with Section 17500) and any other
6 provisions of law.

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