

ASSEMBLY BILL

No. 939

Introduced by Assembly Member Brewer

February 25, 1999

An act to amend and renumber Section 39619 of, and to add Section 17584.2 to, the Education Code, relating to school facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 939, as introduced, Brewer. School facilities deferred maintenance.

Existing law establishes the State School Deferred Maintenance Fund which is continuously appropriated for the purposes for which it is established. Existing law requires the State Allocation Board to apportion, from the State School Deferred Maintenance Fund, a specified amount of funds to school districts on a 50% matching basis, to the extent funds are available.

This bill would annually appropriate \$240,000,000 for each of the next 10 fiscal years, commencing with the 1999–2000 fiscal year, from the General Fund to the board for deposit in the State School Deferred Maintenance Fund for the purposes of ensuring the availability of sufficient state funds to fully fund the state's component of deferred maintenance costs and eliminate the backlog of deferred maintenance projects. The bill would make a technical, nonsubstantive conforming change related to the reorganization of related provisions pursuant to Chapter 277 of the Statutes of 1996.

This bill would declare that funds appropriated pursuant to this bill shall be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Because of the diminishing funds available
4 through the excess repayments from the State School
5 Building Aid Program, the state has been unable to fully
6 fund the maximum amount of its contribution to the
7 deferred maintenance fund authorized by law since the
8 early 1980's.

9 (b) School districts have the expectation that state
10 funds will be available to match the local funds they set
11 aside to meet their deferred maintenance needs.

12 (c) The state's practice of not providing consistent,
13 ongoing funding for deferred maintenance purposes has
14 resulted in greater future facilities costs and has reduced
15 the quality of education that can be provided to the state's
16 5.6 million public school pupils.

17 (d) If repairs to school facilities are continually
18 deferred, school districts eventually face more expensive
19 investments, including, but not limited to, critical repairs,
20 major rehabilitation, or complete replacement. School
21 districts should be discouraged from deferring
22 maintenance projects in the short run, because
23 inadequate ongoing maintenance reduces the useful life
24 of facilities resulting in increased capital outlay needs,
25 and putting more pressure on schools to access more
26 expensive bond dollars in the long run.

27 (e) Approximately \$2.4 billion in backlogged,
28 unfunded deferred maintenance needs exist for K-12
29 schools statewide.



1 (f) Educational research suggests a positive
2 relationship between pupil achievement and the
3 condition of the facility in which pupils are schooled.

4 (g) It is important for school facilities to be maintained
5 in order to provide a safe, clean, adequate environment
6 for teachers to teach effectively and for pupils to be
7 educated properly and to excel academically.

8 SEC. 2. Section 39619 of the Education Code is
9 amended and renumbered to read:

10 ~~39619.~~—

11 17584. (a) Whenever, in any given fiscal year, a
12 school district has budgeted, exclusive of state matching
13 funds and district funds previously matched pursuant to
14 subdivision (b), in its deferred maintenance fund
15 established pursuant to Section ~~39618~~ 17582 an amount
16 equal to, or greater than, that amount the district
17 expended from its general fund for major maintenance,
18 repair, or modernization of existing school buildings, as
19 specified in Section ~~39618~~ 17582, exclusive of categorical
20 aid funds and any proceeds from the sale of district
21 property which were expended for the purpose of the
22 district deferred maintenance account, in either the
23 1978–79 or 1979–80 fiscal year, adjusted annually to the
24 current fiscal year in conformance with the percentage
25 change in the district revenue limit computed pursuant
26 to Section 42237 or 42238, the Superintendent of Public
27 Instruction shall so certify to the State Allocation Board.

28 (b) The State Allocation Board shall apportion, from
29 the State School Deferred Maintenance Fund, to school
30 districts an amount equal to one dollar (\$1) for each one
31 dollar (\$1) of local funds up to a maximum of $\frac{1}{2}$ percent
32 of the district's current-year revenue limit average daily
33 attendance multiplied by the average, per unit of average
34 daily attendance, of the total expenditures and ending
35 fund balances of the total general funds and adult
36 education funds for districts of similar size and type, as
37 defined in subdivision (b) of Section 42238.4, for the
38 second prior fiscal year, exclusive of any amounts
39 expended for capital outlay or debt service, to the extent



1 of funds available pursuant to Chapter 24 (commencing
2 with Section 17780) of Part 10.

3 (c) Notwithstanding subdivision (a), in order to be
4 eligible to receive state aid pursuant to subdivision (b),
5 no district shall be required to budget from local district
6 funds an amount greater than 1/2 percent of the district's
7 current-year revenue limit average daily attendance,
8 multiplied by the average, per unit of average daily
9 attendance, of the total expenditures and ending fund
10 balances of the total general funds and adult education
11 funds for districts of similar size and type, as defined in
12 subdivision (b) of Section 42238.4 for the second prior
13 fiscal year, exclusive of any amounts expended for capital
14 outlay or debt service.

15 SEC. 3. Section 17584.2 is added to the Education
16 Code, to read:

17 17584.2. The sum of two hundred forty million dollars
18 (\$240,000,000) is hereby annually appropriated for each
19 of the 10 fiscal years, commencing with the 1999–2000
20 fiscal year and ending with the 2008–09 fiscal year, from
21 the General Fund to the State Allocation Board for
22 deposit in the State School Deferred Maintenance Fund
23 for the purposes of ensuring the availability of sufficient
24 state funds to fully fund the state's component of deferred
25 maintenance costs and eliminate the backlog of deferred
26 maintenance projects.

27 SEC. 4. Funds appropriated pursuant to Section 3 of
28 this act shall be applied toward the minimum funding
29 requirements for school districts and community college
30 districts imposed by Section 8 of Article XVI of the
31 California Constitution.

