

AMENDED IN ASSEMBLY AUGUST 25, 2000

AMENDED IN ASSEMBLY JULY 3, 2000

AMENDED IN ASSEMBLY JUNE 20, 2000

AMENDED IN SENATE MAY 23, 2000

AMENDED IN SENATE MAY 3, 2000

AMENDED IN SENATE MARCH 27, 2000

SENATE BILL

No. 2066

Introduced by Senator O'Connell

February 25, 2000

An act to amend Section 17092 of, and to add Sections 17070.51 and 17088.2 to, the Education Code, *to amend Section 14615.1 of the Government Code*, and to amend Section 12 of Chapter 1601 of the Statutes of 1988, relating to school facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2066, as amended, O'Connell. School facilities.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998 (Greene Act of 1998), establishes a program for allocation by the State Allocation Board of state per-pupil funding to school districts for new construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition. Existing law requires the allocation to be based upon existing and projected unmet pupil capacity based upon existing teaching stations, as defined. Existing law requires the

board to apportion funds only upon compliance with prescribed requirements relating to seismic safety approvals and certification of the availability of local matching funds.

This bill would require the board to impose certain penalties, to be deposited into the continuously appropriated 1998 State School Facilities Fund, and conditions upon school districts that submit applications with material inaccuracies. By depositing the penalties in a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law, the State Relocatable Classroom Law of 1979, authorizes the board to lease portable classrooms to eligible school districts and provides funding for this purpose.

This bill would, notwithstanding contrary provisions of law, authorize the board to transfer certain funds from the State School Building Aid Fund to the 1998 State School Facilities Fund or to the State School Deferred Maintenance Fund for allocation by the board for purposes of those funds, and would make conforming changes.

(3) Existing law adopts the federal model contractors accreditation plan for contracts relating to identification of, and action regarding, asbestos-containing materials in school buildings, and requires that any person seeking accreditation register with the Office of Local Assistance.

This bill would delete the requirement of registration with the Office of Local Assistance.

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. Section 17070.51 is added to the
 2 Education Code, to read:
 3 17070.51. (a) If any certified eligibility or funding
 4 application related information is found to have been
 5 falsely certified by school districts, architects or design
 6 professionals, hereinafter referred to as a material
 7 inaccuracy, the Office of Public School Construction shall
 8 notify the board.
 9 (b) The board shall impose the following penalties if
 10 an apportionment and fund release has been made based



1 upon information in the project application or related
2 materials that constitutes a material inaccuracy.

3 (1) Pursuant to a repayment schedule approved by
4 the board of no more than five years, the school district
5 shall repay to the board, for deposit into the 1998 State
6 School Facilities Fund, an amount proportionate to the
7 additional funding received as a result of the material
8 inaccuracy including interest at the rate paid on moneys
9 in the Pooled Money Investment Account or at the
10 highest rate of interest for the most recent issue of state
11 general obligation bonds as established pursuant to the
12 Chapter 4 (commencing with Section 16720), of Part 3 of
13 Division 4 of Title 2 of the Government Code, whichever
14 is greater.

15 (2) The board shall prohibit the school district from
16 self-certifying certain project information for any
17 subsequent applications for project funding for a period
18 of up to five years following the date of the finding of a
19 material inaccuracy or until the district's repayment of
20 the entire amount owed under paragraph (1). Although
21 a school district that is subject to this paragraph may not
22 self-certify, the school district shall not be prohibited from
23 applying for state funding under this chapter. The board
24 shall establish an alternative method for state or
25 independent certification of compliance that shall be
26 applicable in these cases. The process shall include, but
27 shall not be limited to, procedures for payment by the
28 school district of any increased costs associated with the
29 alternative certification process.

30 (c) For school districts found to have provided
31 material inaccuracies when a funding apportionment has
32 occurred, but no fund release has been made, the board
33 shall direct its staff to reduce the apportionment as
34 necessary to reflect the actual nature of the project and
35 to disregard the inaccurate information or material, and
36 paragraph (2) of subdivision (b) shall apply.

37 (d) For those school districts found to have provided
38 material inaccuracies when no funding apportionment or
39 fund release has been made, the inaccurate information
40 or materials shall not be considered, and paragraph (2) of



1 subdivision (b) shall apply. The project may continue if
2 the application, minus the inaccurate materials, is still
3 complete.

4 SEC. 2. Section 17088.2 is added to the Education
5 Code, to read:

6 17088.2. Notwithstanding any provision of law to the
7 contrary, including, but not limited to, Section 17587, the
8 board may transfer any funds within the State School
9 Building Aid Fund that are in excess of the amounts
10 needed by the board for the maintenance of portable
11 buildings or for the purchase of new portable buildings,
12 for that fiscal year, to either of the following:

13 (a) The 1998 State School Facilities Fund for allocation
14 by the board for any purpose authorized pursuant to that
15 fund.

16 (b) The State School Deferred Maintenance Fund for
17 allocation by the board for any purpose authorized
18 pursuant to that fund. The board may utilize up to 100
19 percent of the funds transferred by the board to the State
20 School Deferred Maintenance Fund pursuant to this
21 section for funding extreme hardship critical projects.

22 SEC. 3. Section 17092 of the Education Code is
23 amended to read:

24 17092. (a) No portable classrooms shall be made
25 available to any school district unless the district furnishes
26 evidence, satisfactory to the board, that the district has no
27 available bond proceeds that could be used for the
28 purchase of classroom facilities.

29 (b) Notwithstanding any other provision of law, a
30 school district or county superintendent of schools that
31 has received approval for a project that includes a
32 justified number of new teaching stations pursuant to
33 Chapter 12 (commencing with Section 17000) or Chapter
34 12.5 (commencing with Section 17070.15) shall be eligible
35 for at least the same number of emergency portable
36 classrooms as approved new teaching stations.

37 (c) Subdivision (a) does not apply to leases or
38 subleases under this chapter for the purpose of providing
39 facilities, pursuant to subdivision (c) of Section 17091, for



1 licensed child day care programs or any recreation or
2 enrichment activities or programs for schoolage children.

3 SEC. 4. *Section 14615.1 of the Government Code is*
4 *amended to read:*

5 14615.1. Where the Legislature directs or authorizes
6 the department to maintain, develop, or prescribe
7 processes, procedures, or policies in connection with the
8 administration of its duties under this chapter, Chapter 2
9 (commencing with Section 14650), or ~~the State Contract~~
10 ~~Act (Part Part 2~~ (commencing with Section 10100) of
11 Division 2 of the Public Contract ~~Code~~ Code, the action
12 by the department shall be exempt from the
13 Administrative Procedure Act (Chapter 3.5
14 (commencing with Section 11340), Chapter 4
15 (commencing with Section 11370), Chapter 4.5
16 (commencing with Section 11400), and Chapter 5
17 (commencing with Section 11500)). This section shall
18 apply to actions taken by the department with respect to
19 the State Administrative Manual and the State
20 Contracting Manual.

21 SEC. 5. Section 12 of Chapter 1601 of the Statutes of
22 1988 is amended to read:

23 Sec. 12. All provisions of the federal model
24 contractors accreditation plan (40 C.F.R. Appendix C,
25 Subpart E, Part 763), as it became effective June 1, 1987,
26 are hereby adopted as the contractor accreditation plan
27 of this state, and are hereby incorporated in Chapter 9
28 (commencing with Section 49400) of Part 27 of the
29 Education Code as though set forth in full therein.

