

AMENDED IN SENATE JULY 14, 2005

AMENDED IN ASSEMBLY JUNE 1, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1297**

**Introduced by Assembly Member Evans**

February 22, 2005

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An act to add Sections 17070.756, 17584.4, and 17591.5 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1297, as amended, Evans. Buildings: rehabilitation.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to apportion to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund and to deposit an amount equal to 3% of the school district's general fund, including other financing uses, into the account for maintenance of school facilities.

This bill would allow school districts to use the funds in the account for repairs or renovations to prevent poor indoor air quality conditions in school facilities.

Existing law authorizes the governing board of a school district to establish a restricted deferred maintenance fund, provides for the

deposit of prescribed local funds, and provides for the deposit of matching state funds. Existing law requires the State Allocation Board to apportion to school districts the state matching funds for deferred maintenance, and establishes the maximum required local deferred maintenance budget.

This bill would allow school districts to use the funds apportioned by the State Allocation Board for repairs or renovations to prevent poor indoor air quality conditions in school facilities. This bill would impose a state-mandated local program by requiring school districts to ensure that school facilities have heating, ventilation, and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors *or school district employees* who have been certified by ~~a nationally recognized organization as qualified~~ *one of several specified organizations to inspect, issue inspection reports and to maintain;* and repair heating, ventilation, and air-conditioning systems.

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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Section 17070.756 is added to the Education
- 2 Code, to read:
- 3 17070.756. School districts may use funds in the account
- 4 established pursuant to paragraph (1) of subdivision (b) of
- 5 Section 17070.75 for repairs or renovations to prevent poor
- 6 indoor air quality conditions in school facilities.
- 7 SEC. 2. Section 17584.4 is added to the Education Code, to
- 8 read:

1 17584.4. School districts may use funds apportioned pursuant  
2 to Section 17584 for repairs or renovations to prevent poor  
3 indoor air quality conditions in school facilities.

4 SEC. 3. Section 17591.5 is added to the Education Code, to  
5 read:

6 17591.5. (a) A school district shall ensure that facilities,  
7 including, but not limited to, classrooms for pupils, have heating,  
8 ventilation, and air-conditioning (HVAC) systems that meet the  
9 minimum requirements of indoor air quality regulations enacted  
10 pursuant to Section 142.3 of the Labor Code, in order to prevent  
11 pupils from being exposed to poor indoor air quality conditions.

12 (b) In carrying out the requirements of subdivision (a),  
13 *pursuant to Section 142.3 of the Labor Code and as implemented*  
14 *by paragraph (1) of subdivision (b) of Section 5142 of Title 8 of*  
15 *the California Code of Regulations*, a school district shall utilize  
16 contractors ~~that~~ or school district employees who have been  
17 certified ~~in providing for the inspection, maintenance, and repair~~  
18 ~~of HVAC systems by a nationally recognized organization.~~ by  
19 *one of the following organizations to issue HVAC inspection*  
20 *reports:*

21 (1) *The Testing, Adjusting, and Balancing Bureau.*

22 (2) *The National Environmental Balancing Bureau.*

23 (3) *The Associated Air Balancing Council.*

24 (c) *In carrying out the requirements of subdivision (a), a*  
25 *school district shall utilize contractors or school district*  
26 *employees who have been certified by one of the following*  
27 *organizations to maintain and repair HVAC systems:*

28 (1) *The International Training Institute for the Sheet Metal*  
29 *and Air Conditioning Industry.*

30 (2) *The North American Technical Excellence.*

31 (3) *The United Association pursuant to its STAR certification*  
32 *program.*

33 (d) *This section does not prevent a school district from*  
34 *utilizing contractors or school district employees who are not*  
35 *certified pursuant to subdivisions (b) or (c) to perform*  
36 *emergency, non-scheduled, or routine maintenance and repairs*  
37 *of HVAC systems, or from complying with the requirements of*  
38 *Article 3 (commencing with Section 20110) of Chapter 1 of Part*  
39 *3 of the Public Contract Code.*

1     SEC. 4. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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