

Assembly Bill No. 1297

Passed the Assembly September 8, 2005

Chief Clerk of the Assembly

Passed the Senate September 8, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 17591.5 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1297, 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.

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 impose a state-mandated local program by requiring school districts to ensure that school facilities that have heating, ventilation, and air-conditioning systems are inspected, maintained, and repaired by contractors or school district employees who have been certified by one of several specified organizations to 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.

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

SECTION 1. Section 17591.5 is added to the Education Code, to read:

17591.5. (a) A school district shall ensure that facilities, including, but not limited to, classrooms for pupils, that have heating, ventilation, and air-conditioning (HVAC) systems are inspected by contractors or school district employees who have been certified by one of the following organizations to issue HVAC inspection reports:

- (1) The Testing, Adjusting, and Balancing Bureau.
- (2) The National Environmental Balancing Bureau.
- (3) The Associated Air Balancing Council.

(b) In performing maintenance or repairs on an HVAC system, a school district shall utilize contractors or school district employees who have been certified by one of the following organizations to maintain and repair HVAC systems:

- (1) The International Training Institute for the Sheet Metal and Air Conditioning Industry.
- (2) The North American Technical Excellence.
- (3) The National Inspection, Testing and Certification Corporation, or any other organization that is accredited by the American National Standards Institute to issue an HVAC Mastery Certification.

(c) This section does not prevent a school district from utilizing contractors or school district employees who are not certified pursuant to subdivisions (a) and (b) to perform emergency, nonscheduled, or routine maintenance and repairs of HVAC systems, in compliance with the requirements of Article 3 (commencing with Section 20110) of Chapter 1 of Part 3 of the Public Contract Code.

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

Approved _____, 2005

Governor