

AMENDED IN SENATE JUNE 1, 2010
AMENDED IN SENATE MAY 5, 2010
AMENDED IN SENATE APRIL 20, 2010
AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1193

Introduced by Senators Lowenthal and Pavley

February 18, 2010

An act to add Section 17074.31 to the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Lowenthal. School facilities funding: high performance schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate 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 and requires the board to adopt rules and regulations for the administration of the Greene Act. The Kindergarten-University Public Education Facilities Bond Act of 2006 sets aside \$100,000,000 of the proceeds of the bonds sold under that act for incentive grants under the Greene Act to promote the use of design and materials in new construction and modernization projects that include the attributes of high-performance schools.

Existing law authorizes a grant for new construction to be used for the costs of design and materials that promote the efficient use of energy

and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A school district is required to certify, as part of its application for funding under the Greene Act, that it has considered the feasibility of using these characteristics of high performance schools.

This bill would increase the amount of a modernization grant by \$250,000 per schoolsite if a school district incorporates the use of high performance design and materials, and if the project is able to achieve one of 3 specified objectives. This increase would be provided from the \$100,000,000 set aside for this purpose in the 2006 bond act. The bill would require the State Allocation Board to adopt, and the Office of Administrative Law to process, emergency regulations to implement the increases.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 17074.31 is added to the Education Code,
- 2 to read:
- 3 17074.31. (a) Notwithstanding Section 17074.10, if a school
- 4 district incorporates the use of the high performance design and
- 5 materials specified in Section 17070.96, the amount of the
- 6 modernization grant shall be increased by two hundred fifty
- 7 thousand dollars (\$250,000) per schoolsite if the project is able to
- 8 meet one of the following objectives:
- 9 (1) Score the requisite number of points to meet the high
- 10 performance criteria set forth in regulations, as determined by the
- 11 board and certified by the Division of the State Architect.
- 12 (2) Achieve Collaborative for High Performance Schools
- 13 “verified” status in accordance with the California Edition of the
- 14 Collaborative for High Performance Schools criteria.
- 15 (3) Achieve certification status in accordance with the
- 16 Leadership in Energy and Environmental Design for Schools.

(b) In addition to the funding authorized pursuant to subdivision (a), the board shall provide funding for modernization projects that exceed the criteria specified in subdivision (a).

(c) Within 14 calendar days of the operative date of this section, the board shall adopt emergency regulations to administer this section. The Office of Administrative Law shall process these emergency regulations within 14 calendar days of their adoption.

~~(d) Notwithstanding Section 17074.16, school districts shall not be required to provide matching funds for any funds received pursuant to this section.~~

(d) Pursuant to Section 17074.16, a school district shall be required to provide matching funds for any funds received pursuant to this section.

(e) Funds received by a school district pursuant to this section do not constitute a modernization apportionment pursuant to this article, and do not reduce modernization eligibility authorized by Article 6 (commencing with Section 17073.10).

(f) The energy efficiency and renewable energy savings realized from a project pursuant to this section, as calculated annually over the useful life of the project, shall be retained by the school district. The state funding shall not be reduced based on realized energy efficiency and renewable energy savings.

(g) The increase in the amount of a modernization grant pursuant to this section shall be provided from funds made available pursuant to paragraph (8) of subdivision (a) of Section 101012.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to quickly provide funding from the Kindergarten-University Public Education Facilities Bond Act of 2006 to school districts so that they may build energy efficient and energy generation projects through a streamlined green schools program that also will create critically needed jobs, provide energy consumption savings to fiscally strapped school districts, and ensure healthy learning environments for our children, it is necessary that this act take effect immediately.