An act to amend Sections 17267, 17300, 17301, 17319, 81133, and 81133.1 of the Education Code, relating to school facilities, and making an appropriation therefor, to take effect immediately, bill related to the budget.



## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17267 of the Education Code is amended to read:

17267. The governing board of a school district shall, before letting any contract for the construction of a school building as defined in Section 17283 according to the plans and specifications, file a set of the plans and specifications with the Department of General Services accompanied by a filing fee in the amount fixed by pursuant to Section 17300.

- SEC. 2. Section 17300 of the Education Code is amended to read:
- 17300. (a) The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services based on the estimated cost of the work described in subdivision (a) of Section 17280, according to the following schedule:
- (1) For the first one million dollars (\$1,000,000), a fee of not more than 0.7 1.25 percent of the estimated cost.
- (2) For all costs in excess of one million dollars (\$1,000,000), a fee of-not-more than 0.6\_1 percent of the estimated cost.
- (b) Notwithstanding paragraphs (1) and (2) of subdivision (a), if, on or after July 1, 2017, the Department of General Services adjusts the fee schedule pursuant to subdivision (a) of Section 17301, the adjusted fee schedule shall be used instead.

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(c) The minimum fee in any case shall be two hundred fifty dollars (\$250). If the actual cost exceeds the estimated cost by more than 5 percent, a further fee shall be paid to the Department of General Services, based on the above fee schedule pursuant



to subdivision (a) or (b), as applicable, and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

<del>(b)</del>

(d) The fees determined pursuant to subdivision (a) or (b), as applicable, shall be paid in two installments, as specified by the Department of General Services. The first installment shall be in an amount equal to 70 percent of the estimated cost calculated under subdivision (a), (a) or (b), as applicable, and shall be paid at the time the application is submitted to the department. The second installment shall be in an amount equal to 30 percent of the estimated cost calculated under subdivision (a), (a) or (b), as applicable, and shall be paid no later than five working days after the applicant accepts the bids for construction of the project for which the fees are paid. This subdivision shall become operative January 1, 1994.

<del>(c)</del>

- (e) The fee shall be paid to the Department of General Services, including, but not limited to, a case in which the application is referred under Section 17306 to a qualified plan review firm.
  - SEC. 3. Section 17301 of the Education Code is amended to read:
- 17301. (a) (1) All fees received by the Department of General Services pursuant to this chapter shall be paid into the State Treasury and credited to the Public School Planning, Design, and Construction Review Revolving Fund, which is hereby created. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are hereby continuously appropriated for expenditure by the Department of General Services to be applied, in the most efficient and expeditious manner possible, to the expenses



associated with the review and approval of plans and specifications, and the supervision of public school building construction, pursuant to this article and Article 5 (commencing with Section 17350). The fees paid into the fund shall not be used for or diverted to any other program or purpose. Notwithstanding any other provision of law, any moneys in the Architecture Public Building Fund on the effective date of this section thereupon shall be transferred to the Public School Planning, Design, and Construction Review Revolving Fund for expenditure in accordance with this section.

## **Adjustments**

- (2) Adjustments in the amounts of the fees, as determined by the Department of General Services, may be made by the department within the limits set forth in Sections 17300 and 17352 in order to maintain a reasonable working balance in the fund. fund, provided that the fees shall not exceed the amounts in the fee schedule specified in subdivision (a) of Section 17300 or Section 17352, as applicable. If the working fund balance exceeds six months' expenditures, the Department of General Services shall take action to reduce the fees.
- (b) The Department of Finance shall provide for the audit of the fund as needed to ensure that it is used solely for the purposes of this article and that the amount of the fee charged does not exceed what is necessary to cover the costs realized by the Department of General Services in carrying out its responsibilities pursuant to this article. The actual cost of the audit shall be paid from the fund.
  - SEC. 4. Section 17319 of the Education Code is amended to read:
  - 17319. (a) The Legislature finds and declares all of the following:



- (1) The purpose of the collaborative process for project development and review is to ensure the public safety of school facilities through a collaborative, consistent, and timely project development and review process.
- (2) The collaborative process for project development and review may be made available, as an alternative to the traditional plan review and approval process, to school districts that voluntarily apply to the Department of General Services.
- (3) This process entails the early participation of all parties involved in a project from project development and continuing through plan review, construction, and certification of school facilities projects. These parties include the Department of General Services' staff and their qualified plan review firms, and school districts and their design professionals.
- (b) The Department of General Services, in consultation with the Office of Public School Construction, shall establish procedures and requirements governing the use of the collaborative process for project development and review alternative. These procedures and requirements shall include an application and selection process. Upon project selection, the Department of General Services and the school district shall mutually agree to the roles and responsibilities of the Department of General Services, the applicant school district, and its design professionals.
- (c) As a part of the establishment of the requirements for the collaborative process for project development and review, the Department of General Services, in consultation with participating school districts, shall establish mutually determined timeframe goals for a project's plan review, school district and consultant response, response review, and final approval. Those timeframe goals shall reflect the project's estimated



construction cost, complexity, size, and other requirements of the collaborative process for project development and review.

- (d) The Department of General Services shall establish model statewide timeframe goals, in consultation with school districts and other relevant parties, by February 1, 2007. Implementation of the collaborative process for project development and review with participating school districts shall not negatively impact the traditional plan review process with other school districts.
- (e) The Department of General Services shall submit a preliminary report to the Legislature by July 1, 2008, and a final report by July 1, 2009. These reports shall address whether the implementation of the collaborative process for project development and review has assisted the department and school districts in meeting their mutually determined timeframe goals.
- (f) Notwithstanding Section 17300, the The application for the collaborative process for project development and review may shall be accompanied by a filing fee from the school district in amounts determined by the Department of General Services based on the estimated project cost and according to the fee schedule identified in subdivisions (a) to (c), inclusive, of pursuant to Section 17300. The Department of General Services may establish a procedure for the payment and collection of this filing fee.
- (g) The department <u>Department of General Services</u> may assess a fee on a participating <u>school</u> district to cover the unreimbursed costs of the department incurred pursuant to that <u>school</u> district's participation in the collaborative process if the department deems the assessment of the fee to be necessary for the support of its



operations and establishes a procedure for the determination, collection, and deposit of the fee.

- (h) During project development, the school district may provide input to the Department of General Services in its selection of a qualified plan review firm to provide consultative services to that department. Upon project submittal by the applicant school district, the department Department of General Services shall also refer the necessary project documents to the selected qualified plan review firm for plan review. The department Department of General Services shall establish procedures governing the use of this article by applicant school districts for the selection of a qualified plan review firm.
  - SEC. 5. Section 81133 of the Education Code is amended to read:
- 81133. (a) The Department of General Services shall pass upon, and approve or reject, all plans for the construction or, if the estimated cost exceeds one hundred thousand dollars (\$100,000), the alteration of any school building. To enable it to do so, the governing board of each community college district and any other school authority before adopting any plans for the school building shall submit the plans to the Department of General Services for approval, and shall pay the fees prescribed in this article.
- (b) Notwithstanding subdivision (a), where the estimated cost of reconstruction or alteration of, or addition to, a school building exceeds one hundred thousand dollars (\$100,000), but does not exceed two hundred twenty-five thousand dollars (\$225,000), a licensed structural engineer shall examine the proposed project to determine if it is a nonstructural alteration or a structural alteration. If he or she determines that the



project is a nonstructural alteration, he or she shall prepare a statement so indicating. If he or she determines that the project is structural, he or she shall prepare plans and specifications for the <u>project project</u>, which shall be submitted to the Department of General Services for review and approval. A copy of the engineer's report stating that the work does not affect structural elements shall be filed with the Department of General Services.

- (c) If a licensed structural engineer submits a report to the Department of General Services stating that the plans or activities authorized pursuant to subdivision (b) do not involve structural elements, then all of the following shall apply to that project:
- (1) The design professional in responsible charge of the project undertaken pursuant to this subdivision shall certify that the plans and specifications for the project meet any applicable fire and life safety standards, and do not affect the disabled access requirements of Section 4450 of the Government Code, and shall submit this certification to the Department of General Services. The letter of certification shall bear the identifying licensing stamp or seal of the design professional. This paragraph does not preclude a design professional from submitting plans and specifications to the Department of General Services along with the appropriate fee for review.
- (2) Within 10 days of the completion of any project authorized pursuant to subdivision (b), the school construction inspector of record on the project, who is certified by the Department of General Services to inspect school buildings, shall certify in writing to the Department of General Services that the reconstruction, alteration, or addition has been completed in compliance with the plans and specifications.



- (3) The dollar amounts cited in this section shall be increased on an annual basis, commencing January 1, 2018, by the Department of General Services according to an inflationary index governing construction costs that is selected and recognized by the Department of General Services.
- (4) No community college district shall subdivide a project for the purpose of evading the limitation on amounts cited in this section.
- (5) Before letting any contract for any construction or alteration of any school building, the written approval of the plans, as to safety of design and construction, by the Department of General Services, shall first be had and obtained.
- (6) In each case the application for approval of the plans shall be accompanied by the plans and full, complete, and accurate specifications, and structural design computations, and estimates of cost, which shall comply in every respect with any and all requirements prescribed by the Department of General Services.
- (7) (A) The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services based on the estimated cost according to the following schedule:
- (i) For the first one million dollars (\$1,000,000), a fee of not more than 0.7\_1.25 percent of the estimated cost.
- (ii) For all costs in excess of one million dollars (\$1,000,000), a fee of not more than 0.6 1 percent of the estimated cost.
- (B) The minimum fee in any case shall be two hundred fifty dollars (\$250). If the actual cost exceeds the estimated cost by more than 5 percent, a further fee shall be paid to the Department of General Services, based on the above fee schedule pursuant



to clauses (i) and (ii) of subparagraph (A) or subparagraph (B) of paragraph (8), as applicable, and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

- (8) (A) All fees collected under this article shall be paid into the State Treasury and credited to the Public School Planning, Design, and Construction Review Revolving Fund, and are continuously appropriated, without regard to fiscal years, for the use of the Department of General Services, subject to approval of the Department of Finance, in carrying out this article.
- (B) Adjustments in the amounts of the fees, as determined by the Department of General Services and approved by the Department of Finance, shall be made within the limits set in paragraph (7) in order to maintain a reasonable working balance in the fund, provided that the fees shall not exceed the amounts in the fee schedule specified in paragraph (7). If the working fund balance exceeds six months' expenditures, the Department of General Services shall take action to reduce the fees.
- (9) No contract for the construction or alteration of any school building, made or executed by the governing board of any community college district or other public board, body, or officer otherwise vested with authority to make or execute this contract, is valid, and no public money shall be paid for any work done under this contract or for any labor or materials furnished in constructing or altering the building, unless the plans, specifications, and estimates comply in every particular with the provisions of this article and the requirements prescribed by the Department of General Services and unless the approval thereof in writing has first been had and obtained from the Department of General Services.



- (d) For purposes of this section, "design professional in responsible charge" or "design professional" means the licensed architect, licensed structural engineer, or licensed civil engineer who is responsible for the completion of the design work involved with the project.
  - SEC. 6. Section 81133.1 of the Education Code is amended to read:
  - 81133.1. (a) The Legislature finds and declares all of the following:
- (1) The purpose of the collaborative process for project development and review is to ensure the public safety of community college facilities through a collaborative, consistent and timely project development and review process.
- (2) The collaborative process for project development and review may be made available, as an alternative to the traditional plan review and approval process, to community college districts that voluntarily apply to the Department of General Services.
- (3) This process entails the early participation of all parties involved in a project from project development and continuing through plan review, construction and certification of community college facilities projects. These parties include, but are not limited to, the Department of General Services' staff and their qualified plan review firms, and community college districts and their design professionals.
- (b) In consultation with the Board of Governors of the California Community Colleges, the Department of General Services shall establish procedures and requirements governing the use of the collaborative process for project development and review alternative. These procedures and requirements shall include an application and selection process. Upon project selection, the Department of General Services and



the community college district shall mutually agree to the roles and responsibilities of the Department of General Services, the applicant community college district, and its design professionals.

- (c) As a part of the establishment of the requirements for the collaborative process for project development and review, the Department of General Services, in consultation with participating community college districts, shall establish mutually determined timeframe goals for a project's plan review, community college district and consultant response, response review, and final approval. Those timeframe goals shall reflect the project's estimated construction cost, complexity, size, and other requirements of the collaborative process for project development and review.
- (d) The Department of General Services shall establish model statewide timeframe goals, in consultation with community college districts and other relevant parties, by February 1, 2007. Implementation of the collaborative process for project development and review with participating community college districts shall not negatively impact the traditional plan review process with other community college districts.
- (e) The Department of General Services shall submit a preliminary report to the Legislature by July 1, 2008, and a final report by July 1, 2009. These reports shall address whether the implementation of the collaborative process for project development and review has assisted the department and community college districts in meeting their mutually determined timeframe goals.
- (f) Notwithstanding Section 81133, the <u>The</u> application for the collaborative process for project development and review <u>may shall</u> be accompanied by a filing fee from the community college district in amounts determined by the Department of

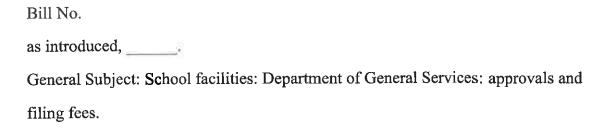


General Services based on the estimated project cost and according to the filing fee schedule identified in paragraph (7) of subdivision (e) of pursuant to Section 81133. The Department of General Services may establish a procedure for the payment and collection of this filing fee.

- (g) The department Department of General Services may assess a fee on a participating community college district to cover the unreimbursed costs of the department incurred pursuant to that community college district's participation in the collaborative process if the department deems the assessment of the fee to be necessary for the support of its operations and establishes a procedure for the determination, collection, and deposit of the fee.
- (h) During project development, the community college district may provide input to the Department of General Services in its selection of a qualified plan review firm to provide consultative services to that department. Upon project submittal by the applicant community college district, the department Department of General Services may also refer the necessary project documents to the selected qualified plan review firm for plan review. The department Department of General Services may establish procedures governing the use of this section by applicant community college districts for the selection of a qualified plan review firm.
- SEC. 7. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.



## LEGISLATIVE COUNSEL'S DIGEST



(1) Existing law establishes a system of public elementary and secondary education in this state in which local educational agencies provide instruction in kindergarten and grades 1 to 12, inclusive, in the public elementary and secondary schools. Existing law also establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and authorizes community college districts throughout the state to provide instruction at the campuses they operate.

With respect to facilities for both public elementary and secondary schools and for community colleges, existing law requires that the Department of General Services pass upon and approve or reject all plans for the construction of, or, if the estimated cost exceeds \$100,000, the alteration of, any school building. Existing law requires



the application to be accompanied by a filing fee in amounts as determined by the Department of General Services, as specified. Existing law authorizes the Department of General Services to adjust the amounts of the filing fees within specified limits in order to maintain a reasonable working balance in the fund. Under existing law, the filing fees described above are to be deposited into the Public School Planning, Design, and Construction Review Revolving Fund, a continuously appropriated fund.

This bill would raise the rates of the amount of the filing fee, as specified. Because the bill increases the amounts to be deposited into the Public School Planning, Design, and Construction Review Revolving Fund, a continuously appropriated fund, the bill would make an appropriation. The bill instead would authorize the Department of General Services to adjust the amount of the filing fees in order to maintain a reasonable working balance in the fund, provided that the fees do not exceed the amount of the raised rates. If the working fund balance exceeds 6 months' expenditures, the bill would require the Department of General Services to take action to reduce the fees.

(2) Existing law authorizes an application for the collaborative process for project development and review to be accompanied by a filing fee from the school district or community college district, as applicable, in amounts determined by the Department of General Services based on the estimated project cost and according to a specified fee schedule.

This bill instead would require the application for the collaborative process for project development and review to be accompanied by a filing fee from the school district or community college district, as applicable, in amounts determined by the Department of General Services based on the estimated project cost and according to



a specified fee schedule. Because the bill increases the amounts to be deposited into the Public School Planning, Design, and Construction Review Revolving Fund, a continuously appropriated fund, the bill would make an appropriation.

(3) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

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

