

## **Department of General Services**

**BUDGET REPORT NO. 1760**

**REPORT NO. 1 AND 2**

### **FOOD AND AGRICULTURE**

#### **DIVISION 3. EXPOSITIONS AND FAIRS [3001. - 4703.]**

*( Division 3 enacted by Stats. 1967, Ch. 15. )*

#### **PART 3. DISTRICT AGRICULTURAL ASSOCIATIONS [3801. - 4363.]**

*( Part 3 enacted by Stats. 1967, Ch. 15. )*

#### **CHAPTER 2. Boundaries [3851. - 3904.]**

*( Chapter 2 enacted by Stats. 1967, Ch. 15. )*

**3884.2.**

(a) The District 32a Disposition Fund is hereby created in the State Treasury.

(b) The Department of General Services may sell all or any portion of the real property that composes District 32a. District 32a shall not enter into any contract, lease, or other agreement affecting the use or operation of the real property for a period that exceeds three months, and all of these contracts, leases, or other agreements shall contain a provision that they may be canceled upon a 30-day notice from the Department of General Services. The Department of General Services shall be reimbursed for any reasonable cost or expense incurred for the transactions described in this section. Additionally, to the extent bonds issued by the State Public Works Board or other entity involve the property to be sold pursuant to this section, all issuer- and trustee-related costs associated with the review of any proposed sale, together with the costs related to the defeasance or retirement of any bonds, which may include the cost of nationally recognized bond counsel, shall be paid from the proceeds of any sale or lease authorized by this section. The net proceeds from the sale shall be deposited into the District 32a Disposition Fund.

(c) The sale of the real property authorized by this section shall be pursuant to a public bidding process designed to obtain the highest, most certain return for the state from a responsible bidder, and any transaction based on such a bidding process shall be deemed to be the fair market value for the property. A notice of this bidding process shall be posted by the Department of General Services on its Internet Web site for at least 30 days prior to the sale of the real property. The provisions of Section 11011.1 of the Government Code are not applicable to the sale of real property authorized under this section.

(d) Thirty days prior to executing a transaction for a sale of real property authorized by this section, the Director of General Services shall report to the chairpersons of the fiscal committees of the Legislature all of the following:

(1) The financial terms of the transaction.

(2) A comparison of fair market value for the real property and the terms listed in paragraph (1).

(3) Any basis for agreeing to terms and conditions other than fair market value.

(e) As to the real property sold pursuant to this section, the Director of General Services shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, together with the right to prospect for, mine, and remove the deposits. If, however, the Director of General Services determines that there is little or no potential for

mineral deposits, the reservation may be without surface right of entry above a depth of 500 feet, or the rights to prospect for, mine, and remove the deposits shall be limited to those areas of the real property conveyed that the director determines to be reasonably necessary for the removal of the deposits.

(f) The Department of General Services shall report to the Legislature on or before June 30 of each year on the status of the sale of real property authorized by this section.

(g) Upon the sale of all property that composes District 32a, District 32a shall be abolished and all funds in the District 32a Disposition Fund shall be transferred to the General Fund.

(h) (1) The disposition of state real property or buildings specified in subdivision (b) that are made on an “as is” basis shall be exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code. Upon title to the parcel vesting in the purchaser or transferee of the property, the purchaser or transferee shall be subject to any local governmental land use entitlement approval requirements and to Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

(2) If the disposition of state real property or buildings specified in subdivision (b) is not made on an “as is” basis and close of escrow is contingent on the satisfaction of a local governmental land use entitlement approval requirement or compliance by the local government with Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code, the execution of the purchase and sale agreement or of the exchange agreement by all parties to the agreement shall be exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

(3) For the purposes of this subdivision, “disposition” means the sale, lease, or repurchase of state property or buildings specified in subdivision (b).

(i) The disposition of real property or buildings, or both, pursuant to this section does not constitute a sale or other disposition of state surplus property within the meaning of Section 9 of Article III of the California Constitution and shall not be subject to subdivision (g) of Section 11011 of the Government Code.

## **NO RELATED LEGISLATION**

## **COMMENTS/RECOMMENDATIONS:**

Although the sale of the Orange County Fairgrounds did not occur, the Legislature may wish to consider retaining the reporting requirements for any future authorized sale.

## **REPORT NO. 3**

### **GOVERNMENT CODE**

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]**

*( Title 2 enacted by Stats. 1943, Ch. 134. )*

**DIVISION 1. GENERAL [8000. - 8899.24.]**

*( Division 1 enacted by Stats. 1943, Ch. 134. )*

**CHAPTER 2.8. Capitol Area Planning [8160. - 8194.]**

*( Chapter 2.8 repealed and added by Stats. 1970, Ch. 172. )*

**ARTICLE 1. General Planning [8160. - 8169.6.]**

*( Article 1 added by Stats. 1970, Ch. 172. )*

#### **8164.**

Commencing January 1, 1979, the department shall report to the Joint Legislative Budget Committee and each Member of the Legislature annually. The report shall summarize all of the following:

- (a) Leases by the state to others for residential or commercial purposes in the Capitol area.
- (b) Sales or building construction initiated or completed by the state in the metropolitan area expenditures under authority of Section 8169.1, by type.
- (c) Transactions and operations of joint powers agencies under authority of Section 8169.4, since the last report.
- (d) The department's appraisal of the degree to which projects conform to the Capitol Area Plan.

### **NO RELATED LEGISLATION**

### **COMMENTS/RECOMMENDATIONS:**

According to the Department of General Services, the level of development activity has diminished to the point that tracking this information annually would not reveal any appreciable changes.

## **REPORT NO. 4**

### **GOVERNMENT CODE**

#### **8169.5.**

(a) In furtherance of the Capitol Area Plan, the objectives of Resolution Chapter 131 of the Statutes of 1991, and the legislative findings and declarations contained in Chapter 193 of the Statutes of 1996, relative to the findings by the Urban Land Institute, the director may purchase, exchange, or otherwise acquire real property and construct facilities, including any improvements, betterments, and related facilities, within the jurisdiction of the Capitol Area Plan in the City of Sacramento pursuant to this section. The total authorized scope of the project shall consist of up to approximately 1,470,200 gross square feet of office space and approximately 742,625 gross square feet of parking structures for use by the State Department of Education, the State Department of Health Care Services, the State Department of Public Health, and the Department of General Services as anchor tenants on blocks 171, 172, 173, 174, and 225, along with related additional parking on block 224, within the Capitol area. The acquisition and construction authorized pursuant to this section may not cause the displacement of any state or legislative employee parking spaces in the blocks specified in this subdivision unless the Department of General Services makes available existing state-owned parking spaces, acquires parking spaces, or constructs replacement parking that results in the affected employees' parking spaces being located at a reasonable distance from their place of employment.

(b) Subject to paragraphs (2) and (3) of subdivision (c), the department may contract for the lease, lease-purchase, lease with an option to purchase, acquisition, design, design-build, construction, construction management, and other services related to the design and construction of the office and parking facilities authorized to be acquired pursuant to subdivision (a).

(c) (1) The State Public Works Board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 to finance all costs associated with acquisition, design, and construction of office and parking facilities for the purposes of this section. The State Public Works Board and the department may borrow funds for project costs from the Pooled Money Investment Account pursuant to Sections 16312 and 16313. In the event the bonds authorized by the project are not sold, the State Department of Education, the State Department of Health Care Services, the State Department of Public Health, and the Department of General Services, as determined by the Department of Finance, shall commit a sufficient amount of their support appropriations to repay any loans made for the project from the Pooled Money Investment Account. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all outstanding loans from the Pooled Money Investment Account are repaid either through the proceeds from the sale of bonds or from an appropriation.

(2) (A) If the department proposes to acquire the facilities on a design-build basis, prior to the department entering into an agreement pursuant to subdivision (b) to design and build the facilities on blocks 171, 172, 173, 174, and 225, as specified in subdivision (a), the department shall submit to the Legislature a copy of all documents that shall be the basis upon which bids

will be solicited and awarded to design and build the facilities. The documents shall include the following:

- (i) The request for qualifications.
- (ii) Site development guidelines.
- (iii) Architectural and all system design requirements for the facilities.
- (iv) Notwithstanding any other provision of law, the recommended specific criteria and process by which the contractor shall be selected.
- (v) The performance criteria and standards for the architecture and all components and systems of the facilities.

(B) The information in the documents shall be provided in at least as much detail as was prepared for the San Francisco Civic Center Complex project and shall cover the quality of materials, equipment, and workmanship to be used in the facilities. These documents shall also include a detailed and specific space program for the facilities that identifies the specific spatial needs of the state agencies.

(C) If the department proceeds to acquire the facilities on a design-build basis, in addition to any other requirements imposed pursuant to this section, notwithstanding Section 7550.5, the department shall provide the Legislature, beginning on July 1, 1999, and every three months thereafter until the facilities are completed, with a status report that includes information regarding any benefits that the state may have realized from use of the design-build approach, any problems that have been encountered from the use of a design-build approach, and lessons learned that may be applied to a future project. The department shall issue a final report when the facilities are completed.

(D) If the department proposes to contract for construction separate from design, the department shall, prior to commencing work on working drawings for the facilities on blocks 171, 172, 173, 174, and 225, submit to the Legislature a copy of the preliminary plans for the facilities and a detailed and specific space program for the facilities that identifies the specific spatial needs of the state agencies.

(E) Regardless of how the department proposes to acquire the facilities, the department also shall submit all of the following information, which may be included in the bid documents:

- (i) A final estimated cost for design, construction, and other costs.
- (ii) How the department would manage the contracts entered into for this project to ensure compliance with contract requirements and to ensure that the state receives the highest level of quality workmanship and materials for the funds spent on the project.

(3) Except for the reports specified in subparagraph (C) of paragraph (2), the department shall submit to the Legislature the information required to be submitted pursuant to paragraphs (2) and (6) on or before December 1, 1998. Except for those contracts and agreements necessary to prepare the information required by paragraphs (2) and (6), the department shall not solicit bids to enter into any agreement to design and build or otherwise acquire the facilities or commence work on working drawings on block 171, 172, 173, 174, or 225 sooner than the later of April 1, 1999, or 120 days after the department submits to the Legislature the information required to be submitted pursuant to paragraphs (2) and (6). The Legislative Analyst shall evaluate the information submitted to the Legislature and shall prepare a report to the Joint Committee on Rules within 60 days of receiving the documents submitted to the Legislature. It is the intent of the Legislature that the Joint Committee on Rules meet prior to the date the department is authorized to solicit bids to design and build or otherwise acquire the facilities or commence

work on working drawings for the purposes of discussing the report from the Legislative Analyst and adopting a report with any recommendations to the department on changes to the site design criteria, performance criteria, and specifications and specific criteria for determining the winning bidder. If the Joint Committee on Rules adopts a report prior to the date the department is authorized to solicit bids to design and build or otherwise acquire the facilities or commence work on working drawings, the department may solicit the bids or commence the work when the report is adopted by the Joint Committee on Rules. The Senate Committee on Rules and the Speaker of the Assembly may designate members of their respective houses to monitor the progress of the preparation of the documents to be submitted pursuant to paragraph (2). The department shall prepare periodic progress reports and meet with the designated members or their representatives, as necessary, while preparing the documents.

(4) The amount of revenue bonds, negotiable notes, or negotiable bond anticipation notes to be sold may equal, but shall not exceed, the cost of planning, preliminary plans, working drawings, construction, construction management and supervision, other costs relating to the design and construction of the facilities, and any additional sums necessary to pay interim and permanent financing costs. The additional amount may include interest and a reasonable required reserve fund.

(5) Authorized costs of the facilities for preliminary plans, working drawings, construction, and other costs shall not exceed three hundred ninety-two million dollars (\$392,000,000). Notwithstanding Section 13332.11, the State Public Works Board may authorize the augmentation of the amount authorized under this paragraph by up to 10 percent of the amount authorized.

(6) The net present value of the cost to acquire and operate the facilities authorized by subdivision (a) may not exceed the net present value of the cost to lease and operate an equivalent amount of comparable office space over the same time period. The department shall perform this analysis and shall obtain interest rates, discount rates, and Consumer Price Index figures from the Treasurer and submit its analysis with the documents submitted pursuant to paragraph (2) of subdivision (c). For purposes of this analysis, the department shall compare the cost of acquiring and operating the proposed facilities with the avoided cost of leasing and operating an equivalent amount of comparable office space that will no longer need to be leased because either (A) agencies will no longer occupy currently leased facilities when they occupy the proposed facilities, or (B) agencies will no longer occupy currently leased facilities when they occupy state-owned space being vacated by state agencies occupying the proposed facilities. The analysis shall also include the cost of any unique improvement associated with the moving of an agency into any state-owned space that would be vacated by agencies moving into the proposed facilities. However, these costs shall not include the cost of renovating or modernizing vacated state-owned space that is necessary to accommodate state agencies in general purpose office space. This paragraph shall not be construed as authorizing any renovation of state-owned space.

(d) The director may execute and deliver a contract with the State Public Works Board for the lease of the facilities described in this section that are financed with the proceeds of the board's bonds, notes, or bond anticipation notes issued in accordance with this section.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-883	Committee on	State property:	Chaptered	10/10/1999 -	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
	Rules	design-build.	10/10/1999	Chaptered by Secretary of State - Chapter 625, Statutes of 1999.			
SB-162	Ortiz, Runner	State Department of Public Health.	Chaptered 09/14/2006	09/14/2006 - Chaptered by Secretary of State. Chapter 241, Statutes of 2006. 09/14/2006 - Approved by Governor.	-	Yes	Majority
SB-1270		State property.	Chaptered 10/08/1997		-		

**COMMENTS/RECOMMENDATIONS:**

The East End Project was completed in 2003.

## REPORT NO. 5

### GOVERNMENT CODE

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]**

*( Title 2 enacted by Stats. 1943, Ch. 134. )*

**DIVISION 1. GENERAL [8000. - 8899.24.]**

*( Division 1 enacted by Stats. 1943, Ch. 134. )*

**CHAPTER 12.47. Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 [8878.50. - 8878.126.]**

*( Chapter 12.47 added by Stats. 1990, Ch. 23, Sec. 2. )*

**ARTICLE 3. State Buildings or Facilities [8878.60. - 8878.61.]**

*( Article 3 added by Stats. 1990, Ch. 23, Sec. 2. )*

#### 8878.61.

The Director of General Services shall provide to the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house of the Legislature a listing of expenditures for activities pursuant to this article by January 10 each year. This information shall be submitted either in the Governor's Budget documents or a separate report.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-1250		Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990.	Chaptered 03/14/1990		-		

#### **COMMENTS/RECOMMENDATIONS:**

The work associated with the Public Buildings Rehabilitation Bond Act of 1990 is completed and the funds are expended.



## REPORT NO. 6

### GOVERNMENT CODE

#### TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]

*( Title 2 enacted by Stats. 1943, Ch. 134. )*

#### DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]

*( Division 3 added by Stats. 1945, Ch. 111. )*

#### PART 5.5. DEPARTMENT OF GENERAL SERVICES [14600. - 14982.]

*( Part 5.5 added by Stats. 1965, Ch. 371. )*

#### CHAPTER 2. Powers and Duties, Generally [14650. - 14717.]

*( Chapter 2 added by Stats. 1965, Ch. 371. )*

#### ARTICLE 6. State Building Energy Retrofits [14710. - 14714.]

*( Article 6 added by Stats. 2001, 1st Ex. Sess., Ch. 8, Sec. 2.5. )*

#### 14714.

On or before two years after the effective date of the act adding this section, and every two years thereafter, the Department of General Services shall prepare and submit to the Legislature and the Governor, a report of the energy savings, if any, in terms of megawatts per year, for each public building retrofitted pursuant to this article.

*(Added by Stats. 2001, 1st Ex. Sess., Ch. 8, Sec. 2.5. Effective April 12, 2001.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX1-29	Kehoe, Cedillo, Correa, Frommer, Goldberg, Jackson, Keeley, Lowenthal, Nation, Oropeza, Pescetti, Reyes, Shelley, Simitian, Steinberg, Strom-Martin	Energy.	Chaptered 04/12/2001	04/19/2001 - Consideration of Governor's item veto stricken from file.	-		
ABX1-64	Strom-Martin	State building energy retrofit.	Amended Assembly 03/28/2001	05/15/2001 - From Senate committee without further action.	-	Yes	Two Thirds

### COMMENTS/RECOMMENDATIONS:

The Assembly has approved the deletion of this report in legislation that was held in the Senate pending this greater report elimination effort.

## **REPORT NO. 7**

**(Mislabelled: Not GOV 14714, but 14717)**

### **GOVERNMENT CODE**

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]**

*( Title 2 enacted by Stats. 1943, Ch. 134. )*

**DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]**

*( Division 3 added by Stats. 1945, Ch. 111. )*

**PART 5.5. DEPARTMENT OF GENERAL SERVICES [14600. - 14982.]**

*( Part 5.5 added by Stats. 1965, Ch. 371. )*

**CHAPTER 2. Powers and Duties, Generally [14650. - 14717.]**

*( Chapter 2 added by Stats. 1965, Ch. 371. )*

**ARTICLE 18. [Article 8.] Integrated Pest Management [14717. - 14717.]**

*( Article 18 added by Stats. 2002, Ch. 242, Sec. 4. )*

**14717.**

(a) The Department of General Services shall apply for grants and other funding as may be available from state, federal, or other sources and upon receipt of appropriate funds, shall implement a demonstration project to study the use of Integrated Pest Management (IPM) techniques at the State Capitol Park and its associated grounds that include the area located in the blocks bounded by 9th and 15th, L and N Streets, in the City of Sacramento, State of California. The Department of General Services shall apply for funds from July 1, 2002, to July 1, 2005, until appropriate funds are obtained.

(b) Successful practices learned directly from this demonstration project shall be deemed a sustainable measure, fitness and quality to traditional pest management methods being equal, and shall be made available to those state agencies interested in Integrated Pest Management. Successful practices learned from this demonstration program should also be made available to local jurisdictions at their request and expense, if appropriate.

(c) The Department of General Services shall present a report on this demonstration project to the Legislature within six months of its implementation.

(d) For the purposes of this section “Integrated Pest Management (IPM)” means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment, are used only after careful monitoring indicates they are needed according to preestablished guidelines and treatment thresholds.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2472	Simitian	Pesticides.	Chaptered 08/26/2002	08/26/2002 - Chaptered by Secretary of State - Chapter 242, Statutes of 2002.	-		

**COMMENTS/RECOMMENDATIONS:**

This one-time report was completed and submitted to the Legislature.

## **REPORT NO. 8**

### **HEALTH AND SAFETY CODE**

#### **DIVISION 101. ADMINISTRATION OF PUBLIC HEALTH [100100. - 101989.]**

*( Division 101 added by Stats. 1995, Ch. 415, Sec. 3. )*

#### **PART 1. CALIFORNIA DEPARTMENT OF HEALTH SERVICES [100100. - 100922.]**

*( Part 1 added by Stats. 1995, Ch. 415, Sec. 3. )*

#### **CHAPTER 3. Additional Administrative Provisions [100350. - 100575.]**

*( Chapter 3 added by Stats. 1995, Ch. 415, Sec. 3. )*

#### **ARTICLE 6. Richmond Laboratory and Office Facility [100500. - 100510.]**

*( Article 6 added by Stats. 1995, Ch. 415, Sec. 3. )*

#### **100500.**

(a) The Director of General Services may acquire real property in order to construct a laboratory and office facility or remodeling an existing facility in the City of Richmond, for the use of the State Department of Health Services.

(b) Revenue bonds, negotiable notes, and negotiable bond anticipation notes may be issued by the State Public Works Board pursuant to the State Building Construction Act of 1955 (Part 10b (commencing with Section 15800) of Division 3 of Title 2 of the Government Code) to finance the acquisition and construction of a new laboratory and office facility, or remodeling of an existing facility for the State Department of Health Services in the City of Richmond. The amount of the bonds plus the cost of equipment shall not exceed fifty-four million five hundred thousand dollars (\$54,500,000) as necessary for land acquisition including, but not limited to, land needed for planned future expansion of the laboratory and office facility, environmental studies, preliminary plans, working drawings, construction, furnishings, equipment, and all related betterments and improvements. Notwithstanding Section 13332.11 of the Government Code, the State Public Works Board may authorize the augmentation of the amount authorized under this section for the project by an amount not to exceed 10 percent of the amount appropriated for this project.

(c) The State Public Works Board may borrow funds for project costs from the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.

(d) The amount of revenue bonds, negotiable notes, or negotiable bond anticipation notes to be sold shall equal the cost of acquisition, including land, construction, preliminary plans, and working drawings, construction management and supervision, other costs relating to the design, construction, or remodeling of the facilities, and any additional sums necessary to pay interim and permanent financing costs. The additional amount may include interest and a reasonable required reserve fund. At least 30 days prior to the signing of the agreement for the acquisition, construction, or remodeling of the Richmond facility pursuant to subdivision (b), the State Director of Health Services and the Director of General Services shall jointly report to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature. The report shall specify (1) the terms of the proposed agreement, (2) how the acquisition, construction, or remodeling will meet the needs of the State Department of Health Services for laboratory facilities in the East Bay area, and (3) implementation plans for the Richmond facility, including project planning guides and cost estimates for the project.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-1360	Committee on Health and Human Services	Reorganization of the Health and Safety Code: public health.	Chaptered 08/11/1995		-		

**COMMENTS/RECOMMENDATIONS:**

This one-time report was completed and submitted to the Legislature.

## REPORT NO. 9

### PUBLIC CONTRACT CODE

#### DIVISION 2. GENERAL PROVISIONS [1100. - 22355.]

( Division 2 enacted by Stats. 1981, Ch. 306. )

#### PART 2. CONTRACTING BY STATE AGENCIES [10100. - 19102.]

( Heading of Part 2 added by Stats. 1982, Ch. 1120, Sec. 6. )

#### CHAPTER 1. State Contract Act [10100. - 10285.5.]

( Chapter 1 enacted by Stats. 1981, Ch. 306. )

#### ARTICLE 8. Modifications; Performance; Payment [10250. - 10265.]

( Article 8 enacted by Stats. 1981, Ch. 306. )

#### 10262.5.

(a) Notwithstanding any other law, a prime contractor or subcontractor shall pay to any subcontractor, not later than seven days after receipt of each progress payment, the respective amounts allowed the contractor on account of the work performed by the subcontractors, to the extent of each subcontractor's interest therein. In the event that there is a good faith dispute over all or any portion of the amount due on a progress payment from the prime contractor or subcontractor to a subcontractor, then the prime contractor or subcontractor may withhold no more than 150 percent of the disputed amount.

Any contractor who violates this section shall pay to the subcontractor a penalty of 2 percent of the amount due per month for every month that payment is not made. In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to his or her attorney's fees and costs.

(b) This section shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to a contractor or a subcontractor in the event of a dispute involving late payment or nonpayment by a contractor or deficient subcontract performance or nonperformance by a subcontractor.

**(c) On or before September 1 of each year, the head of each state agency shall submit to the Legislature a report on the number and dollar volume of written complaints received from subcontractors and prime contractors on contracts in excess of three hundred thousand dollars (\$300,000), relating to violations of this section.**

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-411	Yee	Works of improvement: payment to subcontractors.	Amended Senate 08/07/2006	08/07/2006 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD. In	-	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				committee: Set, final hearing. Hearing canceled at the request of author.			
AB-2084		Public works contracts.	Chaptered 09/25/1998		-		
AB-2216	Fuentes	Works of improvement: progress payments: notice: retention proceeds.	Amended Senate 08/30/2010	08/31/2010 - Read third time, passage refused. (Ayes 17. Noes 9. Page 5084.)	Senate-Failed	Yes	Majority
AB-2390	Torrico	Works of improvement: progress payments: notice: retention proceeds.	Amended Senate 08/31/2010	11/30/2010 - Died on Senate third reading file.	Senate-Died	Yes	Majority
AB-2549	Pacheco	Works of improvement: disputed amounts.	Enrolled 08/12/2004	08/27/2004 - Vetoed by Governor.	-		
SB-293	Padilla	Payment bonds: laborers.	Chaptered 10/09/2011	10/09/2011 - Chaptered by Secretary of State. Chapter 700, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
SB-738	Calderon	Works of improvement.	Amended Senate 04/10/2007	02/04/2008 - Returned to Secretary of State pursuant to Joint Rule 56.	Senate-Died - Judiciary	Yes	Majority
SB-802	Leno	Works of improvement: progress payments: notice: retention proceeds.	Enrolled 09/15/2009	01/19/2010 - Stricken from Senate file.	Senate-In Desk Process	Yes	Majority
SB-1330	Committee on Judiciary	Maintenance of the codes.	Chaptered 09/27/2010	09/27/2010 - Chaptered by Secretary of State. Chapter 328, Statutes of 2010.	Secretary of State-Chaptered	No	Majority
SB-2796		Public construction: subcontractors.	Chaptered 09/24/1990		-		

**COMMENTS/RECOMMENDATIONS:**

The Legislature may wish to consider deleting the reporting requirement but requiring DGS to post formal complaints on their website.

## **REPORT NO. 10**

### **PUBLIC RESOURCES CODE**

#### **DIVISION 15. ENERGY CONSERVATION AND DEVELOPMENT [25000. - 25986.]**

*( Division 15 added by Stats. 1974, Ch. 276. )*

#### **CHAPTER 8.3. State Vehicle Fleet [25722. - 25723.]**

*( Chapter 8.3 added by Stats. 2001, Ch. 912, Sec. 2. )*

#### **25722.5.**

(a) In order to achieve the policy objectives set forth in Sections 25000.5 and 25722, the Department of General Services, in consultation with the commission and the State Air Resources Board, shall develop and adopt specifications and standards for all passenger cars and light-duty trucks that are purchased or leased on behalf of, or by, state offices, agencies, and departments. An authorized emergency vehicle, as defined in Section 165 of the Vehicle Code, that is equipped with emergency lamps or lights described in Section 25252 of the Vehicle Code is exempt from the requirements of this section. The specifications and standards shall include the following:

(1) Minimum air pollution emission specifications that meet or exceed California's Ultra-Low Emission Vehicle II (ULEV II) standards for exhaust emissions (13 Cal. Code Regs. 1961). These specifications shall apply on January 1, 2006, for passenger cars and on January 1, 2010, for light-duty trucks.

(2) Notwithstanding any other provision of law, the utilization of procurement policies that enable the Department of General Services to do all of the following:

(A) Evaluate and score emissions, fuel costs, and fuel economy in addition to capital cost to enable the Department of General Services to choose the vehicle with the lowest life-cycle cost when awarding a state vehicle procurement contract.

(B) Maximize the purchase or lease of hybrid or "Best in Class" vehicles that are substantially more fuel efficient than the class average.

(C) Maximize the purchase or lease of available vehicles that meet or exceed California's Super Ultra-Low Emission Vehicle (SULEV) passenger car standards for exhaust emissions.

(D) Maximize the purchase or lease of alternative fuel vehicles.

(3) In order to discourage the unnecessary purchase or leasing of a sport utility vehicle and a four-wheel drive truck, a requirement that each state office, agency, or department seeking to purchase or lease that vehicle, demonstrate to the satisfaction of the Director of General Services or to the entity that purchases or leases vehicles for that office, agency, or department, that the vehicle is required to perform an essential function of the office, agency, or department. If it is so demonstrated, priority consideration shall be given to the purchase or lease of an alternative fuel or hybrid sports utility vehicle or four-wheel drive vehicle.

(b) The specifications and standards developed and adopted pursuant to subdivision (a) do not apply upon the development and implementation of the method, criteria, and procedure described in Section 25722.6.

(c) Each state office, agency, and department shall review its vehicle fleet and, upon finding that it is fiscally prudent, cost effective, or otherwise in the public interest to do so, shall dispose of



nonessential sport utility vehicles and four-wheel drive trucks in its fleet and replace these vehicles with more fuel-efficient passenger cars and trucks.

(d) To the maximum extent practicable, each state office, agency, and department that has bifuel natural gas, bifuel propane, and flex fuel vehicles in its vehicle fleet shall use the respective alternative fuel in those vehicles.

(e) The Director of General Services shall compile annually and maintain information on the nature of vehicles that are owned or leased by the state, including, but not limited to, all of the following:

(1) The number of passenger-type motor vehicles purchased or leased during the year, and the number owned or leased as of December 31 of each year.

(2) The number of sport utility vehicles and four-wheel drive trucks purchased or leased by the state during the year, and the number owned or leased as of December 31 of each year.

(3) The number of alternatively fueled vehicles and hybrid vehicles purchased or leased by the state during the year, and the total number owned or leased as of December 31 of each year and their location.

(4) The locations of the alternative fuel pumps available for those vehicles.

(5) The justification provided for all sport utility vehicles and four-wheel drive trucks purchased or leased by the state and the specific office, department, or agency responsible for the purchase or lease.

(6) The number of sport utility vehicles and four-wheel drive trucks purchased or leased by the state during the year, and the number owned or leased as of December 31 of each year that are alternative fuel or hybrid vehicles.

(7) The number of light-duty trucks disposed of under subdivision (c).

(8) The total dollars spent by the state on passenger-type vehicle purchases and leases, categorized by sport utility vehicle and nonsport utility vehicle, and within each of those categories, by alternative fuel, hybrid and other.

(9) The total annual consumption of gasoline and diesel fuel used by the state fleet.

(10) The total annual consumption of alternative fuels.

(11) On December 31, 2009, and annually thereafter, the Director of General Services shall also compile the total annual vehicle miles traveled by vehicles in the state fleet.

(f) Each state office, agency, and department shall cooperate with the Department of General Services' data requests in order that the department may compile and maintain the information required in subdivision (e).

(g) As soon as practicable, but no later than 12 months after receiving the data, the information compiled and maintained under subdivision (e) and a list of those state offices, agencies, and departments that are not in compliance with subdivision (f) shall be made available to the public on the Department of General Services' Internet Web site.

**(h) Beginning July 1, 2009, and every three years thereafter, the Director of General Services shall report to the Legislature and the Governor the information compiled and maintained pursuant to subdivision (e).**

(i) Pursuant to Article IX of the California Constitution, this section shall not apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make this section applicable.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX3-33	Villines	Energy: commission and department.	Amended Assembly 09/11/2009	10/27/2009 - From Senate committee without further action.	Senate-Died - Energy, Utilities and Communications	Yes	Majority
AB-236	Lieu, DeSaulnier, Huffman	Public resources: state and local motor vehicle fleets.	Chaptered 10/13/2007	10/13/2007 - Chaptered by Secretary of State - Chapter 593, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
AB-1016	Villines	Energy: commission and department.	Amended Assembly 01/04/2010	02/02/2010 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Utilities and Commerce	Yes	Majority
AB-1357	Ruskin	State motor vehicle fleets.	Enrolled 09/13/2005	02/23/2006 - Consideration of Governor's veto stricken from file.	-	Yes	Majority
AB-2561	Villines, Fuentes	Energy: commission and department.	Amended Senate 08/02/2010	11/30/2010 - From Senate committee without further action.	Senate-Died - Rules	Yes	Majority
GRP-3		Governor's Reorganization Plan: Commissions and Departments	Introduced 06/13/2005	08/25/2005 - Senate adopts Senate Resolution 19. Pursuant to Government Code Section 12080.5, plan does not take effect. 08/25/2005 - Senate adopts SR 19. Pursuant to Gov. Code Sec. 12080.5 plan does not take effect.	-		
SB-552	Burton	State motor vehicle fleets.	Chaptered 10/09/2003	10/09/2003 - Chaptered by Secretary of State. Chapter 737, Statutes of 2003.	-		

**COMMENTS/RECOMMENDATIONS:**

The Legislature may wish to consider amending the reporting requirement to require the Department to gather and report the information on its website.

## REPORT NO. 11

### PUBLIC RESOURCES CODE

#### DIVISION 15. ENERGY CONSERVATION AND DEVELOPMENT [25000. - 25986.]

( Division 15 added by Stats. 1974, Ch. 276. )

#### CHAPTER 8.3. State Vehicle Fleet [25722. - 25723.]

( Chapter 8.3 added by Stats. 2001, Ch. 912, Sec. 2. )

#### 25722.8.

(a) On or before July 1, 2009, the Secretary of State and Consumer Services, in consultation with the Department of General Services and other appropriate state agencies that maintain or purchase vehicles for the state fleet, including the campuses of the California State University, shall develop and implement, and submit to the Legislature and the Governor, a plan to improve the overall state fleet's use of alternative fuels, synthetic lubricants, and fuel-efficient vehicles by reducing or displacing the consumption of petroleum products by the state fleet when compared to the 2003 consumption level based on the following schedule:

(1) By January 1, 2012, a 10-percent reduction or displacement.

(2) By January 1, 2020, a 20-percent reduction or displacement.

**(b) Beginning April 1, 2010, and annually thereafter, the Department of General Services shall provide to the Department of Finance and the appropriate legislative committees of the Legislature a progress report on meeting the goals specified in subdivision (a). The Department of General Services shall also make the progress report available on its Internet Web site.**

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-236	Lieu, DeSaulnier, Huffman	Public resources: state and local motor vehicle fleets.	Chaptered 10/13/2007	10/13/2007 - Chaptered by Secretary of State - Chapter 593, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
AB-371	Butler	State motor vehicle fleet.	Introduced 02/14/2011	02/01/2012 - Died pursuant to Art. IV, Sec. 10(c) of the Constitution. 02/01/2012 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Business, Professions and Consumer Protection	Yes	Majority
AB-2583	Blumenfield	Alternatively fueled vehicles: state fleet: public parking.	Amended Assembly 04/09/2012	06/14/2012 - Referred to Coms. on G.O. and T. & H.	Senate-In Committee Process - Governmental Organization	Yes	Majority

**COMMENTS/RECOMMENDATIONS:** The Legislature may wish to consider amending the reporting requirement to require DGS to gather and report the information on its website until 2020.

## REPORT NO. 12

### EDUCATION CODE

#### TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]

*( Title 1 enacted by Stats. 1976, Ch. 1010. )*

#### DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]

*( Division 1 enacted by Stats. 1976, Ch. 1010. )*

#### PART 10. SCHOOL BONDS [15100. - 17199.5.]

*( Part 10 repealed and added by Stats. 1996, Ch. 277, Sec. 2. )*

#### CHAPTER 12.5. Leroy F. Greene School Facilities Act of 1998 [17070.10. - 17079.30.]

*( Chapter 12.5 added by Stats. 1998, Ch. 407, Sec. 4. )*

#### ARTICLE 1. General Provisions [17070.10. - 17070.99.]

*( Article 1 added by Stats. 1998, Ch. 407, Sec. 4. )*

#### 17070.35.

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter. However, the board shall have no authority to set the level of the fees of any architect, structural engineer, or other design professional on any project. The initial regulations adopted pursuant to this chapter shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. **The initial regulations adopted pursuant to this chapter shall be adopted by November 4, 1998. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.**

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

(3) Determine the eligibility of school districts to receive apportionments under this chapter.

(4) Apportion funds to eligible school districts under this chapter.

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision.

Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-16	Hertzberg, Alpert, Chesbro, Firebaugh, Goldberg, Leonard, Strom-Martin, Wesson	Education facilities: Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004.	Chaptered 04/29/2002	04/29/2002 - Chaptered by Secretary of State - Chapter 33, Statutes of 2002.	-		
AB-1089	Correa	School facilities.	Introduced 02/25/1999	02/03/2000 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
SB-50		Education: Leroy F. Greene School Facilities Act of 1998: Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998: school facilities construction: developers fees.	Chaptered 08/27/1998		-		
SB-1164	Runner	Education facilities bond acts.	Introduced 01/10/2006	01/19/2006 - To Com. on ED.	-	Yes	Two Thirds

**COMMENTS/RECOMMENDATIONS:**

This report was a conditional, one-time report.

## REPORT NO. 13

### GOVERNMENT CODE

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]**

*( Title 2 enacted by Stats. 1943, Ch. 134. )*

**DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]**

*( Division 3 added by Stats. 1945, Ch. 111. )*

**PART 5.5. DEPARTMENT OF GENERAL SERVICES [14600. - 14982.]**

*( Part 5.5 added by Stats. 1965, Ch. 371. )*

**CHAPTER 5. State Records [14740. - 14769.]**

*( Chapter 5 added by Stats. 1965, Ch. 371. )*

**ARTICLE 5. Annual Report [14760. - 14760.]**

*( Article 5 added by Stats. 1965, Ch. 371. )*

#### 14760.

The director shall, through the Secretary of the State and Consumer Services Agency, make an annual written report to the Governor. The report shall describe the status and progress of programs established pursuant to this chapter and shall include the recommendations of the director for improvements in the management of records in the state government.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-392	Oller	State agencies and officers: reports.	Enrolled 09/04/2001	01/10/2002 - Stricken from Senate file. Veto sustained.	-		

#### COMMENTS/RECOMMENDATIONS:

This report requirement for State Government Records is based upon practices that have been replaced by standardized measurement calculations.

**REPORT NO. 14**

**EDUCATION CODE- EDC**

**TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]**

*( Title 1 enacted by Stats. 1976, Ch. 1010. )*

**DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]**

*( Division 1 enacted by Stats. 1976, Ch. 1010. )*

**PART 2. COUNTY EDUCATIONAL AGENCIES [1000. - 2603.]**

*( Part 2 enacted by Stats. 1976, Ch. 1010. )*

**CHAPTER 6.5. County Community Schools [1980. - 1986.]**

*( Chapter 6.5 added by Stats. 1977, Ch. 992. )*

**1986(d)**

(d) On or before September 1, 1993, and every three years thereafter, each county superintendent of schools shall report to the State Allocation Board on the facilities utilized for the operation of community schools and efforts to place community school programs in facilities that conform with the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-821		Schools: buildings: earthquake safety.	Chaptered 09/27/1989		-		
SB-1872		School facilities: community schools.	Chaptered 09/30/1996		-		

**COMMENTS/RECOMMENDATIONS:**

According to the Department of General Services, these reports are provided to the State Allocation Board (membership comprised of a majority of Legislators) by school districts and regional occupation centers.

## REPORT NO. 15

### EDUCATION CODE

#### TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]

*( Title 1 enacted by Stats. 1976, Ch. 1010. )*

#### DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]

*( Division 1 enacted by Stats. 1976, Ch. 1010. )*

#### PART 10.5. SCHOOL FACILITIES [17210. - 17653.]

*( Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3. )*

#### CHAPTER 3. Construction of School Buildings [17251. - 17374.]

*( Chapter 3 added by Stats. 1996, Ch. 277, Sec. 3. )*

#### ARTICLE 3. Approvals [17280. - 17317.]

*( Article 3 added by Stats. 1996, Ch. 277, Sec. 3. )*

#### 17292.5(c)

(c) On or before September 1, 1996, and every three years thereafter, each school district shall report to the State Allocation Board on the facilities utilized for the operation of these programs and efforts to place programs in facilities that conform with the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1447	Frommer	Public school facilities.	Amended Assembly 03/27/2001	02/07/2002 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
SB-1562		School facilities.	Chaptered 07/25/1996		-		

### COMMENTS/RECOMMENDATIONS:

According to the Department of General Services, these reports are provided to the State Allocation Board (membership comprised of a majority of Legislators) by school districts and regional occupation centers.



## REPORT NO. 16

### EDUCATION CODE

**TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]**

*( Title 1 enacted by Stats. 1976, Ch. 1010. )*

**DIVISION 1. GENERAL EDUCATION CODE PROVISIONS [1. - 32500.]**

*( Division 1 enacted by Stats. 1976, Ch. 1010. )*

**PART 10.5. SCHOOL FACILITIES [17210. - 17653.]**

*( Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3. )*

**CHAPTER 3. Construction of School Buildings [17251. - 17374.]**

*( Chapter 3 added by Stats. 1996, Ch. 277, Sec. 3. )*

**ARTICLE 3. Approvals [17280. - 17317.]**

*( Article 3 added by Stats. 1996, Ch. 277, Sec. 3. )*

#### 17285(d)

(d) On or before September 1, 1994, and every three years thereafter, each governing board of a regional occupational center or program shall report to the State Allocation Board on the facilities utilized for the operation of that center or program and on efforts to place the center or program in facilities that conform to the seismic safety standards described in paragraph (3) of subdivision (b).

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-865		School facilities.	Chaptered 10/06/1997		-		
AB-1447	Frommer	Public school facilities.	Amended Assembly 03/27/2001	02/07/2002 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
AB-1511	Frommer	Public school facilities.	Enrolled 08/31/2002	09/29/2002 - Vetoed by Governor.	-		
SB-709	Alpert, Poochigian	School facilities.	Amended Assembly 07/05/2001	11/30/2002 - From Assembly without further action.	-	Yes	Majority
SB-1562		School facilities.	Chaptered 07/25/1996		-		

**COMMENTS/RECOMMENDATIONS:** According to the Department of General Services, these reports are provided to the State Allocation Board (membership comprised of a majority of Legislators) by school districts and regional occupation centers.

## REPORT NO. 17

### EDUCATION CODE

#### TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000. - 64100.]

*( Title 2 enacted by Stats. 1976, Ch. 1010. )*

#### DIVISION 3. LOCAL ADMINISTRATION [35000. - 45460.]

*( Division 3 enacted by Stats. 1976, Ch. 1010. )*

#### PART 24. SCHOOL FINANCE [41000. - 43052.]

*( Part 24 enacted by Stats. 1976, Ch. 1010. )*

#### CHAPTER 7. Local Taxation by School Districts [42238. - 42303.]

*( Chapter 7 enacted by Stats. 1976, Ch. 1010. )*

#### ARTICLE 3. Year-Round School Grant Program [42260. - 42271.]

*( Article 3 added by Stats. 1990, Ch. 1261, Sec. 8. )*

#### 42263.

(a) Commencing in the 1990–91 fiscal year, year-round school grants, in addition to those grants authorized under Section 42262, shall be awarded annually for the operation of multitrack year-round education programs to school districts that meet the criteria specified in this section, in addition to the criteria otherwise applicable under this article.

(b) For each fiscal year, for each schoolsite for which a school district applies for funding under this article, the district shall certify the number of pupils in excess of the capacity of the schoolsite, as determined by State Allocation Board or court-mandated pupil loading standards, for which the district elects to claim funding under this article. The excess pupil capacity calculated for purposes of this subdivision shall reflect only the additional capacity that has been generated as a result of operation on a multitrack year-round basis, and shall not reflect increased capacity generated by any other means. A school district shall be eligible for funding under this section only as to any schoolsite for which the pupil population certified by the district exceeds the capacity of the schoolsite by not less than 5 percent.

(c) To the extent funding is made available for the purposes of this section, the Superintendent of Public Instruction shall allocate to an applicant school district, for each schoolsite that qualifies for funding under subdivision (b), an amount equal to the district's share of the product of the statewide average cost avoided per pupil, as established under subdivision (e), and the number of pupils certified by the district under subdivision (b). For purposes of this subdivision, a district's share shall be determined according to the percentage by which the number of certified pupils reflects an increase in the capacity of the schoolsite, as follows:

#### District's Share

- |   |     |
|---|-----|
| 1. Less than 5%                                   | 0%  |
| 2. Equal to or greater than 5% but less than 10%  | 50% |
| 3. Equal to or greater than 10% but less than 15% | 67% |
| 4. Equal to or greater than 15% but less than 20% | 75% |

5. Equal to or greater than 20% but less than 25% 85%

6. Equal to or greater than 25% 90%

(d) (1) The State Allocation Board shall calculate the statewide average cost avoided per pupil under Chapter 12.5 (commencing with Section 17070.10) of Part 10 through the operation of school facilities on a multitrack year-round basis, based on the following school facilities cost components:

(A) The cost of facilities construction.

(B) The cost of land acquisition.

(C) Relocation costs in connection with land acquisition.

(D) State costs incurred as a result of interest that would be paid by the state for debt service on state general obligation bond financing to construct new school facilities under Chapter 12.5 (commencing with Section 17070.10) of Part 10.

(2) The calculation of costs under subparagraphs (B) and (C) of paragraph (1) shall exclude data from the lowest quartile and the highest quartile.

**(3) The State Allocation Board shall calculate the statewide average cost avoided per pupil, pursuant to this subdivision, on the basis of the 1990–91 and 1991–92 fiscal years and every two-year period thereafter. No later than December 1, 1992, and biennially thereafter, the board shall report to the Legislature the result of its calculation for the prior two-year period.**

(e) For the 1990–91 and 1991–92 fiscal years, the “statewide average cost avoided per pupil,” for purposes of this section, shall be one thousand one hundred fifty-one dollars (\$1,151). For the 1992–93 fiscal year, and each fiscal year thereafter, the “statewide average cost avoided per pupil” shall be established by the statute that appropriates funding for the purposes of this section for that fiscal year.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-87		Year-round schools.	Chaptered 09/25/1990		-		
AB-542	Runner, Correa	Pupil capacity: multitrack year-round program.	Amended Senate 07/05/2001	11/30/2002 - From Senate committee without further action.	-	Yes	Majority
AB-1247		School facilities.	Chaptered 10/14/1991		-		
AB-2907	Committee on Education	Education.	Chaptered 09/30/2000	09/30/2000 - Chaptered by Secretary of State - Chapter 1058, Statutes of 2000. 09/30/2000 - Approved by Governor. Item vetoed.	-		
SB-121	Romero, Denham	School facilities: new construction: existing school building	Enrolled 09/12/2007	02/13/2008 - Stricken from Senate file. Veto	Senate-Vetoed	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
		capacity: multitrack year-round educational programs.		sustained.			
SB-1091	Alarcon	School facilities: multitrack year-round schools.	Amended Senate 05/03/2001	02/04/2002 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

According to the Department of General Services, multi-track education is being phased-out.