

CONCURRENCE IN SENATE AMENDMENTS

AB 1867 (Lee)

As Amended August 11, 2022

Majority vote

SUMMARY

Requires an local educational agency (LEA) seeking state school facilities bond funds from the proceeds of a state general obligation (GO) bond passed by voters after November 1, 2022 for a project to repair or make alterations to the interior of a school building, to include, as part of the project, faucet aerators and water-conserving plumbing fixtures in all bathrooms.

Senate Amendments

- 1) Require an LEA, instead of the governing board of a school district, to comply with the requirements of the bill.
- 2) Define a "local educational agency" as a school district, county office of education (COE), or charter school.
- 3) Limit the requirements of the bill to projects that contain an existing faucet or water plumbing fixture in the space to be modernized or repaired.

COMMENTS

Background on the School Facility Program (SFP). The construction and rehabilitation of public K-12 facilities are funded by a combination of state and local GO bonds, developer's fees, and local assessments such as Mello-Roos community facilities districts. State bond funds are allocated pursuant to the SFP and administered by the Office of Public School Construction (OPSC) under the direction of the State Allocation Board (SAB), a ten member body comprised of the Department of Finance, the Director of the Department of General Services, the State Superintendent of Public Instruction, three Senators, three Assemblymembers, and a Governor's appointee. Since the inception of the SFP in 1998, voters have approved \$54 billion in state GO bonds for K-12 schools.

The last bond passed by voters, Proposition 51 on the November 2016 statewide ballot, provided \$7 billion for K-12, including funds for new construction, modernization, charter schools and career technical education projects; and \$2 billion for California Community Colleges facilities. While the full amount of the bond has not been sold, there is a total of \$3.9 billion in applications submitted without funding authority. Of that amount, \$2.2 billion are from applications for modernization funding. The 2022 state budget provided an additional \$1 billion for K-12 new construction and modernization projects.

Division of State Architect (DSA) Review and Title 24 Regulations. The SFP requires an LEA seeking state bond funds to receive approval from the California Department of Education (CDE), to ensure that the selected site and school specifications are safe and meet the school's education plan; and the DSA, to ensure that the architectural design plans meet fire, life and safety requirements, Field Act requirements, and access requirements under the Americans with Disability Act pursuant to Title 24 of the California Code of Regulations.

The California Green Standards Code (CALGREEN) is one part of Title 24 and was first adopted by the Building Standards Commission in 2009. CALGREEN establishes regulations for energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality, and apply to residential, commercial and public school buildings. All new school construction design plans submitted to the DSA after July 1, 2011 must comply with CALGREEN. CALGREEN does not currently apply to existing buildings.

AB 1867 requires an LEA seeking state bond funds from the proceeds of a GO bond passed by the voters after November 1, 2022, for a project to repair or make alterations to the inside of a school building constructed prior to January 1, 2012, to include in the project faucet aerators and water-conserving plumbing fixtures if they meet the standards defined as "noncompliant plumbing fixture" in the Civil Code. The bill, as it passed the Assembly, applied to school district projects. Amendments adopted in the Senate expanded the bill to include projects submitted by COEs and charter schools seeking funds from the charter school facilities program, and narrow the types of projects to only those that contain an existing faucet or water plumbing fixture in the space to be modernized or repaired. Bathroom facilities that already have faucet aerators and water-conserving plumbing fixtures at the time projects are submitted to the DSA for approval are also exempted from the requirement. The CDE estimates that approximately 30% of the state's K-12 school buildings are at least 50 years old and 10% are 70 years old.

According to the Author

"AB 1867 establishes parity between modernization and new construction requirements in the state School Facility Program to ensure school bathrooms are up to code to help us address water efficiency and conservation. The bill requires the governing board of a school district, if they apply for state funding pursuant to the Greene Act for a school modernization project on a school constructed before Jan. 1, 2012, to meet the same standards established in the CALGreen code. This will help the State of California address our worsening climate crisis by prioritizing water efficient fixtures in our school facilities when they are being modernized."

Arguments in Support

The California Association of Student Councils writes, "Droughts are becoming more frequent, intense, and long lasting. This results in more difficulty managing our water systems throughout California. The CALGreen Code's purpose is to reduce negative environmental impacts and promote sustainable infrastructure to conserve water and increase resilience. Low-flow plumbing fixtures and appliances reduce per-capita water usage in most urban areas. We must safeguard our water supply and ensure that all school facilities meet the standards set forth in the CALGreen Code as we prepare for intensified droughts."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, this bill could create additional, unknown cost pressure on future bond funds to install faucet aerators and water-conserving plumbing fixtures. The cost would depend on the number of approved modernization projects, the number and size of the bathrooms in those schools, and the scope of those projects. Any administrative costs to the OPSC would be minor and absorbable within existing resources.

VOTES:**ASM EDUCATION: 7-0-0**

YES: O'Donnell, Megan Dahle, Bennett, Chen, Lee, McCarty, Quirk-Silva

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ASSEMBLY FLOOR: 76-0-2

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

ABS, ABST OR NV: Berman, O'Donnell

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

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