

The CA Legislature concluded its business for 2018 on Friday, August 31st and the excellent staff at the Coalition for Adequate School Housing (CASH) quickly created a summary of the status of bills that has involved the advocacy of CASH. The next legislative update from CASH will be after the September 30th deadline for the Governor to sign or veto bills. The CASH advocacy team will do a comprehensive update on the state budget, key legislation, and regulatory issues at the CASH Fall Conference in Newport Beach.

AB 195 (Obernolte) – Local Bond Ballot Labels

This bill was chaptered into law in 2017, making significant changes to the requirements for local bond ballot labels. AB 195 requires the ballot label to include the amount of money to be raised annually and the rate and duration of the tax to be levied. This is misleading and confusing to voters when applied to bonds. Over the past year, CASH worked with a large coalition pursuing a fix to AB 195, pushing for a resolution before the Legislature adjourned for summer recess on July 6. We were successful in getting Budget Trailer Bill SB 863 into print, which would have provided a two-year-suspension to the AB 195 provisions for local bonds. However, the Legislature ultimately did not take SB 863 up for a vote, as they were awaiting assurance from the Governor that he was prepared to sign the bill. That assurance did not come before the August 10 deadline for schools and other public agencies to file local bond resolutions with their counties for the November 2018 election. CASH will continue to work with the coalition of stakeholders to pursue a permanent solution through the legislative process in 2019. (Chapter 105/Statutes of 2017)

AB 1406 (Gloria) – Lease of Real Property/Extend Sunset

There are several types of lease agreements in the Education Code. The maximum term of the lease varies from 40 years to 66 years. This bill would extend the terms of various leases to 99 years (Lease-Leaseback, Lease-to-Own, Joint Occupancy). This bill was signed by the Governor (Chapter 204/Statutes of 2018).

AB 1747 (Rodriguez) – School Safety Plans/Active Shooter Training

This bill would enhance existing School Safety Plan requirements and process, and would add a new requirement for school districts and county offices of education to conduct annual drills on their "...tactical responses to criminal incidents..." that must include procedures related to individuals with guns on school campuses and at school-related events. The bill was amended to include charter schools. This bill awaits the Governor's action.

AB 2031 (O'Donnell) – Prequalification/Sunset

Existing law requires a prospective bidder for a construction contract for certain school facility projects to submit a prequalification questionnaire and financial statement under oath as part of the bidding process, and requires each prospective bidder to submit a bid by completing and executing a standardized proposal form. These provisions will become inoperative on January 1, 2019. This bill would extend the sunset provision indefinitely and would eliminate the reporting requirement. This bill awaits the Governor's action.

AB 2068 (Chu) – School Electricity Rates

This bill requires the Public Utilities Commission (PUC) to direct each of the state’s electrical and gas investor-owned utilities to evaluate and report to the PUC the feasibility and economic impacts of establishing discounted utility rates for public school customers. The bill requires the PUC to compile these reports and submit them to the Legislature by January 1, 2020. This bill was signed by the Governor (Chapter 208/Statutes of 2018).

AB 2249 (Cooley) – CUPPCA

This bill increases CUPPCA project cost limits: 1) Increases dollar amount of projects that may be performed by force account from \$45,000 to \$60,000; 2) Increases the informal bidding threshold from \$175,000 to \$200,000; and 3) Increases the formal bidding threshold from \$175,000 to \$200,000. The bill was amended in the Senate to allow the governing body of a public agency, by adopting a 4/5 vote, to award a contract at \$212,500 or less to lowest responsible bidder if all bids received are in excess of \$200,000 and the governing body determines the public agency’s cost estimate was reasonable. This bill was signed by the Governor (Chapter 169/Statutes of 2018).

AB 2538 (Rubio) – Storm Water/Fiscal Guidelines

This bill would require the State Water Board, by July 1, 2019, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. This bill awaits the Governor’s action.

AB 2570 (Nazarian) – Mandatory Use of Green Cleaning Products

This bill would have required all schools, county offices of education, and charter schools to exclusively use environmentally preferable cleaning and maintenance products by 2021-22 (2023-24 for school districts with less than 2,500 enrollments). Included a provision to allow school districts to use non-environmentally preferable cleaning and maintenance if they submit a letter to their governing board and the California Department of Education (CDE). This bill was held in the Senate Appropriations Committee.

AB 2816 (Muratsuchi) – Pesticides

This bill would require the Department of Pesticide Regulation (DPR) to submit a report by January 1, 2020 on the Healthy Schools Act (HSA) of 2000. The report is intended to evaluate the Act’s implementation and make recommendations about whether certain pesticides at school sites should be restricted or prohibited. The bill as introduced was much more onerous, but was amended to be a study bill. This bill awaits the Governor’s action.

AB 3018 (Low) – Skilled and Trained Workforce

This bill would impose a fine on a contractor or subcontractor that fails to use skilled and trained workforce for a contract that was required to utilize labor, and prevent an entity that is found to be non-compliant with skilled and trained workforce requirements from bidding or participating on public works projects for one to three years. CASH recommended that a contractor be required to adopt a monitoring process that is approved by the Labor Commissioner to ensure that the monthly report is accurate, and argued that this, “...should accomplish the bill’s goal without excessive paperwork and time requirements for smaller contractors and subcontractors. This should also allow the monitoring to be conducted by certification from the contractors and subcontractors of compliance under the penalty of perjury. This process should also provide the document trail to meet PCC 2603(f)(4).” This bill was amended to increase protections for contractors and establish a higher bar before penalties can be applied. This bill awaits the Governor’s action.

AB 3058 (O'Donnell) – School Inspectors

This bill requires the Department of General Services (DGS) to revise the inspector examination to be done not later than 36 months after the last revision, revise the inspector competency reevaluation to occur not later than 48 months after the last evaluation, and include in the inspector competency evaluation and reevaluation the meeting of specified education and training requirements by the Department. This bill was signed into law (Chapter 197/Statutes of 2018).

AB 3205 (O'Donnell) – Door Locks/Modernization

This bill would require school districts who apply under the School Facility Program (SFP) on or after January 1, 2019 for a modernization project constructed before January 1, 2012, to include as part of the modernization project locks that allow doors to classrooms and any room with an occupancy of five or more to be locked from the inside of the room. The bill was amended to apply only to projects submitted to the Division of the State Architect (DSA) that proposes to renovate the interior of a school building on or after January 1, 2019, and clarify that the bill does not apply to projects that only propose to renovate the exterior of a school building, school grounds, or playfields or a school. This bill awaits the Governor's action.

SB 901 (Dodd) – Wildfires/Inverse Condemnation

The Governor's Conference Committee on Wildfire Preparedness and Response heard SB 901 (Dodd), which includes a discussion about Inverse Condemnation (existing law allows property owners, including all government agencies, to "just" compensation and shifting liability), which could negatively affect schools. CASH has joined an education coalition, that includes ACSA, CSBA, CSABO, CCSESA which has submitted a joint letter and testified at the Conference Committee to highlight the negative affect that eliminating or significantly altering Inverse Condemnation would have on schools. The Inverse Condemnation provision was removed from the bill. This bill waits the Governor's action.

SB 1077 (Wilk) – Indemnity

This bill would extend some subcontractor indemnity provisions from residential construction to public works projects, including state, school construction and major repair projects. CASH recommended the bill be amended to either remove public works performed by elementary, secondary, and unified school districts, county offices of education, and community college districts or that paragraphs (e) and (f) are removed from the bill. This bill was placed on the Inactive File by the author.