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AB-2453 Air pollution: schools. (2017-2018)

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Assembly Bill No. 2453

CHAPTER 714

An act to amend Section 17074.25 of the Education Code, and to add Section 44391.3 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 23, 2018. Filed with Secretary of State September 23, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2453, Eduardo Garcia. Air pollution: schools.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would authorize a grant for modernization under the act to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems and would specify that this is declaratory of existing law.

(2) The Air Toxics "Hot Spots" Information and Assessment Act of 1987 requires the State Air Resources Board to compile a list of substances that present a chronic or acute threat to public health when present in the ambient air, subjects certain facilities to the act according to a schedule, and requires the operator of a subject facility to prepare and submit to an air pollution control or air quality management district a proposed comprehensive emissions inventory plan, for approval by the air district.

The act also requires the state board to prepare a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities identified as being affected by a high cumulative exposure burden, to select locations around the state for the preparation of community emissions reduction programs, and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. The act requires an air district containing a selected location, within one year of the state board's selection, to adopt a community emissions reduction program.

This bill would authorize schools and school districts located in communities with a high cumulative exposure burden, as identified as part of the statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants, to work with air districts to identify school sites in need of air quality improvements and to be eligible for a grant as part of a community emissions reduction program to implement air quality mitigation efforts, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 17074.25 of the Education Code is amended to read:

17074.25. (a) A modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(b) A modernization apportionment may also be used for the cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.

(c) (1) A modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

(2) (A) This subdivision is declaratory of existing law.

(B) It is the intent of the Legislature in enacting the act amending this section in the 2017–18 Regular Session to encourage school districts to add air filtration systems to applications for modernization apportionments when air pollution occasionally or regularly exceeds levels known to be harmful to public health.

SEC. 2. Section 44391.3 is added to the Health and Safety Code, to read:

44391.3. A school or school district located in a community with a high cumulative exposure burden, as identified pursuant to Section 44391.2, may do both of the following:

(a) Work with districts to identify school sites in need of air quality improvements.

(b) Be eligible for a grant as part of a community emissions reduction program, adopted pursuant to Section 44391.2, to implement air quality mitigation efforts, including, but not limited to, either of the following:

(1) Air filter upgrades or installations.

(2) Vegetation buffer planting.

(c) This section shall be implemented only if an appropriation for this purpose is made in the annual Budget Act or other statute.