

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1903

Introduced by Assembly Member ~~Members~~ Buchanan and Hagman

February 22, 2012

An act to amend Section ~~17455 of the Education Code~~ 65995.7 of the Government Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1903, as amended, Buchanan. School facilities: sale or lease of real property.

Existing law authorizes a school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the school district for the purpose of funding the construction or reconstruction of school facilities. The law authorizes a school district to increase the levy, as prescribed, if state funds for new school facility construction are not available, as defined.

This bill would, commencing January 1, 2013, suspend the operation of the provision authorizing the increased levy until January 1, 2015.

~~Existing law authorizes the governing board of any school district to sell any real property belonging to the school district or to lease, for a term not exceeding 99 years, any real property belonging to the school district, together with any personal property located on the real property, which is not or will not be needed by the school district for school classroom buildings at the time of delivery of title or possession.~~

~~This bill would make nonsubstantive changes to this provision.~~

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 65995.7 of the Government Code is
2 amended to read:

3 65995.7. (a) (1) If state funds for new school facility
4 construction are not available, the governing board of a school
5 district that complies with Section 65995.5 may increase the
6 alternative fee, charge, dedication, or other requirement calculated
7 pursuant to subdivision (c) of Section 65995.5 by an amount that
8 may not exceed the amount calculated pursuant to subdivision (c)
9 of Section 65995.5, except that for the purposes of calculating this
10 additional amount, the amount identified in paragraph (2) of
11 subdivision (c) of Section 65995.5 may not be subtracted from the
12 amount determined pursuant to paragraph (1) of subdivision (c)
13 of Section 65995.5. For purposes of this section, state funds are
14 not available if the State Allocation Board is no longer approving
15 apportionments for new construction pursuant to Article 5
16 (commencing with Section 17072.20) of Chapter 12.5 of Part 10
17 of the Education Code due to a lack of funds available for new
18 construction. Upon making a determination that state funds are no
19 longer available, the State Allocation Board shall notify the
20 Secretary of the Senate and the Chief Clerk of the Assembly, in
21 writing, of that determination and the date when state funds are
22 no longer available for publication in the respective journal of each
23 house. For the purposes of making this determination, the board
24 shall not consider whether funds are available for, or whether it is
25 making preliminary apportionments or final apportionments
26 pursuant to, Article 11 (commencing with Section 17078.10).

27 (2) Paragraph (1) shall become inoperative commencing on the
28 effective date of the measure that amended this section to add this
29 paragraph, and shall remain inoperative through the earlier of either
30 of the following:

31 (A) November 5, 2002, if the voters reject the Kindergarten
32 University Public Education Facilities Bond Act of 2002, after
33 which date paragraph (1) shall again become operative.

34 (B) The date of the 2004 direct primary election after which
35 date paragraph (1) shall again become operative.

36 (3) Paragraph (1) shall become inoperative commencing on
37 January 1, 2013, and shall remain inoperative through December

1 31, 2014. On January 1, 2015, paragraph (1) shall become
2 operative again.

3 (b) A governing board may offer a reimbursement election to
4 the person subject to the fee, charge, dedication, or other
5 requirement that provides the person with the right to monetary
6 reimbursement of the supplemental amount authorized by this
7 section, to the extent that the district receives funds from state
8 sources for construction of the facilities for which that amount was
9 required, less any amount expended by the district for interim
10 housing. At the option of the person subject to the fee, charge,
11 dedication, or other requirement the reimbursement election may
12 be made on a tract or lot basis. Reimbursement of available funds
13 shall be made within 30 days as they are received by the district.

14 (c) A governing board may offer the person subject to the fee,
15 charge, dedication, or other requirement an opportunity to negotiate
16 an alternative reimbursement agreement if the terms of the
17 agreement are mutually agreed upon.

18 (d) A governing board may provide that the rights granted by
19 the reimbursement election or the alternative reimbursement
20 agreement are assignable.

21 ~~SECTION 1. Section 17455 of the Education Code is amended~~
22 ~~to read:~~

23 ~~17455. The governing board of a school district may sell any~~
24 ~~real property belonging to the school district or may lease for a~~
25 ~~term not exceeding 99 years, any real property, together with any~~
26 ~~personal property located on the real property, belonging to the~~
27 ~~school district that is not or will not be needed by the school district~~
28 ~~for school classroom buildings at the time of delivery of title or~~
29 ~~possession. The sale or lease may be made without first taking a~~
30 ~~vote of the electors of the district, and shall be made in the manner~~
31 ~~provided by this article.~~