

AMENDED IN ASSEMBLY APRIL 25, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1580

Introduced by Assembly Member Cardenas

February 23, 2001

An act to amend Sections 17070.50, 17072.30, and 17072.33 of, and to add Section 17072.11 to, the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1580, as amended, Cardenas. School facilities: allocation of funds.

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

This bill would authorize a school district to submit an application for new construction separately from its application for site acquisition and development costs.

(2) Existing law authorizes an applicant to ~~that~~ request *that* site acquisition assistance be provided when the school district enters escrow for the site.

This bill would, instead, authorize the applicant school district to request *that* the site acquisition assistance ~~when be provided at any time after~~ the school district enters into a binding contract for the acquisition of the site, or when the school district obtains an order of possession for a site to be acquired through the exercise of eminent domain powers.

(3) Existing law prohibits the board from apportioning funds unless certain conditions are met including, but not limited to, the requirement that the applicant certify that local share funding will be deposited prior to release of state funds.

This bill would delete the requirement that the applicant certify that local funds would be deposited prior to release of state funds, and, instead, would prohibit the board from releasing new construction funds unless those conditions are met, and would authorize the board to ~~reserve or set those~~ *apportion* funds ~~aside for the project~~ if certain conditions are met.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 17070.50 of the Education Code is
2 amended to read:

3 17070.50. (a) Notwithstanding subdivision (b), the board
4 shall not release funds to any school district, unless the applicant
5 school district has certified to the board that the services of any
6 architect, structural engineer, or other design professional for any
7 work under the project have been obtained pursuant to a
8 competitive process that is consistent with the requirements of
9 Chapter 10 (commencing with Section 4525) of Division 5 of Title
10 1 of the Government Code and has obtained the written approval
11 of the State Department of Education that the site selection, and the
12 building plans and specifications, comply with the standards
13 adopted by the department pursuant to subdivisions (b) and (c),
14 respectively, of Section 17251.

15 ~~(b) The board may reserve or set aside funds for a project~~
16 (b) *The board may apportion funds* pursuant to Section
17 17072.12 upon the receipt by the school district of a contingent site
18 approval letter from the State Department of Education of a
19 proposed schoolsite, indicating that the proposed site is the best
20 available schoolsite.

21 SEC. 2. Section 17072.11 is added to the Education Code, to
22 read:



1 17072.11. In the case of new construction projects in which
2 the Department of Toxic Substances Control has determined that
3 the school district must undertake a preliminary endangerment
4 assessment as defined in Section 17210 as a condition for
5 obtaining approval of a schoolsite, a school district may request an
6 apportionment of a new construction grant under Section
7 17072.10 in an application that is separate from an application for
8 an apportionment for site acquisition and development costs under
9 Section 17072.12. A district making a separate application for site
10 acquisition and development costs under Section 17072.12 shall
11 certify to the board that it intends to make an application for a new
12 construction apportionment under Section 17072.10 within 18
13 months of the school districts' receipt of the site acquisition and
14 development ~~allocation~~ *apportionment*.

15 SEC. 3. Section 17072.30 of the Education Code is amended
16 to read:

17 17072.30. (a) Subject to the availability of funds, and to the
18 determination of priority pursuant to Section 17072.25, the board
19 shall release funds to an eligible school district only upon the
20 approval of the project by the Department of General Services
21 pursuant to the Field Act, as defined in Section 17281, and
22 certification by the school district that the required 50 percent
23 matching funds from local sources have been expended by the
24 district for the project, or have been deposited in the county fund,
25 or will be expended by the district by the time the project is
26 completed, in an amount at least equal to the proposed
27 apportionment pursuant to this chapter.

28 (b) The board may ~~reverse or set aside~~ *apportion* funds for a
29 project pursuant to Section 17072.10 upon proof that the Division
30 of the State Architect of the Department of General Services has
31 received the school district's new construction plans and
32 specifications for review under subdivision (a).

33 SEC. 4. Section 17072.33 of the Education Code is amended
34 to read:

35 17072.33. In the case of site acquisition, a school district may
36 request that the state's share of site assistance be provided to the
37 school district in amounts equal to the amount of the local match
38 ~~when~~ *at any time after* the school district enters into a binding
39 contract for the acquisition of a site included within a project or



1 obtains an order of possession for a site to be acquired through the
2 exercise of eminent domain powers.

3 SEC. 5. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 To ensure the availability of funding under the Leroy F. Greene
8 School Facilities Act of 1998 for schools for which siting
9 difficulties and environmental hardship have created delays in
10 application for project funding, it is necessary that this act take
11 effect immediately as an urgency statute.

