

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1286**

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**Introduced by Assembly Member Evans**

February 22, 2005

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~~An act relating to physician assistant training, and making an appropriation therefor. An act to amend and repeal Sections 81383 and 81384 of the Education Code, relating to community college district property.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1286, as amended, Evans. ~~Physician assistant training. Community college districts: property: sale or lease.~~

*Existing law authorizes the governing board of any community college district to sell or lease, under specified conditions, real property, as defined, that the community college district owns. Existing law requires state and local agencies, including community college districts, to comply with specified requirements prior to the disposal of surplus land. Existing law excludes from provisions governing the construction of community college facilities and the disposal of property owned by community college districts certain transactions involving the sale or lease of property owned by a community college district if the proceeds of these transactions are expended for capital outlay purposes relating to qualified community college facilities, as defined, and if the district complies with other specified conditions. Existing law includes as one of the specified conditions a requirement that the community college district shall authorize the chancellor and Controller to withhold from its annual apportionment the amount of funds necessary to satisfy its annual payment obligation under the sale contract or lease, including*

*authorization to withhold this amount and specify the amount to be withheld. Existing law states that this authorization shall have precedence over other expenditure obligations of the community college district.*

*This bill would require the authorization to have precedence over other expenditure obligations of the community college district except any obligations the community college district has incurred through the State Public Works Board's issuance of lease revenue bonds under specified provisions of existing law, which shall be met first. The bill would also specify that these provisions, including the provision that certain transactions are excluded from provisions governing the construction of community college facilities and the disposal of property owned by a community college district if specified requirements of existing law are met, would be repealed as of January 1, 2009.*

~~Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law establishes community college districts, and authorizes these districts to offer instruction at campuses throughout the state.~~

~~This bill would establish the Northern California Community Physician Assistant Training Program at the Santa Rosa Junior College, to be operated by the Sonoma County Community College District. The bill would appropriate the sum of \$60,000 from the General Fund for the purposes of completing the development of the curriculum and would appropriate \$300,000 from the General Fund to fund the program's first year operations.~~

Vote: majority. 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 81383 of the Education Code is*
- 2 *amended to read:*
- 3 *81383. (a) Notwithstanding Section 81360, the sale by the*
- 4 *governing board of any community college district of any real*
- 5 *property belonging to the community college district, or the lease*
- 6 *by that governing board, for a term not exceeding 99 years, of*
- 7 *any real property, together with any personal property located*
- 8 *thereon, belonging to the community college district shall not be*

1 subject to Part 49 (commencing with Section 81000) or to Article  
2 8 (commencing with Section 54220) of Chapter 5 of Part 1 of  
3 Division 2 of Title 5 of the Government Code, if all of the  
4 following conditions are met:

5 ~~(a)~~

6 (1) The property is sold or leased to another local  
7 governmental agency, or to a nonprofit corporation that is  
8 organized for the purpose of assisting one or more local  
9 governmental agencies in obtaining financing for a qualified  
10 community college facility.

11 ~~(b)(1)~~

12 (2) (A) In the case of the sale of community college district  
13 property pursuant to this section, the community college district,  
14 as part of that same sale transaction, simultaneously repurchases  
15 the same property that is the subject of the transaction.

16 ~~(2)~~

17 (B) In the case of the lease of community college district  
18 property pursuant to this section, the community college district,  
19 as part of that same lease transaction, simultaneously leases back,  
20 for a term that is not substantially less than the term of that lease,  
21 the same property that is the subject of the transaction.

22 ~~(e)~~

23 (3) The financing proceeds obtained by the community college  
24 district pursuant to any transaction described in this section are  
25 expended solely for capital outlay purposes relating to a qualified  
26 community college facility, including the acquisition of real  
27 property for intended use as a site for a qualified community  
28 college facility and the design, planning, acquisition,  
29 construction, reconstruction, and renovation of qualified  
30 community college facilities.

31 ~~(f)~~

32 (4) For purposes of this section and Section 81384, the term  
33 “qualified community college facility” means real and personal  
34 property, improvements, and related facilities that are determined  
35 in a resolution of the governing board of the community college  
36 district to satisfy each of the following requirements:

37 ~~(1)~~

38 (A) The facilities will ~~(A)~~ (i) assist the community college  
39 district in reducing energy and resource consumption while  
40 creating a safer and healthier learning environment and ~~(B)~~ (ii)

1 operate as energy and resource efficient buildings by taking  
2 cost-effective measures similar to those described in the Green  
3 Building Action Plan promulgated by the Governor for facilities  
4 owned, funded, or leased by the state.

5 ~~(2)~~

6 (B) The facilities are affordable for the community college  
7 district as set forth in estimated annual summary budgets of the  
8 community college district that include the estimated costs of  
9 financing the facilities during the estimated duration of the  
10 financing demonstrating that the reasonably anticipated  
11 expenditures during each fiscal year shall not exceed the  
12 reasonably anticipated revenues for that fiscal year.

13 (b) *This section shall remain in effect only until January 1,*  
14 *2009, and as of that date is repealed, unless a later enacted*  
15 *statute, that is enacted before January 1, 2009, deletes or extends*  
16 *that date.*

17 SEC. 2. *Section 81384 of the Education Code is amended to*  
18 *read:*

19 81384. (a) When a community college district enters into a  
20 sale or lease of community college district property pursuant to  
21 Section 81383, the community college district shall, as a part of  
22 the sale contract or lease, authorize the chancellor and Controller  
23 to withhold from its annual apportionment the amount of funds  
24 necessary to satisfy its annual payment obligation under the sale  
25 contract or lease. The agreement shall include authorization to  
26 withhold this amount and specify the amount to be withheld. The  
27 authorization shall have precedence over other expenditure  
28 obligations of the community college district, *except for any*  
29 *obligations the community college district has incurred through*  
30 *the State Public Works Board's issuance of lease-revenue bonds,*  
31 *pursuant to the State Building Construction Act of 1955, Part*  
32 *10b (commencing with Section 15800) of Division 3 of Title 2 of*  
33 *the Government Code, which shall be met first.* The chancellor,  
34 directly or through his or her agent, shall certify the amounts, by  
35 district, to the Controller. The Controller shall withhold the  
36 amount so reported for each community college district and shall,  
37 acting on behalf of each community college district, transfer the  
38 appropriate amount from Section B of the State School Fund to  
39 or upon the order of the issuer of bonds (or the lender on  
40 short-term loans) for the purpose of payment of the debt service

1 obligation for the bonds (or short-term loan) sold for capital  
2 outlay purposes relating to a qualified community college facility  
3 pursuant to Section 81383. Only the annual apportionments of  
4 those community college districts that have authorized the  
5 chancellor and the Controller to act pursuant to this section shall  
6 be affected by this section, and the annual apportionments of all  
7 other community college districts in the state shall remain  
8 unchanged. For purposes of this section, short-term loans shall  
9 include, but are not limited to, loans made by the Pooled Money  
10 Investment Board pursuant to Section 16312 of the Government  
11 Code in connection with the financing of a qualified community  
12 college facility.

13 *(b) This section shall remain in effect only until January 1,*  
14 *2009, and as of that date is repealed, unless a later enacted*  
15 *statute, that is enacted before January 1, 2009, deletes or extends*  
16 *that date.*

17 ~~SECTION 1. (a) The Northern California Community~~  
18 ~~Physician Assistant Training Program is hereby established at the~~  
19 ~~Santa Rosa Junior College. The program shall be operated by the~~  
20 ~~Sonoma County Community College District and shall be~~  
21 ~~dedicated to the training of physician assistants.~~

22 ~~(b) The sum of sixty thousand dollars (\$60,000) is hereby~~  
23 ~~appropriated from the General Fund for purposes of completing~~  
24 ~~the development of the curriculum. The sum of three hundred~~  
25 ~~thousand dollars (\$300,000) is hereby appropriated from the~~  
26 ~~General Fund to fund the program's first year operations.~~