

AMENDED IN SENATE MAY 18, 2010

AMENDED IN SENATE JULY 8, 2009

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1022

Introduced by Assembly Member Nava Members Nava and Cook

February 27, 2009

~~An act to add and repeal Section 17462.3 of the Education Code, relating to school property. An act to add Section 14201.8 to the Penal Code, relating to missing children.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Nava. ~~School facilities.~~ *Missing children.*

Existing law provides that the Attorney General shall establish and maintain the Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults. Existing law provides that the Attorney General shall establish the Missing and Exploited Children's Recovery Network which shall consist of an automated computerized system that shall have the capability to electronically transmit information pertaining to missing children to all state and local law enforcement agencies, as specified.

This bill would establish within the Department of Justice the California Missing Children Rapid Response Team for the purposes of assisting law enforcement agencies with the timely search and recovery

of at-risk abducted children and maintaining up-to-date knowledge and expertise of those protocols, best practices, and technologies that are most effective for recovering missing children.

~~(1) Existing law requires that the funds from the sale of surplus school real property be used for capital outlay or for costs of maintenance of prescribed school district property. Existing law permits a school district to deposit proceeds from a lease of school district property with an option to purchase in its general fund for use for any general fund purpose, if approved by the State Allocation Board and certain conditions are met.~~

~~This bill, notwithstanding any other provision of law, would authorize the Ventura Unified School District to deposit \$10,000,000 of the proceeds from the sale of surplus school property, together with any personal property located on that property, purchased entirely with local funds and sold before January 1, 2005, into the general fund of the school district and to use those proceeds for any one-time general fund purpose consistent with specified statutory and regulatory provisions. The bill would require the State Allocation Board to reduce an apportionment of hardship assistance awarded to that district, as specified. Before exercising the authority granted by the bill, the governing board of the school district would be required to submit documents containing specified certifications to the State Allocation Board and, at a regularly scheduled meeting, present a plan for expending the proceeds of the sale. These provisions would remain in effect only until October 31, 2013, and would be repealed on January 1, 2014.~~

~~(2) The bill would express the finding and declaration of the Legislature that, due to the unique circumstances relating to the Ventura Unified School District, a general statute within the meaning of a specified provision of the California Constitution cannot be made applicable, and the enactment of this bill as a special statute is therefore necessary.~~

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 14201.8 is added to the Penal Code, to
2 read:

1 14201.8. (a) There is within the Department of Justice the
2 California Missing Children Rapid Response Team, which is
3 hereby established for all of the following purposes:

4 (1) To assist law enforcement agencies, at their request, with
5 the timely search and recovery of at-risk abducted children.

6 (2) To maintain up-to-date knowledge and expertise of those
7 protocols, best practices, and technologies that are most effective
8 for recovering missing children in a timely manner.

9 (b) The team shall utilize existing resources and expertise within
10 the Attorney General's office to the maximum extent possible to
11 accomplish its purposes.

12 SECTION 1. ~~Section 17462.3 is added to the Education Code,~~
13 ~~to read:~~

14 ~~17462.3. (a) Notwithstanding any other provision of law, the~~
15 ~~Ventura Unified School District may deposit ten million dollars~~
16 ~~(\$10,000,000) of the proceeds from the sale of surplus real~~
17 ~~property, together with personal property located on that property,~~
18 ~~purchased entirely with local funds and sold before January 1,~~
19 ~~2005, into the general fund of the school district and use the~~
20 ~~proceeds from the sale for any one-time general fund purpose~~
21 ~~consistent with Section 17462 and the regulations adopted by the~~
22 ~~State Allocation Board pursuant to subdivision (c) of that section~~
23 ~~relating to the appropriate use of one-time expenditures. If the~~
24 ~~purchase of property was made using the proceeds of a local~~
25 ~~general obligation bond act or revenue derived from developer~~
26 ~~fees, the amount of the proceeds of that sale that may be deposited~~
27 ~~into the general fund of the school district shall not exceed the~~
28 ~~percentage computed by the absolute difference between the~~
29 ~~purchase price of the property and the proceeds from the~~
30 ~~transaction, divided by the proceeds of the transaction. For the~~
31 ~~purposes of this section, "proceeds of the transaction" means either~~
32 ~~of the following, as appropriate:~~

33 ~~(1) For a cash sale, the amount realized from the sale of property~~
34 ~~after reasonable expenses related to the sale.~~

35 ~~(2) For a sale that did not result in a lump-sum cash payment,~~
36 ~~the amount realized from the sale of the property after reasonable~~
37 ~~expenses that is the sum of all cash received and the net present~~
38 ~~value of the future cashflow generated by the transaction.~~

39 ~~(b) The State Allocation Board shall reduce the amount of~~
40 ~~hardship assistance awarded pursuant to Article 8 (commencing~~

1 with Section 17075.10) of Chapter 12.5 of Part 10 to the Ventura
2 Unified School District, if the district exercises the authority
3 granted pursuant to this section, by the proceeds of the sale of
4 surplus real property used for general fund purposes.

5 (e) ~~If the Ventura Unified School District exercises the authority
6 granted pursuant to this section, the district is ineligible for
7 hardship funding from the State School Deferred Maintenance
8 Fund under Section 17587 for five years after enactment of this
9 measure.~~

10 (d) ~~Deposit of proceeds in the Ventura Unified School District
11 general fund pursuant to this section does not disqualify the school
12 district from eligibility for state funding for any school facilities
13 program authorized by the state.~~

14 (e) ~~Before the Ventura Unified School District exercises the
15 authority granted pursuant to this section, the governing board of
16 the school district first shall submit to the State Allocation Board
17 documents certifying all of the following:~~

18 (1) ~~The school district has no major deferred maintenance
19 requirements not covered by existing capital outlay resources.~~

20 (2) ~~The sale of real property pursuant to this section does not
21 violate any provisions of a local bond act.~~

22 (f) ~~Before the Ventura Unified School District exercises the
23 authority granted pursuant to this section, the governing board of
24 the school district, at a regularly scheduled public meeting, shall
25 present a plan for expending the proceeds of the sale pursuant to
26 this section. The plan shall identify the source and use of the funds.~~

27 (g) ~~This section shall become inoperative on October 31, 2013,
28 and, as of January 1, 2014, is repealed, unless a later enacted
29 statute, that becomes operative on or before January 1, 2014,
30 deletes or extends the dates on which it becomes inoperative and
31 is repealed.~~

32 SEC. 2. ~~Due to the unique circumstances concerning the
33 Ventura Unified School District, the Legislature finds and declares
34 that a general statute cannot be made applicable within the meaning
35 of Section 16 of Article IV of the California Constitution.
36 Therefore, Section 1 of this act is necessarily applicable only to
37 the Ventura Unified School District.~~

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