

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1448

Introduced by Assembly Member Tom Berryhill

February 27, 2009

~~An act to amend Section 11005.3 of the Government Code, relating to state agencies. An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1448, as amended, Tom Berryhill. ~~State agencies. Alcoholic beverage control: public schoolhouses.~~

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or sold, pursuant to a license, for an event during the weekend or at other times when pupils are not on the grounds of an overnight retreat facility owned and operated by a county office of education in a county of the 18th class.

This bill would additionally provide that the prohibition does not apply to such a retreat facility owned and operated by a county office of education in a county of the 20th class. This bill makes legislative findings and declarations regarding the necessity of a special statute.

~~Existing law authorizes any state department, board, or commission to lease any real property for the use of the state agency for storage, warehouse, or office purposes, subject to specified limitations.~~

~~This bill would make technical, 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 25608 of the Business and Professions*
2 *Code is amended to read:*
3 25608. (a) Every person who possesses, consumes, sells, gives,
4 or delivers to any other person, any alcoholic beverage in or on
5 any public schoolhouse or any of the grounds thereof, is guilty of
6 a misdemeanor. This section does not, however, make it unlawful
7 for any person to acquire, possess, or use any alcoholic beverage
8 in or on any public schoolhouse, or on any grounds thereof, if any
9 of the following applies:
10 (1) The alcoholic beverage possessed, consumed, or sold,
11 pursuant to a license obtained under this division, is wine that is
12 produced by a bonded winery owned or operated as part of an
13 instructional program in viticulture and enology.
14 (2) The alcoholic beverage is acquired, possessed, or used in
15 connection with a course of instruction given at the school and the
16 person has been authorized to acquire, possess, or use it by the
17 governing body or other administrative head of the school.
18 (3) The public schoolhouse is surplus school property and the
19 grounds thereof are leased to a lessee which is a general law city
20 with a population of less than 50,000, or the public schoolhouse
21 is surplus school property and the grounds thereof are located in
22 an unincorporated area and are leased to a lessee which is a civic
23 organization, and the property is to be used for community center
24 purposes and no public school education is to be conducted thereon
25 by either the lessor or the lessee and the property is not being used
26 by persons under the age of 21 years for recreational purposes at
27 any time during which alcoholic beverages are being sold or
28 consumed on the premises.
29 (4) The alcoholic beverages are acquired, possessed, or used
30 during events at a college-owned or college-operated veterans
31 stadium with a capacity of over 12,000 people, located in a county
32 with a population of over six million people. As used in this
33 subdivision, “events” mean football games sponsored by a college,
34 other than a public community college, or other events sponsored
35 by noncollege groups.

1 (5) The alcoholic beverages are acquired, possessed, or used
2 during an event not sponsored by any college at a performing arts
3 facility built on property owned by a community college district
4 and leased to a nonprofit organization which is a public benefit
5 corporation formed under Part 2 (commencing with Section 5110)
6 of Division 2 of Title 1 of the Corporations Code. As used in this
7 subdivision, “performing arts facility” means an auditorium with
8 more than 300 permanent seats.

9 (6) The alcoholic beverage is wine for sacramental or other
10 religious purposes and is used only during authorized religious
11 services held on or before January 1, 1995.

12 (7) The alcoholic beverages are acquired, possessed, or used
13 during an event at a community center owned by a community
14 services district and the event is not held at a time when students
15 are attending a public school-sponsored activity at the center.

16 (8) The alcoholic beverage is wine which is acquired, possessed,
17 or used during an event sponsored by a community college district
18 or an organization operated for the benefit of the community
19 college district where the college district maintains both an
20 instructional program in viticulture on no less than five acres of
21 land owned by the district and an instructional program in enology,
22 which includes sales and marketing.

23 (9) The alcoholic beverage is acquired, possessed, or used at a
24 professional minor league baseball game conducted at the stadium
25 of a community college located in a county with a population of
26 less than 250,000 inhabitants, and the baseball game is conducted
27 pursuant to a contract between the community college district and
28 a professional sports organization.

29 (10) The alcoholic beverages are acquired, possessed, or used
30 during events at a college-owned or college-operated stadium or
31 other facility. As used in this subdivision, “events” means
32 fundraisers held to benefit a nonprofit corporation that has obtained
33 a license pursuant to this division for the event. “Events” does not
34 include football games or other athletic contests sponsored by any
35 college or public community college. This subdivision shall not
36 apply to any public education facility in which any grade from
37 kindergarten to grade 12, inclusive, is schooled.

38 (11) The alcoholic beverages are possessed, consumed, or sold,
39 pursuant to a license obtained under this division, for an event
40 during the weekend or at other times when pupils are not on the

1 grounds of an overnight retreat facility owned and operated by a
2 county office of education in a county of the 18th or 20th class.

3 (12) The grounds of the public schoolhouse on which the
4 alcoholic beverage is acquired, possessed, used, or consumed is
5 property that has been developed and is used for residential
6 facilities or housing that is offered for rent, lease, or sale
7 exclusively to faculty or staff of a public school or community
8 college.

9 (13) The grounds of a public schoolhouse on which the alcoholic
10 beverage is acquired, possessed, used, or consumed is property of
11 a community college that is leased, licensed, or otherwise provided
12 for use as a water conservation demonstration garden and
13 community passive recreation resource by a joint powers agency
14 comprised of public agencies, including the community college,
15 and the event at which the alcoholic beverage is acquired,
16 possessed, used, or consumed is conducted pursuant to a written
17 policy adopted by the governing body of the joint powers agency
18 and no public funds are used for the purchase or provision of the
19 alcoholic beverage.

20 (14) The alcoholic beverage is beer or wine acquired, possessed,
21 used, sold, or consumed only in connection with a course of
22 instruction, sponsored dinner, or meal demonstration given as part
23 of a culinary arts program at a campus of a California community
24 college and the person has been authorized to acquire, possess,
25 use, sell, or consume the beer or wine by the governing body or
26 other administrative head of the school.

27 (15) The alcoholic beverages are possessed, consumed, or sold,
28 pursuant to a license or permit obtained under this division for
29 special events held at the facilities of a public community college,
30 located in a county of the first class or a county of the fourth class,
31 during the special event. As used in this subdivision, "special
32 event" means festivals, shows, private parties, concerts, theatrical
33 productions, and other events held on the premises of the public
34 community college, pursuant to a license or permit, and for which
35 the principal attendees are members of the general public or invited
36 guests and not students of the public community college.

37 (b) Any person convicted of a violation of this section shall, in
38 addition to the penalty imposed for the misdemeanor, be barred
39 from having or receiving any privilege of the use of public school

property which is accorded by Article 2 (commencing with Section 82537) of Chapter 8 of Part 49 of the Education Code.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances of the economy of the county of the 20th class specified in Section 1, that are applicable only to the county of the 20th class, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, and, therefore, this special statute is necessary.

~~SECTION 1. Section 11005.3 of the Government Code is amended to read:~~

~~11005.3. Any state department, board, or commission may lease any real property for the use of the state agency for storage, warehouse, or office purposes if the lease term does not exceed three years and the annual rental does not exceed fifty thousand dollars (\$50,000).~~

~~Prior approval to engage in any lease activity shall first be obtained from the Department of General Services, and the lease agreement shall be subject to approval by the department.~~