

AMENDED IN ASSEMBLY APRIL 1, 2013
AMENDED IN ASSEMBLY MARCH 14, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 41

Introduced by Assembly Member Buchanan

December 7, 2012

An act to amend Section 17074.26 of, and to repeal Sections 17070.99, 17071.35, and 17071.40 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 41, as amended, Buchanan. School facilities.

(1) The California Constitution prohibits the Legislature from creating a debt or liability that singly or in the aggregate with any previous debts or liabilities exceeds the sum of \$300,000, except by an act that (A) authorizes the debt for a single object or work specified in the act, (B) has been passed by a $\frac{2}{3}$ vote of all the Members elected to each house of the Legislature, (C) has been submitted to the people at a statewide general or primary election, and (D) has received a majority of all the votes cast for and against it at that election.

This bill would state the intent of the Legislature to enact legislation that would create the Kindergarten-University Public Education Facilities Bond Act of 2014, a state general obligation bond act that would provide funds to construct and modernize education facilities, to become operative only if approved by the voters at the next statewide general election, and to provide for the submission of the bond act to the voters at that election.

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(2) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities and requires a school district's ongoing eligibility for new construction to be based, in part, on *a calculation of existing school building capacity*. Existing law requires the ~~maximum~~ *calculation of school building capacity* of a school district to be increased by the number of pupils reported by the Superintendent of Public Instruction pursuant to a certain calculation related to the excess school capacity generated as a result of participation in the Year-Round School Grant Program, but exempts *from this increase* each school on a year-round, multitrack calendar that has a density of 200 or more pupils enrolled per acre and that is located in a school district with 40% of its pupils attending multitrack, year-round schools ~~from this increase~~.

This bill would repeal the provisions requiring an increase in the ~~maximum~~ *calculation of school building capacity* as a result of participation in the Year-Round School Grant Program and exempting specified schools from ~~the this~~ increase in the ~~maximum~~ *calculation of school building capacity*.

(2)

(3) Existing law requires the board and the State Department of Education to conduct specified evaluations related to the construction of small high schools and requires those evaluations to be used to inform the direction of future school facilities construction and related bond measures.

This bill would repeal this provision. The bill would also correct a cross-reference.

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. *It is the intent of the Legislature to enact*
 2 *legislation that would create the Kindergarten-University Public*
 3 *Education Facilities Bond Act of 2014, to become operative only*
 4 *if approved by the voters at the next statewide general election,*
 5 *and to provide for the submission of the bond act to the voters at*
 6 *that election. It is also the intent of the Legislature that the bond*
 7 *act, if approved by the voters at that election, would provide for*

1 *the issuance of _____ (\$_____) of state general obligation bonds to*
2 *provide aid to school districts, county superintendents of schools,*
3 *county boards of education, the California Community Colleges,*
4 *the California State University, and the University of California,*
5 *including the Hastings College of the Law, to construct and*
6 *modernize education facilities.*

7 ~~SECTION 1.~~

8 *SEC. 2.* Section 17070.99 of the Education Code is repealed.

9 ~~SEC. 2.~~

10 *SEC. 3.* Section 17071.35 of the Education Code is repealed.

11 ~~SEC. 3.~~

12 *SEC. 4.* Section 17071.40 of the Education Code is repealed.

13 ~~SEC. 4.~~

14 *SEC. 5.* Section 17074.26 of the Education Code is amended
15 to read:

16 17074.26. The board shall adopt regulations to adjust the
17 per-pupil amounts set forth in Section 17074.10 for modernization
18 projects for school buildings that are 50 years old or older based
19 upon the higher costs associated with modernizing older buildings.