

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 308

Introduced by Assembly Member Hagman

February 12, 2013

An act to ~~amend Section 857 of the Public Utilities Code, add Section 17462.3 to the Education Code, relating to utility property school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 308, as amended, Hagman. ~~Utility right-of-way: lease for park purposes. School facilities: sale or lease of surplus real property: return of state school facilities funding program funds.~~

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities. Existing law authorizes a public utility to lease real property acquired for purposes of obtaining a utility right-of-way to a governmental entity for purposes of a public park if the utility retains the use of the right-of-way for public utility purposes, as prescribed.~~

~~Existing law authorizes the governing board of any school district to sell any real property belonging to the school district, or lease for a term not exceeding 99 years, any real property, together with any personal property located on the real property, belonging to the school district which is not or will not be needed by the school district for school classroom buildings at the time of delivery of title or possession. Existing law requires the governing board of a school district seeking to sell or lease real property designed to provide direct instruction or instructional support it deems to be surplus property to first offer that property for sale or lease to any charter school that has submitted a~~

written request to the school district to be notified of surplus property offered for sale or lease by the school district. Existing law authorizes the proceeds from the sale or lease with option to purchase to be deposited in the general fund of the school district, to be used for one-time expenditures, if the governing board of the school district and the State Allocation Board have determined that the school district has no anticipated need for additional site or building construction for the 10-year period following the sale or lease with option to purchase, and the school district has no major deferred maintenance requirements.

~~This bill would make a technical, nonsubstantive change to provision.~~ authorize the State Allocation Board to establish a program under which it would require a school district that sells or leases real property that was purchased with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, to return to the board the moneys the school district received from the state school facilities funding program for the purchase or construction if certain conditions are met, including, among other conditions, the real property is not sold or leased to a charter school, as specified.

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 17462.3 is added to the Education Code,
- 2 to read:
- 3 17462.3. The State Allocation Board may establish a program
- 4 that requires a school district that sells or leases real property
- 5 that was purchased with, or on which improvements were
- 6 constructed that were funded with, any moneys from a state school
- 7 facilities funding program, to return to the State Allocation Board
- 8 the moneys the school district received from the state school
- 9 facilities funding program for the purchase or construction, if all
- 10 of the following conditions are met:
- 11 (a) The real property is not sold or leased to a charter school
- 12 pursuant to Section 17457.5.
- 13 (b) The proceeds from the sale or lease of the real property are
- 14 not used for capital improvements.

1 (c) *The real property was purchased, or the improvements were*
2 *constructed on the real property, within 10 years before the real*
3 *property is sold or leased.*

4 ~~SECTION 1. Section 857 of the Public Utilities Code is~~
5 ~~amended to read:~~

6 ~~857. (a) A public utility that owns real property acquired for~~
7 ~~purposes of obtaining a utility right-of-way, may lease that property~~
8 ~~to a governmental entity for purposes of a public park, if the public~~
9 ~~utility retains the use of the right-of-way for public utility purposes.~~

10 ~~(b) In determining whether a lease of real property to a~~
11 ~~governmental entity for park purposes is for fair value, the~~
12 ~~commission shall include the community benefits of parks and~~
13 ~~open space as a benefit to ratepayers.~~

14 ~~(c) As used in this section, “community benefits” include, but~~
15 ~~are not limited to, improving public health, protecting the~~
16 ~~environment, and increasing recreational assets.~~