

AMENDED IN SENATE JULY 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1450**

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**Introduced by Assembly Member Garcia**  
*(Principal coauthor: Senator Lara)*

January 8, 2014

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An act to amend ~~Section 48900 of the Education Code, relating to pupils~~ Sections 33670, 34172, and 34183 of the Health and Safety Code, and to add Section 95.6 to the Revenue and Taxation Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1450, as amended, Garcia. ~~Pupils: grounds for suspension and expulsion: bullying.~~ Local government: redevelopment: revenues from property tax override rates.

Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies. Existing law requires revenues equivalent to those that would have been allocated to each redevelopment agency, had the agency not been dissolved, to be allocated to the Redevelopment Property Tax Trust Fund of each successor agency for making payments on the principal of and interest on loans, and moneys advanced to or indebtedness incurred by the dissolved redevelopment agencies. Existing law requires, from February 1, 2012, to July 1, 2012, inclusive, and for each fiscal year thereafter, the county auditor-controller, after deducting administrative costs, to

*allocate property tax revenues in each Redevelopment Property Tax Trust Fund in a specified manner.*

*This bill, for the 2014–15 fiscal year and each fiscal year thereafter, would prohibit any revenues derived from the imposition of a property tax rate, approved by the voters of a city, county, or city and county to make payments in support of pension programs and levied in addition to the general property tax rate, from being allocated to a Redevelopment Property Tax Trust Fund and would, instead, require these revenues to be allocated to, and when collected to be paid into, the fund of the city, county, or city and county whose voters approved the tax unless, following a written request with each Recognized Obligation Payment Schedule cycle from the successor agency to the city, county, or city and county whose voters approved the tax, the city, county, or city and county authorizes the use of the revenues by the successor agency to pay any enforceable obligation, as specified. The bill would require any revenues derived from the imposition of a property tax rate as so described that have been pledged as security for the payment of any indebtedness obligation to be allocated to the successor agency to pay that indebtedness obligation, as specified. The bill would require all allocations of revenues derived from the imposition of a property tax rate as so described made by any county auditor-controller prior to July 1, 2014, to be deemed correct, and would prohibit any city, county, city and county, county auditor-controller, successor agency, or affected taxing entity from being subject to any claim, as specified.*

*By adding to the duties of local government officials, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the superintendent of the school district or the principal of the school determines that the pupil has~~

~~committed any of various specified acts, including, but not limited to, engaging in acts of bullying by means of an electronic act. Existing law further defines “electronic act” as both the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, as specified.~~

~~This bill would instead, for purposes of pupil suspension or recommendation for expulsion from a school define “electronic act” as either the creation or transmission of that communication, as specified.~~

~~Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.~~

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) *The Legislature finds and declares all of the*
- 2     *following:*
- 3         (1) *The California Constitution limits property-based tax levies,*
- 4         *with exceptions to these limits only when a local jurisdiction*
- 5         *obtains the approval of its voting electorate to use additional*
- 6         *property-based tax levies for specific purposes approved by the*
- 7         *voting electorate, in accordance with applicable constitutional*
- 8         *and statutory provisions.*
- 9         (2) *With the enactment of Chapter 5 of the 2011–12 First*
- 10         *Extraordinary Session (Assembly Bill 26), the Legislature intended*
- 11         *that, upon dissolution of redevelopment agencies in the State of*
- 12         *California, property taxes that would have been allocated to*
- 13         *redevelopment agencies are no longer deemed tax increment.*
- 14         *Instead, those taxes are deemed property tax revenues and are to*
- 15         *be allocated first to successor agencies to make payments on the*
- 16         *indebtedness incurred by the dissolved redevelopment agencies,*
- 17         *with remaining balances allocated in accordance with applicable*
- 18         *constitutional and statutory provisions.*
- 19         (3) *It is the intent of the Legislature in enacting this act to do*
- 20         *all of the following:*
- 21             (A) *If a redevelopment agency had previously pledged revenues*
- 22             *derived from the imposition of a property tax rate, approved by*
- 23             *the voters of a city, county, or city and county to make payments*
- 24             *in support of pension programs and levied in addition to the*
- 25             *property tax rate limited by subdivision (a) of Section 1 of Article*

1 *XIII A of the California Constitution, to pay a portion of the debt*  
2 *service due on indebtedness incurred by the former redevelopment*  
3 *agency on an approved recognized obligation payment schedule,*  
4 *then the successor agency shall continue to pledge those revenues,*  
5 *in a commensurate rate going forward. For example, if revenues*  
6 *derived from a pension tax rate approved by the voters of a city,*  
7 *county, or city and county were pledged to pay up to 25 percent*  
8 *of the annual debt service for the indebtedness approved in a*  
9 *recognized obligation payment schedule, the successor agency*  
10 *shall continue to pay up to 25 percent of the annual debt service*  
11 *on the indebtedness until maturity. Any and all excess pledged*  
12 *revenues derived from the pension property tax rate that are not*  
13 *necessary to pay the debt service on the indebtedness shall be*  
14 *allocated and paid to the city, county, or city and county whose*  
15 *voters approved the pension property tax rate.*

16 *(B) Ensure that the use of revenues derived from the imposition*  
17 *of a property tax rate approved by the voters of a city, county, or*  
18 *city and county, to make payments in support of pension programs*  
19 *and levied in addition to the property tax rate limited by*  
20 *subdivision (a) of Section 1 of Article XIII A of the California*  
21 *Constitution, is consistent with the use approved by the voters of*  
22 *a city, county, or city and county, once revenues from such property*  
23 *tax rates are not needed to pay approved indebtedness of a former*  
24 *redevelopment agency.*

25 *(C) Implement the allocation and distribution of voter-approved,*  
26 *property-based tax revenues for pension programs under the*  
27 *redevelopment dissolution process in a manner that would have*  
28 *been consistent with the allocation and distribution of those*  
29 *revenues had redevelopment agencies not been dissolved, in*  
30 *accordance with applicable constitutional provisions.*

31 *(4) Further, it is the intent of the Legislature that this act not*  
32 *affect any property tax allocations that occurred prior to July 1,*  
33 *2014.*

34 *SEC. 2. Section 33670 of the Health and Safety Code is*  
35 *amended to read:*

36 *33670. Any redevelopment plan may contain a provision that*  
37 *taxes, if any, levied upon taxable property in a redevelopment*  
38 *project each year by or for the benefit of the State of California,*  
39 *any city, county, city and county, district, or other public*  
40 *corporation (hereinafter sometimes called “taxing agencies”) after*

1 the effective date of the ordinance approving the redevelopment  
2 plan, shall be divided as follows:

3 (a) That portion of the taxes which would be produced by the  
4 rate upon which the tax is levied each year by or for each of the  
5 taxing agencies upon the total sum of the assessed value of the  
6 taxable property in the redevelopment project as shown upon the  
7 assessment roll used in connection with the taxation of that property  
8 by the taxing agency, last equalized prior to the effective date of  
9 the ordinance, shall be allocated to and when collected shall be  
10 paid to the respective taxing agencies as taxes by or for the taxing  
11 agencies on all other property are paid (for the purpose of allocating  
12 taxes levied by or for any taxing agency or agencies which did not  
13 include the territory in a redevelopment project on the effective  
14 date of the ordinance but to which that territory has been annexed  
15 or otherwise included after that effective date, the assessment roll  
16 of the county last equalized on the effective date of the ordinance  
17 shall be used in determining the assessed valuation of the taxable  
18 property in the project on the effective ~~date~~; and *date*).

19 (b) Except as provided in subdivision (e) or in Section  
20 33492.15, that portion of the levied taxes each year in excess of  
21 that amount shall be allocated to and when collected shall be paid  
22 into a special fund of the redevelopment agency to pay the principal  
23 of and interest on loans, moneys advanced to, or indebtedness  
24 (whether funded, refunded, assumed, or otherwise) incurred by  
25 the redevelopment agency to finance or refinance, in whole or in  
26 part, the redevelopment project. Unless and until the total assessed  
27 valuation of the taxable property in a redevelopment project  
28 exceeds the total assessed value of the taxable property in that  
29 project as shown by the last equalized assessment roll referred to  
30 in subdivision (a), all of the taxes levied and collected upon the  
31 taxable property in the redevelopment project shall be paid to the  
32 respective taxing agencies. When the loans, advances, and  
33 indebtedness, if any, and interest thereon, have been paid, all  
34 moneys thereafter received from taxes upon the taxable property  
35 in the redevelopment project shall be paid to the respective taxing  
36 agencies as taxes on all other property are paid.

37 (c) In any redevelopment project in which taxes have been  
38 divided pursuant to this section prior to 1968, located within any  
39 county with total assessed valuation subject to general property  
40 taxes for the 1967–68 fiscal year between two billion dollars

1 (\$2,000,000,000) and two billion one hundred million dollars  
 2 (\$2,100,000,000), if the total assessed valuation of taxable property  
 3 within the redevelopment project for the 1967–68 fiscal year was  
 4 reduced, the total sum of the assessed value of taxable property  
 5 used as the basis for apportionment of taxes under subdivision (a)  
 6 shall be reduced by 10 percent for the 1968–69 fiscal year and  
 7 fiscal years thereafter.

8 (d) For the purposes of this section, taxes shall not include taxes  
 9 from the supplemental assessment roll levied pursuant to Chapter  
 10 3.5 (commencing with Section 75) of Part 0.5 of Division 1 of the  
 11 Revenue and Taxation Code for the 1983–84 fiscal year.

12 (e) That portion of the taxes in excess of the amount identified  
 13 in subdivision (a) which are attributable to a tax rate levied by a  
 14 taxing agency for the purpose of producing revenues in an amount  
 15 sufficient to make annual repayments of the principal of, and the  
 16 interest on, any bonded indebtedness for the acquisition or  
 17 improvement of real property shall be allocated to, and when  
 18 collected shall be paid into, the fund of that taxing agency. This  
 19 subdivision shall only apply to taxes levied to repay bonded  
 20 indebtedness approved by the voters of the taxing agency on or  
 21 after January 1, 1989.

22 *(f) (1) That portion of the taxes in excess of the amount*  
 23 *identified in subdivision (a) which are attributable to revenues*  
 24 *derived from the imposition of a property tax rate, approved by*  
 25 *the voters of a city, county, or city and county to make payments*  
 26 *in support of pension programs and levied in addition to the*  
 27 *property tax rate limited by subdivision (a) of Section 1 of Article*  
 28 *XIII A of the California Constitution, shall not be allocated to the*  
 29 *Redevelopment Property Tax Trust Fund established pursuant to*  
 30 *subdivision (b) of Section 34170.5 but shall be allocated to, and*  
 31 *when collected shall be paid into, the fund of the city, county, or*  
 32 *city and county whose voters approved the tax unless, following*  
 33 *a written request with each Recognized Obligation Payment*  
 34 *Schedule cycle from the successor agency, as defined in subdivision*  
 35 *(j) of Section 34171, to the city, county, or city and county whose*  
 36 *voters approved the tax, the city, county, or city and county*  
 37 *authorizes the use of the revenues from the fund of the city, county,*  
 38 *or city and county by the successor agency to pay any enforceable*  
 39 *obligation, as defined in subdivision (d) of Section 34171, on an*  
 40 *approved Recognized Obligation Payment Schedule pursuant to*

1 subdivisions (l) and (m) of Section 34177 and subdivision (h) of  
2 Section 34179.

3 (2) Subject to the approval of the city, county, or city and county  
4 as provided for in paragraph (1), the amounts necessary to pay  
5 approved enforceable obligations shall be allocated to the  
6 successor agency pursuant to paragraph (2) of subdivision (a) of  
7 Section 34183, from revenues derived from the imposition of a  
8 property tax rate, approved by the voters of a city, county, or city  
9 and county to make payments in support of pension programs and  
10 levied in addition to the property tax rate limited by subdivision  
11 (a) of Section 1 of Article XIII A of the California Constitution, but  
12 only after all other moneys deposited in the successor agency's  
13 Redevelopment Property Tax Trust Fund established pursuant to  
14 subdivision (b) of Section 34170.5 have been exhausted.

15 (3) Any revenues derived from the imposition of a property tax  
16 rate, approved by the voters of a city, county, or city and county  
17 to make payments in support of pension programs, known as a  
18 pension tax rate, and levied in addition to the property tax rate  
19 limited by subdivision (a) of Section 1 of Article XIII A of the  
20 California Constitution, that have been pledged as security for the  
21 payment of any indebtedness obligation, as defined in subdivision  
22 (e) of Section 34171, shall be allocated to the successor agency,  
23 after all other moneys deposited in the successor agency's  
24 Redevelopment Property Tax Trust Fund established pursuant to  
25 subdivision (b) of Section 34170.5 have been exhausted, in the  
26 amount necessary to pay that indebtedness obligation for an  
27 applicable Recognized Obligation Payment Schedule cycle, until  
28 such time as that indebtedness obligation has been completely  
29 paid off. Any and all excess pledged revenues derived from the  
30 pension property tax rate that are not necessary to pay the debt  
31 service on the indebtedness shall be allocated and paid to the city,  
32 county, or city and county whose voters approved the pension  
33 property tax rate.

34 SEC. 3. Section 34172 of the Health and Safety Code is  
35 amended to read:

36 34172. (a) (1) All redevelopment agencies and redevelopment  
37 agency components of community development agencies created  
38 under Part 1 (commencing with Section 33000), Part 1.5  
39 (commencing with Section 34000), Part 1.6 (commencing with  
40 Section 34050), and Part 1.7 (commencing with Section 34100)

1 that were in existence on the effective date of this part are hereby  
2 dissolved and shall no longer exist as a public body, corporate or  
3 politic. Nothing in this part dissolves or otherwise affects the  
4 authority of a community redevelopment commission, other than  
5 in its authority to act as a redevelopment agency, in its capacity  
6 as a housing authority or for any other community development  
7 purpose of the jurisdiction in which it operates. For those other  
8 nonredevelopment purposes, the community development  
9 commission derives its authority solely from federal or local laws,  
10 or from state laws other than the Community Redevelopment Law  
11 (Part 1 (commencing with Section 33000)).

12 (2) A community in which an agency has been dissolved under  
13 this section may not create a new agency pursuant to Part 1  
14 (commencing with Section 33000), Part 1.5 (commencing with  
15 Section 34000), Part 1.6 (commencing with Section 34050), or  
16 Part 1.7 (commencing with Section 34100). However, a community  
17 in which the agency has been dissolved and the successor entity  
18 has paid off all of the former agency's enforceable obligations  
19 may create a new agency pursuant to Part 1 (commencing with  
20 Section 33000), Part 1.5 (commencing with Section 34000), Part  
21 1.6 (commencing with Section 34050), or Part 1.7 (commencing  
22 with Section 34100), subject to the tax increment provisions  
23 contained in Chapter 3.5 (commencing with Section 34194.5) of  
24 Part 1.9 (commencing with Section 34192).

25 (b) All authority to transact business or exercise powers  
26 previously granted under the Community Redevelopment Law  
27 (Part 1 (commencing with Section ~~33000~~ 33000)) is hereby  
28 withdrawn from the former redevelopment agencies.

29 (c) Solely for purposes of Section 16 of Article XVI of the  
30 California Constitution, the Redevelopment Property Tax Trust  
31 Fund shall be deemed to be a special fund of the dissolved  
32 redevelopment agency to pay the principal of and interest on loans,  
33 moneys advanced to, or indebtedness, whether funded, refunded,  
34 assumed, or otherwise incurred by the redevelopment agency to  
35 finance or refinance, in whole or in part, the redevelopment projects  
36 of each redevelopment agency dissolved pursuant to this part.

37 (d) ~~Revenues~~ Except as provided in subdivision (c) of Section  
38 34183, revenues equivalent to those that would have been allocated  
39 pursuant to subdivision (b) of Section 16 of Article XVI of the  
40 California Constitution shall be allocated to the Redevelopment

1 Property Tax Trust Fund of each successor agency for making  
2 payments on the principal of and interest on loans, and moneys  
3 advanced to or indebtedness incurred by the dissolved  
4 redevelopment agencies. Amounts in excess of those necessary to  
5 pay obligations of the former redevelopment agency shall be  
6 deemed to be property tax revenues within the meaning of  
7 subdivision (a) of Section 1 of Article XIII A of the California  
8 Constitution.

9 *SEC. 4. Section 34183 of the Health and Safety Code is*  
10 *amended to read:*

11 34183. (a) Notwithstanding any other law, from February 1,  
12 2012, to July 1, 2012, and for each fiscal year thereafter, the county  
13 auditor-controller shall, after deducting administrative costs  
14 allowed under Section 34182 and Section 95.3 of the Revenue and  
15 Taxation Code *and revenues allocated pursuant to subdivision*  
16 *(c)*, allocate moneys in each Redevelopment Property Tax Trust  
17 Fund as follows:

18 (1) Subject to any prior deductions required by subdivision (b),  
19 first, the county auditor-controller shall remit from the  
20 Redevelopment Property Tax Trust Fund to each local agency and  
21 school entity an amount of property tax revenues in an amount  
22 equal to that which would have been received under Section 33401,  
23 33492.140, 33607, 33607.5, 33607.7, or 33676, as those sections  
24 read on January 1, 2011, or pursuant to any passthrough agreement  
25 between a redevelopment agency and a taxing entity that was  
26 entered into prior to January 1, 1994, that would be in force during  
27 that fiscal year, had the redevelopment agency existed at that time.  
28 The amount of the payments made pursuant to this paragraph shall  
29 be calculated solely on the basis of passthrough payment  
30 obligations, existing prior to the effective date of this part and  
31 continuing as obligations of successor entities, shall occur no later  
32 than May 16, 2012, and no later than June 1, 2012, and each  
33 January 2 and June 1 thereafter. Notwithstanding subdivision (e)  
34 of Section 33670, that portion of the taxes in excess of the amount  
35 identified in subdivision (a) of Section 33670, which are  
36 attributable to a tax rate levied by a taxing entity for the purpose  
37 of producing revenues in an amount sufficient to make annual  
38 repayments of the principal of, and the interest on, any bonded  
39 indebtedness for the acquisition or improvement of real property  
40 shall be allocated to, and when collected shall be paid into, the

1 fund of that taxing entity. The amount of passthrough payments  
 2 computed pursuant to this section, including any passthrough  
 3 agreements, shall be computed as though the requirement to set  
 4 aside funds for the Low and Moderate Income Housing Fund was  
 5 still in effect.

6 (2) Second, on June 1, 2012, and each January 2 and June 1  
 7 thereafter, to each successor agency for payments listed in its  
 8 Recognized Obligation Payment Schedule for the six-month fiscal  
 9 period beginning January 1, 2012, and July 1, 2012, and each  
 10 January 2 and June 1 thereafter, in the following order of priority:

11 (A) Debt service payments scheduled to be made for tax  
 12 allocation bonds.

13 (B) Payments scheduled to be made on revenue bonds, but only  
 14 to the extent the revenues pledged for them are insufficient to make  
 15 the payments and only if the agency’s tax increment revenues were  
 16 also pledged for the repayment of the bonds.

17 (C) Payments scheduled for other debts and obligations listed  
 18 in the Recognized Obligation Payment Schedule that are required  
 19 to be paid from former tax increment revenue.

20 (3) Third, on June 1, 2012, and each January 2 and June 1  
 21 thereafter, to each successor agency for the administrative cost  
 22 allowance, as defined in Section 34171, for administrative costs  
 23 set forth in an approved administrative budget for those payments  
 24 required to be paid from former tax increment revenues.

25 (4) Fourth, on June 1, 2012, and each January 2 and June 1  
 26 thereafter, any moneys remaining in the Redevelopment Property  
 27 Tax Trust Fund after the payments and transfers authorized by  
 28 paragraphs (1) to (3), inclusive, shall be distributed to local  
 29 agencies and school entities in accordance with Section 34188.

30 (b) If the successor agency reports, no later than April 1, 2012,  
 31 and May 1, 2012, and each December 1 and May 1 thereafter, to  
 32 the county auditor-controller that the total amount available to the  
 33 successor agency from the Redevelopment Property Tax Trust  
 34 Fund allocation to that successor agency’s Redevelopment  
 35 Obligation Retirement Fund, from other funds transferred from  
 36 each redevelopment agency, and from funds that have or will  
 37 become available through asset sales and all redevelopment  
 38 operations, are insufficient to fund the payments required by  
 39 paragraphs (1) to (3), inclusive, of subdivision (a) in the next  
 40 six-month fiscal period, the county auditor-controller shall notify

1 the Controller and the Department of Finance no later than 10 days  
2 from the date of that notification. The county auditor-controller  
3 shall verify whether the successor agency will have sufficient funds  
4 from which to service debts according to the Recognized  
5 Obligation Payment Schedule and shall report the findings to the  
6 Controller. If the Controller concurs that there are insufficient  
7 funds to pay required debt service, the amount of the deficiency  
8 shall be deducted first from the amount remaining to be distributed  
9 to taxing entities pursuant to paragraph (4) of subdivision (a), and  
10 if that amount is exhausted, from amounts available for distribution  
11 for administrative costs in paragraph (3) of subdivision (a). If an  
12 agency, pursuant to the provisions of Section 33492.15, 33492.72,  
13 33607.5, 33671.5, 33681.15, or 33688 or as expressly provided in  
14 a passthrough agreement entered into pursuant to Section 33401,  
15 made passthrough payment obligations subordinate to debt service  
16 payments required for enforceable obligations, funds for servicing  
17 bond debt may be deducted from the amounts for passthrough  
18 payments under paragraph (1) of subdivision (a), as provided in  
19 those sections, but only to the extent that the amounts remaining  
20 to be distributed to taxing entities pursuant to paragraph (4) of  
21 subdivision (a) and the amounts available for distribution for  
22 administrative costs in paragraph (3) of subdivision (a) have all  
23 been exhausted.

24 (c) (1) (A) *Notwithstanding any other law, for the 2014–15*  
25 *fiscal year and each fiscal year thereafter, any revenues derived*  
26 *from the imposition of a property tax rate, approved by the voters*  
27 *of a city, county, or city and county to make payments in support*  
28 *of pension programs and levied in addition to the property tax rate*  
29 *limited by subdivision (a) of Section 1 of Article XIII A of the*  
30 *California Constitution, shall not be allocated to each*  
31 *Redevelopment Property Tax Trust Fund and shall instead be*  
32 *allocated to, and when collected shall be paid into, the fund of the*  
33 *city, county, or city and county whose voters approved the tax*  
34 *unless, following a written request with each Recognized*  
35 *Obligation Payment Schedule cycle from the successor agency to*  
36 *the city, county, or city and county whose voters approved the tax,*  
37 *the city, county, or city and county authorizes the use of the*  
38 *revenues from the fund of the city, county, or city and county by*  
39 *the successor agency to pay any enforceable obligation, as defined*  
40 *in subdivision (d) of Section 34171, on an approved Recognized*

1 *Obligation Payment Schedule pursuant to subdivisions (l) and (m)*  
 2 *of Section 34177 and subdivision (h) of Section 34179.*

3 *(B) Subject to the approval of the city, county, or city and county*  
 4 *as provided for in paragraph (1), the amounts necessary to pay*  
 5 *approved enforceable obligations shall be allocated to the*  
 6 *successor agency pursuant to paragraph (2) of subdivision (a),*  
 7 *from revenues derived from the imposition of a property tax rate,*  
 8 *approved by the voters of the city, county, or city and county to*  
 9 *make payments in support of pension programs and levied in*  
 10 *addition to the property tax rate limited by subdivision (a) of*  
 11 *Section 1 of Article XIII A of the California Constitution, but only*  
 12 *after all other moneys deposited in the successor agency's*  
 13 *Redevelopment Property Tax Trust Fund have been exhausted.*

14 *(C) Any revenues derived from the imposition of a property tax*  
 15 *rate, approved by the voters of a city, county, or city and county*  
 16 *to make payments in support of pension programs and levied in*  
 17 *addition to the property tax rate limited by subdivision (a) of*  
 18 *Section 1 of Article XIII A of the California Constitution, that have*  
 19 *been pledged as security for the payment of any indebtedness*  
 20 *obligation shall be allocated to the successor agency, after all*  
 21 *other moneys deposited in the successor agency's Redevelopment*  
 22 *Property Tax Trust Fund have been exhausted, in the amount*  
 23 *necessary to pay that indebtedness obligation for an applicable*  
 24 *Recognized Obligation Payment Schedule cycle, until such time*  
 25 *as that indebtedness obligation has been completely paid off. Any*  
 26 *and all excess pledged revenues derived from the pension property*  
 27 *tax rate that are not necessary to pay the debt service on the*  
 28 *indebtedness shall be allocated and paid to the city, county, or*  
 29 *city and county whose voters approved the pension property tax*  
 30 *rate.*

31 *(2) Notwithstanding any other law, all allocations of revenues*  
 32 *derived from the imposition of a property tax rate, approved by*  
 33 *the voters of a city, county, or city and county to make payments*  
 34 *in support of pension programs and levied in addition to the*  
 35 *property tax rate limited by subdivision (a) of Section 1 of Article*  
 36 *XIII A of the California Constitution, made by any county*  
 37 *auditor-controller prior to July 1, 2014, shall be deemed correct*  
 38 *and shall not be affected by this act. A city, county, city and county,*  
 39 *county auditor-controller, successor agency, or affected taxing*  
 40 *entity shall not be subject to any claim for money, damages, or*

1 *reallocated revenues based on any allocation of such revenues*  
2 *prior to July 1, 2014.*

3 ~~(e)~~

4 (d) The county treasurer may loan any funds from the county  
5 treasury to the Redevelopment Property Tax Trust Fund of the  
6 successor agency for the purpose of paying an item approved on  
7 the Recognized Obligation Payment Schedule at the request of the  
8 Department of Finance that are necessary to ensure prompt  
9 payments of redevelopment agency debts. An enforceable  
10 obligation is created for repayment of those loans.

11 ~~(d)~~

12 (e) The Controller may recover the costs of audit and oversight  
13 required under this part from the Redevelopment Property Tax  
14 Trust Fund by presenting an invoice therefor to the county  
15 auditor-controller who shall set aside sufficient funds for and  
16 disburse the claimed amounts prior to making the next distributions  
17 to the taxing entities pursuant to Section 34188. Subject to the  
18 approval of the Director of Finance, the budget of the Controller  
19 may be augmented to reflect the reimbursement, pursuant to  
20 Section 28.00 of the Budget Act.

21 ~~(e)~~

22 (f) Within 10 days of each distribution of property tax, the  
23 county auditor-controller shall provide a report to the department  
24 regarding the distribution for each successor agency that includes  
25 information on the total available for allocation, the passthrough  
26 amounts and how they were calculated, the amounts distributed  
27 to successor agencies, and the amounts distributed to taxing entities  
28 in a manner and form specified by the department. This reporting  
29 requirement shall also apply to distributions required under  
30 subdivision (b) of Section 34183.5.

31 *SEC. 5. Section 95.6 is added to the Revenue and Taxation*  
32 *Code, to read:*

33 *95.6. Notwithstanding any other law, allocations of revenues*  
34 *derived from the imposition of a property tax rate, approved by*  
35 *the voters of a city, county, or city and county to make payments*  
36 *in support of pension programs and levied in addition to the*  
37 *property tax rate limited by subdivision (a) of Section 1 of Article*  
38 *XIII A of the California Constitution, shall be made pursuant to*  
39 *subdivision (c) of Section 34183 of the Health and Safety Code.*

1 SEC. 6. *No inference shall be drawn from the enactment of this*  
 2 *act with respect to the use, distribution, or allocation of revenues*  
 3 *derived from the imposition of a property tax rate, approved by*  
 4 *the voters of a city, county, or city and county to make payments*  
 5 *in support of pension programs and levied in addition to the*  
 6 *property tax rate limited by subdivision (a) of Section 1 of Article*  
 7 *XIII A of the California Constitution, made by any county*  
 8 *auditor-controller prior to July 1, 2014.*

9 SEC. 7. *If the Commission on State Mandates determines that*  
 10 *this act contains costs mandated by the state, reimbursement to*  
 11 *local agencies and school districts for those costs shall be made*  
 12 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 13 *4 of Title 2 of the Government Code.*

14 SEC. 8. *This act is an urgency statute necessary for the*  
 15 *immediate preservation of the public peace, health, or safety within*  
 16 *the meaning of Article IV of the Constitution and shall go into*  
 17 *immediate effect. The facts constituting the necessity are:*

18 *In order to avoid underfunded pension programs as a result of*  
 19 *revenues derived from the imposition of a property tax rate,*  
 20 *approved by the voters of a city, county, or city and county to make*  
 21 *payments in support of pension programs and levied in addition*  
 22 *to the property tax rate limited by subdivision (a) of Section 1 of*  
 23 *Article XIII A of the California Constitution, being allocated first*  
 24 *to successor agencies to make payments on the indebtedness*  
 25 *incurred by the dissolved redevelopment agencies, with remaining*  
 26 *balances being allocated in accordance with applicable*  
 27 *constitutional and statutory provisions, instead of being paid*  
 28 *entirely into the fund of the city, county, or city and county whose*  
 29 *voters approved the tax, it is necessary that this act take effect*  
 30 *immediately.*

31 ~~SECTION 1. Section 48900 of the Education Code is amended~~  
 32 ~~to read:~~

33 ~~48900. A pupil shall not be suspended from school or~~  
 34 ~~recommended for expulsion, unless the superintendent of the school~~  
 35 ~~district or the principal of the school in which the pupil is enrolled~~  
 36 ~~determines that the pupil has committed an act as defined pursuant~~  
 37 ~~to any of subdivisions (a) to (r), inclusive:~~

38 ~~(a) (1) Caused, attempted to cause, or threatened to cause~~  
 39 ~~physical injury to another person.~~

- 1     ~~(2) Willfully used force or violence upon the person of another,~~  
2 ~~except in self-defense.~~
- 3     ~~(b) Possessed, sold, or otherwise furnished a firearm, knife,~~  
4 ~~explosive, or other dangerous object, unless, in the case of~~  
5 ~~possession of an object of this type, the pupil had obtained written~~  
6 ~~permission to possess the item from a certificated school employee,~~  
7 ~~which is concurred in by the principal or the designee of the~~  
8 ~~principal.~~
- 9     ~~(c) Unlawfully possessed, used, sold, or otherwise furnished,~~  
10 ~~or been under the influence of, a controlled substance listed in~~  
11 ~~Chapter 2 (commencing with Section 11053) of Division 10 of the~~  
12 ~~Health and Safety Code, an alcoholic beverage, or an intoxicant~~  
13 ~~of any kind.~~
- 14     ~~(d) Unlawfully offered, arranged, or negotiated to sell a~~  
15 ~~controlled substance listed in Chapter 2 (commencing with Section~~  
16 ~~11053) of Division 10 of the Health and Safety Code, an alcoholic~~  
17 ~~beverage, or an intoxicant of any kind, and either sold, delivered,~~  
18 ~~or otherwise furnished to a person another liquid, substance, or~~  
19 ~~material and represented the liquid, substance, or material as a~~  
20 ~~controlled substance, alcoholic beverage, or intoxicant.~~
- 21     ~~(e) Committed or attempted to commit robbery or extortion.~~
- 22     ~~(f) Caused or attempted to cause damage to school property or~~  
23 ~~private property.~~
- 24     ~~(g) Stole or attempted to steal school property or private~~  
25 ~~property.~~
- 26     ~~(h) Possessed or used tobacco, or products containing tobacco~~  
27 ~~or nicotine products, including, but not limited to, cigarettes, cigars,~~  
28 ~~miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew~~  
29 ~~packets, and betel. However, this section does not prohibit use or~~  
30 ~~possession by a pupil of his or her own prescription products.~~
- 31     ~~(i) Committed an obscene act or engaged in habitual profanity~~  
32 ~~or vulgarity.~~
- 33     ~~(j) Unlawfully possessed or unlawfully offered, arranged, or~~  
34 ~~negotiated to sell drug paraphernalia, as defined in Section 11014.5~~  
35 ~~of the Health and Safety Code.~~
- 36     ~~(k) Disrupted school activities or otherwise willfully defied the~~  
37 ~~valid authority of supervisors, teachers, administrators, school~~  
38 ~~officials, or other school personnel engaged in the performance of~~  
39 ~~their duties.~~

1 ~~(l) Knowingly received stolen school property or private~~  
2 ~~property.~~

3 ~~(m) Possessed an imitation firearm. As used in this section,~~  
4 ~~“imitation firearm” means a replica of a firearm that is so~~  
5 ~~substantially similar in physical properties to an existing firearm~~  
6 ~~as to lead a reasonable person to conclude that the replica is a~~  
7 ~~firearm.~~

8 ~~(n) Committed or attempted to commit a sexual assault as~~  
9 ~~defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal~~  
10 ~~Code or committed a sexual battery as defined in Section 243.4~~  
11 ~~of the Penal Code.~~

12 ~~(o) Harassed, threatened, or intimidated a pupil who is a~~  
13 ~~complaining witness or a witness in a school disciplinary~~  
14 ~~proceeding for purposes of either preventing that pupil from being~~  
15 ~~a witness or retaliating against that pupil for being a witness, or~~  
16 ~~both.~~

17 ~~(p) Unlawfully offered, arranged to sell, negotiated to sell, or~~  
18 ~~sold the prescription drug Soma.~~

19 ~~(q) Engaged in, or attempted to engage in, hazing. For purposes~~  
20 ~~of this subdivision, “hazing” means a method of initiation or~~  
21 ~~preinitiation into a pupil organization or body, whether or not the~~  
22 ~~organization or body is officially recognized by an educational~~  
23 ~~institution, which is likely to cause serious bodily injury or personal~~  
24 ~~degradation or disgrace resulting in physical or mental harm to a~~  
25 ~~former, current, or prospective pupil. For purposes of this~~  
26 ~~subdivision, “hazing” does not include athletic events or~~  
27 ~~school-sanctioned events.~~

28 ~~(r) Engaged in an act of bullying. For purposes of this~~  
29 ~~subdivision, the following terms have the following meanings:~~

30 ~~(1) “Bullying” means any severe or pervasive physical or verbal~~  
31 ~~act or conduct, including communications made in writing or by~~  
32 ~~means of an electronic act, and including one or more acts~~  
33 ~~committed by a pupil or group of pupils as defined in Section~~  
34 ~~48900.2, 48900.3, or 48900.4, directed toward one or more pupils~~  
35 ~~that has or can be reasonably predicted to have the effect of one~~  
36 ~~or more of the following:~~

37 ~~(A) Placing a reasonable pupil or pupils in fear of harm to that~~  
38 ~~pupil’s or those pupils’ person or property.~~

39 ~~(B) Causing a reasonable pupil to experience a substantially~~  
40 ~~detrimental effect on his or her physical or mental health.~~

1 ~~(C) Causing a reasonable pupil to experience substantial~~  
2 ~~interference with his or her academic performance.~~

3 ~~(D) Causing a reasonable pupil to experience substantial~~  
4 ~~interference with his or her ability to participate in or benefit from~~  
5 ~~the services, activities, or privileges provided by a school.~~

6 ~~(2) (A) “Electronic act” means the creation or transmission~~  
7 ~~originated on or off the schoolsite, by means of an electronic~~  
8 ~~device, including, but not limited to, a telephone, wireless~~  
9 ~~telephone, or other wireless communication device, computer, or~~  
10 ~~pager, of a communication, including, but not limited to, any of~~  
11 ~~the following:~~

12 ~~(i) A message, text, sound, or image.~~

13 ~~(ii) A post on a social network Internet Web site, including, but~~  
14 ~~not limited to:~~

15 ~~(I) Posting to or creating a burn page. “Burn page” means an~~  
16 ~~Internet Web site created for the purpose of having one or more~~  
17 ~~of the effects listed in paragraph (1).~~

18 ~~(II) Creating a credible impersonation of another actual pupil~~  
19 ~~for the purpose of having one or more of the effects listed in~~  
20 ~~paragraph (1). “Credible impersonation” means to knowingly and~~  
21 ~~without consent impersonate a pupil for the purpose of bullying~~  
22 ~~the pupil and such that another pupil would reasonably believe, or~~  
23 ~~has reasonably believed, that the pupil was or is the pupil who was~~  
24 ~~impersonated.~~

25 ~~(III) Creating a false profile for the purpose of having one or~~  
26 ~~more of the effects listed in paragraph (1). “False profile” means~~  
27 ~~a profile of a fictitious pupil or a profile using the likeness or~~  
28 ~~attributes of an actual pupil other than the pupil who created the~~  
29 ~~false profile.~~

30 ~~(B) Notwithstanding paragraph (1) and subparagraph (A), an~~  
31 ~~electronic act shall not constitute pervasive conduct solely on the~~  
32 ~~basis that it has been transmitted on the Internet or is currently~~  
33 ~~posted on the Internet.~~

34 ~~(3) “Reasonable pupil” means a pupil, including, but not limited~~  
35 ~~to, an exceptional needs pupil, who exercises average care, skill,~~  
36 ~~and judgment in conduct for a person of his or her age, or for a~~  
37 ~~person of his or her age with his or her exceptional needs.~~

38 ~~(s) A pupil shall not be suspended or expelled for any of the~~  
39 ~~acts enumerated in this section unless the act is related to a school~~  
40 ~~activity or school attendance occurring within a school under the~~

1 jurisdiction of the superintendent of the school district or principal  
2 or occurring within any other school district. A pupil may be  
3 suspended or expelled for acts that are enumerated in this section  
4 and related to a school activity or school attendance that occur at  
5 any time, including, but not limited to, any of the following:  
6 (1) ~~While on school grounds.~~  
7 (2) ~~While going to or coming from school.~~  
8 (3) ~~During the lunch period whether on or off the campus.~~  
9 (4) ~~During, or while going to or coming from, a~~  
10 ~~school-sponsored activity.~~  
11 (t) ~~A pupil who aids or abets, as defined in Section 31 of the~~  
12 ~~Penal Code, the infliction or attempted infliction of physical injury~~  
13 ~~to another person may be subject to suspension, but not expulsion,~~  
14 ~~pursuant to this section, except that a pupil who has been adjudged~~  
15 ~~by a juvenile court to have committed, as an aider and abettor, a~~  
16 ~~crime of physical violence in which the victim suffered great bodily~~  
17 ~~injury or serious bodily injury shall be subject to discipline pursuant~~  
18 ~~to subdivision (a).~~  
19 (u) ~~As used in this section, “school property” includes, but is~~  
20 ~~not limited to, electronic files and databases.~~  
21 (v) ~~For a pupil subject to discipline under this section, a~~  
22 ~~superintendent of the school district or principal may use his or~~  
23 ~~her discretion to provide alternatives to suspension or expulsion~~  
24 ~~that are age appropriate and designed to address and correct the~~  
25 ~~pupil’s specific misbehavior as specified in Section 48900.5.~~  
26 (w) ~~It is the intent of the Legislature that alternatives to~~  
27 ~~suspension or expulsion be imposed against a pupil who is truant,~~  
28 ~~tardy, or otherwise absent from school activities.~~