

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1664

Introduced by Assembly Member Hagman

February 12, 2014

An act to amend Sections 17462.3 and 17489 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1664, as amended, Hagman. School facilities: sale or lease of real property.

(1) Existing law authorizes the State Allocation Board to establish a program under which it would require a school district, county office of education, or charter school that sells real property that was purchased with or modernized 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, county office of education, or charter school received from the state school facilities funding program for the purchase, modernization, or construction if certain conditions are met. Under this program, moneys received within 10 years before the real property is sold would be required to be returned if the real property is not sold to a charter school, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services, in accordance with a statute that requires property first be offered to a charter school before alternate disposition.

This bill would specify that, under the authorized program, the moneys would have to be returned if the real property is not sold to a charter school in accordance with that statute, or if the real property is not sold

to a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services if the real property has been deemed to be surplus and a charter school has not accepted an offer to purchase or lease.

(2) Existing law requires the governing board of a school district, before selling or leasing a schoolsite consisting in whole or in part of land suited or used for outdoor recreation, if a charter school has not accepted an offer to purchase or lease the schoolsite pursuant to a specified statute, to first offer to sell or lease that portion of the schoolsite suited for outdoor recreation, to the extent not retained by the governing board, to one of specified local agencies.

This bill would exempt from this requirement land to which this provision would otherwise apply, but which is subject to the provisions described in (1) above because it was purchased with or modernized with, or improvements were constructed on it that were funded with, any moneys from a state school facilities funding program. The bill would authorize the governing board of a school district in this instance, after first offering the schoolsite for sale or lease to a charter school pursuant to a prescribed statute, to offer to sell or lease the property to another school district, a county office of education, or ~~an agency that will use the property exclusively for the delivery of a governmental entity that provides~~ child care and development services before offering to sell or lease the property to one of the local agencies referenced above.

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 17462.3 of the Education Code is
2 amended to read:
3 17462.3. (a) The State Allocation Board may establish a
4 program that requires a school district, county office of education,
5 or charter school that sells real property that was purchased with
6 or modernized with, or on which improvements were constructed
7 that were funded with, any moneys from a state school facilities
8 funding program, to return to the State Allocation Board the
9 moneys the school district, county office of education, or charter
10 school received from the state school facilities funding program

1 for the purchase, modernization, or construction if all of the
2 following conditions are met:

3 (1) The real property is not sold to a charter school pursuant to
4 Section 17457.5, a school district, a county office of education, or
5 an agency that will use the property exclusively for the delivery
6 of child care and development services pursuant to Section 17458.

7 (2) The proceeds from the sale of the real property are not used
8 for capital outlay.

9 (3) The real property was purchased, or the improvements were
10 constructed or modernized on the real property, within 10 years
11 before the real property is sold.

12 (b) The moneys to be returned to the State Allocation Board
13 under this section are those received within 10 years before the
14 real property is sold.

15 (c) If a portion of the real property is sold, a proportionate
16 amount of funds received from a state school facilities funding
17 program shall be returned to the State Allocation Board under this
18 section based on the percentage of the real property sold.

19 SEC. 2. Section 17489 of the Education Code is amended to
20 read:

21 17489. (a) (1) Other than as specified in paragraph (2), and
22 notwithstanding Section 54222 of the Government Code, the
23 governing board of a school district, before selling or leasing a
24 schoolsite containing land described in Section 17486, excluding
25 that portion of a schoolsite retained by the governing board of the
26 school district pursuant to Section 17490, shall, if a charter school
27 has not accepted an offer to purchase or lease the schoolsite
28 pursuant to Section 17457.5, first offer to sell or lease that portion
29 of the schoolsite consisting of land described in Section 17486,
30 excluding that portion retained by the governing board of the school
31 district pursuant to Section 17490, to the following public agencies
32 in accordance with the following priorities:

33 (A) First, to any city within which the land may be situated.

34 (B) Second, to any park or recreation district within which the
35 land may be situated.

36 (C) Third, to any regional park authority having jurisdiction
37 within the area in which the land is situated.

38 (D) Fourth, to any county within which the land may be situated.

39 (2) The governing board of a school district, before selling or
40 leasing a schoolsite to which paragraph (1) would otherwise apply,

1 but which was purchased with or modernized with, or on which
2 improvements were constructed that were funded with, any moneys
3 from a state school facilities funding program, and to which
4 subdivision (a) of Section 17462.3 is applicable, after first offering
5 the schoolsite for sale or lease to a charter school that has requested
6 notification pursuant to Section 17457.5, may offer to sell or lease
7 the property to another school district, a county office of education,
8 ~~or an agency that will use the property exclusively for the delivery~~
9 ~~of a governmental entity that provides~~ child care and development
10 services pursuant to Section 17458 before offering to sell or lease
11 the property to the entities listed in subparagraphs (A) to (D),
12 inclusive, of paragraph (1).

13 (b) The governing board of the school district shall have
14 discretion to determine whether the offer shall be an offer to sell
15 or an offer to lease.

16 (c) An entity which proposes to purchase or lease a schoolsite
17 offered by a school district shall notify the school district of its
18 intention, in writing, within 60 days after receiving written
19 notification from the school district of its offer to sell or lease.