

AMENDED IN ASSEMBLY SEPTEMBER 3, 2015

AMENDED IN ASSEMBLY JULY 9, 2015

AMENDED IN SENATE MAY 5, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 705

Introduced by Senator Hill

(Principal coauthors: Assembly Members Gordon, Mullin, and Mark Stone)

February 27, 2015

~~An act to add Section 47614.2 to the Education Code, relating to charter school facilities.~~ *An act to add Chapter 3.9 (commencing with Section 7295) and Chapter 3.91 (commencing with Section 7297) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 705, as amended, Hill. ~~Charter school facilities: posting facilities request or preliminary or final offer.~~ *Transactions and use taxes: County of San Mateo: Transportation Agency for Monterey County.*

Existing law authorizes various local governmental entities, subject to certain limitations and approval requirements, to levy a transactions and use tax for general purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%. Existing law, the Bay Area County Traffic and Transportation Funding Act, authorizes nine specified counties in the San Francisco Bay Area, including the County of San Mateo, to establish a county transportation

authority and levy a retail transactions and use tax of either 0.5% or 1% for specified transportation purposes if certain requirements are met, including that the ordinance levying the tax meets the requirements of the Transactions and Use Tax Law and is approved by $\frac{2}{3}$ of the electors voting on the measure.

This bill would authorize the County of San Mateo to, in accordance with the Bay Area Traffic and Transportation Funding Act, impose a transactions and use tax for countywide transportation programs at a rate of no more than 0.5% that, in combination with other specified taxes, would exceed the combined rate limit. The bill would also authorize the Transportation Agency for Monterey County to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.375% that, in combination with other specified taxes, would exceed the combined rate limit.

These provisions would be repealed by their own terms on January 1, 2026, if an ordinance is not approved, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Mateo and the Transportation Agency for Monterey County.

~~Existing law requires each school district to make available to each charter school operating in the school district facilities sufficient for the charter school to accommodate all of the charter school's in-district pupils in conditions reasonably equivalent to those in which the pupils would be accommodated if they were attending other public schools of the district. Existing law requires a charter school desiring facilities from a school district in which it is operating to provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year and requires the school district to allocate facilities to the charter school based on that projection. Existing law requires the State Department of Education to propose, and for the State Board of Education to adopt, regulations to implement those provisions.~~

~~This bill would require a school district, within 10 days of receiving a facilities request from a charter school or making a preliminary or final offer of facilities to a charter school to post that information on the school district's Internet Web site. To the extent the bill imposes additional duties on school districts, the 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.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Chapter 3.9 (commencing with Section 7295) is
2 added to Part 1.7 of Division 2 of the Revenue and Taxation Code,
3 to read:

4
5 CHAPTER 3.9. LOCAL GOVERNMENT FINANCE IN THE COUNTY
6 OF SAN MATEO
7

8 7295. Notwithstanding any other law, the County of San Mateo
9 may, in accordance with the requirements of the Bay Area County
10 Traffic and Transportation Funding Act (Division 12.5
11 (commencing with Section 131000) of the Public Utilities Code)
12 relating to the imposition of transactions and use taxes, impose a
13 transactions and use tax for the support of countywide
14 transportation programs at a rate of no more than 0.5 percent that
15 would, in combination with all taxes imposed in accordance with
16 Part 1.6 (commencing with Section 7251), exceed the limit
17 established in Section 7251.1.

18 7296. If the ordinance proposing the transactions and use tax
19 is not approved as required by Section 7295, this chapter shall be
20 repealed as of January 1, 2026.

21 SEC. 2. Chapter 3.91 (commencing with Section 7297) is added
22 to Part 1.7 of Division 2 of the Revenue and Taxation Code, to
23 read:

CHAPTER 3.91. LOCAL GOVERNMENT FINANCE IN THE COUNTY OF MONTEREY

7297. Notwithstanding any other law, the Transportation Agency for Monterey County may impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.375 percent that would, in combination with all taxes imposed in accordance with Part 1.6 (commencing with Section 7251), exceed the limit established in Section 7251.1, if all of the following requirements are met:

(a) The Transportation Agency for Monterey County adopts an ordinance proposing the transactions and use tax by any applicable voting approval requirement.

(b) The ordinance proposing the transactions and use tax is submitted to the electorate and is approved by the voters voting on the ordinance in accordance with Article XIII C of the California Constitution.

(c) The transactions and use tax conforms to the Transactions and Use Tax Law, Part 1.6 (commencing with Section 7251), other than Section 7251.1.

7298. If the ordinance proposing the transactions and use tax is not approved as required by subdivision (b) of Section 7297, this chapter shall be repealed as of January 1, 2026.

SEC. 3. (a) The Legislature finds and declares that the special law contained in Section 1 of this measure is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique fiscal pressures experienced by the San Mateo County Transportation Authority in providing essential transportation programs.

(b) The Legislature finds and declares that the special law contained in Section 2 of this measure is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique fiscal pressures experienced by the Transportation Agency for Monterey County in providing essential transportation programs.

SECTION 1. Section 47614.2 is added to the Education Code, to read:

1 ~~47614.2. (a) Within 10 days of receipt of a facilities request~~
2 ~~from a charter school or of the school district making a preliminary~~
3 ~~offer or final offer of facilities to a charter school, a school district~~
4 ~~shall post the fact that a request was received or that a preliminary~~
5 ~~or final offer was made, as applicable, on the school district's~~
6 ~~Internet Web site.~~

7 ~~(b) For purposes of this section, "preliminary offer" includes~~
8 ~~situations in which the school district reasonably anticipates that~~
9 ~~a public school facility located in a district-operated school will~~
10 ~~be allocated to a charter school.~~

11 ~~SEC. 2. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~