

Assembly Bill No. 2333

Passed the Assembly August 31, 1996

Chief Clerk of the Assembly

Passed the Senate August 23, 1996

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1996, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Section 15100.5 to the Education Code, relating to school bonds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2333, Bates. School bonds.

(1) Existing law authorizes the governing board of a school district or community college district to order the county superintendent of schools to call an election and submit to the electors of the district the question of whether bonds of the district shall be issued and sold for the purpose of raising money for specified purposes.

This bill would authorize the governing board of the Peralta Community College District to order the county superintendent of schools to call an election and submit to the electors of the district the question of whether the proceeds of previously authorized but unissued bonds of the district may be used for a purpose in addition to the purposes for which the previously approved bonds were authorized by the electors, and if the question submitted to the electors is approved by $\frac{2}{3}$ of those voting, the bill would authorize the district to use those proceeds for those additional purposes. The bill would impose a state-mandated local program to the extent the county superintendent of schools is required to call an election and an election is conducted.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

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

SECTION 1. Section 15100.5 is added to the Education Code, to read:

15100.5. Except as otherwise provided by law, the governing board of the Peralta Community College District may, when in its judgment it is advisable, order the county superintendent of schools to call an election to be conducted pursuant to this chapter and submit to the electors of the district the question of whether the proceeds of previously authorized but unissued bonds of the district may be used for a purpose or purposes in addition to the purposes for which the previously approved bonds were authorized by the electors.

The governing board may, by order entered into its minutes, call for an election to expand the purposes of prior authorized but unissued bonds either as a single proposition on the ballot or combined with the question of issuing new bonds of the district for any purpose or purposes permitted by law.

If two-thirds of the votes cast on the question of expanding the purposes for which the proceeds of previously authorized but unissued bonds of the district may be used, or the combined question of expanding the purposes for which the proceeds of previously authorized but unissued bonds of the district and issuing newly authorized bonds of the district, are in favor of the proposition, the district may use the proceeds of the previously authorized but unissued bonds for the expanded purposes and may issue newly authorized bonds, as the case may be.

SEC. 2. The Legislature finds and declares that due to the unique circumstances regarding the Peralta Community College District, a general statute cannot be



made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to facilitate the placement of a bond measure on the ballot at the November 5, 1996, general election, it is necessary that this act take effect immediately.



Approved _____, 1996

Governor

