

AMENDED IN ASSEMBLY APRIL 25, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 2767

Introduced by Assembly Member Poochigian
(Principal coauthor: Senator Kopp)

February 22, 1996

An act to add Section 15122.5 to the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2767, as amended, Poochigian. School districts: elections: bonds: disclosure.

Existing law authorizes the governing board of a school district to order the county superintendent of schools to call an election and submit to the electors of the school district the question of whether bonds of the school district shall be issued and sold for the purpose of raising money for specified projects. Existing law sets forth certain requirements for the ballot of that election.

This bill would require ~~the ballot and accompanying ballot pamphlet to~~ *that the sample ballot* contain a specified notice whenever an election is called on the question of whether bonds of a school district shall be issued and sold for specified purposes and the project to be funded by the bonds will require state matching funds for any phase of the project. By imposing this notice requirement for inclusion ~~on the ballot and in the ballot pamphlet~~ *in the sample ballot*, the bill would constitute 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, 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.

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

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

1 SECTION 1. Section 15122.5 is added to the
2 Education Code, to read:

3 15122.5. (a) Whenever an election is called on the
4 question of whether bonds of a school district shall be
5 issued and sold for the purposes specified in Section 15100
6 and the project to be funded by the bonds will require
7 state matching funds for any phase of the project, the
8 ~~ballot and ballot pamphlet~~ *sample ballot* shall contain a
9 statement, as provided in subdivision (b), advising the
10 voters that the project is subject to the approval of state
11 matching funds and, therefore, passage of the bond
12 measure is not a guarantee that the project will be
13 completed.

14 (b) The words to appear ~~on the ballot and the ballot~~
15 ~~pamphlet~~ *in the sample ballot* in satisfaction of the
16 requirements of subdivision (a) are as follows:

17
18 ‘Approval of Measure ____ does not guarantee that
19 the proposed project or projects in the ____ School
20 District that are the subject of bonds under Measure
21 ____ will be funded beyond the local revenues
22 generated by Measure _____. The school district’s
23 proposal for the project or projects may assume the
24 receipt of matching state funds, which could be subject



1 to appropriation by the Legislature or approval of a
2 statewide bond measure.’

3 SEC. 2. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

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

