

Introduced by Senator Greene

January 15, 1997

An act to ~~add Section 38060 to~~ add Sections 17016, 17017.2, 17032.5, 17042, 17042.9, 17047.6, 17150, 17182, 17183, 17199.3, 17215, and 38060 to, to add and repeal Section 17199.4 of, to repeal Sections 17716, 17717.2, 17732.5, 17742, 17742.9, 17747.6, 17850, 17882, 17883, 17899.3, and 17899.4 of, and to add and repeal Sections 15100.5, 15122.5, 15300, 15301, 15303, 15320, 15322, 15323, 15324, 15326, 15327, 15334.5, 15336, 15342, 15349, 15350, 15351, 15352, 15353, 15356, 15357, 15358, 15359, 15359.1, 15359.2, 15380, 15381, 15384, 15390, 15391, 15400, 15401, 15403, 15404, 15405, 15410, 15411, 15412, 15421, 15425, 17001.5, 17042.7, 17224, and 39005 of, the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 161, as amended, Greene. Schools.

(1) Existing law makes it a crime to enter a schoolbus or school pupil activity bus without prior authorization of the driver or other school official with intent to commit any crime and then refusing to disembark after being ordered to do so by the driver or other school official. Existing law will be repealed on January 1, 1998, as part of a technical Education Code reorganization statute.

Existing law operative January 1, 1998, reorganizes portions of the Education Code by repealing various parts of the Education Code and reenacting them in new parts, chapters, and articles.

This bill would reenact the existing law with no changes and renumber it consistent with the technical Education Code reorganization statute. *This bill would also repeal and add various sections of the Education Code with no substantive changes to complete the reorganization of the Education Code that is operative on January 1, 1998.*

(2) This bill would provide that it is to be construed as a restatement and not as a new enactment.

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

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

1 SECTION 1. *Section 15100.5 of the Education Code,*
2 *as added by Chapter 729 of the Statutes of 1996, is*
3 *repealed.*

4 ~~15100.5. Except as otherwise provided by law, the~~
5 ~~governing board of the Peralta Community College~~
6 ~~District may, when in its judgment it is advisable, order~~
7 ~~the county superintendent of schools to call an election to~~
8 ~~be conducted pursuant to this chapter and submit to the~~
9 ~~electors of the district the question of whether the~~
10 ~~proceeds of previously authorized but unissued bonds of~~
11 ~~the district may be used for a purpose or purposes in~~
12 ~~addition to the purposes for which the previously~~
13 ~~approved bonds were authorized by the electors.~~

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

20 ~~If two-thirds of the votes cast on the question of~~
21 ~~expanding the purposes for which the proceeds of~~
22 ~~previously authorized but unissued bonds of the district~~
23 ~~may be used, or the combined question of expanding the~~
24 ~~purposes for which the proceeds of previously authorized~~
25 ~~but unissued bonds of the district and issuing newly~~
26 ~~authorized bonds of the district, are in favor of the~~
27 ~~proposition, the district may use the proceeds of the~~



1 ~~previously authorized but unissued bonds for the~~
2 ~~expanded purposes and may issue newly authorized~~
3 ~~bonds, as the case may be.~~

4 *SEC. 2. Section 15100.5 is added to Article 1*
5 *(commencing with Section 15100) of Chapter 1 of Part 10*
6 *of the Education Code, to read:*

7 *15100.5. Except as otherwise provided by law, the*
8 *governing board of the Peralta Community College*
9 *District may, when in its judgment it is advisable, order*
10 *the county superintendent of schools to call an election to*
11 *be conducted pursuant to this chapter and submit to the*
12 *electors of the district the question of whether the*
13 *proceeds of previously authorized but unissued bonds of*
14 *the district may be used for a purpose or purposes in*
15 *addition to the purposes for which the previously*
16 *approved bonds were authorized by the electors.*

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

23 *If two-thirds of the votes cast on the question of*
24 *expanding the purposes for which the proceeds of*
25 *previously authorized but unissued bonds of the district*
26 *may be used, or the combined question of expanding the*
27 *purposes for which the proceeds of previously authorized*
28 *but unissued bonds of the district and issuing newly*
29 *authorized bonds of the district, are in favor of the*
30 *proposition, the district may use the proceeds of the*
31 *previously authorized but unissued bonds for the*
32 *expanded purposes and may issue newly authorized*
33 *bonds, as the case may be.*

34 *SEC. 3. Section 15122.5 of the Education Code, as*
35 *added by Chapter 548 of the Statutes of 1996, is repealed.*

36 ~~15122.5. (a) Whenever an election is called on the~~
37 ~~question of whether bonds of a school district shall be~~
38 ~~issued and sold for the purposes specified in Section 15100~~
39 ~~and the project to be funded by the bonds will require~~
40 ~~state matching funds for any phase of the project, the~~



1 ~~sample ballot shall contain a statement, as provided in~~
2 ~~subdivision (b), advising the voters that the project is~~
3 ~~subject to the approval of state matching funds and,~~
4 ~~therefore, passage of the bond measure is not a guarantee~~
5 ~~that the project will be completed.~~

6 ~~(b) The words to appear in the sample ballot in~~
7 ~~satisfaction of the requirements of subdivision (a) are as~~
8 ~~follows:~~

9

10 ~~“Approval of Measure _____ does not guarantee that~~
11 ~~the proposed project or projects in the _____ School~~
12 ~~District that are the subject of bonds under Measure~~
13 ~~_____ will be funded beyond the local revenues~~
14 ~~generated by Measure _____. The school district’s~~
15 ~~proposal for the project or projects may assume the~~
16 ~~receipt of matching state funds, which could be subject~~
17 ~~to appropriation by the Legislature or approval of a~~
18 ~~statewide bond measure.”~~

19

20 ~~(c) This section does not apply to any election to incur~~
21 ~~bonded indebtedness pursuant to the Mello-Roos~~
22 ~~Community Facilities Act of 1982 contained in Chapter~~
23 ~~2.5 (commencing with Section 53311) of Division 2 of~~
24 ~~Title 5 of the Government Code.~~

25 *SEC. 4. Section 15122.5 is added to Article 2*
26 *(commencing with Section 15120) of Chapter 2 of Part 10*
27 *of the Education Code, to read:*

28 *15122.5. (a) Whenever an election is called on the*
29 *question of whether bonds of a school district shall be*
30 *issued and sold for the purposes specified in Section 15100*
31 *and the project to be funded by the bonds will require*
32 *state matching funds for any phase of the project, the*
33 *sample ballot shall contain a statement, as provided in*
34 *subdivision (b), advising the voters that the project is*
35 *subject to the approval of state matching funds and,*
36 *therefore, passage of the bond measure is not a guarantee*
37 *that the project will be completed.*

38 *(b) The words to appear in the sample ballot in*
39 *satisfaction of the requirements of subdivision (a) are as*
40 *follows:*



1
 2 “Approval of Measure ____ does not guarantee that
 3 the proposed project or projects in the ____ School
 4 District that are the subject of bonds under Measure
 5 ____ will be funded beyond the local revenues
 6 generated by Measure _____. The school district’s
 7 proposal for the project or projects may assume the
 8 receipt of matching state funds, which could be subject
 9 to appropriation by the Legislature or approval of a
 10 statewide bond measure.”

11
 12 (c) This section does not apply to any election to incur
 13 bonded indebtedness pursuant to the Mello-Roos
 14 Community Facilities Act of 1982 contained in Chapter
 15 2.5 (commencing with Section 53311) of Division 2 of
 16 Title 5 of the Government Code.

17 SEC. 5. Section 15300 of the Education Code, as
 18 amended by Chapter 1072 of the Statutes of 1996, is
 19 repealed.

20 ~~15300. This chapter provides a method for the~~
 21 ~~formation of school facilities improvement districts~~
 22 ~~consisting of a portion of the territory within a school~~
 23 ~~district or community college district and for the issuance~~
 24 ~~of general obligation bonds by a school facilities~~
 25 ~~improvement district.~~

26 SEC. 6. Section 15300 is added to Article 1
 27 (commencing with Section 15300) of Chapter 2 of Part 10
 28 of the Education Code, to read:

29 15300. This chapter provides a method for the
 30 formation of school facilities improvement districts
 31 consisting of a portion of the territory within a school
 32 district or community college district and for the issuance
 33 of general obligation bonds by a school facilities
 34 improvement district.

35 SEC. 7. Section 15301 of the Education Code, as
 36 amended by Chapter 1072 of the Statutes of 1996, is
 37 repealed.

38 ~~15301. (a) Any school district or community college~~
 39 ~~district that has a community facilities district formed~~
 40 ~~pursuant to the Mello-Roos Community Facilities Act of~~



1 ~~1982, as set forth in Chapter 2.5 (commencing with~~
2 ~~Section 53311) of Part 1 of Division 2 of Title 5 of the~~
3 ~~Government Code, that has as one of its purposes the~~
4 ~~construction of school facilities within a portion of the~~
5 ~~territory of the school district or community college~~
6 ~~district, may proceed under this chapter.~~

7 ~~(b) The boundaries of any school facilities~~
8 ~~improvement district formed pursuant to this chapter~~
9 ~~shall include all of the portion of the territory within the~~
10 ~~boundaries of the school district or community college~~
11 ~~district that is not located within the boundaries of the~~
12 ~~community facilities district as described in subdivision~~
13 ~~(a).~~

14 ~~(c) A school district or community college district may~~
15 ~~proceed under this chapter without meeting the~~
16 ~~requirements of subdivisions (a) and (b) if the governing~~
17 ~~board of the school district or community college district~~
18 ~~determines that it is necessary and in the best interest of~~
19 ~~the school district or community college district,~~
20 ~~respectively, to form a school facilities improvement~~
21 ~~district pursuant to this chapter to finance any or all of the~~
22 ~~improvements set forth in Section 15302. As a part of that~~
23 ~~determination, the governing board of the school district~~
24 ~~or community college district shall make a finding that~~
25 ~~the overall cost of financing the bonds issued pursuant to~~
26 ~~this chapter would be less than the overall cost of other~~
27 ~~school facilities financing options available to the school~~
28 ~~district or community college district, including, but not~~
29 ~~limited to, issuing bonds pursuant to the Mello-Roos~~
30 ~~Communities Facilities Act of 1982 (Ch. 2.5~~
31 ~~(commencing with Sec. 53311), Pt. 1, Div. 2, Title 5, Gov.~~
32 ~~C.). The governing board of the school district or~~
33 ~~community college district proceeding under this~~
34 ~~subdivision shall define the boundaries of the school~~
35 ~~facilities improvement district to include any portion of~~
36 ~~territory within the jurisdiction of the school district or~~
37 ~~community college district, except that the boundaries~~
38 ~~may not include all or a portion of the territory of the~~
39 ~~community facilities district described in subdivision (a).~~



1 SEC. 8. Section 15301 is added to Article 1
2 (commencing with Section 15300) of Chapter 2 of Part 10
3 of the Education Code, to read:

4 15301. (a) Any school district or community college
5 district that has a community facilities district formed
6 pursuant to the Mello-Roos Community Facilities Act of
7 1982, as set forth in Chapter 2.5 (commencing with
8 Section 53311) of Part 1 of Division 2 of Title 5 of the
9 Government Code, that has as one of its purposes the
10 construction of school facilities within a portion of the
11 territory of the school district or community college
12 district, may proceed under this chapter.

13 (b) The boundaries of any school facilities
14 improvement district formed pursuant to this chapter
15 shall include all of the portion of the territory within the
16 boundaries of the school district or community college
17 district that is not located within the boundaries of the
18 community facilities district as described in subdivision
19 (a).

20 (c) A school district or community college district may
21 proceed under this chapter without meeting the
22 requirements of subdivisions (a) and (b) if the governing
23 board of the school district or community college district
24 determines that it is necessary and in the best interest of
25 the school district or community college district,
26 respectively, to form a school facilities improvement
27 district pursuant to this chapter to finance any or all of the
28 improvements set forth in Section 15302. As a part of that
29 determination, the governing board of the school district
30 or community college district shall make a finding that
31 the overall cost of financing the bonds issued pursuant to
32 this chapter would be less than the overall cost of other
33 school facilities financing options available to the school
34 district or community college district, including, but not
35 limited to, issuing bonds pursuant to the Mello-Roos
36 Communities Facilities Act of 1982 (Ch. 2.5
37 (commencing with Sec. 53311), Pt. 1, Div. 2, Title 5, Gov.
38 C.). The governing board of the school district or
39 community college district proceeding under this
40 subdivision shall define the boundaries of the school



1 facilities improvement district to include any portion of
2 territory within the jurisdiction of the school district or
3 community college district, except that the boundaries
4 may not include all or a portion of the territory of the
5 community facilities district described in subdivision (a).

6 SEC. 8.5. Section 15301 is added to Article 1
7 (commencing with Section 15300) of Chapter 2 of Part 10
8 of the Education Code, to read:

9 15301. (a) Any school district or community college
10 district that has a community facilities district formed
11 pursuant to the Mello-Roos Community Facilities Act of
12 1982, as set forth in Chapter 2.5 (commencing with
13 Section 53311) of Part 1 of Division 2 of Title 5 of the
14 Government Code, that has as one of its purposes the
15 construction of school facilities within a portion of the
16 territory of the school district or community college
17 district, may proceed under this chapter.

18 (b) The boundaries of any school facilities
19 improvement district formed pursuant to this chapter
20 shall include all of the portion of the territory within the
21 boundaries of the school district or community college
22 district that is not located within the boundaries of the
23 community facilities district as described in subdivision
24 (a).

25 (c) A school district or community college district may
26 proceed under this chapter without meeting the
27 requirements of subdivisions (a) and (b) if the governing
28 board of the school district or community college district
29 determines that it is necessary and in the best interest of
30 the school district or community college district,
31 respectively, to form a school facilities improvement
32 district pursuant to this chapter to finance any or all of the
33 improvements set forth in Section 15302. As a part of that
34 determination, the governing board of the school district
35 or community college district shall make a finding that
36 the overall cost of financing the bonds issued pursuant to
37 this chapter would be less than the overall cost of other
38 school facilities financing options available to the school
39 district or community college district, including, but not
40 limited to, issuing bonds pursuant to the Mello-Roos



1 *Communities Facilities Act of 1982 (Chapter 2.5*
2 *(commencing with Section 53311) of Part 1 of Division 2*
3 *of Title 5 of the Government Code). The governing board*
4 *of the school district or community college district*
5 *proceeding under this subdivision shall define the*
6 *boundaries of the school facilities improvement district to*
7 *include any portion of territory within the jurisdiction of*
8 *the school district or community college district, except*
9 *that the boundaries may not include all or a portion of the*
10 *territory of the community facilities district described in*
11 *subdivision (a).*

12 *(d) The governing body of a school district or*
13 *community college district that proceeds under this*
14 *chapter shall comply with the filing requirements*
15 *established by Section 54902 of the Government Code.*
16 *Any plat or map that is filed pursuant to this subdivision*
17 *shall specifically identify any property located within the*
18 *school district or community college district that is not*
19 *located within the improvement district established by*
20 *the school district or community college district pursuant*
21 *to this chapter.*

22 *SEC. 9. Section 15303 of the Education Code, as*
23 *amended by Chapter 1072 of the Statutes of 1996, is*
24 *repealed.*

25 ~~15303. This chapter shall not be operative in any~~
26 ~~county or counties until the board of supervisors of either~~
27 ~~the county in which the county superintendent of schools~~
28 ~~having jurisdiction over the school district or community~~
29 ~~college district in which the school facilities improvement~~
30 ~~district is located or, if a school facilities improvement~~
31 ~~district lies in two or more counties, the board of~~
32 ~~supervisors for those counties, by resolution adopted by~~
33 ~~a majority vote of the board of supervisors, makes this~~
34 ~~chapter applicable in the county or counties.~~

35 *SEC. 10. Section 15303 is added to Article 1*
36 *(commencing with Section 15300) of Chapter 2 of Part 10*
37 *of the Education Code, to read:*

38 *15303. This chapter shall not be operative in any*
39 *county or counties until the board of supervisors of either*
40 *the county in which the county superintendent of schools*



1 *having jurisdiction over the school district or community*
2 *college district in which the school facilities improvement*
3 *district is located or, if a school facilities improvement*
4 *district lies in two or more counties, the board of*
5 *supervisors for those counties, by resolution adopted by*
6 *a majority vote of the board of supervisors, makes this*
7 *chapter applicable in the county or counties.*

8 *SEC. 11. Section 15320 of the Education Code, as*
9 *amended by Chapter 1072 of the Statutes of 1996, is*
10 *repealed.*

11 ~~15320. Whenever the governing board of a school~~
12 ~~district or community college district meeting the~~
13 ~~requirements set forth in Section 15301 determines that~~
14 ~~a school facilities improvement district is necessary, the~~
15 ~~governing board shall adopt a resolution of intention that~~
16 ~~states all of the following:~~

17 ~~(a) The intention of the governing board to form the~~
18 ~~proposed school facilities improvement district.~~

19 ~~(b) The purpose for which the proposed school~~
20 ~~facilities improvement district is to be formed, consistent~~
21 ~~with the requirements set forth in Section 15302.~~

22 ~~(c) The estimated cost of the school facilities~~
23 ~~improvement project.~~

24 ~~(d) That any taxes levied for the purpose of financing~~
25 ~~the general obligation bonds issued to finance the project~~
26 ~~shall be levied exclusively upon the lands in the proposed~~
27 ~~school facilities improvement district.~~

28 ~~(e) That a map showing the exterior boundaries of the~~
29 ~~proposed school facilities improvement district is on file~~
30 ~~with the governing board of the school district or~~
31 ~~community college district and is available for inspection~~
32 ~~by the public. The boundaries of the school facilities~~
33 ~~improvement district shall meet the requirements set~~
34 ~~forth in subdivision (b) of Section 15301.~~

35 ~~(f) The time and place for a hearing by the governing~~
36 ~~board on the formation of the proposed school facilities~~
37 ~~improvement district.~~

38 ~~(h) That any interested persons, including all persons~~
39 ~~owning lands in the school district or community college~~



1 ~~district, or in the proposed school facilities improvement~~
2 ~~district, may appear and be heard.~~

3 *SEC. 12. Section 15320 is added to Article 2*
4 *(commencing with Section 15320) of Chapter 2 of Part 10*
5 *of the Education Code, to read:*

6 *15320. Whenever the governing board of a school*
7 *district or community college district meeting the*
8 *requirements set forth in Section 15301 determines that*
9 *a school facilities improvement district is necessary, the*
10 *governing board shall adopt a resolution of intention that*
11 *states all of the following:*

12 *(a) The intention of the governing board to form the*
13 *proposed school facilities improvement district.*

14 *(b) The purpose for which the proposed school*
15 *facilities improvement district is to be formed, consistent*
16 *with the requirements set forth in Section 15302.*

17 *(c) The estimated cost of the school facilities*
18 *improvement project.*

19 *(d) That any taxes levied for the purpose of financing*
20 *the general obligation bonds issued to finance the project*
21 *shall be levied exclusively upon the lands in the proposed*
22 *school facilities improvement district.*

23 *(e) That a map showing the exterior boundaries of the*
24 *proposed school facilities improvement district is on file*
25 *with the governing board of the school district or*
26 *community college district and is available for inspection*
27 *by the public. The boundaries of the school facilities*
28 *improvement district shall meet the requirements set*
29 *forth in subdivision (b) of Section 15301.*

30 *(f) The time and place for a hearing by the governing*
31 *board on the formation of the proposed school facilities*
32 *improvement district.*

33 *(h) That any interested persons, including all persons*
34 *owning lands in the school district or community college*
35 *district, or in the proposed school facilities improvement*
36 *district, may appear and be heard.*

37 *SEC. 13. Section 15322 of the Education Code, as*
38 *amended by Chapter 1072 of the Statutes of 1996, is*
39 *repealed.*



1 ~~15322. The governing board of the school district or~~
2 ~~community college district shall hold the hearing~~
3 ~~provided for by resolution of intention at the time and~~
4 ~~place fixed by that resolution. Any interested person,~~
5 ~~including, but not limited to, all persons owning land in~~
6 ~~the school district, or in the proposed school facilities~~
7 ~~improvement district or community college district, may~~
8 ~~appear and be heard concerning any matters set forth in~~
9 ~~the resolution of intention.~~

10 *SEC. 14. Section 15322 is added to Article 2*
11 *(commencing with Section 15320) of Chapter 2 of Part 10*
12 *of the Education Code, to read:*

13 *15322. The governing board of the school district or*
14 *community college district shall hold the hearing*
15 *provided for by resolution of intention at the time and*
16 *place fixed by that resolution. Any interested person,*
17 *including, but not limited to, all persons owning land in*
18 *the school district, or in the proposed school facilities*
19 *improvement district or community college district, may*
20 *appear and be heard concerning any matters set forth in*
21 *the resolution of intention.*

22 *SEC. 15. Section 15323 of the Education Code, as*
23 *amended by Chapter 1072 of the Statutes of 1996, is*
24 *repealed.*

25 ~~15323. At the hearing, the governing board of the~~
26 ~~school district or community college district may adopt a~~
27 ~~resolution proposing modifications, consistent with~~
28 ~~Section 15302, of the purpose stated in the resolution of~~
29 ~~intention. A resolution proposing modification shall~~
30 ~~describe the proposed modifications, state the change, if~~
31 ~~any, in the estimated cost of carrying out the purpose, and~~
32 ~~shall fix a time and place for hearing by the governing~~
33 ~~board.~~

34 *SEC. 16. Section 15323 is added to Article 2*
35 *(commencing with Section 15320) of Chapter 2 of Part 10*
36 *of the Education Code, to read:*

37 *15323. At the hearing, the governing board of the*
38 *school district or community college district may adopt a*
39 *resolution proposing modifications, consistent with*
40 *Section 15302, of the purpose stated in the resolution of*



1 *intention. A resolution proposing modification shall*
2 *describe the proposed modifications, state the change, if*
3 *any, in the estimated cost of carrying out the purpose, and*
4 *shall fix a time and place for hearing by the governing*
5 *board.*

6 *SEC. 17. Section 15324 of the Education Code, as*
7 *amended by Chapter 1072 of the Statutes of 1996, is*
8 *repealed.*

9 ~~15324. The governing board of the school district or~~
10 ~~community college district shall publish the resolution~~
11 ~~proposing the modifications to the resolution of intention~~
12 ~~once in the same newspaper in which the resolution of~~
13 ~~intention was published at least 14 days prior to the date~~
14 ~~of hearing on the proposed modifications.~~

15 *SEC. 18. Section 15324 is added to Article 2*
16 *(commencing with Section 15320) of Chapter 2 of Part 10*
17 *of the Education Code, to read:*

18 *15324. The governing board of the school district or*
19 *community college district shall publish the resolution*
20 *proposing the modifications to the resolution of intention*
21 *once in the same newspaper in which the resolution of*
22 *intention was published at least 14 days prior to the date*
23 *of hearing on the proposed modifications.*

24 *SEC. 19. Section 15326 of the Education Code, as*
25 *amended by Chapter 1072 of the Statutes of 1996, is*
26 *repealed.*

27 ~~15326. At the conclusion of the hearing on the~~
28 ~~resolution of intention and of the hearing, if any, upon~~
29 ~~proposed modifications, the governing board may by~~
30 ~~resolution order the school facilities improvement district~~
31 ~~formed for the purpose and with the boundaries~~
32 ~~described in the resolution of intention, and, if relevant,~~
33 ~~the resolution proposing modifications. The resolution~~
34 ~~ordering the school facilities improvement district~~
35 ~~formed shall state the estimated cost of carrying out the~~
36 ~~purpose described in the resolution. The resolution shall~~
37 ~~also number and designate the school facilities~~
38 ~~improvement district substantially as “School Facilities~~
39 ~~Improvement District of the _____ School District” or~~



1 ~~“School Facilities Improvement District of the _____~~
2 ~~Community College District.”~~

3 *SEC. 20. Section 15326 is added to Article 2*
4 *(commencing with Section 15320) of Chapter 2 of Part 10*
5 *of the Education Code, to read:*

6 *15326. At the conclusion of the hearing on the*
7 *resolution of intention and of the hearing, if any, upon*
8 *proposed modifications, the governing board may by*
9 *resolution order the school facilities improvement district*
10 *formed for the purpose and with the boundaries*
11 *described in the resolution of intention, and, if relevant,*
12 *the resolution proposing modifications. The resolution*
13 *ordering the school facilities improvement district*
14 *formed shall state the estimated cost of carrying out the*
15 *purpose described in the resolution. The resolution shall*
16 *also number and designate the school facilities*
17 *improvement district substantially as “School Facilities*
18 *Improvement District of the _____ School District” or*
19 *“School Facilities Improvement District of the _____*
20 *Community College District.”*

21 *SEC. 21. Section 15327 of the Education Code, as*
22 *amended by Chapter 1072 of the Statutes of 1996, is*
23 *repealed.*

24 ~~15327. The governing board of the school district or~~
25 ~~community college district in which a school facilities~~
26 ~~improvement district has been formed shall have the~~
27 ~~same rights, powers, duties and responsibilities with~~
28 ~~respect to the formation and government of school~~
29 ~~facilities improvement district as the governing board has~~
30 ~~with respect to the school district or community college~~
31 ~~district.~~

32 *SEC. 22. Section 15327 is added to Article 2*
33 *(commencing with Section 15320) of Chapter 2 of Part 10*
34 *of the Education Code, to read:*

35 *15327. The governing board of the school district or*
36 *community college district in which a school facilities*
37 *improvement district has been formed shall have the*
38 *same rights, powers, duties and responsibilities with*
39 *respect to the formation and government of school*
40 *facilities improvement district as the governing board has*



1 *with respect to the school district or community college*
2 *district.*

3 *SEC. 23. Section 15334.5 of the Education Code, as*
4 *added by Chapter 1072 of the Statutes of 1996, is repealed.*

5 ~~15334.5. Notwithstanding any other provision of law,~~
6 ~~no bonded indebtedness may be incurred pursuant to this~~
7 ~~chapter in an amount that would cause the bonded~~
8 ~~indebtedness of the territory of the school district or~~
9 ~~community college district of which the school facilities~~
10 ~~improvement district is a part, to exceed the limitation of~~
11 ~~indebtedness specified in Sections 15102 and 15106. No~~
12 ~~bonded indebtedness may be incurred pursuant to this~~
13 ~~chapter in an amount that would cause the bonded~~
14 ~~indebtedness of the territory of the school facilities~~
15 ~~improvement district to exceed the limitation of~~
16 ~~indebtedness specified in Sections 15330 and 15332.~~

17 *SEC. 24. Section 15334.5 is added to Article 3*
18 *(commencing with Section 15330) of Chapter 2 of Part 10*
19 *of the Education Code, to read:*

20 *15334.5. Notwithstanding any other provision of law,*
21 *no bonded indebtedness may be incurred pursuant to this*
22 *chapter in an amount that would cause the bonded*
23 *indebtedness of the territory of the school district or*
24 *community college district of which the school facilities*
25 *improvement district is a part, to exceed the limitation of*
26 *indebtedness specified in Sections 15102 and 15106. No*
27 *bonded indebtedness may be incurred pursuant to this*
28 *chapter in an amount that would cause the bonded*
29 *indebtedness of the territory of the school facilities*
30 *improvement district to exceed the limitation of*
31 *indebtedness specified in Sections 15330 and 15332.*

32 *SEC. 25. Section 15336 of the Education Code, as*
33 *added by Chapter 1072 of the Statutes of 1996, is repealed.*

34 ~~15336. Within 30 days after the end of each fiscal year,~~
35 ~~the governing board of the school district or community~~
36 ~~college district in which the school facilities improvement~~
37 ~~district is located shall submit a report containing the~~
38 ~~information to an election held pursuant to Article 4~~
39 ~~(commencing with Section 15340), to the county~~



1 ~~superintendent of schools who has jurisdiction over the~~
2 ~~school district or community college district:~~

3 ~~(a) The total amount of the bond issue, bonded~~
4 ~~indebtedness, or other indebtedness involved.~~

5 ~~(b) The percentage of qualified electors who are~~
6 ~~residents of the school facilities improvement district who~~
7 ~~voted at the election.~~

8 ~~(c) The results of the election, with the percentage of~~
9 ~~votes cast for and against the proposition involved.~~

10 *SEC. 26. Section 15336 is added to Article 3*
11 *(commencing with Section 15330) of Chapter 2 of Part 10*
12 *of the Education Code, to read:*

13 *15336. Within 30 days after the end of each fiscal year,*
14 *the governing board of the school district or community*
15 *college district in which the school facilities improvement*
16 *district is located shall submit a report containing the*
17 *information to an election held pursuant to Article 4*
18 *(commencing with Section 15340), to the county*
19 *superintendent of schools who has jurisdiction over the*
20 *school district or community college district:*

21 *(a) The total amount of the bond issue, bonded*
22 *indebtedness, or other indebtedness involved.*

23 *(b) The percentage of qualified electors who are*
24 *residents of the school facilities improvement district who*
25 *voted at the election.*

26 *(c) The results of the election, with the percentage of*
27 *votes cast for and against the proposition involved.*

28 *SEC. 27. Section 15342 of the Education Code, as*
29 *amended by Chapter 1072 of the Statutes of 1996, is*
30 *repealed.*

31 ~~15342. Any one or more of the purposes enumerated~~
32 ~~in Section 15302, except that of refunding any outstanding~~
33 ~~valid indebtedness of the school facilities improvement~~
34 ~~district evidenced by bonds, may, by order of the~~
35 ~~governing board of the school district or community~~
36 ~~college district in which the school facilities improvement~~
37 ~~district is located, be united and voted upon in a single~~
38 ~~proposition.~~



1 SEC. 28. Section 15342 is added to Article 4
2 (commencing with Section 15340) of Chapter 2 of Part 10
3 of the Education Code, to read:

4 15342. Any one or more of the purposes enumerated
5 in Section 15302, except that of refunding any outstanding
6 valid indebtedness of the school facilities improvement
7 district evidenced by bonds, may, by order of the
8 governing board of the school district or community
9 college district in which the school facilities improvement
10 district is located, be united and voted upon in a single
11 proposition.

12 SEC. 29. Section 15349 of the Education Code, as
13 amended by Chapter 1072 of the Statutes of 1996, is
14 repealed.

15 ~~15349. If it appears from the certificate of election
16 results that two-thirds of the votes cast by the voters
17 voting on the proposition of issuing bonds of the school
18 facilities improvement district are in favor of issuing the
19 bonds, the governing board of the school district or
20 community college district in which the school facilities
21 improvement district is located shall cause an entry of
22 that fact to be made upon its minutes. The governing
23 board of the school district or community college district
24 shall then certify to the board of supervisors of the county
25 whose superintendent of schools has jurisdiction over the
26 school district or community college district, all
27 proceedings had in the premises. The county
28 superintendent of schools shall send a copy of the
29 certificate of election results to the board of supervisors
30 of the county.~~

31 SEC. 30. Section 15349 is added to Article 4
32 (commencing with Section 15340) of Chapter 2 of Part 10
33 of the Education Code, to read:

34 15349. If it appears from the certificate of election
35 results that two-thirds of the votes cast by the voters
36 voting on the proposition of issuing bonds of the school
37 facilities improvement district are in favor of issuing the
38 bonds, the governing board of the school district or
39 community college district in which the school facilities
40 improvement district is located shall cause an entry of



1 that fact to be made upon its minutes. The governing
2 board of the school district or community college district
3 shall then certify to the board of supervisors of the county
4 whose superintendent of schools has jurisdiction over the
5 school district or community college district, all
6 proceedings had in the premises. The county
7 superintendent of schools shall send a copy of the
8 certificate of election results to the board of supervisors
9 of the county.

10 SEC. 31. Section 15350 of the Education Code, as
11 amended by Chapter 1072 of the Statutes of 1972, is
12 repealed.

13 ~~15350. Bonds of a school facilities improvement~~
14 ~~district shall be offered for sale by the board of supervisors~~
15 ~~of the county in which the county superintendent of~~
16 ~~schools has jurisdiction over the school district or~~
17 ~~community college district in which the school facilities~~
18 ~~improvement district is located as soon as possible, when~~
19 ~~appropriate, following receipt of a resolution duly~~
20 ~~adopted by the governing board of that school district or~~
21 ~~community college district. The resolution shall prescribe~~
22 ~~the total amount of bonds to be sold. The resolution may~~
23 ~~also prescribe the maximum acceptable interest rate, not~~
24 ~~to exceed 8 percent, and the time or times when the~~
25 ~~whole or any part of the principal of the bonds shall be~~
26 ~~payable, which shall not be more than 25 years from the~~
27 ~~date of the bonds.~~

28 SEC. 32. Section 15350 is added to Article 5
29 (commencing with Section 15350) of Chapter 2 of Part 10
30 of the Education Code, to read:

31 15350. Bonds of a school facilities improvement
32 district shall be offered for sale by the board of supervisors
33 of the county in which the county superintendent of
34 schools has jurisdiction over the school district or
35 community college district in which the school facilities
36 improvement district is located as soon as possible, when
37 appropriate, following receipt of a resolution duly
38 adopted by the governing board of that school district or
39 community college district. The resolution shall prescribe
40 the total amount of bonds to be sold. The resolution may



1 also prescribe the maximum acceptable interest rate, not
2 to exceed 8 percent, and the time or times when the
3 whole or any part of the principal of the bonds shall be
4 payable, which shall not be more than 25 years from the
5 date of the bonds.

6 SEC. 33. Section 15351 of the Education Code, as
7 amended by Chapter 1072 of the Statutes of 1972, is
8 repealed.

9 ~~15351. When authorized by the governing board of
10 the school district or community college district in which
11 the school facilities improvement district is located,
12 bonds of the school facilities improvement district may be
13 offered for sale as a group by the board of supervisors of
14 the county in which the county superintendent of schools
15 has jurisdiction over the school district or community
16 college district in which the school facilities improvement
17 district is located, at a time determined by the board of
18 supervisors following receipt of a resolution duly adopted
19 by the governing board of that school district or
20 community college district. The resolution shall prescribe
21 the total amount of bonds to be sold. The resolution may
22 also prescribe the maximum acceptable interest rate, not
23 to exceed 8 percent, and the time or times when the
24 whole or any part of the principal of the bonds shall be
25 payable, which shall not be more than 25 years from the
26 date of the bonds. Bidders shall be required to bid a
27 lump-sum bid on all bonds as a group. If bids satisfactory
28 to the governing board of each school district or
29 community college district in which a school facilities
30 improvement district is located are received, the bonds
31 offered for sale shall be awarded to the bidder whose bid
32 will result in the lowest net interest cost for the group or
33 for the bonds of any district included within the group.
34 Bonds shall be issued and sold in the name of each school
35 facilities improvement district in the same manner as
36 provided in this chapter.~~

37 SEC. 34. Section 15351 is added to Article 5
38 (commencing with Section 15350) of Chapter 2 of Part 10
39 of the Education Code, to read:



1 15351. When authorized by the governing board of
2 the school district or community college district in which
3 the school facilities improvement district is located,
4 bonds of the school facilities improvement district may be
5 offered for sale as a group by the board of supervisors of
6 the county in which the county superintendent of schools
7 has jurisdiction over the school district or community
8 college district in which the school facilities improvement
9 district is located, at a time determined by the board of
10 supervisors following receipt of a resolution duly adopted
11 by the governing board of that school district or
12 community college district. The resolution shall prescribe
13 the total amount of bonds to be sold. The resolution may
14 also prescribe the maximum acceptable interest rate, not
15 to exceed 8 percent, and the time or times when the
16 whole or any part of the principal of the bonds shall be
17 payable, which shall not be more than 25 years from the
18 date of the bonds. Bidders shall be required to bid a
19 lump-sum bid on all bonds as a group. If bids satisfactory
20 to the governing board of each school district or
21 community college district in which a school facilities
22 improvement district is located are received, the bonds
23 offered for sale shall be awarded to the bidder whose bid
24 will result in the lowest net interest cost for the group or
25 for the bonds of any district included within the group.
26 Bonds shall be issued and sold in the name of each school
27 facilities improvement district in the same manner as
28 provided in this chapter.

29 SEC. 35. Section 15352 of the Education Code, as
30 amended by Chapter 1072 of the Statutes of 1972, is
31 repealed.

32 ~~15352. The bonds shall be issued in the name of the~~
33 ~~school facilities improvement district and shall be~~
34 ~~designated "Bonds of the School Facilities Improvement~~
35 ~~District of the _____ School District" or "Bonds of the~~
36 ~~School Facilities Improvement District of the _____~~
37 ~~Community College District" and each bond and all~~
38 ~~interest coupons shall state that the tax for the payment~~
39 ~~thereof shall be limited to annual taxes to be levied upon~~



1 ~~and collected from the lands within the school facilities~~
2 ~~improvement district.~~

3 *SEC. 36. Section 15352 is added to Article 5*
4 *(commencing with Section 15350) of Chapter 2 of Part 10*
5 *of the Education Code, to read:*

6 *15352. The bonds shall be issued in the name of the*
7 *school facilities improvement district and shall be*
8 *designated “Bonds of the School Facilities Improvement*
9 *District of the ____ School District” or “Bonds of the*
10 *School Facilities Improvement District of the ____*
11 *Community College District” and each bond and all*
12 *interest coupons shall state that the tax for the payment*
13 *thereof shall be limited to annual taxes to be levied upon*
14 *and collected from the lands within the school facilities*
15 *improvement district.*

16 *SEC. 37. Section 15353 of the Education Code, as*
17 *amended by Chapter 1072 of the Statutes of 1972, is*
18 *repealed.*

19 ~~15353. The bonds shall be issued in the denomination~~
20 ~~or denominations as the board of supervisors of the~~
21 ~~county in which the county superintendent of schools has~~
22 ~~jurisdiction over the school district or community college~~
23 ~~district in which the school facilities improvement district~~
24 ~~is located may prescribe.~~

25 *SEC. 38. Section 15353 is added to Article 5*
26 *(commencing with Section 15350) of Chapter 2 of Part 10*
27 *of the Education Code, to read:*

28 *15353. The bonds shall be issued in the denomination*
29 *or denominations as the board of supervisors of the*
30 *county in which the county superintendent of schools has*
31 *jurisdiction over the school district or community college*
32 *district in which the school facilities improvement district*
33 *is located may prescribe.*

34 *SEC. 39. Section 15356 of the Education Code, as*
35 *amended by Chapter 1072 of the Statutes of 1972, is*
36 *repealed.*

37 ~~15356. (a) (1) The board of supervisors of the county~~
38 ~~in which the county superintendent of schools has~~
39 ~~jurisdiction over the school district or community college~~
40 ~~district in which the school facilities improvement district~~



1 is located shall prescribe the form of the bonds by an
2 order entered upon its minutes.

3 (2) The bonds shall be signed by the chairperson of the
4 board of supervisors, or by any other member thereof as
5 the board of supervisors shall, by resolution adopted by a
6 four-fifths vote of all its members, authorize and
7 designate for that purpose, and also signed by the
8 treasurer of the county, and shall be countersigned by the
9 clerk of the board of supervisors or by a deputy of either
10 of the officers. Unless the board of supervisors otherwise
11 provides, all the signatures and countersignatures may be
12 printed, lithographed, engraved, or otherwise
13 mechanically reproduced except that one of the
14 signatures or countersignatures to the bonds shall be
15 manually affixed. Any signature may be affixed in
16 accordance with the provisions of the Uniform Facsimile
17 Signatures of Public Officials Act, Chapter 6
18 (commencing with Section 5500) of Title 1 of the
19 Government Code.

20 (3) All expenses incurred for the preparation, sale, and
21 delivery of the school facilities improvement bonds,
22 including but not limited to, fees of an independent
23 financial consultant, the publication of the official notice
24 of sale of the bonds, the preparation, printing, and
25 distribution of the official statement, the obtaining of a
26 rating, the purchase of insurance insuring the prompt
27 payment of interest and principal, the preparation of the
28 certified copy of the transcript for the successful bidder,
29 the printing of the bonds, and legal fees of independent
30 bond counsel retained by the school facilities
31 improvement district issuing the bonds are legal charges
32 against the funds of the school facilities improvement
33 district issuing the bonds and may be paid from the
34 proceeds of sale of the bonds.

35 (b) Notwithstanding subdivision (a), the board of
36 supervisors may, in its discretion, determine that all of the
37 required signatures and countersignatures shall be by
38 facsimiles, provided, however, that the bonds shall not be
39 valid or become obligatory for any purpose until



1 ~~manually signed by an authenticating agent duly~~
2 ~~appointed by the board or its authorized designee.~~

3 *SEC. 40. Section 15356 is added to Article 5*
4 *(commencing with Section 15350) of Chapter 2 of Part 10*
5 *of the Education Code, to read:*

6 *15356. (a) (1) The board of supervisors of the county*
7 *in which the county superintendent of schools has*
8 *jurisdiction over the school district or community college*
9 *district in which the school facilities improvement district*
10 *is located shall prescribe the form of the bonds by an*
11 *order entered upon its minutes.*

12 *(2) The bonds shall be signed by the chairperson of the*
13 *board of supervisors, or by any other member thereof as*
14 *the board of supervisors shall, by resolution adopted by a*
15 *four-fifths vote of all its members, authorize and*
16 *designate for that purpose, and also signed by the*
17 *treasurer of the county, and shall be countersigned by the*
18 *clerk of the board of supervisors or by a deputy of either*
19 *of the officers. Unless the board of supervisors otherwise*
20 *provides, all the signatures and countersignatures may be*
21 *printed, lithographed, engraved, or otherwise*
22 *mechanically reproduced except that one of the*
23 *signatures or countersignatures to the bonds shall be*
24 *manually affixed. Any signature may be affixed in*
25 *accordance with the provisions of the Uniform Facsimile*
26 *Signatures of Public Officials Act, Chapter 6*
27 *(commencing with Section 5500) of Title 1 of the*
28 *Government Code.*

29 *(3) All expenses incurred for the preparation, sale, and*
30 *delivery of the school facilities improvement bonds,*
31 *including but not limited to, fees of an independent*
32 *financial consultant, the publication of the official notice*
33 *of sale of the bonds, the preparation, printing, and*
34 *distribution of the official statement, the obtaining of a*
35 *rating, the purchase of insurance insuring the prompt*
36 *payment of interest and principal, the preparation of the*
37 *certified copy of the transcript for the successful bidder,*
38 *the printing of the bonds, and legal fees of independent*
39 *bond counsel retained by the school facilities*
40 *improvement district issuing the bonds are legal charges*



1 against the funds of the school facilities improvement
2 district issuing the bonds and may be paid from the
3 proceeds of sale of the bonds.

4 (b) Notwithstanding subdivision (a), the board of
5 supervisors may, in its discretion, determine that all of the
6 required signatures and countersignatures shall be by
7 facsimiles, provided, however, that the bonds shall not be
8 valid or become obligatory for any purpose until
9 manually signed by an authenticating agent duly
10 appointed by the board or its authorized designee.

11 SEC. 41. Section 15357 of the Education Code, as
12 amended by Chapter 1072 of the Statutes of 1972, is
13 repealed.

14 ~~15357. The board of supervisors shall establish within~~
15 ~~the county treasury a school facilities improvement fund~~
16 ~~for each school facilities improvement district the~~
17 ~~purpose of depositing the proceeds of the bonds issued~~
18 ~~pursuant to this chapter. The board of supervisors shall~~
19 ~~also establish within the county treasury a school facilities~~
20 ~~improvement bond interest and sinking fund for each~~
21 ~~school facilities improvement district.~~

22 SEC. 42. Section 15357 is added to Article 5
23 (commencing with Section 15350) of Chapter 2 of Part 10
24 of the Education Code, to read:

25 15357. The board of supervisors shall establish within
26 the county treasury a school facilities improvement fund
27 for each school facilities improvement district the
28 purpose of depositing the proceeds of the bonds issued
29 pursuant to this chapter. The board of supervisors shall
30 also establish within the county treasury a school facilities
31 improvement bond interest and sinking fund for each
32 school facilities improvement district.

33 SEC. 43. Section 15358 of the Education Code, as
34 amended by Chapter 1072 of the Statutes of 1972, is
35 repealed.

36 ~~15358. (a) The bonds shall be issued by the board of~~
37 ~~supervisors, payable out of the interest and sinking fund~~
38 ~~of the school facilities improvement district. The board of~~
39 ~~supervisors, in its discretion, and without further~~
40 ~~authorization from the governing board of the school~~



1 ~~district or community college district in which the school~~
2 ~~facilities improvement district is located, may sell the~~
3 ~~bonds at a negotiated sale or by competitive bidding. The~~
4 ~~bonds may be sold at a discount not to exceed 5 percent~~
5 ~~and at an interest rate not exceeding the maximum~~
6 ~~permitted by Section 15354. If the sale is by competitive~~
7 ~~bid, the board of supervisors shall comply with the~~
8 ~~provisions of Sections 15359 and 15359.1. The bonds shall~~
9 ~~be sold by the board of supervisors no later than the date~~
10 ~~designated by the governing board of the school district~~
11 ~~or community college district in which the school~~
12 ~~facilities improvement district is located as the final date~~
13 ~~for the sale of the bonds.~~

14 ~~(b) The proceeds of the sale of the bonds, exclusive of~~
15 ~~any premium received, shall be deposited in the county~~
16 ~~treasury to the credit of the school facilities improvement~~
17 ~~fund of the school facilities improvement district. The~~
18 ~~proceeds deposited shall be drawn out as necessary to~~
19 ~~finance the purposes approved by the voters pursuant to~~
20 ~~this chapter. The bond proceeds withdrawn shall not be~~
21 ~~applied to any other purposes than those for which the~~
22 ~~bonds were issued. Any premium or accrued interest~~
23 ~~received from the sale of the bonds shall be deposited in~~
24 ~~the interest and sinking fund of the county treasury~~
25 ~~established for the school facilities improvement district.~~

26 *SEC. 44. Section 15358 is added to Article 5*
27 *(commencing with Section 15350) of Chapter 2 of Part 10*
28 *of the Education Code, to read:*

29 *15358. (a) The bonds shall be issued by the board of*
30 *supervisors, payable out of the interest and sinking fund*
31 *of the school facilities improvement district. The board of*
32 *supervisors, in its discretion, and without further*
33 *authorization from the governing board of the school*
34 *district or community college district in which the school*
35 *facilities improvement district is located, may sell the*
36 *bonds at a negotiated sale or by competitive bidding. The*
37 *bonds may be sold at a discount not to exceed 5 percent*
38 *and at an interest rate not exceeding the maximum*
39 *permitted by Section 15354. If the sale is by competitive*
40 *bid, the board of supervisors shall comply with the*



1 provisions of Sections 15359 and 15359.1. The bonds shall
2 be sold by the board of supervisors no later than the date
3 designated by the governing board of the school district
4 or community college district in which the school
5 facilities improvement district is located as the final date
6 for the sale of the bonds.

7 (b) The proceeds of the sale of the bonds, exclusive of
8 any premium received, shall be deposited in the county
9 treasury to the credit of the school facilities improvement
10 fund of the school facilities improvement district. The
11 proceeds deposited shall be drawn out as necessary to
12 finance the purposes approved by the voters pursuant to
13 this chapter. The bond proceeds withdrawn shall not be
14 applied to any other purposes than those for which the
15 bonds were issued. Any premium or accrued interest
16 received from the sale of the bonds shall be deposited in
17 the interest and sinking fund of the county treasury
18 established for the school facilities improvement district.

19 SEC. 45. Section 15359 of the Education Code, as
20 amended by Chapter 1072 of the Statutes of 1972, is
21 repealed.

22 ~~15359. Before selling the bonds, or any part of them,~~
23 ~~the board of supervisors as appropriate, shall advertise for~~
24 ~~bids at least two weeks in some daily or weekly newspaper~~
25 ~~of general circulation published in the county whose~~
26 ~~county superintendent of schools has jurisdiction over the~~
27 ~~governing board of the school district or community~~
28 ~~college district in which the school facilities improvement~~
29 ~~district is located or if there is no newspaper published in~~
30 ~~the county, in a newspaper published in some other~~
31 ~~county in the state having a general circulation in the~~
32 ~~county.~~

33 SEC. 46. Section 15359 is added to Article 5
34 (commencing with Section 15350) of Chapter 2 of Part 10
35 of the Education Code, to read:

36 15359. Before selling the bonds, or any part of them,
37 the board of supervisors as appropriate, shall advertise for
38 bids at least two weeks in some daily or weekly newspaper
39 of general circulation published in the county whose
40 county superintendent of schools has jurisdiction over the



1 governing board of the school district or community
2 college district in which the school facilities improvement
3 district is located or if there is no newspaper published in
4 the county, in a newspaper published in some other
5 county in the state having a general circulation in the
6 county.

7 SEC. 47. Section 15359.1 of the Education Code, as
8 amended by Chapter 1072 of the Statutes of 1972, is
9 repealed.

10 ~~15359.1. (a) If satisfactory bids are received, the~~
11 ~~bonds offered for sale shall be awarded to the highest~~
12 ~~responsible bidder or bidders, and the county clerk shall~~
13 ~~prepare and certify to all of the proceedings on file in his~~
14 ~~or her office relative to the issuance and sale of the bonds,~~
15 ~~which transcript of proceedings shall be delivered to the~~
16 ~~successful bidder or bidders without charge. If no bids are~~
17 ~~received, or if the board determines that the bids~~
18 ~~received exceed either the maximum acceptable interest~~
19 ~~rate prescribed by the governing board or the maximum~~
20 ~~rate prescribed by Section 15353, or that they are not~~
21 ~~satisfactory as to price or responsibility of the bidders, the~~
22 ~~board may reject all bids received, if any, and without~~
23 ~~further authorization from the governing board of the~~
24 ~~school district or community college district in which the~~
25 ~~school facilities improvement district is located, either~~
26 ~~readvertise or sell the bonds at private sale.~~

27 ~~(b) For the purpose of determining whether or not a~~
28 ~~bid exceeds the maximum acceptable interest rate, the~~
29 ~~interest rate of that bid shall be deemed to be the interest~~
30 ~~rate resulting from the total net interest cost arrived at by~~
31 ~~computing the total amount of interest that the school~~
32 ~~facilities improvement district would be required to pay~~
33 ~~from the date of the bonds to the respective maturity~~
34 ~~dates thereof at the rate or rates specified in the bid and~~
35 ~~by deducting therefrom any premium bid.~~

36 SEC. 48. Section 15359.1 is added to Article 5
37 (commencing with Section 15350) of Chapter 2 of Part 10
38 of the Education Code, to read:

39 15359.1. (a) If satisfactory bids are received, the
40 bonds offered for sale shall be awarded to the highest



1 responsible bidder or bidders, and the county clerk shall
2 prepare and certify to all of the proceedings on file in his
3 or her office relative to the issuance and sale of the bonds,
4 which transcript of proceedings shall be delivered to the
5 successful bidder or bidders without charge. If no bids are
6 received, or if the board determines that the bids
7 received exceed either the maximum acceptable interest
8 rate prescribed by the governing board or the maximum
9 rate prescribed by Section 15353, or that they are not
10 satisfactory as to price or responsibility of the bidders, the
11 board may reject all bids received, if any, and without
12 further authorization from the governing board of the
13 school district or community college district in which the
14 school facilities improvement district is located, either
15 readvertise or sell the bonds at private sale.

16 (b) For the purpose of determining whether or not a
17 bid exceeds the maximum acceptable interest rate, the
18 interest rate of that bid shall be deemed to be the interest
19 rate resulting from the total net interest cost arrived at by
20 computing the total amount of interest that the school
21 facilities improvement district would be required to pay
22 from the date of the bonds to the respective maturity
23 dates thereof at the rate or rates specified in the bid and
24 by deducting therefrom any premium bid.

25 SEC. 49. Section 15359.2 of the Education Code, as
26 amended by Chapter 1072 of the Statutes of 1972, is
27 repealed.

28 ~~15359.2. (a) The issuing school facilities~~
29 ~~improvement district, by action of the governing board~~
30 ~~of the school district or community college district in~~
31 ~~which the school facilities improvement district is~~
32 ~~located, may prepare, or have prepared, bond brochures~~
33 ~~to serve as a prospectus for bond buyers to assist in the~~
34 ~~satisfactory sale of the bonds, the expense of the~~
35 ~~brochures shall be payable out of the funds of the district.~~
36 ~~The brochures may be prepared only after the issuance~~
37 ~~of the bonds to be sold has been approved by the electors~~
38 ~~of the school facilities improvement district pursuant to~~
39 ~~Article 4 (commencing with Section 15340).~~



1 ~~(b) The issuing school facilities improvement district~~
 2 ~~by action of the governing board in which the school~~
 3 ~~facilities improvement district is located may expend~~
 4 ~~funds of the school facilities improvement district for the~~
 5 ~~purposes of advertising the availability of the bonds for~~
 6 ~~purchase in any publication or newspaper that in the~~
 7 ~~opinion of that governing board will give notice to~~
 8 ~~prospective bond buyers that the bonds are available for~~
 9 ~~purchase by bond buyers.~~

10 *SEC. 50. Section 15359.2 is added to Article 5*
 11 *(commencing with Section 15350) of Chapter 2 of Part 10*
 12 *of the Education Code, to read:*

13 *15359.2. (a) The issuing school facilities*
 14 *improvement district, by action of the governing board*
 15 *of the school district or community college district in*
 16 *which the school facilities improvement district is*
 17 *located, may prepare, or have prepared, bond brochures*
 18 *to serve as a prospectus for bond buyers to assist in the*
 19 *satisfactory sale of the bonds, the expense of the*
 20 *brochures shall be payable out of the funds of the district.*
 21 *The brochures may be prepared only after the issuance*
 22 *of the bonds to be sold has been approved by the electors*
 23 *of the school facilities improvement district pursuant to*
 24 *Article 4 (commencing with Section 15340).*

25 *(b) The issuing school facilities improvement district*
 26 *by action of the governing board in which the school*
 27 *facilities improvement district is located may expend*
 28 *funds of the school facilities improvement district for the*
 29 *purposes of advertising the availability of the bonds for*
 30 *purchase in any publication or newspaper that in the*
 31 *opinion of that governing board will give notice to*
 32 *prospective bond buyers that the bonds are available for*
 33 *purchase by bond buyers.*

34 *SEC. 51. Section 15380 of the Education Code, as*
 35 *amended by Chapter 1072 of the Statutes of 1972, is*
 36 *repealed.*

37 ~~15380. If any bonds authorized under this chapter~~
 38 ~~have not been offered for sale for one year from the date~~
 39 ~~of the election at which they were authorized or remain~~
 40 ~~unsold for a period of six months after having been~~



~~1 offered for sale in the manner prescribed by the board of
2 supervisors, the governing board of the school district or
3 community college district in which the school facilities
4 improvement district is located and for which the bonds
5 were authorized, may petition the board of supervisors
6 that has jurisdiction of the issuance and sale of the bonds
7 to cause the unsold bonds to be canceled.~~

8 *SEC. 52. Section 15380 is added to Article 8
9 (commencing with Section 15380) of Chapter 2 of Part 10
10 of the Education Code, to read:*

11 *15380. If any bonds authorized under this chapter
12 have not been offered for sale for one year from the date
13 of the election at which they were authorized or remain
14 unsold for a period of six months after having been
15 offered for sale in the manner prescribed by the board of
16 supervisors, the governing board of the school district or
17 community college district in which the school facilities
18 improvement district is located and for which the bonds
19 were authorized, may petition the board of supervisors
20 that has jurisdiction of the issuance and sale of the bonds
21 to cause the unsold bonds to be canceled.*

22 *SEC. 53. Section 15381 of the Education Code, as
23 amended by Chapter 1072 of the Statutes of 1972, is
24 repealed.*

25 ~~15381. Upon receiving the petition, signed by a
26 majority of the members of the governing board of the
27 school district or community college district in which the
28 school facilities improvement district is located, the board
29 of supervisors shall fix a time for a hearing, which shall not
30 be more than 30 days after receipt of the petition, and
31 shall cause a notice stating the time and place of the
32 hearing, and the object of the petition in general terms,
33 to be published for 10 days prior to the hearing, in a
34 newspaper published in the school facilities
35 improvement district if there is one, and if there is no
36 newspaper published in the school facilities
37 improvement district, in a newspaper published at the
38 county seat of the county.~~



1 SEC. 54. Section 15381 is added to Article 8
2 (commencing with Section 15380) of Chapter 2 of Part 10
3 of the Education Code, to read:

4 15381. Upon receiving the petition, signed by a
5 majority of the members of the governing board of the
6 school district or community college district in which the
7 school facilities improvement district is located, the board
8 of supervisors shall fix a time for a hearing, which shall not
9 be more than 30 days after receipt of the petition, and
10 shall cause a notice stating the time and place of the
11 hearing, and the object of the petition in general terms,
12 to be published for 10 days prior to the hearing, in a
13 newspaper published in the school facilities
14 improvement district if there is one, and if there is no
15 newspaper published in the school facilities
16 improvement district, in a newspaper published at the
17 county seat of the county.

18 SEC. 55. Section 15384 of the Education Code, as
19 amended by Chapter 1072 of the Statutes of 1972, is
20 repealed.

21 ~~15384. The governing board of a school district or~~
22 ~~community college district in which a school facilities~~
23 ~~improvement district is located may petition the board of~~
24 ~~supervisors to cancel the remaining authorization of that~~
25 ~~district to issue and sell bonds resulting from any~~
26 ~~particular school bond election after the sale of at least 90~~
27 ~~percent of the bonds authorized at the election if the~~
28 ~~amount of the remaining authorization is not more than~~
29 ~~twenty five thousand dollars (\$25,000) and in the opinion~~
30 ~~of the governing board the sale of the remaining bonds~~
31 ~~would not be economically justified. Sections 15381 and~~
32 ~~15382 shall be applicable and at or following the hearing~~
33 ~~therein provided for, the board of supervisors, if it~~
34 ~~determines that the public interest will be served~~
35 ~~thereby, may make and enter an order in the minutes of~~
36 ~~its proceedings that the remaining authorization be~~
37 ~~cancelled. Upon the entry of the order, the vote by which~~
38 ~~the remaining authorization was created shall cease to be~~
39 ~~of any validity with respect to the remaining~~
40 ~~authorization.~~



1 SEC. 56. Section 15384 is added to Article 8
2 (commencing with Section 15380) of Chapter 2 of Part 10
3 of the Education Code, to read:

4 15384. The governing board of a school district or
5 community college district in which a school facilities
6 improvement district is located may petition the board of
7 supervisors to cancel the remaining authorization of that
8 district to issue and sell bonds resulting from any
9 particular school bond election after the sale of at least 90
10 percent of the bonds authorized at the election if the
11 amount of the remaining authorization is not more than
12 twenty-five thousand dollars (\$25,000) and in the opinion
13 of the governing board the sale of the remaining bonds
14 would not be economically justified. Sections 15381 and
15 15382 shall be applicable and at or following the hearing
16 therein provided for, the board of supervisors, if it
17 determines that the public interest will be served
18 thereby, may make and enter an order in the minutes of
19 its proceedings that the remaining authorization be
20 canceled. Upon the entry of the order, the vote by which
21 the remaining authorization was created shall cease to be
22 of any validity with respect to the remaining
23 authorization.

24 SEC. 57. Section 15390 of the Education Code, as
25 amended by Chapter 1072 of the Statutes of 1972, is
26 repealed.

27 ~~15390. The governing board of a school district or~~
28 ~~community college district in which a school facilities~~
29 ~~improvement district is located may purchase in the open~~
30 ~~market bonds issued by the school facilities improvement~~
31 ~~district with available funds from the school facilities~~
32 ~~improvement fund.~~

33 SEC. 58. Section 15390 is added to Article 9
34 (commencing with Section 15390) of Chapter 2 of Part 10
35 of the Education Code, to read:

36 15390. The governing board of a school district or
37 community college district in which a school facilities
38 improvement district is located may purchase in the open
39 market bonds issued by the school facilities improvement



1 district with available funds from the school facilities
2 improvement fund.

3 SEC. 59. Section 15391 of the Education Code, as
4 amended by Chapter 1072 of the Statutes of 1972, is
5 repealed.

6 ~~15391. When any bonds issued by a school facilities
7 improvement district have been purchased by the
8 governing board of the school district or community
9 college district in which the school facilities improvement
10 district is located, the bonds shall be deemed canceled
11 and of no further validity. The governing board of the
12 school district or community college district in which the
13 school facilities improvement district is located shall
14 immediately, after purchasing the bonds, notify the board
15 of supervisors of its action, describing the bonds
16 purchased. At its first meeting thereafter, the board of
17 supervisors shall note the purchase and cancellation of
18 the bonds in the minutes of its proceedings.~~

19 SEC. 60. Section 15391 is added to Article 9
20 (commencing with Section 15390) of Chapter 2 of Part 10
21 of the Education Code, to read:

22 15391. When any bonds issued by a school facilities
23 improvement district have been purchased by the
24 governing board of the school district or community
25 college district in which the school facilities improvement
26 district is located, the bonds shall be deemed canceled
27 and of no further validity. The governing board of the
28 school district or community college district in which the
29 school facilities improvement district is located shall
30 immediately, after purchasing the bonds, notify the board
31 of supervisors of its action, describing the bonds
32 purchased. At its first meeting thereafter, the board of
33 supervisors shall note the purchase and cancellation of
34 the bonds in the minutes of its proceedings.

35 SEC. 61. Section 15400 of the Education Code, as
36 amended by Chapter 1072 of the Statutes of 1972, is
37 repealed.

38 ~~15400. (a) The board of supervisors, by an order
39 entered upon its minutes, shall fix the time when the
40 whole or any part of the principal of the bonds shall be~~



1 payable, which shall not be more than 25 years from the
2 date of the bonds. If the governing board of the school
3 district or community college district in which the school
4 facilities improvement district is located has prescribed in
5 its resolution the time or times when the whole or any
6 part of the bonds shall be payable, the times and amounts
7 shall be fixed by the order of the board of supervisors.

8 (b) Any bonds may be issued subject to call and
9 redemption before maturity at the option of the
10 governing board of the school district or community
11 college district in which the school facilities improvement
12 district exists. The governing board may include in its
13 resolution a requirement that all or any part of the bonds
14 shall be issued subject to call and redemption before
15 maturity and the price or prices at which said bonds shall
16 be redeemed. The board of supervisors, in its order fixing
17 the form of the bonds and the maturities thereof, shall
18 provide that the bonds be redeemable at the option of the
19 governing board and at the price or prices fixed in the
20 resolution. Bonds issued subject to call and redemption
21 prior to maturity shall contain a recital to that effect, and
22 no bond shall be subject to call or redemption prior to
23 maturity unless it contains the recital. The board of
24 supervisors in its order shall fix the method of giving
25 notice of redemption to holders of bonds to be redeemed.

26 *SEC. 62. Section 15400 is added to Article 10*
27 *(commencing with Section 15400) of Chapter 2 of Part 10*
28 *of the Education Code, to read:*

29 *15400. (a) The board of supervisors, by an order*
30 *entered upon its minutes, shall fix the time when the*
31 *whole or any part of the principal of the bonds shall be*
32 *payable, which shall not be more than 25 years from the*
33 *date of the bonds. If the governing board of the school*
34 *district or community college district in which the school*
35 *facilities improvement district is located has prescribed in*
36 *its resolution the time or times when the whole or any*
37 *part of the bonds shall be payable, the times and amounts*
38 *shall be fixed by the order of the board of supervisors.*

39 *(b) Any bonds may be issued subject to call and*
40 *redemption before maturity at the option of the*



1 governing board of the school district or community
2 college district in which the school facilities improvement
3 district exists. The governing board may include in its
4 resolution a requirement that all or any part of the bonds
5 shall be issued subject to call and redemption before
6 maturity and the price or prices at which said bonds shall
7 be redeemed. The board of supervisors, in its order fixing
8 the form of the bonds and the maturities thereof, shall
9 provide that the bonds be redeemable at the option of the
10 governing board and at the price or prices fixed in the
11 resolution. Bonds issued subject to call and redemption
12 prior to maturity shall contain a recital to that effect, and
13 no bond shall be subject to call or redemption prior to
14 maturity unless it contains the recital. The board of
15 supervisors in its order shall fix the method of giving
16 notice of redemption to holders of bonds to be redeemed.

17 SEC. 63. Section 15401 of the Education Code, as
18 amended by Chapter 1072 of the Statutes of 1972, is
19 repealed.

20 ~~15401. The board of supervisors, at the direction of the~~
21 ~~governing board of the school district or community~~
22 ~~college district in which the school facilities improvement~~
23 ~~district is located, may divide the principal amount of~~
24 ~~bonds authorized at any election into two or more series~~
25 ~~and may fix different dates for the bonds of each series,~~
26 ~~in which event the maximum maturity date of the bonds~~
27 ~~shall be calculated from the date of each series~~
28 ~~respectively. When the issuance of bonds shall have been~~
29 ~~authorized pursuant to two or more propositions~~
30 ~~submitted at the same or different elections, all or any~~
31 ~~part of the bonds not theretofore issued may be combined~~
32 ~~and issued and sold as one or more series.~~

33 SEC. 64. Section 15401 is added to Article 10
34 (commencing with Section 15400) of Chapter 2 of Part 10
35 of the Education Code, to read:

36 15401. The board of supervisors, at the direction of the
37 governing board of the school district or community
38 college district in which the school facilities improvement
39 district is located, may divide the principal amount of
40 bonds authorized at any election into two or more series



1 and may fix different dates for the bonds of each series,
2 in which event the maximum maturity date of the bonds
3 shall be calculated from the date of each series
4 respectively. When the issuance of bonds shall have been
5 authorized pursuant to two or more propositions
6 submitted at the same or different elections, all or any
7 part of the bonds not theretofore issued may be combined
8 and issued and sold as one or more series.

9 SEC. 65. Section 15403 of the Education Code, as
10 amended by Chapter 1072 of the Statutes of 1972, is
11 repealed.

12 ~~15403. The principal and interest on the bonds shall~~
13 ~~be paid by the county treasurer of the county in which the~~
14 ~~superintendent of schools has jurisdiction of the school~~
15 ~~district or community college district in which the school~~
16 ~~facilities improvement district is located, at the place~~
17 ~~required by the terms of the bonds, upon presentation~~
18 ~~and surrender of warrants drawn by the county auditor~~
19 ~~in payment thereof, after he or she has canceled the~~
20 ~~bonds and coupons, or upon the receipt of the registered~~
21 ~~owner, if the bonds are registered, after a proper warrant~~
22 ~~has been drawn by the auditor, out of the fund provided~~
23 ~~for their payment.~~

24 SEC. 66. Section 15403 is added to Article 10
25 (commencing with Section 15400) of Chapter 2 of Part 10
26 of the Education Code, to read:

27 15403. The principal and interest on the bonds shall
28 be paid by the county treasurer of the county in which the
29 superintendent of schools has jurisdiction of the school
30 district or community college district in which the school
31 facilities improvement district is located, at the place
32 required by the terms of the bonds, upon presentation
33 and surrender of warrants drawn by the county auditor
34 in payment thereof, after he or she has canceled the
35 bonds and coupons, or upon the receipt of the registered
36 owner, if the bonds are registered, after a proper warrant
37 has been drawn by the auditor, out of the fund provided
38 for their payment.



1 SEC. 67. Section 15404 of the Education Code, as
2 amended by Chapter 1072 of the Statutes of 1972, is
3 repealed.

4 ~~15404. Upon the order of the auditor, any money~~
5 ~~remaining in the interest and sinking fund of any school~~
6 ~~facilities improvement district after the payment of all~~
7 ~~bonds and coupons payable from the fund, or any money~~
8 ~~in excess of an amount sufficient to pay all unpaid bonds~~
9 ~~and coupons payable from the fund, shall be transferred~~
10 ~~to the general fund of the governing board of the school~~
11 ~~district or community college district in which the school~~
12 ~~facilities improvement district is located.~~

13 SEC. 68. Section 15404 is added to Article 10
14 (commencing with Section 15400) of Chapter 2 of Part 10
15 of the Education Code, to read:

16 15404. Upon the order of the auditor, any money
17 remaining in the interest and sinking fund of any school
18 facilities improvement district after the payment of all
19 bonds and coupons payable from the fund, or any money
20 in excess of an amount sufficient to pay all unpaid bonds
21 and coupons payable from the fund, shall be transferred
22 to the general fund of the governing board of the school
23 district or community college district in which the school
24 facilities improvement district is located.

25 SEC. 69. Section 15405 of the Education Code, as
26 amended by Chapter 1072 of the Statutes of 1972, is
27 repealed.

28 ~~15405. Any money paid into the county treasury of the~~
29 ~~county and credited to the interest and sinking fund of~~
30 ~~any school facilities improvement district remaining after~~
31 ~~the payment of all bonds and coupons payable from the~~
32 ~~fund, or which is in excess of an amount sufficient to pay~~
33 ~~all unpaid bonds and coupons payable from the fund, shall~~
34 ~~be transferred to the special reserve fund of the school~~
35 ~~district or community college district in which the school~~
36 ~~facilities improvement district is located and may be used~~
37 ~~only for the purpose specified in Section 42840.~~

38 SEC. 70. Section 15405 is added to Article 10
39 (commencing with Section 15400) of Chapter 2 of Part 10
40 of the Education Code, to read:



1 15405. Any money paid into the county treasury of the
2 county and credited to the interest and sinking fund of
3 any school facilities improvement district remaining after
4 the payment of all bonds and coupons payable from the
5 fund, or which is in excess of an amount sufficient to pay
6 all unpaid bonds and coupons payable from the fund, shall
7 be transferred to the special reserve fund of the school
8 district or community college district in which the school
9 facilities improvement district is located and may be used
10 only for the purpose specified in Section 42840.

11 SEC. 71. Section 15410 of the Education Code, as
12 amended by Chapter 1072 of the Statutes of 1972, is
13 repealed.

14 ~~15410. The board of supervisors of the county in which
15 the county superintendent of schools has jurisdiction over
16 a school district or community college district in which a
17 school facilities improvement district is located shall
18 annually at the time of making the levy of taxes for county
19 purposes levy a tax for that year upon the property in the
20 school facilities improvement district for the interest and
21 redemption of all outstanding bonds of the district. The
22 tax shall not be less than sufficient to pay the interest on
23 the bonds as it becomes due and to provide a sinking fund
24 for the payment of the principal on or before maturity
25 and may include an allowance for an annual reserve,
26 established for the purpose of avoiding fluctuating tax
27 levies. The tax shall be sufficient to provide funds for the
28 payment of the interest on the bonds as it becomes due
29 and also that part of the principal and interest as is to
30 become due before the proceeds of a tax levied at the
31 time for making the next general tax levy can be made
32 available for the payment of the principal and interest.~~

33 SEC. 72. Section 15410 is added to Article 11
34 (commencing with Section 15410) of Chapter 2 of Part 10
35 of the Education Code, to read:

36 15410. The board of supervisors of the county in which
37 the county superintendent of schools has jurisdiction over
38 a school district or community college district in which a
39 school facilities improvement district is located shall
40 annually at the time of making the levy of taxes for county



1 purposes levy a tax for that year upon the property in the
 2 school facilities improvement district for the interest and
 3 redemption of all outstanding bonds of the district. The
 4 tax shall not be less than sufficient to pay the interest on
 5 the bonds as it becomes due and to provide a sinking fund
 6 for the payment of the principal on or before maturity
 7 and may include an allowance for an annual reserve,
 8 established for the purpose of avoiding fluctuating tax
 9 levies. The tax shall be sufficient to provide funds for the
 10 payment of the interest on the bonds as it becomes due
 11 and also that part of the principal and interest as is to
 12 become due before the proceeds of a tax levied at the
 13 time for making the next general tax levy can be made
 14 available for the payment of the principal and interest.

15 SEC. 73. Section 15411 of the Education Code, as
 16 amended by Chapter 1072 of the Statutes of 1972, is
 17 repealed.

18 ~~15411. All taxes levied, when collected, shall be paid~~
 19 ~~into the county treasury of the county whose~~
 20 ~~superintendent of schools has jurisdiction over the school~~
 21 ~~district or community college district in which the school~~
 22 ~~facilities improvement district is located and on behalf of~~
 23 ~~which the tax was levied. All collected tax revenues shall~~
 24 ~~be used exclusively for the payment of the principal and~~
 25 ~~interest of the bonds of the school facilities improvement~~
 26 ~~district, including any sinking fund.~~

27 SEC. 74. Section 15411 is added to Article 11
 28 (commencing with Section 15410) of Chapter 2 of Part 10
 29 of the Education Code, to read:

30 15411. All taxes levied, when collected, shall be paid
 31 into the county treasury of the county whose
 32 superintendent of schools has jurisdiction over the school
 33 district or community college district in which the school
 34 facilities improvement district is located and on behalf of
 35 which the tax was levied. All collected tax revenues shall
 36 be used exclusively for the payment of the principal and
 37 interest of the bonds of the school facilities improvement
 38 district, including any sinking fund.



1 SEC. 75. Section 15412 of the Education Code, as
2 amended by Chapter 1072 of the Statutes of 1972, is
3 repealed.

4 ~~15412. The board of supervisors of the county whose~~
5 ~~superintendent of schools has jurisdiction over the school~~
6 ~~district or community college district in which the school~~
7 ~~facilities improvement district is located, shall annually at~~
8 ~~the time of making the levy of taxes for county purposes~~
9 ~~estimate the amount of money required to meet the~~
10 ~~payment of the principal and interest on bonds of the~~
11 ~~district authorized by the electors of the district and not~~
12 ~~sold, and that the governing board of the school district~~
13 ~~or community college district informs the board on their~~
14 ~~belief will be sold before the next tax levy, and the board~~
15 ~~of supervisors shall levy a tax sufficient to pay the~~
16 ~~principal and interest so estimated.~~

17 SEC. 76. Section 15412 is added to Article 11
18 (commencing with Section 15410) of Chapter 2 of Part 10
19 of the Education Code, to read:

20 15412. The board of supervisors of the county whose
21 superintendent of schools has jurisdiction over the school
22 district or community college district in which the school
23 facilities improvement district is located, shall annually at
24 the time of making the levy of taxes for county purposes
25 estimate the amount of money required to meet the
26 payment of the principal and interest on bonds of the
27 district authorized by the electors of the district and not
28 sold, and that the governing board of the school district
29 or community college district informs the board on their
30 belief will be sold before the next tax levy, and the board
31 of supervisors shall levy a tax sufficient to pay the
32 principal and interest so estimated.

33 SEC. 77. Section 15421 of the Education Code, as
34 amended by Chapter 1072 of the Statutes of 1972, is
35 repealed.

36 ~~15421. (a) The tax shall be entered upon the~~
37 ~~assessment roll and collected in the same manner as other~~
38 ~~on real property.~~

39 ~~(b) The tax when collected shall be paid into the~~
40 ~~county treasury of the county. The treasurer of any~~



1 ~~county, other than the one whose superintendent of~~
2 ~~schools has jurisdiction over the school district or~~
3 ~~community college district in which the school facilities~~
4 ~~improvement district is located, shall, upon order of the~~
5 ~~county auditor, pay the sum collected on account of the~~
6 ~~tax into the treasury of the county whose superintendent~~
7 ~~of schools has jurisdiction over the school district or~~
8 ~~community college district in which the community~~
9 ~~facilities district is located.~~

10 *SEC. 78. Section 15421 is added to Article 12*
11 *(commencing with Section 15420) of Chapter 2 of Part 10*
12 *of the Education Code, to read:*

13 *15421. (a) The tax shall be entered upon the*
14 *assessment roll and collected in the same manner as other*
15 *on real property.*

16 *(b) The tax when collected shall be paid into the*
17 *county treasury of the county. The treasurer of any*
18 *county, other than the one whose superintendent of*
19 *schools has jurisdiction over the school district or*
20 *community college district in which the school facilities*
21 *improvement district is located, shall, upon order of the*
22 *county auditor, pay the sum collected on account of the*
23 *tax into the treasury of the county whose superintendent*
24 *of schools has jurisdiction over the school district or*
25 *community college district in which the community*
26 *facilities district is located.*

27 *SEC. 79. Section 15425 of the Education Code, as*
28 *amended by Chapter 1072 of the Statutes of 1972, is*
29 *repealed.*

30 ~~15425. Notwithstanding any other provision of this~~
31 ~~chapter, it is the intent of the Legislature that the rate of~~
32 ~~taxes levied annually upon the property in a school~~
33 ~~facilities improvement district formed pursuant to~~
34 ~~subdivision (a) of Section 15301 not be greater than the~~
35 ~~rate of the annual special tax levied upon parcels in the~~
36 ~~same school district or community college district that are~~
37 ~~part of a community facilities district formed pursuant to~~
38 ~~the Mello-Roos Community Facilities Act of 1982, as set~~
39 ~~forth in Chapter 2.5 (commencing with Section 53311) of~~
40 ~~Part 1 of Division 2 of Title 5 of the Government Code. A~~



1 ~~determination by the governing board of a school district~~
2 ~~or community college district, made at the time bonds are~~
3 ~~sold pursuant to this chapter, that the rate of taxes to be~~
4 ~~levied annually upon the property in the school facilities~~
5 ~~improvement district, based upon tax rate estimates~~
6 ~~prepared pursuant to Section 9401 of the Elections Code,~~
7 ~~does not exceed the rate of the annual special tax levied~~
8 ~~upon parcels in the same school district or community~~
9 ~~college district that are part of a community facilities~~
10 ~~district formed pursuant to the Mello-Roos Community~~
11 ~~Facilities Act of 1982, shall be conclusive evidence of~~
12 ~~compliance with the intent of this section.~~

13 *SEC. 80. Section 15425 is added to Article 13*
14 *(commencing with Section 15425) of Chapter 2 of Part 10*
15 *of the Education Code, to read:*

16 *15425. Notwithstanding any other provision of this*
17 *chapter, it is the intent of the Legislature that the rate of*
18 *taxes levied annually upon the property in a school*
19 *facilities improvement district formed pursuant to*
20 *subdivision (a) of Section 15301 not be greater than the*
21 *rate of the annual special tax levied upon parcels in the*
22 *same school district or community college district that are*
23 *part of a community facilities district formed pursuant to*
24 *the Mello-Roos Community Facilities Act of 1982, as set*
25 *forth in Chapter 2.5 (commencing with Section 53311) of*
26 *Part 1 of Division 2 of Title 5 of the Government Code. A*
27 *determination by the governing board of a school district*
28 *or community college district, made at the time bonds are*
29 *sold pursuant to this chapter, that the rate of taxes to be*
30 *levied annually upon the property in the school facilities*
31 *improvement district, based upon tax rate estimates*
32 *prepared pursuant to Section 9401 of the Elections Code,*
33 *does not exceed the rate of the annual special tax levied*
34 *upon parcels in the same school district or community*
35 *college district that are part of a community facilities*
36 *district formed pursuant to the Mello-Roos Community*
37 *Facilities Act of 1982, shall be conclusive evidence of*
38 *compliance with the intent of this section.*

39 *SEC. 81. Section 17701.5 of the Education Code, as*
40 *added by Chapter 478 of the Statutes of 1996, is repealed.*



1 ~~17701.5. (a) The Legislature hereby finds and~~
2 ~~declares the following:~~

3 ~~(1) Some believe that the school facilities construction~~
4 ~~requirements set forth in this chapter have become~~
5 ~~lengthy, complex, and heavily controlled by the various~~
6 ~~state agencies involved in the review and approval~~
7 ~~process. As a result, some believe that school facilities are~~
8 ~~often overcrowded and construction costs are higher~~
9 ~~than necessary.~~

10 ~~(2) Some believe that a streamlining of the approval~~
11 ~~process set forth in this chapter is necessary to efficiently~~
12 ~~provide the children of the state with needed classrooms~~
13 ~~in the most expeditious and cost effective manner. Some~~
14 ~~expect that other savings can be achieved by increased~~
15 ~~standardization of plans for school design and~~
16 ~~construction and the appropriate use of portable~~
17 ~~classrooms.~~

18 ~~(b) Not later than July 1, 1997, the Joint Committee on~~
19 ~~School Facilities shall complete and submit a report to~~
20 ~~the Governor and the Legislature containing~~
21 ~~recommendations for doing the following:~~

22 ~~(1) Increasing privatization and standardization, and~~
23 ~~other measures for streamlining the approval process set~~
24 ~~forth in this chapter.~~

25 ~~(2) Reducing the costs of school construction.~~

26 ~~(3) Increasing the local authority over the approval of~~
27 ~~site acquisition and of plans and specifications for school~~
28 ~~facilities construction.~~

29 *SEC. 82. Section 17001.5 is added to the Education*
30 *Code, to read:*

31 *17001.5. (a) The Legislature hereby finds and*
32 *declares the following:*

33 *(1) Some believe that the school facilities construction*
34 *requirements set forth in this chapter have become*
35 *lengthy, complex, and heavily controlled by the various*
36 *state agencies involved in the review and approval*
37 *process. As a result, some believe that school facilities are*
38 *often overcrowded and construction costs are higher*
39 *than necessary.*



1 (2) Some believe that a streamlining of the approval
2 process set forth in this chapter is necessary to efficiently
3 provide the children of the state with needed classrooms
4 in the most expeditious and cost-effective manner. Some
5 expect that other savings can be achieved by increased
6 standardization of plans for school design and
7 construction and the appropriate use of portable
8 classrooms.

9 (b) Not later than July 1, 1997, the Joint Committee on
10 School Facilities shall complete and submit a report to
11 the Governor and the Legislature containing
12 recommendations for doing the following:

13 (1) Increasing privatization and standardization, and
14 other measures for streamlining the approval process set
15 forth in this chapter.

16 (2) Reducing the costs of school construction.

17 (3) Increasing the local authority over the approval of
18 site acquisition and of plans and specifications for school
19 facilities construction.

20 SEC. 83. Section 17016 is added to the Education
21 Code, to read:

22 17016. (a) The board, by the adoption of rules, may
23 establish priorities for the construction and leasing of
24 projects to those school districts the pupils of which will
25 benefit most. The board may make exceptions from
26 established priorities when it determines that to do so will
27 benefit the pupils affected.

28 (b) The board may adopt rules establishing priorities
29 for the acquisition and leasing of portable classrooms to
30 county superintendents of schools that will most benefit
31 pupils needing a county community school. The board
32 shall require each county superintendent of schools who
33 leases portable classrooms pursuant to Section 17717.2 to
34 demonstrate that the portable classrooms are utilized
35 solely for operation of a county community school.

36 SEC. 84. Section 17017.2 is added to the Education
37 Code, to read:

38 17017.2. (a) The board may own, have maintained,
39 and lease portable classrooms to any county
40 superintendent of schools who provides a county



1 community school program, as defined in Section 1986.
2 These portable classrooms shall be adequately equipped
3 to meet the educational needs of these pupils, including,
4 but not limited to, sinks and restroom facilities.

5 (b) The board, with the advice of the Superintendent
6 of Public Instruction, may have portable classrooms
7 constructed, furnished, or equipped, and may otherwise
8 require whatever work is necessary to place portable
9 classrooms for county community schools where needed,
10 including the acquisition and preparation of sites. The
11 board shall, in consultation with the Superintendent of
12 Public Instruction, establish standards for the acquisition
13 of land, with land acquisition limited to no more than
14 10,000 square feet per portable classroom, waivable by
15 the board only as needed to meet local zoning and land
16 use requirements or health and safety considerations.

17 (c) A county superintendent of schools who desires to
18 lease portable classrooms shall have prepared for the
19 board's use performance specifications for portable
20 classrooms and bids for their construction that can be
21 solicited from more than one responsible bidder.

22 (d) No portable classroom shall be made available to
23 a county superintendent of schools unless the county
24 superintendent of schools furnishes evidence, satisfactory
25 to the board, that the county superintendent of schools
26 has no other facility available for rental, lease, or purchase
27 in the geographic service area that is economically or
28 otherwise feasible.

29 (e) If at any time the board determines that a lessee's
30 need for particular portable classrooms that were made
31 available to the lessee pursuant to this chapter has ceased,
32 the board may take possession of the portable classrooms
33 and may lease them to other county superintendents of
34 schools or, if there is no longer a need for portable
35 classrooms, the board may dispose of them to public or
36 private parties in the manner it deems to be in the best
37 interest of the state.

38 (f) This section does not limit the authority of a county
39 superintendent of schools to provide facilities without



1 assistance from the board for pupils who are enrolled in
2 a county community school.

3 SEC. 85. Section 17032.5 is added to the Education
4 Code, to read:

5 17032.5. The board shall establish the annual rent and
6 conditions to be met by the lessee of a portable classroom
7 leased pursuant to Section 17717.2 and shall require
8 lessees to undertake all necessary maintenance, repairs,
9 renewals, and replacements to ensure that a project is at
10 all times kept in good repair, working order, and
11 condition. All costs incurred for this purpose shall be
12 borne by the lessee.

13 SEC. 86. Section 17042 is added to the Education
14 Code, to read:

15 17042. (a) The board, by the adoption of rules, shall
16 provide for the manner of determining the area of
17 adequate school construction existing in an applicant
18 school district at the time of application. Those rules shall
19 define and provide for the method of determining
20 building areas that are to be included in, in whole or in
21 part, or to be excluded from, the area of existing adequate
22 school construction. Any building to which Article 3
23 (commencing with Section 39140) of Chapter 1 of Part 23
24 of Division 3 of Title 2 does not apply shall not be
25 considered adequate school construction for the purpose
26 of determining the maximum total building area per
27 attendance unit.

28 The board may make exceptions to the provisions of
29 this section, or to the rules adopted pursuant thereto, if it
30 determines that the exception or exceptions will be for
31 the benefit of pupils affected.

32 (b) For the purposes of this chapter, the area of
33 adequate school construction existing in an applicant
34 school district does not include any of the following:

35 (1) Any portable classroom made available to the
36 district under Chapter 25 (commencing with Section
37 17785).

38 (2) In any school operated on a year-round schedule,
39 any building area that has been in continuous use during



1 the preceding five-year period primarily for the
2 operation of any preschool program or programs.

3 (3) Any building area, not to exceed the area that is
4 equivalent to one classroom per schoolsite, used to
5 provide support services pursuant to Chapter 5
6 (commencing with Section 8800) of Part 6 or to provide
7 integrated children's services pursuant to Section
8 18986.40 of the Welfare and Institutions Code. A school
9 shall meet the definition of a "qualifying school" under
10 paragraph (1) of subdivision (h) of Section 8802 to qualify
11 for this exemption from the area of adequate school
12 construction.

13 (4) Any classroom acquired or constructed and
14 continuously used by the school district primarily for the
15 purpose of reducing class size in kindergarten or in any
16 of grades 1 to 3, inclusive, pursuant to the school district's
17 participation in the Class Size Reduction Program
18 contained in Chapter 6.10 (commencing with Section
19 52120) of Part 28.

20 (5) Any classroom acquired or constructed for the
21 purpose of operating a community day school pursuant to
22 Section 48660, if the classroom is not located on a regular
23 elementary, middle, junior high, or senior high school
24 site.

25 (c) The board may make exceptions to this section, or
26 to the rules adopted pursuant thereto, if it determines
27 that the exception or exceptions will be for the benefit of
28 pupils affected.

29 SEC. 87. Section 17042.7 of the Education Code, as
30 added by Chapter 277 of the Statutes of 1996, is repealed.

31 ~~17042.7. (a) For any project application filed or~~
32 ~~amended on or after January 1, 1993, the area of adequate~~
33 ~~school construction existing in the applicant school~~
34 ~~district or, where appropriate, in the attendance area, at~~
35 ~~the time of application shall be calculated pursuant to the~~
36 ~~following formula:~~

37 ~~(1) Identify by grade level all teaching stations~~
38 ~~existing in the school district or, where appropriate, the~~
39 ~~attendance area, as of January 1, 1993. For the purposes~~
40 ~~of this section, "teaching station" means any space that~~



1 ~~was constructed or reconstructed to serve as an area in~~
2 ~~which to provide pupil instruction.~~

3 (2) ~~Determine the maximum pupil loading figure for~~
4 ~~each grade level pursuant to the district pupil loading~~
5 ~~standards in effect on January 1, 1993. For the purposes~~
6 ~~of this section, the “district pupil loading standards” are~~
7 ~~those pupil loading standards in effect in a school district~~
8 ~~on July 1, 1992, as a result of actions including, but not~~
9 ~~necessarily limited to, the execution of a collective~~
10 ~~bargaining agreement or the adoption of a district policy~~
11 ~~by the governing board of the school district. In no event~~
12 ~~may this figure be more than the maximum pupil loading~~
13 ~~standards established by the board, or less than three~~
14 ~~pupil units lower than those maximum pupil loading~~
15 ~~standards.~~

16 (3) ~~Multiply the figure determined under paragraph~~
17 ~~(2) for each grade level by the number of teaching~~
18 ~~stations for the particular grade level, as determined~~
19 ~~under paragraph (1).~~

20 (4) ~~Multiply the product determined under~~
21 ~~paragraph (3) by the maximum area allowance~~
22 ~~established for that grade level under this article.~~

23 (5) ~~The sum of these computations for each grade~~
24 ~~level, as determined under paragraphs (1) to (4),~~
25 ~~inclusive, shall be the total area of adequate school~~
26 ~~construction existing in the district or attendance area~~
27 ~~pursuant to this formula.~~

28 (b) ~~For purposes of this section, a school district that~~
29 ~~is participating in a class size reduction program set forth~~
30 ~~in this code shall use the pupil loading standard~~
31 ~~established pursuant to that program.~~

32 (c) ~~The area of existing adequate school construction~~
33 ~~calculated under this section shall not include, in any~~
34 ~~school operated on a year-round schedule, any teaching~~
35 ~~station that has been in continuous use during the~~
36 ~~preceding five-year period primarily for the operation of~~
37 ~~a preschool program or programs.~~

38 *SEC. 88. Section 17042.7 is added to the Education*
39 *Code, to read:*



1 17042.7. (a) For any project application filed or
2 amended on or after January 1, 1993, the area of adequate
3 school construction existing in the applicant school
4 district or, where appropriate, in the attendance area, at
5 the time of application shall be calculated pursuant to the
6 following formula:

7 (1) Identify by grade level all teaching stations
8 existing in the school district or, where appropriate, the
9 attendance area, as of January 1, 1993. For the purposes
10 of this section, “teaching station” means any space that
11 was constructed or reconstructed to serve as an area in
12 which to provide pupil instruction.

13 (2) Determine the maximum pupil loading figure for
14 each grade level pursuant to the district pupil loading
15 standards in effect on January 1, 1993. For the purposes
16 of this section, the “district pupil loading standards” are
17 those pupil loading standards in effect in a school district
18 on July 1, 1992, as a result of actions including, but not
19 necessarily limited to, the execution of a collective
20 bargaining agreement or the adoption of a district policy
21 by the governing board of the school district. In no event
22 may this figure be more than the maximum pupil loading
23 standards established by the board, or less than three
24 pupil units lower than those maximum pupil loading
25 standards.

26 (3) Multiply the figure determined under paragraph
27 (2) for each grade level by the number of teaching
28 stations for the particular grade level, as determined
29 under paragraph (1).

30 (4) Multiply the product determined under
31 paragraph (3) by the maximum area allowance
32 established for that grade level under this article.

33 (5) The sum of these computations for each grade
34 level, as determined under paragraphs (1) to (4),
35 inclusive, shall be the total area of adequate school
36 construction existing in the district or attendance area
37 pursuant to this formula.

38 (b) For purposes of this section, a school district that
39 is participating in a class size reduction program set forth
40 in this code, other than the Class Size Reduction Program



1 (Ch. 6.10 (commencing with Section 52120) of Part 28),
2 shall use the pupil loading standard established pursuant
3 to that program.

4 (c) The area of existing adequate school construction
5 calculated under this section shall not include, in any
6 school operated on a year-round schedule, any teaching
7 station that has been in continuous use during the
8 preceding five-year period primarily for the operation of
9 a preschool program or programs.

10 SEC. 89. Section 17042.9 is added to the Education
11 Code, to read:

12 17042.9. (a) Notwithstanding any other provision of
13 law, a school district that complies with the requirements
14 of subdivision (b) may replace a portable classroom, as
15 defined in Section 17742.5, that has been leased or owned
16 by the district for 20 years or more, with a permanent
17 building if the resulting area of new building construction
18 is no greater than the area that would be authorized
19 under this chapter for the lease or purchase of a portable
20 classroom.

21 (b) A school district that utilizes subdivision (a) shall
22 fund its expenses incurred thereby through the issuance
23 of general obligation bonds by the district or by the
24 issuance of bonds pursuant to the Mello-Roos Community
25 Facilities Act of 1982 (Chapter 2.5 (commencing with
26 Section 53311) of Part 1 of Division 2 of Title 5 of the
27 Government Code) or by any other financing
28 mechanism that does not encumber the school district's
29 general fund.

30 SEC. 90. Section 17047.6 is added to the Education
31 Code, to read:

32 17047.6. The board, with the advice of the
33 Superintendent of Public Instruction, may determine the
34 eligibility of county superintendents of schools to lease
35 portable classrooms provided that a county
36 superintendent of schools is eligible to receive one
37 portable classroom pursuant to this section and Section
38 17717.2 for each 15 units of average daily attendance at
39 county community schools in excess of the amount of
40 average daily attendance claimed by the county



1 superintendent of schools in the prior fiscal year except
2 that, for pupils who are enrolled in a county community
3 school and on independent study, only time spent in the
4 classroom shall be included in the calculation of average
5 daily attendance.

6 SEC. 91. Section 17150 is added to Chapter 16
7 (commencing with Section 17150) of Part 10 of the
8 Education Code, to read:

9 17150. (a) Upon the approval by the governing
10 board of the school district to proceed with the issuance
11 of certificates of participation revenue bonds or to enter
12 into any agreement for financing school construction
13 pursuant to Chapter 28 (commencing with Section
14 17870), the school district shall notify the county
15 superintendent of schools and the county auditor. The
16 superintendent of the school district shall provide the
17 repayment schedules for that debt obligation, and
18 evidence of the ability of the school district to repay that
19 obligation, to the county auditor, the county
20 superintendent, the governing board, and the public.
21 Within 15 days of the receipt of the information, the
22 county superintendent of schools and the county auditor
23 may comment publicly to the governing board of the
24 school district regarding the capability of the school
25 district to repay that debt obligation.

26 (b) Upon the approval by the county board of
27 education to proceed with the issuance of certificates of
28 participation or revenue bonds or to enter into any
29 agreement for financing pursuant to Chapter 28
30 (commencing with Section 17870), the county
31 superintendent of schools or superintendent of a school
32 district for which the county board serves as governing
33 board shall notify the Superintendent of Public
34 Instruction. The county superintendent of schools or the
35 superintendent of a school district for which the county
36 board serves as the governing board shall provide the
37 repayment schedules for that debt obligation and
38 evidence of the ability of the county office of education
39 or school district to repay that obligation, to the
40 Superintendent of Public Instruction, the governing



1 board, and the public. Within 15 days of the receipt of the
2 information the Superintendent of Public Instruction
3 may comment publicly to the county board of education
4 regarding the capability of the county office of education
5 or school district to repay that debt obligation.

6 SEC. 92. Section 17182 is added to the Education
7 Code, to read:

8 17182. (a) Except as otherwise provided in
9 subdivision (b), all expenses incurred by the authority in
10 implementing this chapter shall be payable solely from
11 funds appropriated for purposes of this chapter, and the
12 authority shall not incur liabilities in excess of the amount
13 of those funds.

14 (b) The authority may request a loan by the Pooled
15 Money Investment Board from the Pooled Money
16 Investment Account, in accordance with Section 16312 of
17 the Government Code, and may execute those
18 documents required by the Pooled Money Investment
19 Board to obtain and repay the loan. The loan shall be
20 deposited in the fund for the purposes of carrying out the
21 provisions of this chapter. The amount of the loan shall
22 not exceed the amount of the unsold bonds that the
23 authority by resolution, has authorized to be sold for the
24 purposes of this chapter.

25 SEC. 93. Section 17183 is added to the Education
26 Code, to read:

27 17883. (a) From time to time, the authority may, by
28 resolution, issue its revenue bonds in order to provide
29 funds for any of the purposes of this chapter. Bonds may
30 be issued to finance any of the following:

31 (1) A single project or financing of working capital for
32 a single participating district.

33 (2) A series of projects or financings of working capital
34 for a single participating district.

35 (3) A single project or financing of working capital for
36 several participating districts.

37 (4) Several projects or financing of working capital for
38 several participating districts.



1 (5) A joint venture school facilities construction
2 project undertaken pursuant to Article 5 (commencing
3 with Section 17760) of Chapter 22.

4 (b) Except as otherwise expressly provided by the
5 authority, all revenue bonds shall be payable from any
6 available revenues or moneys of the authority not
7 otherwise pledged, subject only to any agreements with
8 holders of particular bonds or notes pledging any
9 particular revenue or moneys. Notwithstanding that
10 revenue bonds issued pursuant to this section may be
11 payable from a special fund, the revenue bonds shall be,
12 and shall be deemed to be for all purposes, negotiable
13 instruments, subject only to the provisions of the revenue
14 bonds for registration.

15 (c) The revenue bonds of the authority may be issued
16 as serial bonds, term bonds, or the authority, in its
17 discretion, may issue bonds of both types. The issuance
18 shall be in accordance with the indenture, trust
19 agreement, or resolution relating to the revenue bonds,
20 which shall provide all of the following:

21 (1) The date or dates of the bonds.

22 (2) The date or dates upon which the bonds will
23 mature, not to exceed 40 years from their respective
24 dates.

25 (3) The interest rate or rates, or methods of
26 determining the interest rate or rates, of the bonds.

27 (4) When the bonds are payable.

28 (5) The denominations of the bonds.

29 (6) The form of the bonds, which shall be either bearer
30 or registered.

31 (7) The registration privileges of the bonds.

32 (8) The manner in which the bonds are to be executed.

33 (9) The place or places at which the bonds shall be
34 payable in lawful money of the United States of America.

35 (10) The terms of redemption of the bonds.

36 (d) After giving due consideration to the
37 recommendations of the participating district or districts,
38 the revenue bonds of the authority shall be sold by the
39 Treasurer at either a public or private sale at a price or
40 prices, and upon the terms and conditions prescribed by



1 *the authority. The revenue bonds of the authority may be*
2 *sold at, above, or below the par value of the bonds.*

3 *(e) Pending the preparation of the definitive bonds,*
4 *the authority may issue interim receipts or certificates or*
5 *temporary bonds which shall be exchanged for the*
6 *definitive bonds.*

7 *(f) Any resolution authorizing the issuance of any*
8 *bonds of the authority, or any issue of revenue bonds of*
9 *the authority, may include any of the following*
10 *provisions:*

11 *(1) Provisions pledging all or any part of the proceeds*
12 *of the bonds or revenue of a project or loan.*

13 *(2) Provisions concerning the replacement of*
14 *mutilated, destroyed, stolen, or lost bonds.*

15 *(3) Provisions specifying insurance to be maintained*
16 *on the project and the authorized uses of the proceeds of*
17 *the insurance.*

18 *(4) Covenants against the mortgaging or otherwise*
19 *encumbering, selling, leasing, pledging, placing a charge*
20 *upon, or otherwise disposing of the project prior to the*
21 *payment of the bonds issued to finance the project.*

22 *(5) Provisions specifying the events of default, terms*
23 *upon which the bonds may be declared due before*
24 *maturity, and the terms upon which the declaration and*
25 *its consequences may be waived.*

26 *(6) The rights, liabilities, powers, and duties arising*
27 *upon the breach of any covenants, conditions, or*
28 *obligations.*

29 *(7) Vesting of the right to enforce covenants in a*
30 *trustee.*

31 *(8) The terms upon which all or any percentage of the*
32 *bondholders may enforce covenants or duties.*

33 *(9) Procedures for amending the terms of the*
34 *resolution, with or without the consent of the holders of*
35 *a specified number of bonds.*

36 *(10) Provision for any other acts or things deemed*
37 *necessary, convenient, or desirable by the authority to*
38 *secure the bonds or improve their marketability.*

39 *(g) The validity of the authorization and issuance of*
40 *any bond issue shall not be affected by proceedings for the*



1 acquisition, construction, or improvement of any project,
2 or by contracts relating to those proceedings. Any
3 resolution authorizing the issuance of any bonds of the
4 authority may provide authorization for the bonds to bear
5 a statement certifying that they are issued pursuant to
6 this chapter. Bonds bearing such a statement shall be
7 conclusively deemed valid and issued in conformity with
8 this chapter. Reference on the face of the bonds to the
9 resolution by its date of adoption shall incorporate the
10 provisions of the resolution and of this chapter into the
11 terms of the bonds.

12 (h) Members of the authority, or any person executing
13 the revenue bonds of the authority, shall not incur
14 personal liability on the bonds, nor shall these persons
15 incur personal liability or accountability by reason of the
16 issuance of the revenue bonds of the authority.

17 (i) The authority is authorized, out of any funds
18 available for that purpose, to purchase revenue bonds of
19 the authority. The authority may hold, pledge, cancel, or
20 resell any bonds purchased under the authority of this
21 subdivision, subject to, and in accordance with,
22 agreements with bondholders.

23 (j) The financing or refinancing of projects or working
24 capital may be provided pursuant to this chapter by
25 means other than revenue bonds, at the discretion of the
26 authority, including financing or refinancing through
27 certificates of participation, or other interests, in bonds,
28 loans, leases, installment sales, or other agreements of the
29 participating district or districts. In this connection, the
30 authority may do all things and execute and deliver all
31 documents and instruments as may be necessary or
32 desirable with regard to issuance of the certificates of
33 participation or other means of financing or refinancing.

34 (k) The authority may by resolution issue its revenue
35 bonds in the form of commercial paper.

36 SEC. 94. Section 17199.3 is added to the Education
37 Code, to read:

38 17199.3. (a) The total amount of revenue bonds
39 which may be issued and outstanding at any time for
40 purposes of this chapter, other than those revenue bonds



1 under Section 17899.4, shall not exceed four hundred
2 million dollars (\$400,000,000).

3 (b) The total amount of revenue bonds that may be
4 issued under this chapter each fiscal year, for purposes of
5 Section 17899.4 only, shall not exceed four hundred
6 million dollars (\$400,000,000). Of that total amount of
7 revenue bonds, not more than one hundred fifty million
8 dollars (\$150,000,000) in revenue bonds may be issued for
9 the purposes of joint venture school facilities construction
10 projects undertaken pursuant to Article 5 (commencing
11 with Section 17760) of Chapter 22. The total amount that
12 may be outstanding at any time under this chapter, for
13 purposes of Section 17899.4 only, shall not exceed four
14 billion dollars (\$4,000,000,000).

15 (c) For purposes of subdivisions (a) and (b), bonds
16 which meet any of the following conditions shall not be
17 deemed to be outstanding:

18 (1) Bonds which have been refunded pursuant to
19 Section 17888.

20 (2) Bonds for which money or securities in amounts
21 necessary to pay or redeem the principal, interest, or any
22 redemption premium on the bonds have been deposited
23 in trust.

24 (3) Bonds which have been issued to provide working
25 capital.

26 SEC. 95. Section 17199.4 is added to the Education
27 Code, to read:

28 17199.4. (a) Notwithstanding any other law, any
29 participating school district or county office of education,
30 in connection with securing financing or refinancing of
31 projects, except working capital, pursuant to this chapter
32 may elect to guarantee or provide for payment of the
33 bonds in accordance with the following conditions:

34 (1) If a participating school district or county office of
35 education adopts a resolution by a majority vote of its
36 board to participate under this section, it shall provide
37 notice to the Controller of that election. The notice shall
38 include a schedule for the repayment of principal and
39 interest on the bonds and identify a trustee appointed by
40 the participating school district or county office of



1 education or the authority for purposes of this section.
2 The notice shall be provided not later than the date of
3 issuance of the bonds.

4 (2) If, for any reason, the school district or county
5 office of education will not make the payment of principal
6 and interest at the time the payment is required, the
7 participating school district or county office of education
8 shall notify the trustee of that fact and of the amount of
9 the deficiency. The trustee shall immediately
10 communicate that information to the Controller.

11 (3) Upon receipt of the notice required by paragraph
12 (2), the Controller shall make an apportionment to the
13 trustee in the amount of the deficiency for the purpose of
14 making the required payment of principal or interest, or
15 both. The Controller shall make that apportionment only
16 from moneys in Section A of the State School Fund
17 designated for apportionment to the district pursuant to
18 Section 42238 or to the county office of education
19 pursuant to Section 2558.

20 (4) As an alternative to the procedures set forth in
21 paragraphs (2) and (3), the participating school district
22 or county office of education may provide a transfer
23 schedule in its notice to the Controller of its election to
24 participate under this section. The transfer schedule shall
25 set forth amounts to be transferred to the trustee and the
26 date for the transfers. The Controller shall, subject to the
27 limitation in the last sentence of paragraph (3), make
28 apportionments to the trustee of those amounts on the
29 specified date for the purpose of making those transfers.

30 (b) The amount apportioned for a school district or for
31 a county office of education pursuant to this section shall
32 be deemed to be an allocation to the district or the county
33 office of education for purposes of subdivision (b) of
34 Section 8 of Article XVI of the California Constitution.
35 For purposes of computing revenue limits pursuant to
36 Section 42238 for any school district or pursuant to Section
37 2558 for any county office of education, the revenue limit
38 for any fiscal year in which funds are apportioned for the
39 district or for the county office of education pursuant to
40 this section shall include any amounts apportioned by the



1 Controller pursuant to paragraphs (3) and (4) of
2 subdivision (a).

3 (c) (1) School districts or county offices of education
4 that elect to participate under this section shall apply to
5 the authority. The authority shall consider each of the
6 following priorities in making funds available:

7 (A) First priority shall be given to school districts or
8 county offices of education that apply for funding for
9 instructional classroom space.

10 (B) Second priority shall be given to school districts or
11 county offices of education that apply for funding of
12 modernization of instructional classroom space.

13 (C) Third priority shall be given to all other eligible
14 costs, as defined in Section 17873.

15 (2) The authority shall prioritize applications at
16 appropriate intervals.

17 (3) A school district electing to participate under this
18 section that has applied for revenue bond moneys for the
19 purposes of joint venture school facilities construction
20 projects, pursuant to Article 5 (commencing with Section
21 17760) of Chapter 22, shall not be subject to the priorities
22 set forth in paragraph (1) of this subdivision.

23 (d) This section shall not be construed to make the
24 State of California liable for any payment of principal or
25 interest on any bonds or certificates of participation
26 within the meaning of Section 1 of Article XVI of the
27 California Constitution or otherwise, except as expressly
28 provided in this section.

29 (e) A school district that has a qualified or negative
30 certification pursuant to Section 42131, or a county office
31 of education that has a qualified or negative certification
32 pursuant to Section 1240, may not participate under this
33 section.

34 (f) The authority shall report to the Legislature by
35 January 1, 2001, on the number of school districts or
36 county offices of education electing to participate under
37 this section and on the financial stability of the
38 participating school districts and county offices of
39 education.



1 (g) *This section shall remain in effect only until*
2 *January 1, 2006, and as of that date is repealed, unless a*
3 *later enacted statute, that is enacted before January 1,*
4 *2006, deletes or extends that date.*

5 *SEC. 96. Section 17215 is added to the Education*
6 *Code, to read:*

7 *17215. (a) In order to promote the safety of pupils,*
8 *comprehensive community planning, and greater*
9 *educational usefulness of schoolsites before acquiring*
10 *title to property for a new schoolsite, the governing board*
11 *of each school district, including any district governed by*
12 *a city board of education, shall give the Department of*
13 *Transportation written notice of the proposed acquisition*
14 *and shall submit any information required by the*
15 *department if the proposed site is within two miles,*
16 *measured by air line, of that point on an airport runway*
17 *or a potential runway included in an airport master plan*
18 *that is nearest to the site.*

19 *(b) If the Department of Transportation is no longer*
20 *in operation, the governing board of the school district*
21 *shall, in lieu of notifying the Department of*
22 *Transportation, notify the United States Department of*
23 *Transportation or any other appropriate agency, in*
24 *writing, of the proposed acquisition for the purpose of*
25 *obtaining from the department or other agency any*
26 *information or assistance that it may desire to give.*

27 *(c) The Department of Transportation shall*
28 *investigate the proposed site and, within 30 working days*
29 *after receipt of the notice, shall submit to the governing*
30 *board a written report and its recommendations*
31 *concerning acquisition of the site. As part of the*
32 *investigation, the Department of Transportation shall*
33 *give notice thereof to the owner and operator of the*
34 *airport who shall be granted the opportunity to comment*
35 *upon the proposed schoolsite.*

36 *(d) The governing board shall not acquire title to the*
37 *property until the report of the Department of*
38 *Transportation has been received. If the report does not*
39 *favor the acquisition of the property for a schoolsite or an*
40 *addition to a present schoolsite, the governing board shall*



1 not acquire title to the property until 30 days after the
2 department's report is received and until the
3 department's report has been read at a public hearing
4 duly called after 10 days' notice published once in a
5 newspaper of general circulation within the school
6 district or, if there is no newspaper of general circulation
7 within the school district, in a newspaper of general
8 circulation within the county in which the property is
9 located.

10 (e) Except as provided in subdivision (d), if the
11 Department of Transportation in its report submitted to
12 a governing board of a school district does not favor
13 acquisition of a proposed site that is within two miles of
14 the centerline of an active runway, no state funds or local
15 funds shall be apportioned or expended for the
16 acquisition of that site, construction of any school building
17 on that site, or for the expansion of any existing site to
18 include that site.

19 (f) This section does not apply to sites acquired prior
20 to January 1, 1966, nor to any additions or extensions to
21 those sites.

22 (g) If the recommendations of the Department of
23 Transportation are unfavorable, the recommendations
24 shall not be overruled without the express approval of the
25 State Allocation Board.

26 SEC. 97. Section 17224 of the Education Code is
27 repealed.

28 ~~17224. Any funds in the State School Site Utilization~~
29 ~~Fund, including interest, which are not subject to return~~
30 ~~to a school district pursuant to Section 17223 shall revert~~
31 ~~to the General Fund.~~

32 SEC. 98. Section 17224 is added to the Education
33 Code, to read:

34 17224. Any funds in the State School Site Utilization
35 Fund, including interest, which are not subject to return
36 to a school district pursuant to Section 39017 shall revert
37 to the Deferred Maintenance Fund.

38 SEC. 98.5. Section 17224 is added to the Education
39 Code, to read:



1 17224. Any funds in the State School Site Utilization
2 Fund, including interest, which are not subject to return
3 to a school district pursuant to Section 17223 shall revert
4 to the School Major Maintenance Match Fund.

5 SEC. 99. Section 17716 of the Education Code, as
6 amended by Chapter 1059 of the Statutes of 1996, is
7 repealed.

8 ~~17716. (a) The board, by the adoption of rules, may~~
9 ~~establish priorities for the construction and leasing of~~
10 ~~projects to those school districts the pupils of which will~~
11 ~~benefit most. The board may make exceptions from~~
12 ~~established priorities when it determines that to do so will~~
13 ~~benefit the pupils affected.~~

14 ~~(b) The board may adopt rules establishing priorities~~
15 ~~for the acquisition and leasing of portable classrooms to~~
16 ~~county superintendents of schools that will most benefit~~
17 ~~pupils needing a county community school. The board~~
18 ~~shall require each county superintendent of schools who~~
19 ~~leases portable classrooms pursuant to Section 17717.2 to~~
20 ~~demonstrate that the portable classrooms are utilized~~
21 ~~solely for operation of a county community school.~~

22 SEC. 100. Section 17717.2 of the Education Code, as
23 added by Chapter 1059 of the Statutes of 1996, is repealed.

24 ~~17717.2. (a) The board may own, have maintained,~~
25 ~~and lease portable classrooms to any county~~
26 ~~superintendent of schools who provides a county~~
27 ~~community school program, as defined in Section 1986.~~
28 ~~These portable classrooms shall be adequately equipped~~
29 ~~to meet the educational needs of these pupils, including,~~
30 ~~but not limited to, sinks and restroom facilities.~~

31 ~~(b) The board, with the advice of the Superintendent~~
32 ~~of Public Instruction, may have portable classrooms~~
33 ~~constructed, furnished, or equipped, and may otherwise~~
34 ~~require whatever work is necessary to place portable~~
35 ~~classrooms for county community schools where needed,~~
36 ~~including the acquisition and preparation of sites. The~~
37 ~~board shall, in consultation with the Superintendent of~~
38 ~~Public Instruction, establish standards for the acquisition~~
39 ~~of land, with land acquisition limited to no more than~~
40 ~~10,000 square feet per portable classroom, waivable by~~



~~1 the board only as needed to meet local zoning and land
2 use requirements or health and safety considerations.~~

~~3 (e) A county superintendent of schools who desires to
4 lease portable classrooms shall have prepared for the
5 board's use performance specifications for portable
6 classrooms and bids for their construction that can be
7 solicited from more than one responsible bidder.~~

~~8 (d) No portable classroom shall be made available to
9 a county superintendent of schools unless the county
10 superintendent of schools furnishes evidence, satisfactory
11 to the board, that the county superintendent of schools
12 has no other facility available for rental, lease, or purchase
13 in the geographic service area that is economically or
14 otherwise feasible.~~

~~15 (e) If at any time the board determines that a lessee's
16 need for particular portable classrooms that were made
17 available to the lessee pursuant to this chapter has ceased,
18 the board may take possession of the portable classrooms
19 and may lease them to other county superintendents of
20 schools or, if there is no longer a need for portable
21 classrooms, the board may dispose of them to public or
22 private parties in the manner it deems to be in the best
23 interest of the state.~~

~~24 (f) This section does not limit the authority of a county
25 superintendent of schools to provide facilities without
26 assistance from the board for pupils who are enrolled in
27 a county community school.~~

~~28 SEC. 101. Section 17732.5 of the Education Code, as
29 added by Chapter 1059 of the Statutes of 1996, is repealed.~~

~~30 17732.5. The board shall establish the annual rent and
31 conditions to be met by the lessee of a portable classroom
32 leased pursuant to Section 17717.2 and shall require
33 lessees to undertake all necessary maintenance, repairs,
34 renewals, and replacements to ensure that a project is at
35 all times kept in good repair, working order, and
36 condition. All costs incurred for this purpose shall be
37 borne by the lessee.~~

~~38 SEC. 102. Section 17742 of the Education Code, as
39 amended by Chapter 1059 of the Statutes of 1996, is
40 repealed.~~



1 ~~17742. (a) The board, by the adoption of rules, shall~~
2 ~~provide for the manner of determining the area of~~
3 ~~adequate school construction existing in an applicant~~
4 ~~school district at the time of application. Those rules shall~~
5 ~~define and provide for the method of determining~~
6 ~~building areas that are to be included in, in whole or in~~
7 ~~part, or to be excluded from, the area of existing adequate~~
8 ~~school construction. Any building to which Article 3~~
9 ~~(commencing with Section 39140) of Chapter 1 of Part 23~~
10 ~~of Division 3 of Title 2 does not apply shall not be~~
11 ~~considered adequate school construction for the purpose~~
12 ~~of determining the maximum total building area per~~
13 ~~attendance unit.~~

14 ~~The board may make exceptions to the provisions of~~
15 ~~this section, or to the rules adopted pursuant thereto, if it~~
16 ~~determines that the exception or exceptions will be for~~
17 ~~the benefit of pupils affected.~~

18 ~~(b) For the purposes of this chapter, the area of~~
19 ~~adequate school construction existing in an applicant~~
20 ~~school district does not include any of the following:~~

21 ~~(1) Any portable classroom made available to the~~
22 ~~district under Chapter 25 (commencing with Section~~
23 ~~17785).~~

24 ~~(2) In any school operated on a year-round schedule,~~
25 ~~any building area that has been in continuous use during~~
26 ~~the preceding five-year period primarily for the~~
27 ~~operation of any preschool program or programs.~~

28 ~~(3) Any building area, not to exceed the area that is~~
29 ~~equivalent to one classroom per schoolsite, used to~~
30 ~~provide support services pursuant to Chapter 5~~
31 ~~(commencing with Section 8800) of Part 6 or to provide~~
32 ~~integrated children's services pursuant to Section~~
33 ~~18986.40 of the Welfare and Institutions Code. A school~~
34 ~~shall meet the definition of a "qualifying school" under~~
35 ~~paragraph (1) of subdivision (h) of Section 8802 to qualify~~
36 ~~for this exemption from the area of adequate school~~
37 ~~construction.~~

38 ~~(4) Any classroom acquired or constructed and~~
39 ~~continuously used by the school district primarily for the~~
40 ~~purpose of reducing class size in kindergarten or in any~~



1 of grades 1 to 3, inclusive, pursuant to the school district's
2 participation in the Class Size Reduction Program
3 contained in Chapter 6.10 (commencing with Section
4 52120) of Part 28.

5 (5) Any classroom acquired or constructed for the
6 purpose of operating a community day school pursuant to
7 Section 48660, if the classroom is not located on a regular
8 elementary, middle, junior high, or senior high school
9 site.

10 (e) The board may make exceptions to this section, or
11 to the rules adopted pursuant thereto, if it determines
12 that the exception or exceptions will be for the benefit of
13 pupils affected.

14 *SEC. 103. Section 17742.9 of the Education Code, as*
15 *added by Chapter 470 of the Statutes of 1996, is repealed.*

16 17742.9. (a) Notwithstanding any other provision of
17 law, a school district that complies with the requirements
18 of subdivision (b) may replace a portable classroom, as
19 defined in Section 17742.5, that has been leased or owned
20 by the district for 20 years or more, with a permanent
21 building if the resulting area of new building construction
22 is no greater than the area that would be authorized
23 under this chapter for the lease or purchase of a portable
24 classroom.

25 (b) A school district that utilizes subdivision (a) shall
26 fund its expenses incurred thereby through the issuance
27 of general obligation bonds by the district or by the
28 issuance of bonds pursuant to the Mello-Roos Community
29 Facilities Act of 1982 (Chapter 2.5 (commencing with
30 Section 53311) of Part 1 of Division 2 of Title 5 of the
31 Government Code) or by any other financing
32 mechanism that does not encumber the school district's
33 general fund.

34 *SEC. 104. Section 17747.6 of the Education Code, as*
35 *added by Chapter 1059 of the Statutes of 1996, is repealed.*

36 17747.6. The board, with the advice of the
37 Superintendent of Public Instruction, may determine the
38 eligibility of county superintendents of schools to lease
39 portable classrooms provided that a county
40 superintendent of schools is eligible to receive one



1 ~~portable classroom pursuant to this section and Section~~
2 ~~17717.2 for each 15 units of average daily attendance at~~
3 ~~county community schools in excess of the amount of~~
4 ~~average daily attendance claimed by the county~~
5 ~~superintendent of schools in the prior fiscal year except~~
6 ~~that, for pupils who are enrolled in a county community~~
7 ~~school and on independent study, only time spent in the~~
8 ~~classroom shall be included in the calculation of average~~
9 ~~daily attendance.~~

10 *SEC. 105. Section 17850 of the Education Code, as*
11 *amended by Chapter 1071 of the Statutes of 1996, is*
12 *repealed.*

13 ~~17850. (a) Upon the approval by the governing~~
14 ~~board of the school district to proceed with the issuance~~
15 ~~of certificates of participation revenue bonds or to enter~~
16 ~~into any agreement for financing school construction~~
17 ~~pursuant to Chapter 28 (commencing with Section~~
18 ~~17870), the school district shall notify the county~~
19 ~~superintendent of schools and the county auditor. The~~
20 ~~superintendent of the school district shall provide the~~
21 ~~repayment schedules for that debt obligation, and~~
22 ~~evidence of the ability of the school district to repay that~~
23 ~~obligation, to the county auditor, the county~~
24 ~~superintendent, the governing board, and the public.~~
25 ~~Within 15 days of the receipt of the information, the~~
26 ~~county superintendent of schools and the county auditor~~
27 ~~may comment publicly to the governing board of the~~
28 ~~school district regarding the capability of the school~~
29 ~~district to repay that debt obligation.~~

30 ~~(b) Upon the approval by the county board of~~
31 ~~education to proceed with the issuance of certificates of~~
32 ~~participation or revenue bonds or to enter into any~~
33 ~~agreement for financing pursuant to Chapter 28~~
34 ~~(commencing with Section 17870), the county~~
35 ~~superintendent of schools or superintendent of a school~~
36 ~~district for which the county board serves as governing~~
37 ~~board shall notify the Superintendent of Public~~
38 ~~Instruction. The county superintendent of schools or the~~
39 ~~superintendent of a school district for which the county~~
40 ~~board serves as the governing board shall provide the~~



1 ~~repayment schedules for that debt obligation and~~
2 ~~evidence of the ability of the county office of education~~
3 ~~or school district to repay that obligation, to the~~
4 ~~Superintendent of Public Instruction, the governing~~
5 ~~board, and the public. Within 15 days of the receipt of the~~
6 ~~information the Superintendent of Public Instruction~~
7 ~~may comment publicly to the county board of education~~
8 ~~regarding the capability of the county office of education~~
9 ~~or school district to repay that debt obligation.~~

10 *SEC. 106. Section 17882 of the Education Code, as*
11 *amended by Chapter 1071 of the Statutes of 1996, is*
12 *repealed.*

13 ~~17882. (a) Except as otherwise provided in~~
14 ~~subdivision (b), all expenses incurred by the authority in~~
15 ~~implementing this chapter shall be payable solely from~~
16 ~~funds appropriated for purposes of this chapter, and the~~
17 ~~authority shall not incur liabilities in excess of the amount~~
18 ~~of those funds.~~

19 ~~(b) The authority may request a loan by the Pooled~~
20 ~~Money Investment Board from the Pooled Money~~
21 ~~Investment Account, in accordance with Section 16312 of~~
22 ~~the Government Code, and may execute those~~
23 ~~documents required by the Pooled Money Investment~~
24 ~~Board to obtain and repay the loan. The loan shall be~~
25 ~~deposited in the fund for the purposes of carrying out the~~
26 ~~provisions of this chapter. The amount of the loan shall~~
27 ~~not exceed the amount of the unsold bonds that the~~
28 ~~authority by resolution, has authorized to be sold for the~~
29 ~~purposes of this chapter.~~

30 *SEC. 107. Section 17883 of the Education Code, as*
31 *amended by Chapter 1071 of the Statutes of 1996, is*
32 *repealed.*

33 ~~17883. (a) From time to time, the authority may, by~~
34 ~~resolution, issue its revenue bonds in order to provide~~
35 ~~funds for any of the purposes of this chapter. Bonds may~~
36 ~~be issued to finance any of the following:~~

37 ~~(1) A single project or financing of working capital for~~
38 ~~a single participating district.~~

39 ~~(2) A series of projects or financings of working capital~~
40 ~~for a single participating district.~~



1 ~~(3) A single project or financing of working capital for~~
2 ~~several participating districts.~~

3 ~~(4) Several projects or financing of working capital for~~
4 ~~several participating districts.~~

5 ~~(5) A joint venture school facilities construction~~
6 ~~project undertaken pursuant to Article 5 (commencing~~
7 ~~with Section 17760) of Chapter 22.~~

8 ~~(b) Except as otherwise expressly provided by the~~
9 ~~authority, all revenue bonds shall be payable from any~~
10 ~~available revenues or moneys of the authority not~~
11 ~~otherwise pledged, subject only to any agreements with~~
12 ~~holders of particular bonds or notes pledging any~~
13 ~~particular revenue or moneys. Notwithstanding that~~
14 ~~revenue bonds issued pursuant to this section may be~~
15 ~~payable from a special fund, the revenue bonds shall be,~~
16 ~~and shall be deemed to be for all purposes, negotiable~~
17 ~~instruments, subject only to the provisions of the revenue~~
18 ~~bonds for registration.~~

19 ~~(c) The revenue bonds of the authority may be issued~~
20 ~~as serial bonds, term bonds, or the authority, in its~~
21 ~~discretion, may issue bonds of both types. The issuancee~~
22 ~~shall be in accordance with the indenture, trust~~
23 ~~agreement, or resolution relating to the revenue bonds,~~
24 ~~which shall provide all of the following:~~

25 ~~(1) The date or dates of the bonds.~~

26 ~~(2) The date or dates upon which the bonds will~~
27 ~~mature, not to exceed 40 years from their respective~~
28 ~~dates.~~

29 ~~(3) The interest rate or rates, or methods of~~
30 ~~determining the interest rate or rates, of the bonds.~~

31 ~~(4) When the bonds are payable.~~

32 ~~(5) The denominations of the bonds.~~

33 ~~(6) The form of the bonds, which shall be either bearer~~
34 ~~or registered.~~

35 ~~(7) The registration privileges of the bonds.~~

36 ~~(8) The manner in which the bonds are to be executed.~~

37 ~~(9) The place or places at which the bonds shall be~~
38 ~~payable in lawful money of the United States of America.~~

39 ~~(10) The terms of redemption of the bonds.~~



1 ~~(d) After giving due consideration to the~~
2 ~~recommendations of the participating district or districts,~~
3 ~~the revenue bonds of the authority shall be sold by the~~
4 ~~Treasurer at either a public or private sale at a price or~~
5 ~~prices, and upon the terms and conditions prescribed by~~
6 ~~the authority. The revenue bonds of the authority may be~~
7 ~~sold at, above, or below the par value of the bonds.~~

8 ~~(e) Pending the preparation of the definitive bonds,~~
9 ~~the authority may issue interim receipts or certificates or~~
10 ~~temporary bonds which shall be exchanged for the~~
11 ~~definitive bonds.~~

12 ~~(f) Any resolution authorizing the issuance of any~~
13 ~~bonds of the authority, or any issue of revenue bonds of~~
14 ~~the authority, may include any of the following~~
15 ~~provisions:~~

16 ~~(1) Provisions pledging all or any part of the proceeds~~
17 ~~of the bonds or revenue of a project or loan.~~

18 ~~(2) Provisions concerning the replacement of~~
19 ~~mutilated, destroyed, stolen, or lost bonds.~~

20 ~~(3) Provisions specifying insurance to be maintained~~
21 ~~on the project and the authorized uses of the proceeds of~~
22 ~~the insurance.~~

23 ~~(4) Covenants against the mortgaging or otherwise~~
24 ~~encumbering, selling, leasing, pledging, placing a charge~~
25 ~~upon, or otherwise disposing of the project prior to the~~
26 ~~payment of the bonds issued to finance the project.~~

27 ~~(5) Provisions specifying the events of default, terms~~
28 ~~upon which the bonds may be declared due before~~
29 ~~maturity, and the terms upon which the declaration and~~
30 ~~its consequences may be waived.~~

31 ~~(6) The rights, liabilities, powers, and duties arising~~
32 ~~upon the breach of any covenants, conditions, or~~
33 ~~obligations.~~

34 ~~(7) Vesting of the right to enforce covenants in a~~
35 ~~trustee.~~

36 ~~(8) The terms upon which all or any percentage of the~~
37 ~~bondholders may enforce covenants or duties.~~

38 ~~(9) Procedures for amending the terms of the~~
39 ~~resolution, with or without the consent of the holders of~~
40 ~~a specified number of bonds.~~



1 ~~(10) Provision for any other acts or things deemed~~
2 ~~necessary, convenient, or desirable by the authority to~~
3 ~~secure the bonds or improve their marketability.~~

4 ~~(g) The validity of the authorization and issuance of~~
5 ~~any bond issue shall not be affected by proceedings for the~~
6 ~~acquisition, construction, or improvement of any project,~~
7 ~~or by contracts relating to those proceedings. Any~~
8 ~~resolution authorizing the issuance of any bonds of the~~
9 ~~authority may provide authorization for the bonds to bear~~
10 ~~a statement certifying that they are issued pursuant to~~
11 ~~this chapter. Bonds bearing such a statement shall be~~
12 ~~conclusively deemed valid and issued in conformity with~~
13 ~~this chapter. Reference on the face of the bonds to the~~
14 ~~resolution by its date of adoption shall incorporate the~~
15 ~~provisions of the resolution and of this chapter into the~~
16 ~~terms of the bonds.~~

17 ~~(h) Members of the authority, or any person executing~~
18 ~~the revenue bonds of the authority, shall not incur~~
19 ~~personal liability on the bonds, nor shall these persons~~
20 ~~incur personal liability or accountability by reason of the~~
21 ~~issuance of the revenue bonds of the authority.~~

22 ~~(i) The authority is authorized, out of any funds~~
23 ~~available for that purpose, to purchase revenue bonds of~~
24 ~~the authority. The authority may hold, pledge, cancel, or~~
25 ~~resell any bonds purchased under the authority of this~~
26 ~~subdivision, subject to, and in accordance with,~~
27 ~~agreements with bondholders.~~

28 ~~(j) The financing or refinancing of projects or working~~
29 ~~capital may be provided pursuant to this chapter by~~
30 ~~means other than revenue bonds, at the discretion of the~~
31 ~~authority, including financing or refinancing through~~
32 ~~certificates of participation, or other interests, in bonds,~~
33 ~~loans, leases, installment sales, or other agreements of the~~
34 ~~participating district or districts. In this connection, the~~
35 ~~authority may do all things and execute and deliver all~~
36 ~~documents and instruments as may be necessary or~~
37 ~~desirable with regard to issuance of the certificates of~~
38 ~~participation or other means of financing or refinancing.~~

39 ~~(k) The authority may by resolution issue its revenue~~
40 ~~bonds in the form of commercial paper.~~



1 SEC. 108. Section 17899.3 of the Education Code, as
2 amended by Chapter 1071 of the Statutes of 1996, is
3 repealed.

4 ~~17899.3. (a) The total amount of revenue bonds~~
5 ~~which may be issued and outstanding at any time for~~
6 ~~purposes of this chapter, other than those revenue bonds~~
7 ~~under Section 17899.4, shall not exceed four hundred~~
8 ~~million dollars (\$400,000,000).~~

9 ~~(b) The total amount of revenue bonds that may be~~
10 ~~issued under this chapter each fiscal year, for purposes of~~
11 ~~Section 17899.4 only, shall not exceed four hundred~~
12 ~~million dollars (\$400,000,000). Of that total amount of~~
13 ~~revenue bonds, not more than one hundred fifty million~~
14 ~~dollars (\$150,000,000) in revenue bonds may be issued for~~
15 ~~the purposes of joint venture school facilities construction~~
16 ~~projects undertaken pursuant to Article 5 (commencing~~
17 ~~with Section 17760) of Chapter 22. The total amount that~~
18 ~~may be outstanding at any time under this chapter, for~~
19 ~~purposes of Section 17899.4 only, shall not exceed four~~
20 ~~billion dollars (\$4,000,000,000).~~

21 ~~(c) For purposes of subdivisions (a) and (b), bonds~~
22 ~~which meet any of the following conditions shall not be~~
23 ~~deemed to be outstanding:~~

24 ~~(1) Bonds which have been refunded pursuant to~~
25 ~~Section 17888.~~

26 ~~(2) Bonds for which money or securities in amounts~~
27 ~~necessary to pay or redeem the principal, interest, or any~~
28 ~~redemption premium on the bonds have been deposited~~
29 ~~in trust.~~

30 ~~(3) Bonds which have been issued to provide working~~
31 ~~capital.~~

32 SEC. 109. Section 17899.4 of the Education Code, as
33 added by Chapter 1071 of the Statutes of 1996, is repealed.

34 ~~17899.4. (a) Notwithstanding any other law, any~~
35 ~~participating school district or county office of education,~~
36 ~~in connection with securing financing or refinancing of~~
37 ~~projects, except working capital, pursuant to this chapter~~
38 ~~may elect to guarantee or provide for payment of the~~
39 ~~bonds in accordance with the following conditions:~~



1 ~~(1) If a participating school district or county office of~~
2 ~~education adopts a resolution by a majority vote of its~~
3 ~~board to participate under this section, it shall provide~~
4 ~~notice to the Controller of that election. The notice shall~~
5 ~~include a schedule for the repayment of principal and~~
6 ~~interest on the bonds and identify a trustee appointed by~~
7 ~~the participating school district or county office of~~
8 ~~education or the authority for purposes of this section.~~
9 ~~The notice shall be provided not later than the date of~~
10 ~~issuance of the bonds.~~

11 ~~(2) If, for any reason, the school district or county~~
12 ~~office of education will not make the payment of principal~~
13 ~~and interest at the time the payment is required, the~~
14 ~~participating school district or county office of education~~
15 ~~shall notify the trustee of that fact and of the amount of~~
16 ~~the deficiency. The trustee shall immediately~~
17 ~~communicate that information to the Controller.~~

18 ~~(3) Upon receipt of the notice required by paragraph~~
19 ~~(2), the Controller shall make an apportionment to the~~
20 ~~trustee in the amount of the deficiency for the purpose of~~
21 ~~making the required payment of principal or interest, or~~
22 ~~both. The Controller shall make that apportionment only~~
23 ~~from moneys in Section A of the State School Fund~~
24 ~~designated for apportionment to the district pursuant to~~
25 ~~Section 42238 or to the county office of education~~
26 ~~pursuant to Section 2558.~~

27 ~~(4) As an alternative to the procedures set forth in~~
28 ~~paragraphs (2) and (3), the participating school district~~
29 ~~or county office of education may provide a transfer~~
30 ~~schedule in its notice to the Controller of its election to~~
31 ~~participate under this section. The transfer schedule shall~~
32 ~~set forth amounts to be transferred to the trustee and the~~
33 ~~date for the transfers. The Controller shall, subject to the~~
34 ~~limitation in the last sentence of paragraph (3), make~~
35 ~~apportionments to the trustee of those amounts on the~~
36 ~~specified date for the purpose of making those transfers.~~

37 ~~(b) The amount apportioned for a school district or for~~
38 ~~a county office of education pursuant to this section shall~~
39 ~~be deemed to be an allocation to the district or the county~~
40 ~~office of education for purposes of subdivision (b) of~~



~~1 Section 8 of Article XVI of the California Constitution.
2 For purposes of computing revenue limits pursuant to
3 Section 42238 for any school district or pursuant to Section
4 2558 for any county office of education, the revenue limit
5 for any fiscal year in which funds are apportioned for the
6 district or for the county office of education pursuant to
7 this section shall include any amounts apportioned by the
8 Controller pursuant to paragraphs (3) and (4) of
9 subdivision (a).~~

~~10 (e) (1) School districts or county offices of education
11 that elect to participate under this section shall apply to
12 the authority. The authority shall consider each of the
13 following priorities in making funds available:~~

~~14 (A) First priority shall be given to school districts or
15 county offices of education that apply for funding for
16 instructional classroom space.~~

~~17 (B) Second priority shall be given to school districts or
18 county offices of education that apply for funding of
19 modernization of instructional classroom space.~~

~~20 (C) Third priority shall be given to all other eligible
21 costs, as defined in Section 17873.~~

~~22 (2) The authority shall prioritize applications at
23 appropriate intervals.~~

~~24 (3) A school district electing to participate under this
25 section that has applied for revenue bond moneys for the
26 purposes of joint venture school facilities construction
27 projects, pursuant to Article 5 (commencing with Section
28 17760) of Chapter 22, shall not be subject to the priorities
29 set forth in paragraph (1) of this subdivision.~~

~~30 (d) This section shall not be construed to make the
31 State of California liable for any payment of principal or
32 interest on any bonds or certificates of participation
33 within the meaning of Section 1 of Article XVI of the
34 California Constitution or otherwise, except as expressly
35 provided in this section.~~

~~36 (e) A school district that has a qualified or negative
37 certification pursuant to Section 42131, or a county office
38 of education that has a qualified or negative certification
39 pursuant to Section 1240, may not participate under this
40 section.~~



1 ~~(f) The authority shall report to the Legislature by~~
2 ~~January 1, 2001, on the number of school districts or~~
3 ~~county offices of education electing to participate under~~
4 ~~this section and on the financial stability of the~~
5 ~~participating school districts and county offices of~~
6 ~~education.~~

7 ~~(g) This section shall remain in effect only until~~
8 ~~January 1, 2006, and as of that date is repealed, unless a~~
9 ~~later enacted statute, that is enacted before January 1,~~
10 ~~2006, deletes or extends that date.~~

11 *SEC. 110.* Section 38060 is added to the Education
12 Code, to read:

13 38060. (a) Any person who enters a schoolbus or
14 school pupil activity bus without prior authorization of
15 the driver or other school official with intent to commit
16 any crime and who refuses to disembark after being
17 ordered to do so by the driver or other school official is
18 guilty of a misdemeanor and is punishable by
19 imprisonment in the county jail for not more than six
20 months, by a fine of not more than one thousand dollars
21 (\$1,000), or by both.

22 (b) A school district or county superintendent of
23 schools may place a notice at the entrance of a schoolbus
24 or school pupil activity bus that complies with the
25 requirements of paragraph (3) of subdivision (c) of
26 Section 1256.5 of Title 13 of the California Code of
27 Regulations and that warns against unauthorized entry.

28 ~~SEC. 2.—~~

29 *SEC. 111.* *Section 39005 of the Education Code, as*
30 *amended by Chapter 1158 of the Statutes of 1996, is*
31 *repealed.*

32 ~~39005. (a) In order to promote the safety of pupils,~~
33 ~~comprehensive community planning, and greater~~
34 ~~educational usefulness of schoolsites before acquiring~~
35 ~~title to property for a new schoolsite, the governing board~~
36 ~~of each school district, including any district governed by~~
37 ~~a city board of education, shall give the Department of~~
38 ~~Transportation written notice of the proposed acquisition~~
39 ~~and shall submit any information required by the~~
40 ~~department if the proposed site is within two miles,~~



1 measured by air line, of that point on an airport runway
2 or a potential runway included in an airport master plan
3 that is nearest to the site.

4 (b) If the Department of Transportation is no longer
5 in operation, the governing board of the school district
6 shall, in lieu of notifying the Department of
7 Transportation, notify the United States Department of
8 Transportation or any other appropriate agency, in
9 writing, of the proposed acquisition for the purpose of
10 obtaining from the department or other agency any
11 information or assistance that it may desire to give.

12 (c) The Department of Transportation shall
13 investigate the proposed site and, within 30 working days
14 after receipt of the notice, shall submit to the governing
15 board a written report and its recommendations
16 concerning acquisition of the site. As part of the
17 investigation, the Department of Transportation shall
18 give notice thereof to the owner and operator of the
19 airport who shall be granted the opportunity to comment
20 upon the proposed schoolsite.

21 (d) The governing board shall not acquire title to the
22 property until the report of the Department of
23 Transportation has been received. If the report does not
24 favor the acquisition of the property for a schoolsite or an
25 addition to a present schoolsite, the governing board shall
26 not acquire title to the property until 30 days after the
27 department's report is received and until the
28 department's report has been read at a public hearing
29 duly called after 10 days' notice published once in a
30 newspaper of general circulation within the school
31 district or, if there is no newspaper of general circulation
32 within the school district, in a newspaper of general
33 circulation within the county in which the property is
34 located.

35 (e) Except as provided in subdivision (d), if the
36 Department of Transportation in its report submitted to
37 a governing board of a school district does not favor
38 acquisition of a proposed site that is within two miles of
39 the centerline of an active runway, no state funds or local
40 funds shall be apportioned or expended for the



1 acquisition of that site, construction of any school building
2 on that site, or for the expansion of any existing site to
3 include that site.

4 (f) This section does not apply to sites acquired prior
5 to January 1, 1966, nor to any additions or extensions to
6 those sites.

7 (g) If the recommendations of the Department of
8 Transportation are unfavorable, the recommendations
9 shall not be overruled without the express approval of the
10 State Allocation Board.

11 *SEC. 112. Section 8.5 of this bill incorporates*
12 *amendments to Section 15301 of the Education Code*
13 *proposed by AB 1042. It shall only become operative if (1)*
14 *both this bill and AB 1042 are enacted and become*
15 *effective on or before January 1, 1998, (2) AB 1042*
16 *amends Section 15301 of the Education Code, and (3) this*
17 *bill is enacted after AB 1042, in which case Sections 7 and*
18 *8 of this bill shall not become operative.*

19 *SEC. 113. Section 98.5 of this bill incorporates*
20 *amendments to Section 17244 of the Education Code*
21 *proposed by AB 736. It shall only become operative if (1)*
22 *both this bill and AB 736 are enacted and become*
23 *effective on or before January 1, 1998, (2) AB 736 amends*
24 *Section 17244 of the Education Code, and (3) this bill is*
25 *enacted after AB 736, in which case Sections 97 and 98 of*
26 *this bill shall not become operative.*

27 *SEC. 114. To the extent that the provisions of this act*
28 *are substantially the same as existing statutory provisions*
29 *relating to the same subject matter, the provisions shall*
30 *be construed as restatements and continuations of*
31 *existing statutory provisions and not as a new enactment.*

32 ~~SEC. 3.~~

33 *SEC. 115. The Legislature finds and declares that the*
34 *enactment of this act, in view of the nonsubstantive*
35 *statutory changes made, will not result in new or*
36 *additional costs to local agencies charged with any duties*
37 *or responsibilities in connection therewith.*

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