

AMENDED IN ASSEMBLY SEPTEMBER 3, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

AMENDED IN ASSEMBLY MARCH 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 46

**Introduced by Assembly Member ~~Olberg~~ Members *Florez*
*and Ashburn***

December 7, 1998

~~An act to amend Section 47602 of the Education Code, relating to charter schools.—An act to add and repeal Section 21080.15 of the Public Resources Code, relating to highways.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, ~~Olberg~~ *Florez*. ~~Charter schools~~ *State Highway Route 46*.

The existing California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration or a mitigated negative declaration if the lead agency finds that the project will not have that effect, unless the project is exempt from the act.

This bill would authorize a public agency to approve any activity necessary for, or incidental to, the planning, design, site acquisition, construction, operation, or maintenance of road safety improvement on specified portions of State

Highway Route 46 pursuant to a negative declaration or a mitigated negative declaration, as provided. The bill would prescribe timelines and procedures for the adoption of a negative declaration or a mitigated negative declaration pursuant to this authorization. The bill would provide for these provisions to be effective only until July 1, 2004.

~~Existing law, the Charter Schools Act of 1992, establishes the maximum number of charter schools that may operate in California. Under existing law, in the 1998-99 school year, the maximum total number of charter schools authorized to operate is 250, and in the 1999-2000 school year, and in each successive school year thereafter, an additional 100 charter schools are authorized to operate. Under existing law, the Legislative Analyst is required to report to the Legislature by July 1, 2003, on the effectiveness of the approach of limiting the number of charter schools and recommend whether to expand or reduce the annual rate of growth of charter schools.~~

~~This bill would repeal the limitation on the number of charter schools operating in the state. By removing this limitation, this bill would require the governing boards of school districts to review additional charter school petitions; thereby imposing a state-mandated local program.~~

~~This bill would also repeal the requirement that the Legislative Analyst report to the Legislature concerning the effectiveness of the approach of limiting the number of charter schools and recommending whether to expand or reduce the annual rate of growth of charter schools.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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



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

1 ~~SECTION 1. Section 47602 of the Education Code is~~
2 *SECTION 1. The Legislature finds and declares all of*
3 *the following:*

4 *(a) State Highway Route 46, within Kern County, west*
5 *of State Highway 99, is a dangerous road that is in*
6 *significant need of safety improvements. Between 1996*
7 *and 1998 there have been 110 accidents, 106 injuries, and*
8 *14 fatalities.*

9 *(b) State Highway Route 46 is a two-lane road without*
10 *enough room for a center line divider, resulting in a*
11 *disproportionate number of head-on collisions.*

12 *(c) The highway has already been designated as a*
13 *double fine zone, the California Highway Patrol has*
14 *increased patrolling, daylight headlight sections have*
15 *been established, and rumble strips and additional*
16 *signage have been installed. However, the highway*
17 *remains a high fatality zone.*

18 *(d) State Highway Route 46 cannot be made safe*
19 *without additional construction.*

20 *(e) Under existing permit and processing*
21 *requirements, improvements to eliminate the high*
22 *fatality zone on State Highway Route 46 cannot be*
23 *completed until the year 2007. If State Highway Route 46*
24 *could be improved in an expedited manner, hundreds of*
25 *people could avoid being hurt in serious accidents.*

26 *SEC. 2. Section 21080.15 is added to the Public*
27 *Resources Code, to read:*

28 *21080.15. (a) A public agency may approve any*
29 *activity necessary for, or incidental to, the planning,*
30 *design, site acquisition, construction, operation, or*
31 *maintenance of road safety improvement on State*
32 *Highway Route 46 within Kern County, between*
33 *Highway 99 and Interstate 5, and the San Luis Obispo*
34 *County Line, pursuant to a negative declaration or a*
35 *mitigated negative declaration, as defined in Section*
36 *21064.5 and modified by this section.*

37 *(b) A mitigated negative declaration may be*
38 *approved for a road safety project by a public agency*



1 pursuant to this section, if the public agency provides
2 mitigation in anticipation of what may reasonably be
3 determined as a potentially significant effect of the
4 development of the project.

5 (c) Prior to the adoption of the negative declaration or
6 mitigated negative declaration, the lead agency shall
7 consult with other public agencies and hold at least one
8 noticed public hearing on potential revisions to the
9 project, to avoid the effects, or mitigate the effects, of the
10 project so that no significant effects will occur.

11 (d) After completion of the project, a final
12 determination shall be made by the lead agency to
13 determine if additional mitigation measures are
14 necessary to reduce the effects of the development to a
15 level that is not significant. If additional mitigation
16 measures are necessary, the lead agency shall cause those
17 actions to be taken in a timely manner.

18 (e) In adopting a negative declaration or a mitigated
19 negative declaration pursuant to this section, the
20 following timelines and provisions shall apply:

21 (1) The lead agency shall have 120 days, following
22 notice of the proposed road safety improvement project,
23 in which to make its preliminary review and complete its
24 initial study. At the end of the 120 days, the lead agency
25 shall make a determination, based on substantial
26 evidence, as to whether to prepare a negative declaration
27 or a mitigated negative declaration or whether an
28 environmental impact report is required.

29 (2) If a negative declaration or a mitigated negative
30 declaration is prepared and adopted, the lead agency
31 shall have 120 days after the completion of the project to
32 determine if additional mitigation measures are
33 necessary, based on substantial evidence in the record.

34 (3) The negative declaration and the mitigated
35 negative declaration shall not be subject to any challenge
36 60 days after the date of adoption of the declaration.

37 (f) This section shall remain in effect only until July
38 1, 2004, and as of that date is repealed, unless a later
39 enacted statute, which is enacted before January 1, 2004,
40 deletes or extends that date.



1 amended to read:

2 ~~47602. Under this part, a charter may not be granted~~
3 ~~that authorizes the conversion of a private school to a~~
4 ~~charter school. A charter school may not receive any~~
5 ~~public funds for a pupil if the pupil also attends a private~~
6 ~~school that charges the pupil's family for tuition. The~~
7 ~~State Board of Education shall adopt regulations to~~
8 ~~implement this section.~~

9 ~~SEC. 2. Notwithstanding Section 17610 of the~~
10 ~~Government Code, if the Commission on State Mandates~~
11 ~~determines that this act contains costs mandated by the~~
12 ~~state, reimbursement to local agencies and school~~
13 ~~districts for those costs shall be made pursuant to Part 7~~
14 ~~(commencing with Section 17500) of Division 4 of Title~~
15 ~~2 of the Government Code. If the statewide cost of the~~
16 ~~claim for reimbursement does not exceed one million~~
17 ~~dollars (\$1,000,000), reimbursement shall be made from~~
18 ~~the State Mandates Claims Fund.~~

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