

AMENDED IN SENATE AUGUST 28, 2000

AMENDED IN SENATE AUGUST 9, 2000

AMENDED IN SENATE JULY 6, 2000

AMENDED IN SENATE JUNE 20, 2000

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2408

Introduced by Assembly Member Firebaugh

February 24, 2000

An act to ~~amend~~ *add* Section 17070.71 ~~of to~~ the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2408, as amended, Firebaugh. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, ~~establishes a program for allocation by the State Allocation Board of state per-pupil funding to school districts for new construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition. Existing law requires the allocation to be based upon existing and projected unmet pupil capacity based upon existing teaching stations, as defined. Existing law requires the board to apportion funds~~

~~only upon compliance with prescribed requirements relating to seismic safety approvals and certification of the availability of local matching funds. Existing law authorizes reduction or waiver of the required local matching funds in the case of hardship applications. Existing law requires a school district to which the board grants funding is made available under that act to hold title to all property acquired, constructed, or improved with those funds, including any leasehold interest if the project qualified for and received approval by the board prior to November 4, 1998.~~

~~This bill would authorize the board to approve projects upon leased property and would require the board to approve the proposed lease agreement. The bill would require the board to report to the Governor and Legislature by January 4, 2005 authorize new construction or modernization on real property leased to a school district if certain conditions are met.~~

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 17070.71 is added to the
2 Education Code, to read:
3 17070.71. (a) ~~New~~ *Notwithstanding subdivision (a)*
4 *of Section 17070.70, new construction or modernization*
5 *funded pursuant to this chapter may be upon real*
6 *property leased to the applicant school district if all of the*
7 *following conditions are met:*
8 (1) The property is leased from another governmental
9 entity.
10 (2) The term of the lease is for at least 40 years after
11 approval of the project under this chapter, or the school
12 district has a lease for at least 25 years on federal property.
13 The board may authorize a lesser term, *of not less than*
14 *30 years* only if the board finds that granting an exception
15 to this requirement ~~would result in a compelling~~
16 ~~educational benefit to the state.~~



1 ~~(b) The board may require additional terms and~~
2 ~~conditions or authorize exceptions to these conditions as~~
3 ~~necessary to accommodate the particular situation~~
4 ~~relating to the individual application in order to further~~
5 ~~the purposes of this section.~~

6 ~~(e) The proposed lease shall be approved by the board.~~
7 ~~In approving the proposed lease, the board shall~~
8 ~~determine whether the lease would present any adverse~~
9 ~~impacts upon the state. The board may require, as a~~
10 ~~condition of approval, that the parties modify the~~
11 ~~proposed lease agreement in order to mitigate any~~
12 ~~adverse impact.~~

13 ~~(d) would be in the state's best interest.~~

14 (b) The applicant school district, and the facility on
15 leased land, if any, shall comply with all laws pertaining
16 to the construction, reconstruction, or alteration of, or
17 addition to, schoolsites and school buildings.

18 ~~(e) The board shall report to the Governor and the~~
19 ~~Legislature by January 1, 2005, regarding any savings~~
20 ~~realized from the funding of projects upon property~~
21 ~~leased to the school district, including, but not limited to,~~
22 ~~any savings associated with joint use projects upon leased~~
23 ~~property. The report shall address savings of both state~~
24 ~~and local funds.~~

25 ~~(f) Notwithstanding subdivision (a) of Section~~
26 ~~17070.70, the school district shall not hold title to any~~
27 ~~leased real property that is funded pursuant to this~~
28 ~~chapter.~~

29 (c) *Lease costs may not be included as project*
30 *acquisition or site acquisition costs under this chapter.*

31 SEC. 2. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or
33 safety within the meaning of Article IV of the
34 Constitution and shall go into immediate effect. The facts
35 constituting the necessity are:

36 To expedite new construction or modernization of
37 school facilities on leased property, it is necessary that this
38 act take effect immediately as an urgency statute.

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