

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1903

Introduced by Assembly Members Buchanan and Hagman
(Coauthor: Assembly Member Silva)
(Coauthor: Senator Fuller)

February 22, 2012

An act to amend Section 65995.7 of the Government Code, relating to school facilities, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1903, as amended, Buchanan. School facilities: sale or lease of real property.

Existing law authorizes a school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the school district for the purpose of funding the construction or reconstruction of school facilities. ~~The Existing law~~ authorizes a school district to increase the levy, as prescribed, if state funds for new school facility construction are not available, as ~~defined~~ *specified*.

This bill would, ~~commencing January 1, 2013,~~ suspend the operation of the provision authorizing the increased levy *from the day this bill becomes operative* until January 1, 2015, *or until an earlier date upon a specified circumstance, including passage of a statewide school facilities bond.*

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

Vote: ~~majority~~^{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 65995.7 of the Government Code is
2 amended to read:
3 65995.7. (a) (1) If state funds for new school facility
4 construction are not available, the governing board of a school
5 district that complies with Section 65995.5 may increase the
6 alternative fee, charge, dedication, or other requirement calculated
7 pursuant to subdivision (c) of Section 65995.5 by an amount that
8 may not exceed the amount calculated pursuant to subdivision (c)
9 of Section 65995.5, except that for the purposes of calculating this
10 additional amount, the amount identified in paragraph (2) of
11 subdivision (c) of Section 65995.5 may not be subtracted from the
12 amount determined pursuant to paragraph (1) of subdivision (c)
13 of Section 65995.5. For purposes of this section, state funds are
14 not available if the State Allocation Board is no longer approving
15 apportionments for new construction pursuant to Article 5
16 (commencing with Section 17072.20) of Chapter 12.5 of Part 10
17 of the Education Code due to a lack of funds available for new
18 construction. Upon making a determination that state funds are no
19 longer available, the State Allocation Board shall notify the
20 Secretary of the Senate and the Chief Clerk of the Assembly, in
21 writing, of that determination and the date when state funds are
22 no longer available for publication in the respective journal of each
23 house. For the purposes of making this determination, the board
24 shall not consider whether funds are available for, or whether it is
25 making preliminary apportionments or final apportionments
26 pursuant to, Article 11 (commencing with Section 17078.10).
27 (2) Paragraph (1) shall become inoperative commencing on the
28 effective date of the measure that amended this section to add this
29 paragraph, and shall remain inoperative through the earlier of either
30 of the following:
31 (A) November 5, 2002, if the voters reject the Kindergarten
32 University Public Education Facilities Bond Act of 2002, after
33 which date paragraph (1) shall again become operative.

(B) The date of the 2004 direct primary election after which date paragraph (1) shall again become operative.

(3) Paragraph (1) shall become inoperative commencing on ~~January 1, 2013, the effective date of the measure that amended this section to add this paragraph,~~ and shall remain inoperative through December 31, 2014. ~~On January 1, 2015, paragraph (1) shall become operative again., after which date paragraph (1) shall again become operative, except upon either of the following circumstances:~~

(A) A statewide school facilities bond passes prior to December 31, 2014, in which case paragraph (1) shall become operative upon certification of the election in which the voters approved the bond.

(B) A statewide school facilities bond has not been placed on the ballot for the November 4, 2014, general election by August 31, 2014, in which case paragraph (1) shall become operative on September 1, 2014.

(b) A governing board may offer a reimbursement election to the person subject to the fee, charge, dedication, or other requirement that provides the person with the right to monetary reimbursement of the supplemental amount authorized by this section, to the extent that the district receives funds from state sources for construction of the facilities for which that amount was required, less any amount expended by the district for interim housing. At the option of the person subject to the fee, charge, dedication, or other requirement the reimbursement election may be made on a tract or lot basis. Reimbursement of available funds shall be made within 30 days as they are received by the district.

(c) A governing board may offer the person subject to the fee, charge, dedication, or other requirement an opportunity to negotiate an alternative reimbursement agreement if the terms of the agreement are mutually agreed upon.

(d) A governing board may provide that the rights granted by the reimbursement election or the alternative reimbursement agreement are assignable.

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

1 *In order to maintain the critical partnership in the state school*
2 *construction program, to provide greater stability in California's*
3 *housing markets, and to avoid triggering excessively high fees on*
4 *developers and therefore on homebuyers, it is necessary that this*
5 *act take effect immediately.*

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