

CONCURRENCE IN SENATE AMENDMENTS

AB 1303 (O'Donnell)

As Amended June 24, 2019

Majority vote

SUMMARY:

Extends, by five years, from January 1, 2020 to January 1, 2025, the sunset of the provisions in the Civic Center Act allowing school districts to assess a proportionate amount for maintenance, repair, restoration and refurbishment for the use of nonclassroom facilities and grounds.

The Senate Amendments:

Strike the content of the bill and insert the provisions regarding the Civic Center Act.

COMMENTS:

The Civic Center Act requires school districts to authorize use of school facilities or grounds to school-related and community organizations for various purposes. Existing law also authorizes a school district to charge a fee for the use of facilities or grounds. Governing boards are required to adopt a policy specifying the type of activities that require a fee; however, existing law also specify parameters, including: 1) a governing board may charge an organization using the facilities or grounds for youth sports league activities an amount not to exceed the district's direct costs; 2) a governing board must charge a religious organization or church an amount at least equal to the district's direct costs for use of facilities or grounds for religious service; and, 3) a governing board must charge fair rental value in the case of entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils or for charitable purposes.

"Direct costs" is defined as the costs of supplies, utilities, janitorial services, and salaries of district employees required to facilitate an organization's use of the facilities or grounds. Until January 1, 2020, existing law also authorizes a school district to charge a proportional amount for the maintenance, repair, restoration and refurbishment for the use of non-classroom space and school grounds, defined as playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts. Classroom-based after school programs, including, but not limited to, tutoring programs or child care programs, and organizations serving pupil populations during the core school day are exempted from the maintenance fee.

This bill extends the sunset date from January 1, 2020, to January 1, 2025.

According to the Author:

“Excessive wear and tear results in increased costs to maintain and repair school grounds, and increases liability should injuries occur. The costs are exacerbated with additional use by non-school entities. While school districts would like to continue to offer school facilities and grounds for community use, school districts must be able to recoup some of the costs for maintenance and repair. By extending the sunset, school districts will be able to continue to share facilities for community use while ensuring safety for all users.”

Arguments in Support:

The California School Boards Association states, “When the Civic Center Act was created, its goal was to provide the public with access to school facilities and play fields. The Civic Center Act also provides that a school district authorizing the use of school facilities or grounds shall be liable for an injury resulting from the negligence of the school district in the ownership and maintenance of the school facilities and grounds. In order to keep these fields open and accessible to the surrounding community, Senate Bill 1404 (Hancock-2012) was introduced to expand the definition of “direct costs” to include the proportional cost to maintain and repair school facilities and grounds. With the provisions established under Senate Bill 1404 set to expire on January 1, Assembly Bill 1303 would extend those provisions for another five years, through January 1, 2025.”

Arguments in Opposition:

None on file

FISCAL COMMENTS:

This bill has been keyed non-fiscal by the Legislative Counsel.

VOTES:**ASM EDUCATION: 6-0-0**

YES: O'Donnell, Kiley, Kalra, McCarty, Smith, Weber

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bloom, Bonta, Brough, Calderon, Carrillo, Chau, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Maienschein, Obernolte, Petrie-Norris, Quirk, Robert Rivas

ASSEMBLY FLOOR: 78-0-2

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooper, Cunningham, Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager-Dove, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, O'Donnell, Obernolte, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Cooley, Eduardo Garcia

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Jones

UPDATED:

VERSION: June 24, 2019

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FN: