

CONFERENCE COMMITTEE REPORT

HB 225

2019 Regular Session

Edmonds

June 6, 2019

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 225 by Representative Edmonds, recommend the following concerning the Engrossed bill:

1. That the set of Senate Floor Amendments by Senator Appel (#3104) be rejected.
2. That the following amendments be adopted:

AMENDMENT NO. 1

On page 1, at the end of line 4, delete "prior" and at the beginning of line 5, delete "to public sale"

AMENDMENT NO. 2

On page 2, delete lines 1 through 14 and insert the following:

"(b) If the nongovernmental owner of a charter school facility that was financed, in whole or in part, through tax exempt bonds that have been paid in full wishes to dispose of the facility, he shall offer the facility, inclusive of all buildings and land, as follows:

(i) The owner shall, in accordance with applicable law, first offer to transfer title to the facility, at no cost, to the charter operator operating a school within the facility.

(ii) If the charter operator declines the offer, the owner of the facility shall next offer to transfer title to the facility, at no cost, to the school's chartering authority. If the chartering authority is the State Board of Elementary and Secondary Education, the following requirements shall apply:

(aa) If the state board declines the offer, the owner shall next offer to transfer title to the facility, at no cost, to the local school board of the school system within whose geographic boundaries the facility is located.

(bb) If the state board accepts the offer and later wishes to dispose of the facility, it shall first offer to transfer title to the facility, at no cost, to the local school board of the school system within whose geographic boundaries the facility is located.

(iii) If the charter operator accepts the offer, the transfer agreement shall stipulate that if the charter operator acquires ownership of the facility pursuant to Item (i) of this Subparagraph and at any time ceases to operate a public school in the facility, the charter operator shall transfer title to the facility, inclusive of all buildings and land, at no cost, to the school's chartering authority.

(iv) An offer by the owner of a charter school facility to transfer title to the facility pursuant to this Subparagraph shall extend for a period of not less than sixty days from the date the offer was made."

Respectfully submitted,

Representative Rick Edmonds

Senator Conrad Appel

Representative Nancy Landry

Senator Dan "Blade" Morrish

Representative Tony Bacala

Senator Gerald Boudreaux

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 225

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Keyword and oneliner of the instrument as it left the House

SCHOOLS/CHARTER: Provides relative to the sale or transfer of charter school facilities financed through tax exempt bonds

Report adopts Senate amendments to:

1. Revise process through which a charter school facility owner may dispose of such a facility purchased through tax exempt bonds and specify that such process applies to *nongovernmental* charter school facility owners.
2. Specify that facility title transfers include buildings and land.

Report rejects Senate amendments which would have:

1. Required that a facility's contents be included in the title transfer process.
2. Required, if a charter operator ceases to operate a public school in a facility, that the charter operator offer to transfer the facility's title to the local school board at no cost.

Report amends the bill to:

1. Require, if a charter operator ceases to operate a public school in a facility, that the charter operator transfer title to the facility to the chartering authority at no cost.
2. Require the facility to be offered to the local school board under certain circumstances.

Digest of the bill as proposed by the Conference Committee

Present law requires local school boards to make available to chartering groups any vacant or slated-to-be-vacant school facility for lease or purchase up to fair market value. Provides that in the case of a Type 2 charter school created as a result of a conversion, the facility and all property within the existing school shall be made available to that chartering group. Requires the chartering group, in return for the use of the facility and its contents, to pay a proportionate share of the local school board's bonded indebtedness.

Proposed law additionally provides the following process for a nongovernmental charter school facility owner who wishes to dispose of a charter school facility that was financed in whole or in part through tax exempt bonds that have been paid in full:

- (1) Requires the owner to first offer to transfer title to the facility, at no cost, to the charter operator that is operating a school within the facility.
- (2) Provides that if the charter operator declines, the owner shall next offer to transfer the title to the facility, at no cost, to the chartering authority. Provides that if the chartering authority is BESE, the following requirements shall apply:

- (a) If BESE declines the offer, the owner shall next offer to transfer title to the facility, at no cost, to the local school board of the school system within whose geographic boundaries the facility is located.
 - (b) If BESE accepts the offer and later wishes to dispose of the facility, it shall first offer to transfer title to the facility, at no cost, to the local school board of the school system within whose geographic boundaries the facility is located.
- (3) Provides that if the charter operator accepts, the transfer agreement shall stipulate that if the operator acquires ownership of the facility and at any time ceases to operate a public school in it, the charter operator shall transfer title to the facility, inclusive of all buildings and land, at no cost, to the school's chartering authority.

Proposed law further provides that an offer by the owner of a charter school facility to transfer title to the facility shall extend for a period of not less than 60 days from when the offer was made.

(Amends R.S. 17:3982(B)(1))