

AMENDED IN SENATE MAY 30, 2006
AMENDED IN ASSEMBLY JANUARY 4, 2006
AMENDED IN ASSEMBLY APRIL 19, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 53

Introduced by Assembly Member Negrete McLeod

December 6, 2004

An act to amend Section ~~473.4~~ of the ~~Business and Professions Code, relating to regulatory programs.~~ *11011.21 of the Government Code, and to amend Section 12 of Chapter 1087 of the Statutes of 1985, relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 53, as amended, Negrete McLeod. ~~Regulatory programs: boards and commissions.~~ *Surplus state property.*

(1) Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. The director is authorized to sell, lease, exchange, or transfer specified parcels in this regard for fair market value or current market value, subject to specified conditions. The net proceeds of any moneys received from the disposition of specified parcels are required to be deposited in the General Fund.

This bill would authorize the director to sell, lease, exchange, or transfer specified parcels for fair market value rather than current market value, and would authorize the sale, lease, exchange, or transfer of additional parcels, subject to specified conditions. The bill

would require the director, if certain property is disposed of by a means other than being sold, exchanged, or leased for fair market value, to report specified information to the chairs of the legislative fiscal committees 30 days prior to completing a transaction regarding these parcels.

The bill would also delete and revise provisions relating to specified authorizations to sell, exchange, lease, or transfer state surplus property.

The bill would delete the requirement that the net proceeds of any moneys received from the disposition of specified parcels be deposited in the General Fund, and instead would require that the net proceeds of money received from the sale of property sold pursuant to specified provisions of the bill be deposited into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is continuously appropriated, thereby making an appropriation.

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

~~Existing law creates various board and regulatory programs to license and regulate professions and vocations and other matters. Under existing law, the Joint Committee on Boards, Commissions, and Consumer Protection is required to determine if a public need exists for the continued existence of a board or regulatory program and for the degree of regulation implemented by the board or program based on specified factors.~~

~~This bill would also require the committee to consider as a factor whether the functions of the board or program would be accomplished more effectively if the board or program were replaced by a single executive officer.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 11011.21 of the Government Code is
 2 amended to read:
 3 11011.21. (a) The Legislature finds and declares that the
 4 Department of General Services has, pursuant to former Section
 5 11011.21, as added by Section 8 of Chapter 150 of the Statutes of
 6 1994, and amended by Section 15 of Chapter 422 of the Statutes
 7 of 1994, developed an inventory, known as the Surplus Property

1 Inventory, of state-owned properties that are either surplus to the
2 needs of the state in their entirety or are being used for a state
3 program and some portions of the property are unused or
4 underutilized.

5 (b) State agencies, when purchasing real property, shall review
6 the Surplus Property Inventory and purchase, lease, or trade
7 property on that list, if possible, prior to purchasing property not
8 on the Surplus Property Inventory.

9 (c) The Department of General Services may sell, lease,
10 exchange, or transfer for ~~current~~ *fair* market value, or upon terms
11 and conditions as the Director of General Services determines are
12 in the best interest of the state, all or part of properties as follows:

13 Parcel 1. Approximately 292 acres with improvements
14 thereon, known as the Agnews Developmental Center-West
15 Campus, bounded by Lick Mill Blvd., Montague Expressway,
16 Lafayette Street and Hope Drive, in Santa Clara, Santa Clara
17 County.

18 Parcel 2. Approximately 56 acres known as a portion of the
19 Agnews Developmental Center-East Campus, located between
20 the Agnews Developmental Center and Coyote Creek, in San
21 Jose, Santa Clara County.

22 Parcel 3. Approximately 102 acres with improvements
23 thereon, known as the Stockton Developmental Center, located at
24 510 E. Magnolia Street, in Stockton, San Joaquin County.

25 Parcel-6 4. Approximately 33.56 acres with improvements
26 thereon, known as the California Highway Patrol Motor
27 Transport Facility and Shop, located at 2800 Meadowview Road,
28 in Sacramento, Sacramento County.

29 Parcel-7 5. Approximately 1.03 acres of land, not including
30 improvements thereon, located at 1614 O Street, in Sacramento,
31 Sacramento County, and leased by the Department of General
32 Services to the Capital Area Development Authority for
33 development of the 17th Street Commons condominiums.

34 Parcel-8 6. Approximately 2 acres of land, not including
35 improvements thereon, located on a portion of block 273 bound
36 by 10th, 11th, P, and Q Streets, in Sacramento, Sacramento
37 County, and leased by the Department of General Services to the
38 Capital Area Development Authority for development of the
39 Somerset Parkside condominiums.

1 Parcel-9 7. Approximately 1.76 acres of land, not including
 2 improvements thereon, located on the south $\frac{1}{2}$ of block bound by
 3 15th, 16th, O, and P Streets and the south $\frac{1}{4}$ of block bound by
 4 14th, 15th, O, and P Streets, in Sacramento, Sacramento County,
 5 and leased by the Department of General Services to the Capital
 6 Area Development Authority for development of the Stanford
 7 Park condominiums.

8 Parcel-10 8. Approximately 1.18 acres of land, not including
 9 improvements thereon, located on the north $\frac{1}{2}$ of block bound by
 10 9th, 10th, Q, and R Streets, in Sacramento, Sacramento County,
 11 and leased by the Department of General Services to the Capital
 12 Area Development Authority for development of the Saratoga
 13 Townhomes.

14 Parcel-11 9. Approximately 3.66 acres including
 15 improvements thereon, known as the Department of General
 16 Services, Junipero Serra State Office Building, located at 107 S.
 17 Broadway, in Los Angeles, Los Angeles County.

18 Parcel-12 10. Approximately 32 acres including
 19 improvements thereon, being a portion of the State Department
 20 of Developmental Services Fairview Developmental Center,
 21 located at 2501 Harbor Blvd., in Costa Mesa, Orange County.

22 Parcel-13 11. Approximately 3.6 acres, with improvements
 23 thereon. Entire structure used as the Delano Armory by the
 24 Military Department, located at 705 South Lexington Street, in
 25 Delano, Kern County.

26 Parcel-16 12. Approximately ~~1,720~~ 1,400 acres of agricultural
 27 land, being a portion of the Department of ~~Corrections~~²
 28 *Corrections and Rehabilitation's* Imperial South Centinella
 29 Prison, located at 2302 Brown Road, in Imperial, Imperial
 30 County, ~~which shall only be available for lease.~~

31 ~~Parcel 17. Approximately 800 acres of agricultural land,~~
 32 ~~being a portion of the Department of Corrections' Imperial North~~
 33 ~~Calipatria Prison, located at 7018 Blair Road, in Calipatria,~~
 34 ~~Imperial County, which shall only be available for lease.~~

35 (d) The Department of General Services shall be reimbursed
 36 for any cost or expense incurred in the disposition of any parcels.

37 (e) Notices of every public auction or bid opening shall be
 38 posted on the property to be sold pursuant to this section, and
 39 shall be published in a newspaper of general circulation

1 published in the county in which the real property to be sold is
2 situated.

3 (f) Any sale, exchange, lease, or transfer of a parcel described
4 in this section is exempt from Chapter 3 (commencing with
5 Section 21100) to Chapter 6 (commencing with Section 21165),
6 inclusive, of Division 13 of the Public Resources Code.

7 (g) As to any property sold pursuant to this section consisting
8 of 15 acres or less, the Director of General Services shall except
9 and reserve to the state all mineral deposits possessed by the
10 state, as defined in Section 6407 of the Public Resources Code,
11 below a depth of 500 feet, without surface rights of entry. As to
12 property sold pursuant to this section consisting of more than 15
13 acres, the director shall except and reserve to the state all mineral
14 deposits, as defined in Section 6407 of the Public Resources
15 Code, together with the right to prospect for, mine, and remove
16 the deposits. The rights to prospect for, mine, and remove the
17 deposits shall be limited to those areas of the property conveyed
18 that the director, after consultation with the State Lands
19 Commission, determines to be reasonably necessary for the
20 removal of the deposits.

21 ~~(h) The net proceeds of any moneys received from the~~
22 ~~disposition of any parcels described in this section shall be~~
23 ~~deposited in the General Fund.~~

24 *SEC. 2. Section 12 of Chapter 1087 of the Statutes of 1985 is*
25 *amended to read:*

26 *SEC. 12. In carrying out the requirement of subdivision (b) of*
27 *Section 1 of Chapter 1549 of the Statutes of 1982 to sell excess*
28 *land at the Northern California Youth Center as surplus property,*
29 *the land at the center that is excess to correctional needs and is to*
30 *be sold as surplus property shall consist of ~~not less than 301.1~~*
31 *approximately 280 acres of the land currently under the*
32 *jurisdiction of the Department of the Youth Authority and lying*
33 *south of Arch Road, east of Newcastle Road, and west of Austin*
34 *Road in the County of San Joaquin. Notwithstanding Section*
35 *11011 of the Government Code or any other provision of law, the*
36 *excess land shall not be sold or otherwise transferred to any state*
37 *agency.*

38 *SEC. 3. (a) Subject to making the report required in*
39 *subdivision (b), the Director of General Services may sell,*
40 *exchange, or lease for fair market value or upon those terms and*

1 *conditions as the Director of General Services determines are in*
2 *the best interest of the state, all or any part of the following real*
3 *property:*

4 *Parcel 1. Approximately .55 of an acre with improvements*
5 *thereon, known as the Employment Development Department*
6 *Office Building, located at 1400 S. Hill, Los Angeles, Los*
7 *Angeles County.*

8 *Parcel 2. Approximately 2.0 acres with improvements thereon,*
9 *known as the Healdsburg Armory, located at 900 Powell Avenue,*
10 *Healdsburg, Sonoma County.*

11 *Parcel 3. Approximately 18 acres with improvements thereon,*
12 *known as the Corporate Yard, located at West Capitol Avenue,*
13 *West Sacramento, Yolo County.*

14 *Parcel 4. Approximately 2.7 acres with improvements thereon,*
15 *known as the State Office Building Complex in San Diego,*
16 *located at 1350 Front Street, the State Garage located at 345*
17 *West Ash, and the Transamerica Building, located at 1301 State*
18 *Street, San Diego, San Diego County.*

19 *Parcel 5. Approximately .39 of an acre of unimproved property*
20 *thereon, located north of Golden Gate Avenue at Gough and*
21 *Franklin, San Francisco, San Francisco County.*

22 *Parcel 6. Approximately 41 acres of unimproved property at*
23 *Avenal State Prison, located at 1 Kings Way, Avenal, Kings*
24 *County.*

25 *Parcel 7. Approximately 150 acres of unimproved property at*
26 *California Correctional Institution, Tehachapi, located at 24900*
27 *Highway 202, Tehachapi, Kern County.*

28 *Parcel 8. Approximately 15 acres of unimproved property at*
29 *the California Institute for Women, located at 16756 Chino*
30 *Corona Road, Frontera, San Bernardino County.*

31 *Parcel 9. Approximately 490 acres of unimproved property at*
32 *the California Medical Facility, located at 1600 California*
33 *Drive, Vacaville, Solano County.*

34 *Parcel 10. Approximately 368 acres of unimproved property at*
35 *Chuckawalla Valley State Prison, located at 19025 Wiley Well*
36 *Road, Blythe, Riverside County.*

37 *Parcel 11. Approximately 220 acres of unimproved property at*
38 *Ironwood State Prison, located at 19005 Wiley Well Road,*
39 *Blythe, Riverside County.*

1 Parcel 12. Approximately 100 acres of unimproved property at
2 Mule Creek State Prison, located at 4001 Highway 104, Ione,
3 Amador County.

4 Parcel 13. Approximately 50 acres of unimproved property in
5 the southern portion of North Kern State Prison, located at 2737
6 West Cecil Avenue, Delano, Kern County.

7 Parcel 14. Approximately 130 acres of unimproved property,
8 located in the southeast corner of the Salinas Valley State Prison,
9 located at 31625 Highway 101, Soledad, Monterey County.

10 Parcel 15. Approximately 93 acres of unimproved property at
11 the Miramonte Conservation Camp, located at 49039 Orchard
12 Drive, Miramonte, Fresno County.

13 Parcel 16. Approximately 139 acres of unimproved property at
14 the Alder Conservation Camp, located at 1400 Alder Camp
15 Road, Klamath, Del Norte County.

16 Parcel 17. Approximately 140 acres of unimproved property at
17 the Deadwood Conservation Camp, located at 17140 McAdams
18 Creek Road, Fort Jones, Siskiyou County.

19 Parcel 18. Approximately 40 acres of unimproved property
20 located north of the Fawn Lodge Forest Fire Station, located at
21 Highway 299 at Fawn Lodge Road, Weaverville, Trinity County.

22 Parcel 19. Approximately 40 acres of property at the
23 Shingletown Forest Fire Station, located off Highway 44 at
24 Shingletown, Shasta County.

25 Parcel 20. Approximately 2.5 acres with improvements
26 thereon, known as the San Diego Department of Motor Vehicles
27 Field Office, located at 3960 Normal Street, San Diego, San
28 Diego County.

29 Parcel 21. Approximately 3.14 acres with improvements
30 thereon, known as the Red Bluff State Office Building, located at
31 2440 Main Street, Red Bluff, Tehama County.

32 Parcel 22. Approximately .92 acres with improvements
33 thereon, known as the Hesperia Forest Fire Station, located at
34 16661 Yucca Street, Hesperia, San Bernardino County.

35 Parcel 23. Approximately .092 acres of unimproved property
36 under the jurisdiction of the Department of Conservation, located
37 at 806 North Beaudry Avenue, Los Angeles, Los Angeles County.

38 Parcel 24. Approximately 2 acres with improvements thereon,
39 known as the Valley Center Forest Fire Station, located at 28741
40 Cole Grade Road, Valley Center, San Diego County.

1 Parcel 25. Approximately 4.73 acres with improvements
2 thereon, known as the Sonora Forest Fire Station, located at 2
3 South Forest Road, Sonora, Tuolumne County.

4 Parcel 26. Approximately 2 acres with improvements thereon,
5 known as the Manton Forest Fire Station, located at Ponderosa
6 Way, Manton, Tehama County.

7 Parcel 27. Approximately 5.52 acres with improvements
8 thereon, known as the Fernwood Seed Orchard on Bald
9 Mountain Road, Korb, Humboldt County.

10 (b) Thirty days prior to completing a transaction authorized in
11 subdivision (a), if the Director of General Services disposed of
12 property in any way other than by selling, exchanging, or leasing
13 for fair market value, the director shall report to the chairs of the
14 legislative fiscal committees the following:

15 (1) The financial terms of the transaction.

16 (2) A comparison of fair market value for the property and the
17 terms listed in paragraph (1).

18 (3) The basis for agreeing to terms and conditions other than
19 fair market value.

20 SEC. 4. Notwithstanding any other provision of law, the
21 Director of General Services may sell, lease, convey, or
22 exchange at current fair market value to the City of Soledad upon
23 those terms and conditions and subject to those reservations and
24 exceptions as the Director of General Services determines are in
25 the best interests of the state, all or any part of the following real
26 property:

27 Approximately 33.5 acres of the facility known as the
28 California Department of Corrections and Rehabilitation
29 Correctional Training Facility, Soledad, Monterey County
30 Assessor Parcel Numbers 257-041-020 and 257-041-021.

31 SEC. 5. (a) Subject to making the report required in
32 subdivision (b), the Director of General Services may sell or
33 exchange to the County of Napa, upon those terms and
34 conditions and subject to those reservations and exceptions the
35 Director of General Services determines are in the best interests
36 of the state, all or any part of the following real property, by
37 January 1, 2008, after which date, if not sold or exchanged, the
38 property is no longer surplus:

39 Approximately 850 acres of property, located at the Napa State
40 Hospital, 2100 Napa Vallejo Highway, Napa, Napa County.

1 (b) Thirty days prior to completing a transaction authorized in
2 subdivision (a), if the Director of General Services has disposed
3 of the property in any way other than by selling, exchanging, or
4 leasing for fair market value, the director shall report to the
5 chairs of the legislative fiscal committees the following:

6 (1) The financial terms of the transaction.

7 (2) A comparison of fair market value for the property and the
8 terms listed in paragraph (1).

9 (3) The basis for agreeing to terms and conditions other than
10 fair market value.

11 SEC. 6. Notices of every public auction or bid opening shall
12 be posted on the property to be sold under this act and shall be
13 published in a newspaper of general circulation published in the
14 county in which the real property to be sold is situated.

15 SEC. 7. The Department of General Services shall be
16 reimbursed for any cost or expense incurred in the disposition of
17 any parcels described in this act from the proceeds of the
18 disposition of those parcels.

19 SEC. 8. As to property described in Section 1, 2, or 3 of this
20 act sold pursuant to this act consisting of 15 acres or less, the
21 Director of General Services shall except and reserve to the state
22 all mineral deposits, as defined in Section 6407 of the Public
23 Resources Code, below a depth of 500 feet, without surface
24 rights of entry. As to property sold pursuant to this act consisting
25 of more than 15 acres, the Director of General Services shall
26 except and reserve to the state all mineral deposits, as defined in
27 Section 6407 of the Public Resources Code, together with the
28 right to prospect for, mine, and remove the deposits. The rights
29 to prospect for, mine, and remove the deposits shall be limited to
30 those areas of the property conveyed that the director, after
31 consultation with the State Lands Commission, determines to be
32 reasonably necessary for the removal of the deposits.

33 SEC. 9. The net proceeds of any moneys received from the
34 sale of any parcels described in Section 1, 2, or 3 of this act shall
35 be paid into the Deficit Recovery Bond Retirement Sinking Fund
36 Subaccount, as created by subdivision (f) of Section 20 of Article
37 XVI of the California Constitution.

38 SEC. 10. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or safety

1 *within the meaning of Article IV of the Constitution and shall go*
 2 *into immediate effect. The facts constituting the necessity are:*
 3 *In order that surplus property of the State of California can be*
 4 *sold at the earliest possible time in order to provide fiscal*
 5 *benefits to the citizens of California, it is necessary for this act to*
 6 *take effect immediately.*

7 SECTION 1. ~~Section 473.4 of the Business and Professions~~
 8 ~~Code is amended to read:~~

9 ~~473.4. (a) The Joint Committee on Boards, Commissions,~~
 10 ~~and Consumer Protection shall evaluate and determine whether a~~
 11 ~~board or regulatory program has demonstrated a public need for~~
 12 ~~the continued existence of the board or regulatory program and~~
 13 ~~for the degree of regulation the board or regulatory program~~
 14 ~~implements based on the following factors and minimum~~
 15 ~~standards of performance:~~

16 ~~(1) Whether regulation by the board is necessary to protect the~~
 17 ~~public health, safety, and welfare.~~

18 ~~(2) Whether the basis or facts that necessitated the initial~~
 19 ~~licensing or regulation of a practice or profession have changed.~~

20 ~~(3) Whether other conditions have arisen that would warrant~~
 21 ~~increased, decreased, or the same degree of regulation.~~

22 ~~(4) If regulation of the profession or practice is necessary,~~
 23 ~~whether existing statutes and regulations establish the least~~
 24 ~~restrictive form of regulation consistent with the public interest,~~
 25 ~~considering other available regulatory mechanisms, and whether~~
 26 ~~the board rules enhance the public interest and are within the~~
 27 ~~scope of legislative intent.~~

28 ~~(5) Whether the board operates and enforces its regulatory~~
 29 ~~responsibilities in the public interest and whether its regulatory~~
 30 ~~mission is impeded or enhanced by existing statutes, regulations,~~
 31 ~~policies, practices, or any other circumstances, including~~
 32 ~~budgetary, resource, and personnel matters.~~

33 ~~(6) Whether an analysis of board operations indicates that the~~
 34 ~~board performs its statutory duties efficiently and effectively.~~

35 ~~(7) Whether the composition of the board adequately~~
 36 ~~represents the public interest and whether the board encourages~~
 37 ~~public participation in its decisions rather than participation only~~
 38 ~~by the industry and individuals it regulates.~~

39 ~~(8) Whether the board and its laws or regulations stimulate or~~
 40 ~~restrict competition, and the extent of the economic impact the~~

1 board's regulatory practices have on the state's business and
2 technological growth.

3 (9) Whether complaint, investigation, powers to intervene, and
4 disciplinary procedures adequately protect the public and
5 whether final dispositions of complaints, investigations,
6 restraining orders, and disciplinary actions are in the public
7 interest; or if it is, instead, self-serving to the profession, industry
8 or individuals being regulated by the board.

9 (10) Whether the scope of practice of the regulated profession
10 or occupation contributes to the highest utilization of personnel
11 and whether entry requirements encourage affirmative action.

12 (11) Whether administrative and statutory changes are
13 necessary to improve board operations to enhance the public
14 interest.

15 (12) Whether the functions of the board would be
16 accomplished more effectively if the board were replaced by a
17 single executive officer.

18 (b) The Joint Committee on Boards, Commissions, and
19 Consumer Protection shall consider alternatives to placing
20 responsibilities and jurisdiction of the board under the
21 Department of Consumer Affairs.

22 (e) Nothing in this section precludes any board from
23 submitting other appropriate information to the Joint Committee
24 on Boards, Commissions, and Consumer Protection.