

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1219

Introduced by Assembly Member Jones

February 23, 2007

An act to add Sections 5003.16 and 5080.41 to the Public Resources Code, to amend Section 9 of Chapter 731 of the Statutes of 1998, and to amend Section 10 of Chapter 974 of the Statutes of 2002, relating to state property, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as amended, Jones. State property.

(1) Existing law requires the Department of Parks and Recreation to operate, manage, and maintain units of the state park system.

This bill would authorize the Director of the Department of Parks and Recreation, with the approval of the Director of General Services, to exchange with or sell to the City of Sacramento for fair market value *all or part of* ~~specified property properties~~ located in Old Sacramento State Historic Park that is part of the Old Sacramento Historic District in the City of Sacramento. The bill would specify conditions under which this property may be exchanged; ~~or sold, or transferred,~~ and how the proceeds from ~~a~~ *any* transfer may be used.

Existing law establishes the State Park Contingent Fund and requires that money derived from gifts, bequests, or county or municipal appropriations or donations be deposited in the fund and used for specified purposes relating to the state park system.

This bill would require any net proceeds from a transfer be deposited in the State Park Contingent Fund to be used for development or construction within Old Sacramento State Historic Park.

(2) Existing law authorizes the Department of Parks and Recreation to enter into an agreement with an agency of the United States, a city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control of lands of the state park system.

This bill would authorize the department, until January 1, ~~2014~~ 2015, to enter into an operating agreement with a nonprofit organization for the development, improvement, restoration, care, maintenance, administration, and control of a children's museum on the 1849 scene site in Old Sacramento State Historic Park in the City of Sacramento *or another feasible department property located within the general vicinity of Old Sacramento in Sacramento County.*

The bill would require the department to notify each Member of the Legislature in whose district Old Sacramento State Historic Park is located if it intends to enter into an operating agreement under the bill. The bill does not authorize the demolition of specified existing 1849 scene site buildings.

(3) Existing law authorizes the Director of General Services, with the concurrence of the Adjutant General, to lease to the Diocese of Sacramento for 7 years specified real property, known as the 58th Street Armory, for purposes of constructing a parking lot, and with the approval of the Military Department and the State Public Works Board, to convey to the Roman Catholic Bishop, Sacramento, that property for consideration, as provided, under the terms and conditions that the Director of General Services determines to be in the best interest of the state.

This bill would extend the lease period from 7 to 11 years and authorize the Director of General Services, with the approval of the Military Department and the State Public Works Board, to grant to the Roman Catholic Bishop, Sacramento, an option to purchase or a lease with option to purchase, or exchange for real property, the specified real property. The bill would require the option to be exercised within 90 days from completion of a replacement facility, as provided, and the net proceeds of any moneys received from the disposition of the property to be deposited in the Armory Fund for appropriation by the Legislature, subject to Section 9 of Article III of the California Constitution that requires that the net proceeds from the sale of surplus state property be

deposited into the Deficit Recovery Bond Retirement Sinking Fund Subaccount.

~~The net proceeds from the sale of specified property would be deposited in the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated Subaccount in the Budget Stabilization Account, thereby making an appropriation.~~

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature hereby finds and declares ~~all~~
2 *both* of the following:

3 (a) The 1849 scene site in Old Sacramento State Historic Park
4 in the City of Sacramento is uniquely situated for the development
5 of a Sacramento regional children’s museum in that the site is all
6 of the following:

- 7 (1) Located in the center of the Sacramento region.
- 8 (2) Located in the heart of the region’s downtown and business
9 core.

10 (3) Located in Old Sacramento State Historic Park, which is a
11 destination state park and national historic district for tourists from
12 throughout the world.

13 (4) Adjacent to the California State Railroad Museum, which
14 itself is a major regional destination for families and tourists alike.

15 ~~(b) The site is not suitable for any other facility that would
16 address a core mission of the state, and therefore its use for a
17 children’s museum would not deprive the state of land that could
18 be used to address core state functions.~~

19 ~~(c)~~
20 (b) The state does not provide children’s museums as a part of
21 its core mission and therefore the use of the site by a nonprofit
22 organization does not supplant an existing core state mission.

23 SEC. 2. Section 5003.16 is added to the Public Resources Code,
24 to read:

25 5003.16. (a) Subject to subdivisions (b) to (g), inclusive, and
26 notwithstanding the provisions of Division 3 (commencing with
27 Section 11000) of Title 2 of the Government Code that relate to
28 the disposition of state-owned real property, with the approval of
29 the Director of General Services, the director may exchange with

1 or sell to the City of Sacramento for fair market value all or part
2 of the following described property located in Old Sacramento
3 State Historic Park that is part of the Old Sacramento Historic
4 ~~District in the City of Sacramento:[PU 20050AB__278294AMD~~

5 ~~S2] District in the City of Sacramento:~~

- 6 (1) PARCEL 1: APN 009-0012-048 (Docks).
- 7 (2) PARCEL 2: APN 009-0012-058 (Docks).
- 8 (3) PARCEL 3: APN 009-0012-059 (Docks).
- 9 (4) PARCEL 4: APN _____ 002-0010-023 (Railyards
10 Riverfront).

11 (b) For the purpose of complying with the fair market value
12 requirement of subdivision (a), the City of Sacramento shall be
13 credited for any financial participation it contributes either toward
14 a purchase by the state of a real property interest that benefits Old
15 Sacramento State Historic Park, or in a development project by
16 the state that benefits ~~the~~ Old Sacramento State Historic Park, or
17 both. For the purpose of this subdivision, any purchase by the state
18 shall be made at fair market value, and any development by the
19 state shall be valued at fair market value.

20 (c) The transfer authorized in subdivision (a) shall require that
21 the fair market value include consideration for any toxic
22 remediation that needs to be performed on the parcels.

23 (d) No property authorized for transfer in subdivision (a) shall
24 be exchanged or sold that would result in the origination or
25 termination of train service south of the Riverside Bridge (APN
26 017-0010-048).

27 (e) Proceeds from the transfer authorized in subdivision (a) shall
28 be used to finance the department’s costs for negotiating the
29 transfer and transferring the property.

30 (f) Any net proceeds from the transfer authorized in subdivision
31 ~~(a) shall be transferred to the bondholders of the Economic~~
32 ~~Recovery Bond Act (Title 18 (commencing with Section 99050)~~
33 ~~of the Government Code; Section 9 of Article III of the California~~
34 ~~Constitution): (a) shall be deposited in the State Park Contingent~~
35 ~~Fund to be used for development or construction within Old~~
36 ~~Sacramento State Historic Park.~~

37 (g) Before authorizing an exchange, sale, or transfer, the director
38 shall secure an independent market valuation of the property
39 ~~authorized for transfer:[PU 20050AB__278294AMD S2]~~
40 ~~authorized for transfer.~~

1 SEC. 3. Section 5080.41 is added to the Public Resources Code,
2 to read:

3 5080.41. (a) ~~Until~~ *Notwithstanding any other provision of this*
4 *article, until January 1, 2014* 2015, the department may enter into
5 an operating agreement with a qualified nonprofit organization for
6 the development, improvement, restoration, care, maintenance,
7 administration, and control of a children’s museum on the 1849
8 scene site in Old Sacramento State Historic Park in the City of
9 Sacramento *or another feasible department property located within*
10 *the general vicinity of Old Sacramento in Sacramento County.*
11 *First consideration shall be given to assessing the feasibility of*
12 *the 1849 scene site.* The agreement shall include, but is not limited
13 to, the following: [PU 20050AB__278294AMD S3] *following:*

14 (1) The district superintendent for the department shall provide
15 liaison with the department, the nonprofit organization, and the
16 public.

17 (2) The operating agreement shall specify the manner in which
18 the children’s museum is proposed to be operated.

19 (3) The operating agreement shall address specifically the
20 appropriateness of the children’s museum admission fee structure
21 and its effect on children’s accessibility to the facility.

22 (4) All revenues received from the operation of the children’s
23 museum shall be expended only for the care, maintenance,
24 operation, administration, improvement, or development of the
25 museum.

26 (5) In constructing the children’s museum, the nonprofit
27 organization shall incorporate historical architectural features
28 consistent with buildings existing in Sacramento in the mid-1800s.

29 (b) Whenever the department intends to enter into an operating
30 agreement with respect to a children’s museum on the 1849 scene
31 site in Old Sacramento State Historic Park in the City of
32 Sacramento, the department shall notify each Member of the
33 Legislature in whose district the unit is located of that intention.

34 (c) This section does not authorize the demolition of any of the
35 three existing 1849 scene site buildings recreated in Old
36 Sacramento State Historic Park in the City of Sacramento. Those
37 structures are known as the Eagle Theater, the Tehama Block
38 Building, and the Connecticut Mining and Trading (CM&T)
39 ~~Company Building.~~ [PU 20050AB__278294AMD S3] *Company*
40 *Building.*

1 SEC. 4. Section 9 of Chapter 731 of the Statutes of 1998 is
2 amended to read:

3 SEC. 9. (a) The Director of General Services, with the approval
4 of the Military Department and the State Public Works Board may
5 grant to the Roman Catholic Bishop, Sacramento, a corporation
6 sole/St. Francis High School, an option to purchase or a lease with
7 option to purchase, or exchange for real property, the real property
8 located at 1013 58th Street in the City of Sacramento, known as
9 the 58th Street Armory, comprising approximately six acres. The
10 option shall be exercised within 90 days from completion of a
11 replacement facility of size and quality specified by the Military
12 Department. The replacement facility shall be constructed to
13 National Guard bureau criteria on other state or federal lands
14 available to the Military Department that have been certified by
15 *the* state for occupancy. The option to purchase or lease with option
16 to purchase, or exchange for real property agreement shall be under
17 terms and conditions that the Director of General Services
18 determines to be in the best interest of the state based on the fair
19 market value of the property.

20 (b) Subject to Section 9 of Article III of the California
21 Constitution, the net proceeds of any moneys received from the
22 disposition of properties described in subdivision (a) that are
23 armories under the jurisdiction of the Military Department shall
24 be deposited in the Armory Fund established pursuant to Section
25 435 of the Military and Veterans Code, and shall be available for
26 appropriation in accordance with that section.

27 SEC. 5. Section 10 of Chapter 974 of the Statutes of 2002 is
28 amended to read:

29 SEC. 10. The Director of General Services, with the
30 concurrence of the Adjutant General, may lease to the Diocese of
31 Sacramento, a corporation sole, for a period not to exceed 11 years,
32 approximately 1.4 acres of real property located at 1013 58th Street
33 in the City of Sacramento, in the County of Sacramento, known
34 as the 58th Street Armory, for purposes of constructing a parking
35 lot, upon terms and conditions deemed to be in the best interest of
36 the state.

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