

Introduced by Senator Runner
(Coauthor: Assembly Member Knight)

February 17, 2010

An act to add Article 3.8 (commencing with Section 4171) to Chapter 6 of Part 3 of Division 3 of the Food and Agricultural Code, relating to district agricultural associations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1085, as introduced, Runner. 50th District Agricultural Association: Antelope Valley Fair: lease.

Existing law divides the state into agricultural districts within the boundaries of which agricultural associations may be formed. Existing law provides that District 50 is all that portion of Los Angeles County which lies north of the south line of Township 5 North, San Bernardino base.

This bill would permit a nonprofit organization to hold an annual fair in lieu of the annual fair held by the 50th District Agricultural Association, with the consent of the Secretary of Food and Agriculture. The bill would permit the Director of General Services, with the consent of, and on terms approved by, the secretary, to lease to the nonprofit organization, for less than market value, the premises known as the Antelope Valley Fair for a period not to exceed 99 years. During the period that the lease is in effect, the 50th District Agricultural Association would be required to be inactive and not have any powers or duties. The bill would permit employees of the 50th District Agricultural Association to make an election concerning employment with the nonprofit lessee of those premises, as provided.

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

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

1 SECTION 1. Article 3.8 (commencing with Section 4171) is
2 added to Chapter 6 of Part 3 of Division 3 of the Food and
3 Agricultural Code, to read:

4
5 Article 3.8. 50th District Agricultural Association
6

7 4171. (a) With the consent of the secretary, a nonprofit
8 organization may hold an annual fair in lieu of the annual fair held
9 by the 50th District Agricultural Association.

10 (b) Notwithstanding any other provision of law, the department
11 may enter into contracts with the nonprofit organization referred
12 to in subdivision (a) for the receipt of public funds.

13 (c) Notwithstanding any other provision of law, the Director of
14 General Services, with the consent of, and on terms approved by,
15 the secretary, may lease certain premises commonly known as the
16 Antelope Valley Fair, containing approximately 135 acres situated
17 in the County of Los Angeles and the City of Lancaster, to the
18 nonprofit organization referred to in subdivision (a) for a period
19 not to exceed 99 years, to hold an annual fair pursuant to
20 subdivision (a). While the lease is in effect, the 50th District
21 Agricultural Association shall be inactive, and shall not have any
22 powers or duties.

23 (d) The lease executed pursuant to this section may be for less
24 than the market value of the property, and shall include a provision
25 that the lease may be canceled if the lessee or its successors or
26 assignees fails to hold an annual fair.

27 (e) Prior to the commencement of the term of the lease, the
28 lessee and the department shall ensure that every employee in the
29 civil service of the 50th District Agricultural Association is
30 provided with the option of continuing his or her employment with
31 the state, or of accepting a position as an employee of the lessee.

32 (1) With respect to an employee who chooses to continue his
33 or her employment with the state, the employee shall continue to
34 be subject to all of the provisions governing civil service
35 employees, and additionally, all of the following shall apply:

36 (A) The lessee shall contract with the department for the services
37 of the employee, consistent with his or her civil service
38 classification and status.

1 (B) The employee has the right to continue to provide services
2 to the lessee pursuant to that contract during the time the employee
3 continues in the civil service classification he or she held at the
4 time of the employee's election.

5 (2) With respect to an employee who chooses to leave his or
6 her employment with the state and become an employee of the
7 lessee, those employees are not employees of the state, and are not
8 subject to the requirements of Chapter 10.3 (commencing with
9 Section 3512) and Chapter 10.5 (commencing with Section 3525)
10 of Division 4 of Title 1 of the Government Code.

11 (3) If a position filled by a civil service employee pursuant to
12 contract with the department becomes vacant, the lessee may fill
13 the position with a non-civil-service employee.

14 (f) The State of California is not liable for any debts, liabilities,
15 settlements, liens, or any other obligations incurred by or imposed
16 upon the nonprofit organization referred to in subdivision (a). The
17 lease executed pursuant to this section shall expressly provide that
18 the General Fund and the Fair and Exposition Fund shall be held
19 harmless from all debts, liabilities, settlements, judgments, or liens
20 incurred by the nonprofit organization, and that neither the state
21 nor any agency or division thereof shall be liable for any contract,
22 tort, action or inaction, error in judgment, mistakes, or other acts
23 taken by the nonprofit organization, or any of its employees, agents,
24 servants, invitees, guests, or anyone acting in concert with, or on
25 the behalf of, the nonprofit organization.