

Senate Bill No. 84

CHAPTER 137

An act to amend Section 7074 of, and to add Section 7074.5 to, the Government Code, relating to enterprise zones, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1999. Filed with
Secretary of State July 22, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 84, Costa. Enterprise zones: expansion areas.

The Enterprise Zone Act provides for the designation of enterprise zones by the Trade and Commerce Agency, according to specified criteria, pursuant to which certain entities within each zone may receive regulatory, tax, and other incentives for economic and employment development and private investment. An enterprise zone located in a city or the unincorporated area of a county may be expanded into an adjacent city or cities if, among other things, the agency finds that specified conditions exist. Among those conditions is that land included within the proposed expansion area must be zoned for industrial or commercial use.

This bill would authorize the inclusion of nonindustrial or noncommercial land under certain conditions. It would, in the case of the Counties of Fresno and Kern, authorize the expansion of an enterprise zone located in a city or in the unincorporated area of the county into an adjacent unincorporated area of the county.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Counties of Fresno and Kern have exceptionally high rates of unemployment.

(b) The two counties, which are top agricultural producers in the state, continue to experience difficulties in diversifying their economies.

(c) The two counties have unincorporated areas adjacent to existing enterprise zones and otherwise may meet the statutory criteria for expansion of those enterprise zones.

SEC. 2. Section 7074 of the Government Code is amended to read:



7074. (a) In the case of any enterprise zone, including an enterprise zone formerly designated as an enterprise zone pursuant to Chapter 12.8 (commencing with Section 7070) as it read prior to January 1, 1997, or as a program area pursuant to Chapter 12.9 (commencing with Section 7080) as it read prior to January 1, 1997, a city or county, or city and county may propose that the enterprise zone be expanded by 15 percent to include definitive boundaries that are contiguous to the enterprise zone. The agency may approve that expansion based upon the criterion specified in subdivision (b) of Section 7073.

(b) An enterprise zone that is located in the unincorporated area of a county may propose to use eligible expansion allotment to expand into an adjacent city or cities pursuant to this section if the agency finds that all of the following conditions exist:

(1) The governing body of the local agency with jurisdiction over the existing enterprise zone and the governing body of the local agency with jurisdiction over the proposed expansion area each approve the expansion by adoption of an ordinance or resolution.

(2) (A) Land included within the proposed expansion is zoned for industrial or commercial use.

(B) An expansion area may contain noncommercial or nonindustrial land only if that land is a right-of-way and is needed to meet the requirement for a contiguous expansion between an existing enterprise zone and a proposed expansion area.

(3) Basic infrastructure, including, but not limited to, gas, water, electrical service, and sewer systems, is available to the area that would be included in the expansion.

(4) The expansion area is contiguous to the existing enterprise zone.

(c) (1) Except as otherwise provided in paragraph (2), in no event shall an enterprise zone be permitted to expand more than 15 percent in size from its size on the date of original designation, including any expansion authorized pursuant to Chapter 12.8 (commencing with Section 7070), or Chapter 12.9 (commencing with Section 7080), as those chapters read prior to January 1, 1997.

(2) If an enterprise zone, on the date of original designation, is no greater than 13 square miles, it may be permitted to expand up to 20 percent in size from its size on the date of original designation.

SEC. 3. Section 7074.5 is added to the Government Code, to read:

7074.5. In the case of the Counties of Fresno and Kern, an enterprise zone that is located in a city or in the unincorporated area of the county may propose to use eligible expansion allotment to expand into an adjacent city or cities, or an adjacent unincorporated area of the county, subject to the conditions specified in Section 7074.

SEC. 4. Due to the unique circumstances of the economies of the Counties of Fresno and Kern, and of the configuration of the enterprise zones existing in those counties, the Legislature hereby



finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Section 3 of this act is necessarily applicable only to the Counties of Fresno and Kern.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that local agencies may more efficiently expand enterprise zones within their jurisdictions at the earliest possible time, it is necessary that this act take effect immediately.

