

AMENDED IN SENATE JANUARY 6, 2020

AMENDED IN SENATE APRIL 11, 2019

AMENDED IN SENATE MARCH 28, 2019

AMENDED IN SENATE MARCH 20, 2019

SENATE BILL

No. 281

Introduced by Senator Wiener

(Principal coauthors: Assembly Members Chiu and Ting)

(Coauthor: Senator Hill)

(Coauthors: Assembly Members Berman and Mullin)

February 13, 2019

~~An act to add Section 4133 to the Food and Agricultural Code, and to add and repeal Title 7.7 (commencing with Section 67490) of the Government Code, relating to the Cow Palace Authority, and making an appropriation therefor. An act to add Section 4132 to the Food and Agricultural Code, relating to agricultural districts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 281, as amended, Wiener. ~~Cow Palace Authority. Agricultural District 1a: firearm and ammunition sales at the Cow Palace.~~

Existing law generally regulates the transfer of firearms and divides the state into agricultural districts. District 1a is the County of San Mateo and the City and County of San Francisco. A violation of the statutes governing agricultural districts is generally a misdemeanor.

This bill would, on and after January 1, 2021, prohibit the sale of firearms and ammunition at the Cow Palace located in District 1a, as specified, and would thereby make a violation of that prohibition a misdemeanor. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. Existing law authorizes the agreement to set forth the manner by which the joint powers authority will be governed.~~

~~Existing law divides the state into district agricultural associations for the purposes of, among other things, holding fairs and expositions exhibiting all of the industries and industrial enterprises, resources, and products of every kind or nature of the state with a view toward improving, exploiting, encouraging, and stimulating those industries. Existing law provides that the 1-A District Agricultural Association governs the agricultural district that encompasses the County of San Mateo and the City and County of San Francisco.~~

~~This bill, the Cow Palace Authority Act, would establish the Cow Palace Authority (hereafter “the authority”) for the purpose of managing, developing, or disposing of the real property known as the Cow Palace. The bill would establish the governing board of the authority, comprised of members appointed by the Mayor of the City of Daly City, the Mayor of the City and County of San Francisco, and the Board of Supervisors of the County of San Mateo. The bill would grant the board the power to exercise various duties, including the power to accept and receive grants, incur indebtedness, and raise revenue, subject to applicable voter approval requirements and other specified election procedures, as provided. The bill would also require the board to convene a Cow Palace Advisory Committee to assist and advise the board in carrying out its functions, as specified. The bill would further require the board of the authority to provide for regular audits of the authority and annual financial reports.~~

~~This bill would require the Director of General Services, in consultation with the Department of Food and Agriculture, on or before January 1, 2021, to enter into negotiations to sell, at fair market value, upon those terms and conditions, and subject to those reservations and~~

~~exceptions that the director determines are in the best interest of the state, the real property known as the Cow Palace to the authority. The bill would require the director, if the director determines that the transfer of the Cow Palace is not in the best interest of the state, to submit a report to the Legislature explaining the reasons supporting this determination. This bill would make findings and declarations that this transfer constitutes a public purpose. This bill would authorize the authority to, among other things, enter into contracts or agreements for the development of the property for affordable and market-rate mixed-use housing and establish minimum local zoning standards, including, but not limited to, standards for height, density, parking, and floor-area ratio, that apply to a project on the property that are different from those adopted by any other affected local jurisdiction. By increasing the duties of local officials, this bill would establish a state-mandated local program.~~

~~If the authority receives the Cow Palace, this bill would require a return filed with the California Department of Tax and Fee Administration (CDTFA) to report gross receipts for sales and use tax purposes to segregate the gross receipts of the seller and the sales price of the property on a line or a separate return as prescribed by the CDTFA when the place of sale in this state or for use in this state is on or within the Cow Palace. The bill would require the CDTFA to report the amount of the total gross receipts segregated on the returns filed pursuant to these provisions to the Department of Finance on or before November 1 of each year. The bill would require the CDTFA to estimate the total gross receipts segregated for the 2020–21 fiscal year by January 31, 2020, based on the 3rd quarter of 2019, and would require that an amount equal to $\frac{3}{4}$ of 1% of this estimated amount be included in the Governor’s revised budget in May 2020 for allocation to fairs, as described. The bill would require the CDTFA to reconcile this first-year estimate with actual return data from the full 2020–21 fiscal year, and to then adjust this figure as appropriate as the amount to be reported to the Department of Finance on November 1, 2021.~~

~~The bill would require that an amount equal to $\frac{3}{4}$ of 1% of the total amount of gross receipts reported to the Department of Finance be included in the next annual Governor’s Budget for the Department of Food and Agriculture for allocation to fairs, as described. The bill would require, upon the enactment of the Budget Act, that this amount be transferred by the Controller to the Fair and Exposition Fund, which is continuously appropriated, and would allocate these moneys to~~

~~state-designated fairs for specified fair projects and subject to certain conditions. The bill would require the CDTFA to be paid the actual cost for administering those provisions, as specified.~~

~~By creating a new source of general fund revenue to be deposited into a continuously appropriated fund, the bill would make an appropriation.~~

~~(2) Existing law generally regulates the transfer of firearms. A violation of the statutes governing agricultural districts is generally a misdemeanor.~~

~~Existing law provides that it is an offense to bring or possess, among other things, a firearm within any state or local public building. Among other exceptions, existing law provides an exception for guns brought to a gun show conducted pursuant to specified provisions of law, including the Gun Show Enforcement and Security Act of 2000. A violation of this provision is a felony.~~

~~Existing law, the Gun Show Enforcement and Security Act of 2000, generally regulates gun shows and requires all firearms transfers at a gun show or event to be in accordance with applicable state and federal laws. A violation of the act is a misdemeanor or infraction, as specified.~~

~~This bill, on and after January 1, 2020, would prohibit the sale of firearms and ammunition on any property owned, occupied, operated, or controlled by, the 1-A District Agricultural Association or other state agency, for district or association purposes, or by the authority, except as provided in any contract entered into by the 1-A District Agricultural Association on or before December 31, 2019. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency. A violation of these prohibitions could be a felony, misdemeanor, or infraction pursuant to the provisions described above.~~

~~(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco, the City of Daly City, and the County of San Mateo.~~

~~The provisions of the bill would remain in effect until January 1, 2120.~~

~~By creating a new crime, this bill would impose a state-mandated local program.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 4132 is added to the Food and
2 Agricultural Code, to read:

3 4132. (a) Notwithstanding any other law, no officer, employee,
4 operator, or any lessee of District 1a, as defined in Section 3853,
5 may contract for, authorize, or allow the sale of any firearm or
6 ammunition on the property or in the buildings that comprise the
7 Cow Palace property in San Mateo County and the City and
8 County of San Francisco or any successor or additional property
9 owned, leased, or otherwise occupied or operated by the district.

10 (b) For purposes of this section:

11 (1) The definition of “firearm” means the term as included in
12 Section 12001 of the Penal Code.

13 (2) The term “ammunition” includes assembled ammunition
14 for use in a firearm and components of ammunition, including
15 smokeless and black powder, and any projectile capable of being
16 fired from a firearm with deadly consequence.

17 (c) This section does not apply to a gun buy-back event held by
18 a law enforcement agency.

19 (d) This section shall become operative on January 1, 2021.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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All matter omitted in this version of the bill appears in the bill as amended in the Senate, April 11, 2019. (JR11)

CORRECTIONS: _____
Heading—Last amended date. _____

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