

Senate Bill No. 245

Passed the Senate May 26, 2005

Secretary of the Senate

Passed the Assembly July 7, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 14682 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, Battin. Department of General Services: use of state property.

Existing law generally sets forth the duties and authority of the Department of General Services in acquiring, assigning, and maintaining state property on behalf of state agencies.

This bill would provide that final determination of the use of existing state-owned or state-leased facilities that are currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services. It would provide that the request of an agency that is required to be made to and approved by the department to acquire new facilities through lease, purchase, or construction shall first consider the utilization of existing state-owned, state-leased, or state-controlled facilities before considering the leasing of additional facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned facilities vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.

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

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

(a) It is not the intent of the Legislature in enacting Section 2 of this act to increase the jurisdiction of the Department of General Services over construction, facilities, or real property that is not now under the jurisdiction of the department on the date that Section 14682 of the Government Code takes effect.

(b) It is the intent of the Legislature in enacting Section 2 of this act that existing state-owned or state-leased facilities are fully utilized by state agencies before entering into new leases by the Department of General Services in order to better control office facility use by state agencies.

SEC. 2. Section 14682 is added to the Government Code, to read:

14682. (a) Final determination of the use of existing state-owned and state-leased facilities that are currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services.

(b) A request of an agency that is required to be made to and approved by the Department of General Services to acquire new facilities through lease, purchase, or construction shall first consider the utilization of existing state-owned, state-leased, or state-controlled facilities before considering the leasing of additional facilities on behalf of a state agency. If no available appropriate state facilities exist, the Department of General Services shall procure approved new facilities for the agency that meets the agency's needs using cost efficiency as a primary criterion, among other agency-specific criteria, as applicable.

(c) When tenant state agencies located in existing state-owned or state-leased facilities vacate their premises, they shall continue paying rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease. If the department generates the tenant's relinquishment, or if the tenant is vacating in accordance with the provisions of its lease agreement, the tenant shall not be obligated to pay rent after vacating the premises.

Approved _____, 2005

Governor