

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE APRIL 5, 2011

AMENDED IN SENATE MARCH 30, 2011

**SENATE BILL**

**No. 493**

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**Introduced by Senator Padilla**  
(Coauthor: Assembly Member Fuentes)

February 17, 2011

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An act to ~~amend Section 10389.1 of~~ *add Section 10389.2* to the Public Contract Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 493, as amended, Padilla. State surplus property.

Existing law requires the Department of General Services to perform various functions and duties with respect to state property. Existing law authorizes the department to first offer appropriate state surplus personal property to school districts, at less than fair market value, prior to offering that property to the public, as specified.

~~This bill would require the department, notwithstanding the above procedures for state surplus property, to first offer state surplus computers at less than fair market value to recipients of grants under the federal American Recovery and Reinvestment Act of 2009 for use with an approved broadband adoption project involving a public computer center. The bill would require the department to report to the Legislature on its implementation of this provision on or before December 31, 2012~~ *impose additional requirements on the department regarding disposal of state surplus computers, laptops, monitors, and related computer equipment, as provided.*

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

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

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

1 SECTION 1. ~~Section 10389.1 of the Public Contract Code is~~  
 2 ~~amended to read:~~

3 10389.1. ~~(a) The Department of General Services, if feasible~~  
 4 ~~and consistent with existing law, shall first offer appropriate state~~  
 5 ~~surplus personal property to school districts and to entities~~  
 6 ~~described in subdivision (b) prior to offering that property to the~~  
 7 ~~public, except for property more appropriately suited for public~~  
 8 ~~safety uses. The department may offer school districts state surplus~~  
 9 ~~personal property at less than fair market value, if it is determined~~  
 10 ~~by the Director of General Services to be in the best interests of~~  
 11 ~~the state. The department shall develop policies and procedures~~  
 12 ~~for the implementation of this article.~~

13 ~~(b) (1) The department shall first offer state surplus computers~~  
 14 ~~at less than fair market value to recipients of grants under the~~  
 15 ~~federal American Recovery and Reinvestment Act of 2009 (Public~~  
 16 ~~Law 111-5) for use with an approved broadband adoption project~~  
 17 ~~involving a public computer center.~~

18 ~~(2) On or before December 31, 2012, the department shall~~  
 19 ~~report to the Legislature on its implementation of this subdivision~~  
 20 ~~and recommend whether other nonprofit organizations working~~  
 21 ~~to close the digital divide among low-income populations, in~~  
 22 ~~accordance with the state policy in California set forth in~~  
 23 ~~subdivision (d) of Section 709 of the Public Utilities Code, should~~  
 24 ~~be eligible for state surplus computers at less than fair market~~  
 25 ~~value.~~

26 ~~(3) The requirement for submitting a report imposed pursuant~~  
 27 ~~to paragraph (2) is inoperative on December 31, 2016, pursuant~~  
 28 ~~to Section 10231.5 of the Government Code.~~

29 ~~(4) A report required to be submitted pursuant to paragraph (2)~~  
 30 ~~shall be submitted in compliance with Section 9795 of the~~  
 31 ~~Government Code.~~

32 SECTION 1. *Section 10389.2 is added to the Public Contract*  
 33 *Code, to read:*

1 10389.2. (a) *The department's policies and procedures*  
2 *regarding the disposition of state surplus computers, laptops,*  
3 *monitors, and related computer equipment shall do all of the*  
4 *following:*

5 (1) *Facilitate the disposition of state surplus computers to*  
6 *further the state policy of bridging the digital divide, as described*  
7 *in subdivision (d) of Section 709 of the Public Utilities Code.*

8 (2) *Authorize nonprofit entities that, in partnership with a school*  
9 *district, operate a public computer center to further the state policy*  
10 *of bridging the digital divide, as described in subdivision (d) of*  
11 *Section 709 of the Public Utilities Code, to be eligible for receipt*  
12 *of state surplus computers under Section 10389.1 and through*  
13 *approved disposition directly from a state agency.*

14 (3) *Include a procedure enabling state agencies with surplus*  
15 *computers to ascertain whether the nonprofit entities described in*  
16 *paragraph (2) are interested in receiving those surplus computers.*  
17 *The procedure shall include a preference for nonprofit entities*  
18 *within the same geographic region as the state agency in order to*  
19 *minimize transportation and disposition costs.*

20 (4) *Coordinate the disposition of state surplus computers with*  
21 *the Federal Surplus Property Program.*

22 (5) *Require that state agency documentation of the disposition*  
23 *of surplus computers include a certification that all confidential,*  
24 *sensitive, and personal information was removed from the*  
25 *computers prior to disposition.*

26 (b) *The department, in collaboration with the California*  
27 *Technology Agency, shall promote increased awareness among*  
28 *state agency officials of the requirement to remove from all state*  
29 *surplus computers all confidential, sensitive, and personal*  
30 *information prior of any disposition of those computers.*

31 SEC. 2. This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or safety within  
33 the meaning of Article IV of the Constitution and shall go into  
34 immediate effect. The facts constituting the necessity are:

35 In order to enable recipients of grants under the federal American  
36 Recovery and Reinvestment Act of 2009 to have access to  
37 computers for use within the limited timeframe for which federal

- 1 funding is available, it is necessary for this act to take effect
- 2 immediately.

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