

**ASSEMBLY BILL**

**No. 2414**

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**Introduced by Assembly Member Ting**

February 21, 2014

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An act to amend Section 14678 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2414, as introduced, Ting. Parking facilities: electric vehicle charging.

The California Constitution generally prohibits the making of a gift of any public money, or thing of value.

Existing law authorizes the Department of General Services to acquire real property to operate and maintain motor vehicle parking facilities, as specified. Existing law authorizes the department to enter into arrangements with other public and state agencies for joint use of these parking facilities, as specified.

This bill would specify that the use of electricity by state government and other government entities, state officers and employees, or other persons for the charging of an electric vehicle in a department maintained or joint use motor vehicle parking facility is not a gift of public funds that is prohibited by the California Constitution.

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

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

1     SECTION 1. Section 14678 of the Government Code is  
2 amended to read:

1       14678. The Department of General Services is authorized to  
2 acquire, pursuant to the Property Acquisition Law (Part 11,  
3 commencing with Section 15850, Division 3, Title 2, Government  
4 Code) or by lease or other means, real property and to construct,  
5 operate, and maintain motor vehicle parking facilities thereon for  
6 state officers and employees, or other persons, provided that no  
7 such acquisition shall be commenced pursuant to the Property  
8 Acquisition Law unless and until an appropriation of funds therefor  
9 has been made by the Legislature. The department may enter into  
10 arrangements with other public and state agencies for joint use of  
11 motor vehicle parking facilities, provided the benefit to be derived  
12 by the state is commensurate with its participation. The department  
13 may prescribe the terms and conditions of this parking, including  
14 the payment of parking fees in any amounts and under any  
15 circumstances as may be determined by the department. Varying  
16 rates of parking fees may be established for different localities or  
17 for different parking facilities. The department may charge different  
18 rates of parking fees based on the number of riders in each vehicle.  
19 In determining rates of parking fees the department shall consider  
20 the rates charged in the same locality by other public agencies and  
21 by private employers for employee parking. *The use of electricity*  
*by state government and other government entities, state officers*  
*and employees, or other persons for the charging of an electric*  
*vehicle in a department maintained or joint use motor vehicle*  
*parking facility is not a gift of public funds by the department that*  
*is prohibited by Section 6 of Article XVI of the California*  
*Constitution.*

28     Revenues received by the department from (a) any of the  
29 hereinabove motor vehicle parking facilities as may be designated  
30 by the director, and (b) motor vehicle parking facilities under the  
31 jurisdiction of any other state agency which has entered into an  
32 agreement with the department for the payment of revenues  
33 therefrom to the department, shall be deposited in the General  
34 Fund and are hereby appropriated, without regard to fiscal years,  
35 to the Department of General Services for the construction,  
36 operation, and maintenance of motor vehicle parking facilities on  
37 real property acquired hereunder or on real property under the  
38 jurisdiction of any other state agency which has agreed to the  
39 payment of revenues as aforesaid from its motor vehicle parking  
40 facilities to the department, for reimbursement to state agencies

1 for all or part of the costs incurred by these agencies in selling  
2 public transit passes at a discount to defray state agency employees'  
3 commuting costs, and for other approved transportation subsidy  
4 programs. The department shall certify to the Department of  
5 Finance the amount of funds available for reimbursement of  
6 transportation subsidies. The Department of Finance shall  
7 determine the amount that may be withdrawn by state agencies  
8 for payment of these subsidies. Requests from state agencies for  
9 reimbursement shall include appropriate verification of the state  
10 agency's costs. Any unneeded balance in this appropriation shall  
11 be transferred by the Controller on order of the Director of General  
12 Services to the unappropriated balance of the General Fund.

13 The Legislature by this section does not intend to authorize the  
14 institution of a private parking program unrelated to state purposes  
15 in competition with private industry.