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AB-166 Department of General Services. (2015-2016)

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Assembly Bill No. 166

CHAPTER 211

An act to add Section 14672.54 to the Government Code, relating to state government.

[Approved by Governor August 17, 2015. Filed with Secretary of State August 17, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 166, Beth Gaines. Department of General Services.

Existing law authorizes the Department of General Services to lease property belonging to the state, as specified. Existing law authorizes the Department of General Services, with the consent of the Department of Corrections and Rehabilitation, to lease a parcel of unimproved real property within the grounds of the California State Prison at Folsom for a water reservoir, as specified.

This bill would authorize the Department of General Services, with the consent of the Department of Corrections and Rehabilitation, to lease vacant real property on the grounds of California State Prison at Folsom to a nonprofit entity formed especially for the implementation of the construction and operation of a peace officers memorial and museum facility at the prison. The bill would require, among other things, that the lease not exceed a 50-year term. The bill would provide that the construction and operation of the memorial and museum facility by the lessee pursuant to the lease are solely the responsibility of the lessee.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14672.54 is added to the Government Code, to read:

14672.54. (a) Notwithstanding Section 14670, the Department of General Services may, upon terms and conditions in the best interest of the state, lease vacant real property on the grounds of California State Prison at Folsom to be determined and consented to by the Department of Corrections and Rehabilitation for the construction and operation of a peace officers memorial and museum facility. The lessee shall be a nonprofit entity formed specifically for the implementation of the construction and operation of a peace officers memorial and museum facility at the prison. The peace officers memorial and museum facility shall be operated for the benefit of the general public and members of the lessee.

(b) The Department of General Services may lease the property described in subdivision (a) for a term not to exceed 50 years.

(c) The operation of the museum facility described in subdivision (a) shall include, but is not limited to, museums, conference rooms, classrooms, exhibits, workshops for artifact preservation and repair, secure storage, parking, a gift shop, and a cafeteria, snack bar, or dining area.

(d) The Department of General Services may lease the property described in subdivision (a) in "as is" condition. The lease shall provide that the lessee shall be fully responsible for the maintenance and operation of the memorial and museum facility in a manner that does not conflict with the operation of adjacent correctional facilities or become a public nuisance to the community. The state shall not have any liability for any improvement, construction, operation, or maintenance of the memorial or museum facilities.

(e) The lease shall require the lessee to initiate construction of the memorial and museum facility within 48 months of the beginning of the lease term and have substantially completed construction within 72 months of the beginning of the lease term. The Department of General Services, with the approval of the Department of Corrections and Rehabilitation, shall provide any utility easements required by a public utility for construction of the memorial and museum facility by the lessee under terms and conditions in the best interest of the state. Utilities connections constructed by the lessee to the memorial and museum facility shall be separate from existing utilities used by the state and installed at the expense of the lessee, consistent with the rules of the utility service providers.

(f) The lease shall require that, if at any time during the term of the lease the lessee determines that the property is no longer needed for a memorial or museum facility or if the Department of General Services determines that the lessee substantially abandoned the leased property, the leased property and all improvements to the leased property shall revert to the state. The lease shall provide that, at the sole discretion of the Department of General Services, the lessee shall demolish and remove all improvements and restore the premises to the preleased condition at the lessee's expense, and if the lessee fails to restore the leased property as directed by the Department of General Services, the state may do so and all costs of the demolition and restoration shall be paid by lessee.

(g) The construction and operation of the memorial and museum facility pursuant to the lease authorized by this section are solely the responsibility of the lessee and shall not be considered public works.

(h) The lease shall require the lessee to pay all administrative costs incurred by the Department of General Services associated with the development and management of the lease and any required easements.

(i) The lease authorized by this section shall be subject to periodic review every five years by the director who shall receive a report from the lessee and shall review that report to determine whether the purposes of the lease are being carried out.