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**SB-1499 Department of Food and Agriculture: Department of Agriculture Building Fund.** (2021-2022)

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**Senate Bill No. 1499**

**CHAPTER 198**

An act to amend Sections 603, 622, 624, 626, 627, 651, 653, 654, and 655 of, to amend the heading of Chapter 4 (commencing with Section 601) of Part 1 of Division 1 of, to amend and renumber Section 602 of, and to repeal Sections 601, 625, 628, 652, and 656 of, the Food and Agricultural Code, relating to food and agriculture.

[ Approved by Governor August 26, 2022. Filed with Secretary of State August 26, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1499, Committee on Agriculture. Department of Food and Agriculture: Department of Agriculture Building Fund.

Existing law authorizes the Department of Food and Agriculture, with the approval of the Department of General Services, to purchase or otherwise acquire real property. Existing law authorizes the Department of Food and Agriculture to construct and equip buildings upon that property and make improvements to the property, buildings, and equipment. Existing law continuously appropriates moneys in the Department of Agriculture Building Fund for these purposes. Under certain circumstances, existing law authorizes moneys in the Department of Agriculture Fund or any other funds subject to the jurisdiction of the Secretary of Food and Agriculture to be transferred from those funds to the Department of Agriculture Building Fund. Existing law requires moneys transferred from the Department of Agriculture Fund or other fund to be repaid from the Department of Agriculture Building Fund at specified frequencies, and upon the completion of any building or improvement and the fulfillment of the obligation to reimburse the applicable fund, requires any unused balances in the Department of Agriculture Building Fund, upon request of the secretary, to be transferred to the General Fund. Existing law requires the Department of Food and Agriculture to lease excess space in accordance with certain requirements and requires rentals collected from those leases to be deposited in the Department of Agriculture Building Fund. When all funds have been reimbursed for contributions that are made for the construction and equipping of the building or facility, existing law requires the Department of General Services to assume control of the operation and management of the building, improvement, or facility.

This bill would revise and recast these provisions. The bill would eliminate the requirement to repay the source of funds that are transferred to the Department of Agriculture Building Fund and the requirement to transfer unused balances to the General Fund. The bill would eliminate the continuous appropriation of moneys in the Department of Agriculture Building Fund and would instead make moneys in the fund available, upon appropriation by the Legislature in the annual Budget Act, for the expenses of the property, improvements, and buildings under the control of the Department of Food and Agriculture. The bill would eliminate the requirement for the Department of General Services to assume control of a facility that is constructed or acquired pursuant to these provisions.

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

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

**SECTION 1.** The heading of Chapter 4 (commencing with Section 601) of Part 1 of Division 1 of the Food and Agricultural Code is amended to read:

**CHAPTER 4. Buildings of the Department of Food and Agriculture**

**SEC. 2.** Section 601 of the Food and Agricultural Code is repealed.

**SEC. 3.** Section 602 of the Food and Agricultural Code is amended and renumbered to read:

**601.** The department may, with the approval of the Department of General Services, purchase or otherwise acquire real property. It may construct and equip buildings upon the property and make improvements to the property, buildings, and equipment.

**SEC. 4.** Section 603 of the Food and Agricultural Code is amended to read:

**603.** Any building or improvement that is constructed by the department pursuant to this chapter shall be primarily for the occupancy of the department and its commissions, divisions, bureaus, advisory boards, and services.

**SEC. 5.** Section 622 of the Food and Agricultural Code is amended to read:

**622.** (a) When there are moneys appropriated to the department, excluding General Fund appropriations, that are not required to meet any demand that has accrued or may accrue against the moneys, the Controller, upon the order of the secretary, shall transfer the sum as may be designated by the secretary in the order to the Department of Agriculture Building Fund.

(b) The Controller shall not transfer an amount pursuant to subdivision (a) that exceeds two hundred fifty thousand dollars (\$250,000) unless the Director of Finance concurs in the transfer.

**SEC. 6.** Section 624 of the Food and Agricultural Code is amended to read:

**624.** The moneys in the Department of Agriculture Building Fund are available, upon appropriation by the Legislature in the annual Budget Act, to carry out this chapter, including the costs of improvements, modifications, maintenance, repairs, and other reasonable and necessary expenses of the property and the buildings or improvements under the control of the department.

**SEC. 7.** Section 625 of the Food and Agricultural Code is repealed.

**SEC. 8.** Section 626 of the Food and Agricultural Code is amended to read:

**626.** Money shall not be transferred pursuant to Section 622 to the Department of Agriculture Building Fund if it will interfere with the administrative purposes for which the money was collected.

**SEC. 9.** Section 627 of the Food and Agricultural Code is amended to read:

**627.** (a) The secretary may do any and all things that are necessary to protect the investment or use, including the purchase of insurance against the loss of, or damage to, the property, or the loss of its use and occupancy, of any property and buildings and appurtenant facilities under the control of the department.

(b) Any transaction that is entered into by the secretary pursuant to this section is subject to the approval of the Department of General Services.

**SEC. 10.** Section 628 of the Food and Agricultural Code is repealed.

**SEC. 11.** Section 651 of the Food and Agricultural Code is amended to read:

**651.** Any building or improvement that is controlled by the department may contain space in excess of the requirements of the department. Until needed, the excess space may be leased or let by the department at such rental and upon such terms and conditions as are approved by the Department of General Services.

**SEC. 12.** Section 652 of the Food and Agricultural Code is repealed.

**SEC. 13.** Section 653 of the Food and Agricultural Code is amended to read:

**653.** The department may contract with the Department of General Services to handle the rentals of any space over and above that which is required for the department and to furnish general supervision and maintenance in any building or improvement that is controlled by the department.

**SEC. 14.** Section 654 of the Food and Agricultural Code is amended to read:

**654.** The secretary may allocate space to the commissions, divisions, bureaus, advisory boards, and services that comprise the department or agencies that are subject to its jurisdiction in any building controlled by the department. The secretary may charge a rental for the space.

**SEC. 15.** Section 655 of the Food and Agricultural Code is amended to read:

**655.** The occupancy of any space that is not required by the department for the commissions, divisions, bureaus, advisory boards, and services specified in Section 654 shall be confined to that of other functions of the department, of other state agencies, of official agencies cooperating with the department under agreement, or of official agricultural agencies of the state or county. Rentals comparable to the rentals that are authorized by Section 654 shall be charged for the space.

**SEC. 16.** Section 656 of the Food and Agricultural Code is repealed.