

AMENDED IN ASSEMBLY APRIL 7, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2455

Introduced by Assembly Member Laird

February 21, 2008

An act to amend Sections 5096.501, 5096.511, and 5096.515 of, and to add Chapter 1.694 (commencing with Section 5096.450) to Division 5 of, the Public Resources Code, relating to state lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, Laird. State lands: resource land transactions.

Under existing law, the Resources Agency consists of, among other entities, the Department of Parks and Recreation and the Department of Fish and Game, which includes the Wildlife Conservation Board. Existing law also establishes within the agency the State Coastal Conservancy and the Santa Monica Mountains Conservancy. Existing law authorizes various entities within the agency to acquire land for purposes related to conservation.

Existing law requires an acquisition agency, prior to approving a major acquisition of conservation land, where an agency proposes to spend more than \$25,000,000 of state funds, to contract for at least one independent appraisal of the fair market value of the land and requires that appraisal to be reviewed by a qualified independent appraiser retained by the acquisition agency. Existing law requires the acquisition agency to make available for public review, among other things, the independent appraisal review, a summary of the basis for the

recommendation of approval for the acquisition of the land, and any relevant environmental studies, documents, or other information.

Existing law, for purposes of these provisions, defines “acquisition agency” to mean the Wildlife Conservation Board or the State Coastal Conservancy, and “conservation lands” to mean land that is under the jurisdiction of the Wildlife Conservation Board, the State Coastal Conservancy, the Department of Fish and Game, or the Department of Parks and Recreation.

This bill would additionally include the Department of Parks and Recreation ~~and the Santa Monica Mountains Conservancy~~ in the definition of “acquisition agency,” ~~and would additionally include land that is under the jurisdiction of the Santa Monica Mountains Conservancy in the definition of “conservation lands.”~~ “*acquisition agency.*” The bill would additionally require an appraisal for a major acquisition of conservation lands to include information related to comparable sales in the region and the development potential of the land and would require an acquisition agency to review and amend the appraisal if a period of time longer than one year passes between the time that the appraisal is conducted and its submission to the agency.

This bill would also require *an appraisal for the fair market value of the land to be provided* to any department, board, or conservancy within the Resources Agency; prior to approving the acquisition of land for conservation or recreation purposes; ~~to conduct or cause to be conducted, and to approve, an appraisal of the fair market value of the land.~~ The bill would require the appraisal to be conducted by a qualified member of the Appraisal Institute and to include information related to comparable sales in the region and the development potential of the land. The bill would require the acquisition agency, as defined, to review and amend the appraisal if a period of time longer than one year passes between the time that the appraisal is conducted and its submission to the agency.

The bill would provide that, if the provisions relating to major acquisitions and the provisions relating to acquisitions by agencies within the Resources Agency are applicable to a major acquisition, and those provisions are inconsistent or duplicative, then the provisions governing major acquisitions would apply.

The bill also would make legislative findings and declarations related to land acquisition processes.

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

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

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

3 (a) It is vital to ensure the efficient use of state funds for the
4 acquisition of property by state agencies, in terms of both the
5 amounts paid for property and the procedures used for its
6 acquisition.

7 (b) It is important to ensure that a state agency acquiring
8 property acts expeditiously to purchase critically needed state
9 resource lands for purposes of preserving and protecting those
10 lands.

11 (c) Several departments within the Resources Agency purchase
12 real property, including the Department of Fish and Game and the
13 Department of Parks and Recreation.

14 (d) In 2004, the California Performance Review identified
15 numerous concerns with the review and approval processes for
16 state resource land transactions.

17 (e) In 2006, the Legislature passed and the Governor signed AB
18 2497 (Chapter 462, Statutes of 2006), which added Section 12805.3
19 to the Government Code to require the Secretary of the Resources
20 Agency and the Department of Finance to convene a workgroup
21 to evaluate and develop options for improving the efficiency of
22 state resource land transactions.

23 (f) The report to the Legislature on the outcomes of the
24 workgroup pursuant to Section 12805.3 of the Government Code
25 will soon be released by the Resources Agency and the Department
26 of Finance.

27 (g) In 2007, the Legislative Analyst's Office identified concerns
28 with the appraisal process for resource land transactions and made
29 recommendations to improve the procedures and independence of
30 appraisals.

31 SEC. 2. Chapter 1.694 (commencing with Section 5096.450)
32 is added to Division 5 of the Public Resources Code, to read:

33

34 CHAPTER 1.694. APPRAISAL OF LAND ACQUISITIONS

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36 5096.450. For purposes of this chapter, the following terms
37 have the following meanings:

1 (a) “Acquisition” means a transaction where an acquisition
2 agency proposes to acquire land, or ~~any interest therein~~ *an interest*
3 *in the land*, for conservation or recreation purposes.

4 (b) “Acquisition agency” means a department, board, or
5 conservancy within the Resources Agency that acquires land for
6 conservation or recreation purposes.

7 5096.451. Prior to ~~any~~ *an* action by an acquisition agency to
8 approve an acquisition of land for conservation or recreation
9 purposes, ~~the acquisition agency shall contract for at least one~~
10 ~~independent~~ *an* appraisal of the fair market value of the land *shall*
11 *be provided to the acquisition agency for consideration*. The
12 appraisal shall be conducted by a qualified member of the Appraisal
13 Institute who is licensed pursuant to Part 3 (commencing with
14 Section 11300) of Division 4 of the Business and Professions Code.
15 The appraisal shall be prepared pursuant to the Uniform Standards
16 of Professional Appraisal Practice and any supplemental standards
17 that inform the acquisition of conservation and recreation lands,
18 if applicable.

19 5096.452. The appraisal conducted pursuant to Section
20 5096.451 shall include, but is not limited to, the following
21 information:

22 (a) Comparable sales in the region.

23 (b) The development potential of the land and the basis for the
24 determination of the development potential.

25 5096.453. If a period of time longer than one year passes
26 between the time that an appraisal required pursuant to Section
27 5096.451 is conducted and the time that the appraisal is submitted
28 for approval by the acquisition agency, the acquisition agency shall
29 review and amend that appraisal prior to an action by the
30 acquisition agency to approve the acquisition.

31 SEC. 3. Section 5096.501 of the Public Resources Code is
32 amended to read:

33 5096.501. For purposes of this chapter, the following terms
34 have the following meanings:

35 (a) “Acquisition agency” means the Wildlife Conservation
36 Board, the State Coastal Conservancy, *or* the Department of Parks
37 and Recreation, ~~or the Santa Monica Mountains Conservancy~~.

38 (b) “Conservation lands” means any land or interest therein to
39 be acquired by an acquisition agency, or that is owned by the state
40 and under the jurisdiction of the Wildlife Conservation Board, the

1 State Coastal Conservancy, the Department of Fish and Game, *or*
2 the Department of Parks and Recreation, ~~or the Santa Monica~~
3 ~~Mountains Conservancy.~~

4 (c) “Major acquisition” means an acquisition where an agency
5 proposes to spend more than twenty-five million dollars
6 (\$25,000,000) of state funds.

7 SEC. 4. Section 5096.511 of the Public Resources Code is
8 amended to read:

9 5096.511. (a) Prior to ~~any~~ *an* action by an acquisition agency
10 to approve a major acquisition of conservation lands, the
11 acquisition agency shall contract for at least one independent
12 appraisal of the fair market value of the land. The appraisal shall
13 be conducted by a qualified member of the Appraisal Institute who
14 is licensed pursuant to Part 3 (commencing with Section 11300)
15 of Division 4 of the Business and Professions Code. The appraisal
16 shall be prepared pursuant to the Uniform Standards of Professional
17 Appraisal Practice *and any supplemental standards that inform*
18 *the acquisition of conservation and recreation lands, if applicable.*

19 (b) The appraisal conducted pursuant to this section shall
20 include, but is not limited to, the following information:

- 21 (1) Comparable sales in the region.
- 22 (2) The development potential of the land and the basis for the
23 determination of the development potential.

24 (c) If a period of time longer than one year passes between the
25 time that an appraisal required pursuant to this section is conducted
26 and the time that the appraisal is submitted to the acquisition
27 agency for review pursuant to Section 5096.512, the acquisition
28 agency shall review and amend that appraisal before taking any
29 further action on that appraisal.

30 SEC. 5. Section 5096.515 of the Public Resources Code is
31 amended to read:

32 5096.515. (a) The procedures and requirements established
33 pursuant to this chapter are in addition to, and do not amend,
34 modify, or supplant, any procedures or requirements established
35 pursuant to the Water Security, Clean Drinking Water, Coastal
36 and Beach Protection Act of 2002 (Division 26.5 (commencing
37 with Section 79500) of the Water Code) or the California Clean
38 Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection
39 Act of 2002 (Chapter 1.696 (commencing with Section 5096.600)),
40 for the acquisition of conservation lands.

1 (b) Chapter 1.694 (commencing with Section 5096.450) and
2 this chapter shall apply to major acquisitions, except where
3 duplicative of, or inconsistent with, the provisions of this chapter,
4 in which case this chapter shall govern.

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