

ASSEMBLY BILL

No. 2346

Introduced by Assembly Member Garrick

February 19, 2010

An act to amend Section 11011 of the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2346, as introduced, Garrick. Surplus state real property.

Existing law requires each state agency, on or before December 31 of each year, to make a review of all state land, as specified, to determine what, if any, land is in excess of its foreseeable needs and to report to the Department of General Services. Existing law requires the transfer of land reported as excess to the department and requires the department to report annually to the Legislature the land declared excess and to request authorization to dispose of the land by sale or otherwise.

This bill would make technical, nonsubstantive changes to those provisions.

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 11011 of the Government Code is
2 amended to read:
3 11011. (a) On or before December 31 of each year, each state
4 agency shall make a review of all proprietary state ~~lands~~ *land*,
5 other than tax-deeded land, land held for highway purposes, ~~lands~~
6 *land* under the jurisdiction of the State Lands Commission, land

1 that has escheated to the state or that has been distributed to the
2 state by court decree in estates of deceased persons, and ~~lands~~ *land*
3 under the jurisdiction of the State Coastal Conservancy, over which
4 it has jurisdiction to determine what, if any, land is in excess of
5 its foreseeable needs and report thereon in writing to the
6 Department of General Services. ~~These lands~~ *Land* shall include,
7 but not be limited to, the following:

8 (1) Land not currently being utilized, or currently being
9 underutilized, by the state agency for any existing or ongoing state
10 program.

11 (2) Land for which the state agency has not identified any
12 specific utilization relative to future programmatic needs.

13 (3) Land not identified by the state agency within its master
14 plans for facility development.

15 (b) Jurisdiction of all land reported as excess shall be transferred
16 to the Department of General Services, when requested by the
17 director of that department, for sale or disposition under this section
18 or as may be otherwise authorized by law.

19 (c) The Department of General Services shall report *annually*
20 to the Legislature ~~annually~~, the land declared excess and request
21 authorization to dispose of the land by sale or otherwise.

22 (d) The Department of General Services shall review and
23 consider reports submitted to the Director of General Services
24 pursuant to Section 66907.12 of this code and Section 31104.3 of
25 the Public Resources Code prior to recommending or taking any
26 action on surplus land, and shall also circulate the reports to all
27 agencies that are required to report excess land pursuant to this
28 section. In recommending or determining the disposition of surplus
29 ~~lands~~ *land*, the Director of General Services may give priority to
30 proposals by the state that involve the exchange of surplus ~~lands~~
31 *land* for ~~lands~~ *land* listed in those reports.

32 (e) Except as otherwise provided by any other law, whenever
33 any land is reported as excess pursuant to this section, the
34 Department of General Services shall determine whether or not
35 the use of the land is needed by any other state agency. If the
36 Department of General Services determines that any land is needed
37 by any other state agency it may transfer the jurisdiction of this
38 land to the other state agency upon the terms and conditions as it
39 may deem to be for the best interests of the state.

1 (f) When authority is granted for the sale or other disposition
2 of ~~lands~~ *land* declared excess, and the Department of General
3 Services has determined that the use of the land is not needed by
4 any other state agency, the Department of General Services shall
5 sell the land or otherwise dispose of the ~~same~~ *land* pursuant to the
6 authorization, upon any terms and conditions and subject to any
7 reservations and exceptions as the Department of General Services
8 may deem to be for the best interests of the state. The Department
9 of General Services shall report *annually* to the Legislature
10 ~~annually~~, with respect to each parcel of land authorized to be sold
11 under this section, giving the following information:

12 (1) A description or other identification of the property.

13 (2) The date of authorization.

14 (3) With regard to each parcel sold after the next preceding
15 report, the date of sale and price received, or the value of the land
16 received in exchange.

17 (4) The present status of the property, if not sold or otherwise
18 disposed of at the time of the report.

19 (g) Except as otherwise specified by law, the net proceeds
20 received from any real property disposition, including the sale,
21 lease, exchange, or other means, that is received pursuant to this
22 section shall be paid into the Deficit Recovery Bond Retirement
23 Sinking Fund Subaccount, established pursuant to subdivision (f)
24 of Section 20 of Article XVI of the California Constitution, until
25 the time that the bonds issued pursuant to the Economic Recovery
26 Bond Act (Title 18 (commencing with Section 99050)), approved
27 by the voters at the March 2, 2004, statewide primary election, are
28 retired. Thereafter, the net proceeds received pursuant to this
29 section shall be deposited in the Special Fund for Economic
30 Uncertainties.

31 For purposes of this section, ~~net proceeds shall be defined as~~
32 *“net proceeds” means* proceeds less any outstanding loans from
33 the General Fund, or outstanding reimbursements due to the
34 Property Acquisition Law Money Account for costs incurred prior
35 to June 30, 2005, related to the management of the state’s real
36 property assets, including, but not limited to, surplus property
37 identification, legal research, feasibility statistics, activities
38 associated with land use, and due diligence.

39 (h) The Director of Finance may approve loans from the General
40 Fund to the Property Acquisition Law Money Account, which is

1 hereby created in the State Treasury, for the purposes of supporting
2 the management of the state's real property assets.

3 (i) Any rentals or other revenues received by the department
4 from real properties, the jurisdiction of which has been transferred
5 to the Department of General Services under this section, shall be
6 deposited in the Property Acquisition Law Money Account and
7 shall be available for expenditure by the Department of General
8 Services upon appropriation by the Legislature.

9 (j) Nothing contained in this section shall be construed to
10 prohibit the sale, letting, or other disposition of any state ~~lands~~
11 *land* pursuant to any law now or hereafter enacted authorizing the
12 sale, letting, or disposition.

13 (k) (1) The disposition of a parcel of surplus state real property,
14 pursuant to Section 11011.1, made on an "as is" basis shall be
15 exempt from Chapter 3 (commencing with Section 21100) to
16 Chapter 6 (commencing with Section 21165), inclusive, of Division
17 13 of the Public Resources Code. Upon title to the parcel vesting
18 in the purchaser or transferee of the property, the purchaser or
19 transferee shall be subject to any local governmental land use
20 entitlement approval requirements and to Chapter 3 (commencing
21 with Section 21100) to Chapter 6 (commencing with Section
22 21165), inclusive, of Division 13 of the Public Resources Code.

23 (2) If the disposition of a parcel of surplus state real property,
24 pursuant to Section 11011.1, is not made on an "as is" basis and
25 close of escrow is contingent on the satisfaction of a local
26 governmental land use entitlement approval requirement or
27 compliance by the local government with Chapter 3 (commencing
28 with Section 21100) to Chapter 6 (commencing with Section
29 21165), inclusive, of Division 13 of the Public Resources Code,
30 the execution of the purchase and sale agreement or of the exchange
31 agreement by all parties to the agreement shall be exempt from
32 Chapter 3 (commencing with Section 21100) to Chapter 6
33 (commencing with Section 21165), inclusive, of Division 13 of
34 the Public Resources Code.

35 (3) For the purposes of this subdivision, "disposition" means
36 the sale, exchange, sale combined with an exchange, or transfer
37 of a parcel of surplus state property.

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