

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Williams

February 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as introduced, Williams. Surplus state property.

Existing law requires each state agency to annually make a review of all proprietary state lands, with certain exceptions for, among other things, lands under the jurisdiction of specified state entities, over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon to the Department of General Services.

This bill would make technical, nonsubstantive changes to these 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, other
5 than tax-deeded land, land held for highway purposes, lands under
6 the jurisdiction of the State Lands Commission, land that has
7 escheated to the state or that has been distributed to the state by

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

7 (1) Land not currently being ~~utilized~~ *used*, or currently being
8 ~~underutilized~~ *underused*, by the state agency for any existing or
9 ongoing state program.

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

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

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

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

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

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

39 (f) When authority is granted for the sale or other disposition
40 of lands declared excess, and the Department of General Services

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

- 10 (1) A description or other identification of the property.
- 11 (2) The date of authorization.
- 12 (3) With regard to each parcel sold after the next preceding
13 report, the date of sale and price received, or the value of the land
14 received in exchange.
- 15 (4) The present status of the property, if not sold or otherwise
16 disposed of at the time of the report.
- 17 (g) Except as otherwise specified by law, the net proceeds
18 received from any real property disposition, including ~~the~~ *by* sale,
19 lease, exchange, or other means, that is received pursuant to this
20 section shall be paid into the Deficit Recovery Bond Retirement
21 Sinking Fund Subaccount, established pursuant to subdivision (f)
22 of Section 20 of Article XVI of the California Constitution, until
23 the time that the bonds issued pursuant to the Economic Recovery
24 Bond Act (Title 18 (commencing with Section 99050)), approved
25 by the voters at the March 2, 2004, statewide primary election, are
26 retired. Thereafter, the net proceeds received pursuant to this
27 section shall be deposited in the Special Fund for Economic
28 Uncertainties.
- 29 For purposes of this section, net proceeds shall be defined as
30 proceeds less any outstanding loans from the General Fund, or
31 outstanding reimbursements due to the Property Acquisition Law
32 Money Account for costs incurred prior to June 30, 2005, related
33 to the management of the state's real property assets, including,
34 but not limited to, surplus property identification, legal research,
35 feasibility statistics, activities associated with land use, and due
36 diligence.
- 37 (h) The Director of Finance may approve loans from the General
38 Fund to the Property Acquisition Law Money Account, which is
39 hereby created in the State Treasury, ~~for the purposes of supporting~~
40 *to support* the management of the state's real property assets.

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

7 (j) ~~Nothing contained in this~~ *This* section shall *not* be construed
 8 to prohibit the sale, letting, or other disposition of any state lands
 9 pursuant to any law now or hereafter enacted authorizing the sale,
 10 letting, or disposition.

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

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

33 (3) For the purposes of this subdivision, “disposition” means
 34 the sale, exchange, sale combined with an exchange, or transfer
 35 of a parcel of surplus state property.