

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Williams

February 24, 2012

An act to ~~amend Section 11011 of the Government Code~~ *add Section 84750.7 to the Education Code*, relating to ~~state property~~ *community colleges*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Williams. ~~Surplus state property. Community colleges: Santa Barbara Community College District.~~

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes a community college funding system, among the components of which is the apportionment of state funds to community college districts. Existing law provides for the calculation of the amounts of these apportionments on the basis of the number of full-time equivalent students (FTES) in attendance at community college campuses.

This bill, notwithstanding existing law, would authorize the Chancellor of the California Community Colleges to apportion full funding per FTES to educational centers in the Santa Barbara Community College District irrespective of the number of FTES enrolled at those educational centers.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Santa Barbara Community College District.

~~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~~-yes.
State-mandated local program: no.

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

1 SECTION 1. Section 84750.7 is added to the Education Code,
2 to read:

3 84750.7. Notwithstanding any other law, the chancellor may
4 apportion full funding per full-time equivalent student (FTES) to
5 educational centers in the Santa Barbara Community College
6 District irrespective of the number of FTES enrolled at those
7 educational centers.

8 SEC. 2. The Legislature finds and declares that a special law
9 is necessary and that a general law cannot be made applicable
10 within the meaning of Section 16 of Article IV of the California
11 Constitution because of the unique circumstances facing the Santa
12 Barbara Community College District.

13 ~~SECTION 1. Section 11011 of the Government Code is~~
14 ~~amended to read:~~

15 ~~11011. (a) On or before December 31 of each year, each state~~
16 ~~agency shall make a review of all proprietary state lands, other~~
17 ~~than tax-deeded land, land held for highway purposes, lands under~~
18 ~~the jurisdiction of the State Lands Commission, land that has~~
19 ~~escheated to the state or that has been distributed to the state by~~
20 ~~court decree in estates of deceased persons, and lands under the~~
21 ~~jurisdiction of the State Coastal Conservancy, over which it has~~
22 ~~jurisdiction to determine what, if any, land is in excess of its~~
23 ~~foreseeable needs and report thereon in writing to the Department~~
24 ~~of General Services. These lands shall include, but not be limited~~
25 ~~to, the following:~~

26 ~~(1) Land not currently being used, or currently being underused,~~
27 ~~by the state agency for any existing or ongoing state program.~~

1 ~~(2) Land for which the state agency has not identified any~~
2 ~~specific use relative to future programmatic needs.~~
3 ~~(3) Land not identified by the state agency within its master~~
4 ~~plans for facility development.~~
5 ~~(b) Jurisdiction of all land reported as excess shall be transferred~~
6 ~~to the Department of General Services, when requested by the~~
7 ~~director of that department, for sale or disposition under this section~~
8 ~~or as may be otherwise authorized by law.~~
9 ~~(c) The Department of General Services shall report to the~~
10 ~~Legislature annually, the land declared excess and request~~
11 ~~authorization to dispose of the land by sale or otherwise.~~
12 ~~(d) The Department of General Services shall review and~~
13 ~~consider reports submitted to the Director of General Services~~
14 ~~pursuant to Section 66907.12 of this code and Section 31104.3 of~~
15 ~~the Public Resources Code prior to recommending or taking any~~
16 ~~action on surplus land, and shall also circulate the reports to all~~
17 ~~agencies that are required to report excess land pursuant to this~~
18 ~~section. In recommending or determining the disposition of surplus~~
19 ~~lands, the Director of General Services may give priority to~~
20 ~~proposals by the state that involve the exchange of surplus lands~~
21 ~~for lands listed in those reports.~~
22 ~~(e) Except as otherwise provided by law, whenever any land is~~
23 ~~reported as excess pursuant to this section, the Department of~~
24 ~~General Services shall determine whether or not the use of the land~~
25 ~~is needed by any other state agency. If the Department of General~~
26 ~~Services determines that any land is needed by any other state~~
27 ~~agency it may transfer the jurisdiction of this land to the other state~~
28 ~~agency upon the terms and conditions it may deem to be in the~~
29 ~~best interests of the state.~~
30 ~~(f) When authority is granted for the sale or other disposition~~
31 ~~of lands declared excess, and the Department of General Services~~
32 ~~has determined that the use of the land is not needed by any other~~
33 ~~state agency, the Department of General Services shall sell the~~
34 ~~land or otherwise dispose of the same pursuant to the authorization,~~
35 ~~upon any terms and conditions and subject to any reservations and~~
36 ~~exceptions the Department of General Services may deem to be~~
37 ~~in the best interests of the state. The Department of General~~
38 ~~Services shall report to the Legislature annually, with respect to~~
39 ~~each parcel of land authorized to be sold under this section, giving~~
40 ~~the following information:~~

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

1 ~~(k) (1) The disposition of a parcel of surplus state real property,~~
2 ~~pursuant to Section 11011.1, made on an “as is” basis shall be~~
3 ~~exempt from Chapter 3 (commencing with Section 21100) to~~
4 ~~Chapter 6 (commencing with Section 21165), inclusive, of Division~~
5 ~~13 of the Public Resources Code. Upon title to the parcel vesting~~
6 ~~in the purchaser or transferee of the property, the purchaser or~~
7 ~~transferee shall be subject to any local governmental land use~~
8 ~~entitlement approval requirements and to Chapter 3 (commencing~~
9 ~~with Section 21100) to Chapter 6 (commencing with Section~~
10 ~~21165), inclusive, of Division 13 of the Public Resources Code.~~

11 ~~(2) If the disposition of a parcel of surplus state real property,~~
12 ~~pursuant to Section 11011.1, is not made on an “as is” basis and~~
13 ~~close of escrow is contingent on the satisfaction of a local~~
14 ~~governmental land use entitlement approval requirement or~~
15 ~~compliance by the local government with Chapter 3 (commencing~~
16 ~~with Section 21100) to Chapter 6 (commencing with Section~~
17 ~~21165), inclusive, of Division 13 of the Public Resources Code,~~
18 ~~the execution of the purchase and sale agreement or of the exchange~~
19 ~~agreement by all parties to the agreement shall be exempt from~~
20 ~~Chapter 3 (commencing with Section 21100) to Chapter 6~~
21 ~~(commencing with Section 21165), inclusive, of Division 13 of~~
22 ~~the Public Resources Code.~~

23 ~~(3) For the purposes of this subdivision, “disposition” means~~
24 ~~the sale, exchange, sale combined with an exchange, or transfer~~
25 ~~of a parcel of surplus state property.~~