

ASSEMBLY BILL

No. 1367

Introduced by Assembly Member Bill Berryhill

February 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, as introduced, Bill Berryhill. Surplus state property.

Existing law requires the Department of General Services to maintain an inventory of real property held by the state, and prescribes the disposition of surplus state property.

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
8 court decree in estates of deceased persons, and lands under the
9 jurisdiction of the State Coastal Conservancy, over which it has
10 jurisdiction to determine what, if any, land is in excess of its

1 foreseeable needs and report thereon in writing to the Department
2 of General Services. These lands shall include, but not be limited
3 to, the following:

4 (1) Land not currently being utilized, or currently being
5 underutilized, by the state agency for any existing or ongoing state
6 program.

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

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

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

15 (c) The Department of General Services shall report to the
16 Legislature annually; the land declared excess, and request
17 authorization to dispose of the land by sale or otherwise.

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

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

36 (f) When authority is granted for the sale or other disposition
37 of lands declared excess, and the Department of General Services
38 has determined that ~~the~~ use of the land is not needed by any other
39 state agency, the Department of General Services shall sell the
40 land or otherwise dispose of the same pursuant to the authorization,

1 upon any terms and conditions and subject to any reservations and
2 exceptions-as the Department of General Services may deem to
3 be-for in the best interests of the state. The Department of General
4 Services shall report to the Legislature annually, with respect to
5 each parcel of land authorized to be sold under this section, giving
6 the following information:

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

8 (2) The date of authorization.

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

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

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

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

34 (h) The Director of Finance may approve loans from the General
35 Fund to the Property Acquisition Law Money Account, which is
36 hereby created in the State Treasury, for the purposes of supporting
37 the management of the state's real property assets.

38 (i) Any rentals or other revenues received by the department
39 from real properties, the jurisdiction of which has been transferred
40 to the Department of General Services under this section, shall be

1 deposited in the Property Acquisition Law Money Account and
2 shall be available for expenditure by the Department of General
3 Services upon appropriation by the Legislature.

4 (j) Nothing contained in this section shall be construed to
5 prohibit the sale, letting, or other disposition of any state lands
6 pursuant to any law now or hereafter enacted authorizing the sale,
7 letting, or disposition.

8 (k) (1) The disposition of a parcel of surplus state real property,
9 pursuant to Section 11011.1, made on an “as is” basis shall be
10 exempt from Chapter 3 (commencing with Section 21100) to
11 Chapter 6 (commencing with Section 21165), inclusive, of Division
12 13 of the Public Resources Code. Upon title to the parcel vesting
13 in the purchaser or transferee of the property, the purchaser or
14 transferee shall be subject to any local governmental land use
15 entitlement approval requirements and to 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 (2) If the disposition of a parcel of surplus state real property,
19 pursuant to Section 11011.1, is not made on an “as is” basis and
20 close of escrow is contingent on the satisfaction of a local
21 governmental land use entitlement approval requirement or
22 compliance by the local government with Chapter 3 (commencing
23 with Section 21100) to Chapter 6 (commencing with Section
24 21165), inclusive, of Division 13 of the Public Resources Code,
25 the execution of the purchase and sale agreement or of the exchange
26 agreement by all parties to the agreement shall be exempt from
27 Chapter 3 (commencing with Section 21100) to Chapter 6
28 (commencing with Section 21165), inclusive, of Division 13 of
29 the Public Resources Code.

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