

Introduced by Senators Huff, Denham, Harman, and Hollingsworth

(Coauthors: Assembly Members DeVore, Fuller, Harkey, Jeffries,
Knight, and Nestande)

February 10, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as introduced, Huff. Surplus state real property: exemption from the California Environmental Quality Act.

(1) Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Other provisions of existing law authorize the Department of General Services to dispose of real property that the Legislature has declared surplus, and has directed the disposal of this surplus, by the Department of General Services.

This bill would exempt the sale of surplus state real property made on an "as is" basis from designated provisions of CEQA. The bill would also exempt from those provisions of CEQA the execution of the disposition agreement for surplus state real property when the disposition is not made on an "as is" basis and the close of escrow is contingent on specified conditions.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal

emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

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. Section 11011 of the Government Code is
2 amended to read:

3 11011. (a) On or before December~~31st~~ 31 of each year, each
4 state agency shall make a review of all proprietary state lands,
5 other than tax-deeded land, land held for highway purposes, lands
6 under the jurisdiction of the State Lands Commission, land that
7 has escheated to the state or that has been distributed to the state
8 by court decree in estates of deceased persons, and lands under
9 the jurisdiction of the State Coastal Conservancy, over which it
10 has jurisdiction to determine what, if any, land is in excess of its
11 foreseeable needs and report thereon in writing to the Department
12 of General Services. These lands shall include, but not be limited
13 to, the following:

14 (1) Land not currently being utilized, or currently being
15 underutilized, by the state agency for any existing or ongoing state
16 program.

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

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

21 (b) Jurisdiction of all land reported as excess shall be transferred
22 to the Department of General Services, when requested by the
23 director ~~thereof~~ *of that department*, for sale or disposition under
24 this section or as may be otherwise authorized by law.

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

28 (d) The Department of General Services shall review and
29 consider reports submitted to the Director of General Services
30 pursuant to Section 66907.12 of ~~the Government Code~~ *this code*

1 and Section 31104.3 of the Public Resources Code prior to
2 recommending or taking any action on surplus land, and shall also
3 circulate the reports to all agencies that are required to report excess
4 land pursuant to this section. In recommending or determining the
5 disposition of surplus lands, the Director of General Services may
6 give priority to proposals by the state that involve the exchange
7 of surplus lands for lands listed in those reports.

8 (e) Except as otherwise provided by any other ~~provision of~~ law,
9 whenever any land is reported as excess pursuant to this section,
10 the Department of General Services shall determine whether or
11 not the use of the land is needed by any other state agency. If the
12 Department of General Services determines that any land is needed
13 by any other state agency it may transfer the jurisdiction of this
14 land to the other state agency upon the terms and conditions as it
15 may deem to be for the best interests of the state.

16 (f) When authority is granted for the sale or other disposition
17 of lands declared excess, and the Department of General Services
18 has determined that the use of the land is not needed by any other
19 state agency, the Department of General Services shall sell the
20 land or otherwise dispose of the same pursuant to the authorization,
21 upon any terms and conditions and subject to any reservations and
22 exceptions as the Department of General Services may deem to
23 be for the best interests of the state. The Department of General
24 Services shall report to the Legislature annually, with respect to
25 each parcel of land authorized to be sold under this section, giving
26 the following information:

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

28 (2) The date of authorization.

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

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

34 (g) Except as otherwise specified by law, the net proceeds
35 received from any real property disposition, including the sale,
36 lease, exchange, or other means, that is received pursuant to this
37 section shall be paid into the Deficit Recovery Bond Retirement
38 Sinking Fund Subaccount, established pursuant to subdivision (f)
39 of Section 20 of Article XVI of the California Constitution, until
40 the time that the bonds issued pursuant to the Economic Recovery

1 Bond Act (Title 18 (commencing with Section 99050)), approved
2 by the voters at the March 2, 2004, statewide primary election, are
3 retired. Thereafter, the net proceeds received pursuant to this
4 section shall be deposited in the Special Fund for Economic
5 Uncertainties.

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

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

18 (i) Any rentals or other revenues received by the department
19 from real properties, the jurisdiction of which has been transferred
20 to the Department of General Services under this section, shall be
21 deposited in the Property Acquisition Law Money Account and
22 shall be available for expenditure by the Department of General
23 Services upon appropriation by the Legislature.

24 (j) Nothing contained in this section shall be construed to
25 prohibit the sale, letting, or other disposition of any state lands
26 pursuant to any law now or hereafter enacted authorizing the sale,
27 letting, or disposition.

28 ~~(k) Subdivisions (a) to (f), inclusive, of this section shall be~~
29 ~~inoperative from August 16, 2004, until July 1, 2005, with the~~
30 ~~exception of subdivisions (g) to (j), inclusive, which shall take~~
31 ~~effect retroactively, beginning November 3, 2004.~~

32 *(k) (1) The disposition of a parcel of surplus state real property,*
33 *pursuant to Section 11011.1, made on an "as is" basis shall be*
34 *exempt from Chapter 3 (commencing with Section 21100) to*
35 *Chapter 6 (commencing with Section 21165), inclusive, of Division*
36 *13 of the Public Resources Code. Upon title to the parcel vesting*
37 *in the purchaser or transferee of the property, the purchaser or*
38 *transferee shall be subject to any local governmental land use*
39 *entitlement approval requirements and to Chapter 3 (commencing*

1 *with Section 21100) to Chapter 6 (commencing with Section*
2 *21165), inclusive, of Division 13 of the Public Resources Code.*

3 *(2) If the disposition of a parcel of surplus state real property,*
4 *pursuant to Section 11011.1, is not made on an “as is” basis and*
5 *close of escrow is contingent on the satisfaction of a local*
6 *governmental land use entitlement approval requirement or*
7 *compliance by the local government with Chapter 3 (commencing*
8 *with Section 21100) to Chapter 6 (commencing with Section*
9 *21165), inclusive, of Division 13 of the Public Resources Code,*
10 *the execution of the purchase and sale agreement or of the*
11 *exchange agreement by all parties to the agreement shall be exempt*
12 *from Chapter 3 (commencing with Section 21100) to Chapter 6*
13 *(commencing with Section 21165), inclusive, of Division 13 of the*
14 *Public Resources Code.*

15 *(3) For the purposes of this subdivision, “disposition” means*
16 *the sale, exchange, sale combined with an exchange, or transfer*
17 *of a parcel of surplus state property.*

18 SEC. 2. This act addresses the fiscal emergency declared by
19 the Governor by proclamation on December 19, 2008, pursuant
20 to subdivision (f) of Section 10 of Article IV of the California
21 Constitution.