

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated California Codes
Government Code (Refs & Annos)
Title 2. Government of the State of California
Division 3. Executive Department (Refs & Annos)
Part 1. State Departments and Agencies (Refs & Annos)
Chapter 1. State Agencies (Refs & Annos)
Article 1. General (Refs & Annos)

West's Ann.Cal.Gov.Code § 11011

§ 11011. Proprietary state lands; review; report of excess; sale or other disposition

Effective: January 1, 2020
Currentness

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

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

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

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

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

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

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

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

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

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

(2) The date of authorization.

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

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

(g)(1) Except as otherwise specified by law, the net proceeds received from any real property disposition, including the sale, lease, exchange, or other means, that is received pursuant to this section shall be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, established pursuant to [subdivision \(f\) of Section 20 of Article XVI of the California Constitution](#), as approved by the voters at the March 2, 2004, statewide primary election, until the time that the bonds issued pursuant to the Economic Recovery Bond Act (Title 18 (commencing with [Section 99050](#))), approved by the voters at the March 2, 2004, statewide primary election, are retired. Thereafter, the net proceeds received pursuant to this section shall be deposited in the Special Fund for Economic Uncertainties.

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

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

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

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

(k)(1) The disposition of a parcel of surplus state real property, pursuant to [Section 11011.1](#), made on an “as is” basis shall be exempt from Division 13 (commencing with [Section 21000](#)) of the Public Resources Code. Upon title to the parcel vesting in the purchaser or transferee of the property, the purchaser or transferee shall be subject to any local governmental land use entitlement approval requirements and to Division 13 (commencing with [Section 21000](#)) of the Public Resources Code.

(2) If the disposition of a parcel of surplus state real property, pursuant to [Section 11011.1](#), is not made on an “as is” basis and close of escrow is contingent on the satisfaction of a local governmental land use entitlement approval requirement or compliance by the local government with Division 13 (commencing with [Section 21000](#)) of the Public Resources Code, the execution of the purchase and sale agreement or of the exchange agreement by all parties to the agreement shall be exempt from Division 13 (commencing with [Section 21000](#)) of the Public Resources Code.

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

Credits

(Added by Stats.1951, c. 1573, p. 3573, § 1. Amended by Stats.1959, c. 993, p. 3015, § 1; Stats.1965, c. 371, p. 1521, § 117; Stats.1969, c. 1024, p. 1993, § 10; Stats.1973, c. 886, p. 1637, § 1; Stats.1978, c. 807, § 1, eff. Sept. 18, 1978; Stats.1986, c. 1481, § 1; [Stats.1994, c. 978 \(S.B.403\)](#), § 1; [Stats.2004, c. 227 \(S.B.1102\)](#), § 25, eff. Aug. 16, 2004; [Stats.2005, c. 74 \(A.B.139\)](#), § 28, eff. July 19, 2005; [Stats.2009-2010, 2nd Ex.Sess., c. 6 \(A.B.8\)](#), § 1, eff. May 21, 2009; [Stats.2019, c. 466 \(A.B.1824\)](#), § 1, eff. Jan. 1, 2020.)

Notes of Decisions (1)

West's Ann. Cal. Gov. Code § 11011, CA GOVT § 11011

Current with urgency legislation through Ch. 31 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.