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State Surplus Coastal Property

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Official Title and Summary Prepared by the Attorney General

STATE SURPLUS COASTAL PROPERTY. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Allows the Legislature to authorize the sale of surplus state property located in the coastal zone and acquired with revenues from fuel taxes and motor vehicle taxes. Property may only be sold to Department of Parks and Recreation for state park purposes, Department of Fish and Game for preservation of fish and wildlife habitat, Wildlife Conservation Board, or State Coastal Conservancy for preservation of agricultural lands. Price cannot be less than amount paid by State to acquire property. Financial impact: Depends on legislative action. Any property sold below current market value would result in revenue loss to State Transportation Fund but proportionate savings to purchasing agency.

FINAL VOTE CAST BY LEGISLATURE ON ACA 71 (PROPOSITION 3)

Assembly—Ayes, 77
Noes, 1

Senate—Ayes, 28
Noes, 6

Analysis by Legislative Analyst

Background:

Money collected from state gasoline taxes and vehicle license fees is deposited in the State Transportation Fund. The State Constitution specifies that money in the fund can be spent only for highways and other transportation-related purposes.

Periodically, the state determines that land purchased with State Transportation Fund money is no longer needed and can be put up for sale. The current practice is to sell such lands at current market value, with the proceeds from such sales, under existing law being deposited in the State Transportation Fund.

The California Coastal Act of 1976 provides for the protection and development of the "coastal zone". The coastal zone is defined as the Pacific coastline extending inland about 1,000 yards in urban areas and five miles, or to the highest ridgeline, in recreational and wildlife habitat areas. Within the coastal zone, the state owns land which was purchased with money from the State Transportation Fund, but is no longer needed for transportation-related purposes. Most of this land is highway right-of-way along the coastline in southern California.

Proposal:

This proposition would enable the Legislature, by statute, to authorize the sale of any excess land purchased with State Transportation Fund money, including excess state highway-related lands, located in the coastal zone for a price below current market value,

provided the price is at least equal to the state's acquisition cost. Such lands could be sold only to the:

1. Department of Parks and Recreation for state park purposes,
2. Department of Fish and Game for fish and wildlife habitat,
3. Wildlife Conservation Board for fish and wildlife habitat and ocean access, or
4. State Coastal Conservancy for the preservation of agricultural lands.

Fiscal Effect:

Because this measure merely authorizes the Legislature to act, it would not have any impact on state spending or revenues by itself. The fiscal effect of this proposition on state government would depend on action by the Legislature.

The Department of Transportation indicates that as of July 1, 1978, there were about 355 acres of scattered excess rights-of-way located in the coastal zone. These properties had an acquisition cost of about \$8.5 million. The department estimates that the current market value of these properties approximates \$15 million.

If these properties were sold at acquisition costs rather than current market values, the State Transportation Fund would experience a revenue loss, and the state agencies purchasing these lands would experience cost savings. The maximum amount of such revenue loss or savings would be about \$6.5 million based on available information.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment No. 71 (Statutes of 1978, Resolution Chapter 54) expressly adds a section to the Constitution; therefore, provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XIX

SEC. 9. Notwithstanding any other provision of this Constitution, the Legislature, by statute, with respect to surplus state property acquired by the expenditure of tax revenues designated in Sections 1 and 2 and located in the coastal zone, may authorize the transfer of such property, for a consideration at least equal to the acquisition cost paid by the state to acquire the property, to the Department of Parks and Recreation for state park purposes, or to the Department of Fish and Game for the protection and preservation of fish and wildlife habitat, or to the Wildlife Conservation Board for purposes of the Wildlife Conservation Law of 1947, or to the State Coastal Conservancy for the preservation of agricultural lands.

As used in this section, "coastal zone" means "coastal zone" as defined by Section 30103 of the Public Resources Code as such zone is described on January 1, 1977.

Argument in Favor of Proposition 3

Your YES vote on Proposition 3, will allow for the sale of surplus CALTRANS (Department of Transportation) property within the Coastal Zone for *no less than the original cost* to one of the following entities:

- The DEPARTMENT OF PARKS AND RECREATION for state beach and park purposes;
- The DEPARTMENT OF FISH AND GAME for the protection and preservation of fish and wildlife habitat;
- The WILDLIFE CONSERVATION BOARD for purposes of the Wildlife Conservation Law of 1947;
- The STATE COASTAL CONSERVANCY for the preservation of agricultural lands.

Under this provision the sale of surplus CALTRANS property within the Coastal Zone could occur only after the California Legislature had passed legislation authorizing such a sale and setting the price.

Under existing law there is no constitutional provision specifically permitting the sale of surplus property acquired by motor vehicle taxes at a price equal to the cost of acquisition. Legal questions raised as to the legal-

ity of selling this property to another state agency for less than fair market value will be resolved only with the passage of this amendment.

Currently there are some 66 parcels that have been declared surplus by the Department of Transportation within the Coastal Zone. It is important that the state entities specified in this legislation as possible buyers be given the opportunity to purchase those parcels which are of value to all Californians for parks, beaches, or wildlife preserves.

This measure had bi-partisan support when it passed the Legislature.

We urge a YES vote on PROPOSITION 3.

PAUL PRIOLO
Member of the Assembly, 38th District
Assembly Minority Leader

WALT INGALLS
Member of the Assembly, 68th District
Chairman, Assembly Transportation Committee

MICHAEL R. PEEVEY
President, California Council for Economic
and Environmental Balance

Rebuttal to Argument in Favor of Proposition 3

To reiterate my opposition to this constitutional amendment, I firmly believe that the original owner ought to have the right to repurchase the property which was taken from them involuntarily through eminent domain. Those persons should have the right to

repurchase their property prior to any state agency providing the state is not going to use the acquisition for its original intent.

MIKE D. ANTONOVICH
Member of the Assembly, 41st District

Argument Against Proposition 3

I am opposed to this constitutional amendment because it does not provide the property owner whose property is involuntarily taken through eminent domain the right to reacquire the land if the state is not

going to use the acquisition for its original intent.

MIKE D. ANTONOVICH
Member of the Assembly, 41st District

Rebuttal to Argument Against Proposition 3

PROPOSITION 3 pertains to surplus CALTRANS property within the California Coastal Zone, only. It allows the Legislature to authorize the sale of these unique CALTRANS properties declared surplus under the laws and regulations of that agency.

The original owner of the property is not precluded from re-purchasing the property should CALTRANS follow its normal procedures for disposal of surplus property on a bid basis. Only the Legislature can authorize the sale of this property to another agency for a cost of *no less than* the original purchase price.

We urge You to vote YES on Proposition 3.

PAUL PRIOLO
Member of the Assembly, 38th District
Assembly Minority Leader

WALT INGALLS
Member of the Assembly, 68th District
Chairman, Assembly Transportation Committee

MICHAEL R. PEEVEY
President, California Council for Economic
and Environmental Balance