§ 30-a. Abandonment of state real property. 1. Except as to lands under water, salt springs lands and abandoned canal lands, the head of any state agency having custody or jurisdiction over any state-owned lands may determine that such lands are no longer necessary or useful to the purposes of such agency, and he or she is hereby authorized to declare the same abandoned. Upon the filing of a declaration of abandonment of such lands with an approval thereof by the commissioner of general services such lands shall become unappropriated state lands provided, however, that no state lands, the sale or transfer of which is prohibited by the constitution, shall be thus affected. Within thirty days of approving the abandonment, the commissioner of general services shall publish a notice of the approval in the state register and the environmental notice bulletin, and send such a notice to the chief elected official of each county and municipality where the affected lands are located.

2. The commissioner of general services is authorized and empowered to determine that any state-owned real property under the jurisdiction of any state agency other than any real property owned by or under the jurisdiction of any public authority or public benefit corporation, is under-utilized or not being utilized in a manner consistent with the best interests of the state and thereupon, subject to the procedure and review provided in section two-a, to declare such real property abandoned.

3. Upon the filing of a declaration of abandonment by the commissioner of the office of mental health or by the commissioner of the office of mental retardation and developmental disabilities of state-owned lands upon which a community residential facility for the disabled as defined in section 41.34 of the mental hygiene law exists, and with an approval thereof by the commissioner of general services, such lands shall become unappropriated state lands; and prior to being transferred to the jurisdiction of another state agency shall be offered for sale at public auction pursuant to section thirty-three of this article; provided, however, that the provisions of section four hundred six of the eminent domain procedure law shall apply to such property.

4. Should state-owned real property under the jurisdiction of the office of mental health or the office of mental retardation and developmental disabilities and upon which a community residential facility for the disabled as defined in section 41.34 of the mental hygiene law exists, be declared abandoned by the commissioner of general services pursuant to subdivision two of this section, such real property shall become unappropriated state lands; and prior to being transferred to the jurisdiction of another state agency, shall be offered for sale at public auction pursuant to section thirty-three of this article; provided, however, that the provisions of section four hundred six of the eminent domain procedure law shall apply to such property.

5. As used in this section, the term "state agency" shall include any department, division, board, commission, bureau, office or other agency of the state.