

Assembly Bill No. 1019

CHAPTER 137

An act to amend Sections 4101, 4101.3, 4102, 4104, 4105, 4106, and 4108 of the Food and Agricultural Code, and to amend Section 12805 of the Government Code, relating to state government.

[Approved by Governor July 17, 2012. Filed with
Secretary of State July 17, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1019, Buchanan. State government.

(1) Existing law establishes within state government the State and Consumer Services Agency comprised of various state agencies, including, but not limited to, the Sixth District Agricultural Center which is also known as the California Science Center. The California Science Center includes the California African American Museum, has jurisdiction over certain facilities at Exposition Park in Los Angeles, and is required to establish the position of the Exposition Park Manager for the purpose of administering all park-related events.

The Governor's Reorganization Plan No. 2 of 2012 (GRP 2) proposes to reorganize state departments and agencies to, among other things, eliminate the State and Consumer Services Agency and transfer jurisdiction over the California Science Center, including the California African American Museum, the Exposition Park, and the Exposition Park Manager, to the Natural Resources Agency. GRP 2 also proposes to revise the organizational relationships between the California Science Center, the California African American Museum, the Exposition Park, and the Exposition Park Manager.

This bill would enact the provisions of law proposed by GRP 2 to transfer jurisdiction over the California Science Center, including the California African American Museum, the Exposition Park, and the Exposition Park Manager, to the Natural Resources Agency, except that this bill would not make the changes proposed by GRP 2 to revise the organizational relationships between those transferred entities.

(2) Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Existing law establishes various departments and state entities in the Natural Resources Agency and GRP 2 proposes to revise the departments and entities that the agency consists of to, among other things, include the Delta Stewardship Council.

This bill would enact the provision of law proposed by GRP 2 revising the various departments and state entities that the Natural Resources Agency consists of, except that the bill would exclude the council from that agency.

(3) GRP 2 is proposed to become operative on July 1, 2013, if not disapproved by the Legislature in accordance with specified procedures.

This bill would become operative on July 1, 2013, and only if GRP 2 becomes effective.

The people of the State of California do enact as follows:

SECTION 1. Section 4101 of the Food and Agricultural Code is amended to read:

4101. The Sixth District Agricultural Association may also be known as the California Science Center. It is in the Natural Resources Agency and is deemed to be a tax-exempt organization as an instrumentality of this state in accordance with Section 23706 of the Revenue and Taxation Code.

SEC. 2. Section 4101.3 of the Food and Agricultural Code is amended to read:

4101.3. (a) Notwithstanding any other provision of law, the California Science Center is hereby authorized to enter into a site lease with the California Science Center Foundation, a California Nonprofit Corporation, with the approval of the Natural Resources Agency, the Department of Finance, and the Department of General Services, for the purpose of the foundation developing, constructing, equipping, furnishing, and funding the project known as Phase II of the California Science Center. The overall construction cost and scope shall be consistent with the amount authorized in 2002 Budget Act, provided that nothing in this section shall prevent the foundation from expending additional nonstate funds to complete Phase II provided that the additional expenditures do not result in additional state operation and maintenance costs. Any additional expenditure of nonstate funds by the foundation shall not increase the state's contribution.

(b) For the purpose of carrying out subdivision (a), all of the following shall apply:

(1) In connection with the development described in subdivision (a), above, the foundation may, in its determination, select the most qualified construction manager/general contractor to oversee and manage the work and prepare the competitive bid packages for all major subcontractors to be engaged in the construction of Phase II Project. Any construction manager/general contractor selected shall be required to have a California general contractor's license.

(2) Prior to commencement of construction of the Phase II Project, the California Science Center shall enter into a lease-purchase agreement upon approval by the Department of Finance with the foundation on terms that are compatible with the Phase I Project financing. The term of the lease-purchase agreement shall be a term not to exceed 25 years. Lease payments on behalf of the state shall be commensurate with the twenty-two million nine hundred forty-five thousand two hundred sixty-three dollars (\$22,945,263), (nineteen million one hundred thirty-seven thousand dollars (\$19,137,000) plus 19.9 percent augmentation authority) construction cost

allocation of the state. Lease payments may also include any cost of financing that the foundation may incur related to tax exempt financing. The California Science Center shall be authorized to direct the Controller to send the rental payments under the lease-purchase agreement directly to the foundation's bond trustee.

(3) The foundation shall ensure that the Phase II Project is inspected during construction by the state in the manner consistent with state infrastructure projects. The foundation shall also indemnify and defend and save harmless the Department of General Services for any and all claims and losses accruing and resulting from or arising out of the foundation's use of the state's plans and specifications. The foundation and the California Science Center, upon consultation with the Director of General Services and the Department of Finance shall agree on a reasonable level of state oversight throughout the construction of the Phase II Project in order to assist the foundation in the completion of the project within the intended scope and cost.

(4) At the end of the term of the site lease and the lease-purchase agreement unencumbered title to the land and improvements shall return to the state with jurisdiction held by the California Science Center.

SEC. 3. Section 4102 of the Food and Agricultural Code is amended to read:

4102. The California Science Center, with the approval of the Natural Resources Agency, may build, construct, and maintain and operate a stadium or any arena, pavilion, or other building that is to be used for the holding of sports events, athletic contests, contests of skill, exhibitions, spectacles, and other public meetings. It may lease, let, or grant licenses for the use of that stadium, arena, pavilion, or other building, with the approval of the agency.

SEC. 4. Section 4104 of the Food and Agricultural Code is amended to read:

4104. (a) The Legislature hereby finds and declares that there is a need for a state repository dedicated to the diverse contributions of African Americans to the history and culture of this state and the nation.

(b) The California African American Museum is a part of, and coexists with, the California Science Center.

(c) The California African American Museum is governed by a seven-member board of directors. The Governor shall appoint the seven members, at least four of whom shall reside within the boundaries of the 6th Agricultural District. In addition, the Senator representing the Senate district in which the California African American Museum is located and the Assembly Member representing the Assembly district in which the museum is located shall be ex officio nonvoting members of the board. The two legislative ex officio nonvoting members of the board shall participate in the activities of the board to the extent that their participation is not incompatible with their respective positions as Members of the Legislature. The appointees of the Governor shall be appointed to four-year terms with the initial terms of appointment expiring as follows: one term expiring

January 1, 1984, one term expiring January 1, 1985, one term expiring January 1, 1986, and one term expiring January 1, 1987. The person appointed to the Advisory Board of the California Museum of African American History and Culture by the Board of Directors of the California Science Center prior to the amendments made to this section by Chapter 1439 of the Statutes of 1987 shall serve on the Board of Directors of the California African American Museum until the Governor makes the fifth appointment authorized pursuant to those amendments. The fifth appointment made to the board shall serve a term expiring on January 1, 1990, the sixth appointment shall serve a term expiring on January 1, 1991, and the seventh appointment shall serve a term expiring on January 1, 1992.

(d) The Board of Directors of the California African American Museum shall have the sole authority, subject to existing state laws, regulations, and procedures, to determine how funds that have been appropriated and duly allocated by the Legislature and the Governor for support of the museum shall be expended. The board also shall have the sole authority, subject to existing state laws, regulations, and procedures, to contract with any state agency, institution, independent contractor, or private nonprofit organization that the board determines to be appropriate and qualified to assist in the operation of the museum. The board shall further have authority to establish the operations, programs, activities, and exhibitions of the California African American Museum. The Board of Directors of the California African American Museum shall be solely responsible for the actions taken and the expenditures made by the staff of the California African American Museum in the scope and course of their employment.

(e) The Board of Directors of the California African American Museum shall appoint an executive director, who shall be exempt from civil service, and any necessary staff to carry out the provisions of this section, who shall be subject to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code). The California African American Museum shall submit its annual budget request directly to the Natural Resources Agency. The California African American Museum may accept grants, contributions, and appropriations from federal, state, local, and private sources for its operation.

(f) The California African American Museum shall preserve, collect, and display samples of African American contributions to the arts, sciences, religion, education, literature, entertainment, politics, sports, and history of the state and the nation. The enrichment and historical perspective of that collection shall be made available for public use and enjoyment.

(g) The California African American Museum shall use stationery and other supplies of the former museum and shall phase in the name change with existing resources.

SEC. 5. Section 4105 of the Food and Agricultural Code is amended to read:

4105. Notwithstanding any other provision of law, from December 14 to December 21, inclusive, of any year, the California Science Center shall not charge parking fees for the parking facilities surrounding the Los Angeles

Memorial Coliseum when an event is being held at the facilities of the museum by a private nonprofit charitable organization for the purpose of collection and distribution of toys and food.

SEC. 6. Section 4106 of the Food and Agricultural Code is amended to read:

4106. (a) The California Science Center shall work with the Los Angeles Memorial Coliseum Commission, the City of Los Angeles, and the County of Los Angeles to develop additional parking facilities in Exposition Park to the extent necessary to allow for expansion of the park.

(b) The California Science Center shall manage or operate its parking facilities in a manner that preserves and protects the interests of itself and the California African-American Museum and recognizes the cultural and educational character of Exposition Park.

(c) The Exposition Park Improvement Fund is hereby created in the State Treasury. All revenues received by the California Science Center from its parking facilities, from rental of museum facilities, or from other business activities shall be deposited in the Exposition Park Improvement Fund.

(d) The moneys in the Exposition Park Improvement Fund may only be used, upon appropriation by the Legislature, for improvements to Exposition Park, including, but not limited to, maintenance of existing parking and museum facilities, replacement of museum equipment, supplies and wages expended to generate revenues from rental of museum facilities, development of new parking facilities, and acquisition of land within or adjacent to Exposition Park.

(e) (1) The Legislature hereby finds and declares that there is a need for development of additional park, recreation, museum, and parking facilities in Exposition Park. The Legislature recognizes that the provision of these needed improvements as identified in the California Science Center Exposition Park Master Plan may require the use of funds provided by other governmental agencies or private donors.

(2) The California Science Center may accept funds from other governmental agencies or private contributions for the purpose of implementation of the California Science Center Exposition Park Master Plan. The private contributions and funds from governmental agencies other than state governmental agencies shall be deposited in the Exposition Park Improvement Fund in the State Treasury and shall be available for expenditure without regard to fiscal years by the California Science Center for implementation of the California Science Center Exposition Park Master Plan. Funds from other state governmental agencies shall be deposited in the Exposition Park Improvement Fund and shall be available for expenditure, upon appropriation, by the California Science Center for implementation of the California Science Center Exposition Park Master Plan. However, any expenditure is not authorized sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time as the chairperson of the joint committee, or his or her designee,

may in each instance determine. Neither the City of Los Angeles nor the County of Los Angeles shall impose any tax upon tickets purchased authorizing the use of parking facilities owned by the California Science Center.

SEC. 7. Section 4108 of the Food and Agricultural Code is amended to read:

4108. The California Science Center shall establish the position of Exposition Park Manager to be filled by a person appointed by the Governor for the purpose of managing, scheduling, and administering all park-related events, including, but not limited to, oversight for the police and security services of the park.

(a) The Exposition Park Manager may appoint the following persons:

(1) The chief and assistant chief of museum security and safety who shall have the powers of peace officers as specified in Section 830.3 of the Penal Code.

(2) Other safety officers who shall have the powers of arrest as specified in Section 830.7 of the Penal Code.

(b) The officers appointed pursuant to subdivision (a) shall provide police and security services to keep order and to preserve the peace and safety of persons and property at the California Science Center and at Exposition Park on a year-round basis.

SEC. 8. Section 12805 of the Government Code is amended to read:

12805. (a) The Resources Agency is hereby renamed the Natural Resources Agency. The Natural Resources Agency consists of the departments of Forestry and Fire Protection, Conservation, Fish and Game, Parks and Recreation, and Water Resources; the State Lands Commission; the Colorado River Board; the San Francisco Bay Conservation and Development Commission; the Central Valley Flood Protection Board; the Energy Resources Conservation and Development Commission; the Wildlife Conservation Board; the Delta Protection Commission; the California Science Center; the Native American Heritage Commission; the California Conservation Corps; the California Coastal Commission; the State Coastal Conservancy; the California Tahoe Conservancy; the Santa Monica Mountains Conservancy; the Coachella Valley Mountains Conservancy; the San Joaquin River Conservancy; the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy; the Baldwin Hills Conservancy; the San Diego River Conservancy; and the Sierra Nevada Conservancy.

(b) Existing supplies, forms, insignias, signs, or logos shall not be destroyed or changed as a result of changing the name of the Resources Agency to the Natural Resources Agency, and those materials shall continue to be used until exhausted or unserviceable.

SEC. 9. Notwithstanding Section 12080.8 of the Government Code, or any other law, the following provisions shall prevail regardless of the dates on which this act and the Governor's Reorganization Plan No. 2 of 2012 take effect:

(a) The amendments to Section 4101 of the Food and Agricultural Code as set forth in Section 1 of this act shall prevail over the amendments set forth in Section 71 of the Governor's Reorganization Plan No. 2 of 2012.

(b) The amendments to Section 4101.3 of the Food and Agricultural Code as set forth in Section 2 of this act shall prevail over the amendments set forth in Section 72 of the Governor's Reorganization Plan No. 2 of 2012.

(c) The amendments to Section 4102 of the Food and Agricultural Code as set forth in Section 3 of this act shall prevail over the amendments set forth in Section 74 of the Governor's Reorganization Plan No. 2 of 2012.

(d) The amendments to Section 4104 of the Food and Agricultural Code as set forth in Section 4 of this act shall prevail over the amendments set forth in Section 75 of the Governor's Reorganization Plan No. 2 of 2012.

(e) The amendments to Section 4105 of the Food and Agricultural Code as set forth in Section 5 of this act shall prevail over the amendments set forth in Section 76 of the Governor's Reorganization Plan No. 2 of 2012.

(f) The amendments to Section 4106 of the Food and Agricultural Code as set forth in Section 6 of this act shall prevail over the amendments set forth in Section 77 of the Governor's Reorganization Plan No. 2 of 2012.

(g) The amendments to Section 4108 of the Food and Agricultural Code as set forth in Section 7 of this act shall prevail over the amendments set forth in Section 78 of the Governor's Reorganization Plan No. 2 of 2012.

(h) The amendments to Section 12805 of the Government Code as set forth in Section 8 of this act shall prevail over the amendments set forth in Section 205 of the Governor's Reorganization Plan No. 2 of 2012.

SEC. 10. (a) Sections 1 to 8, inclusive, of this act shall become operative only if the Governor's Reorganization Plan No. 2 of 2012 becomes effective.

(b) Except as otherwise provided in subdivision (a), Sections 1 to 8, inclusive, of this act shall become operative on July 1, 2013.