

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN ASSEMBLY MARCH 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1652

Introduced by Assembly Members Olsen and Valadao
(Coauthors: Assembly Members Bill Berryhill, Fletcher, Hagman,
Halderman, Miller, and Wieckowski)
(Coauthors: Senators Dutton, Fuller, and Pavley)

February 13, 2012

An act to add Section 14631 to the Government Code, relating to the State Capitol, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as amended, Olsen. California American Portuguese Veterans Memorial.

Existing law prescribes various duties for the Department of General Services in connection with development and maintenance of the park around the State Capitol Building.

This bill would authorize the American Portuguese Club Incorporated, in consultation with the department and a specifically created committee, to construct and maintain a memorial in the ~~Capitol Historic Region~~ existing *Capitol Veterans Memorial Grove* to honor California American Portuguese veterans. It would require that the planning, construction, and maintenance of the memorial be funded with private donations through the American Portuguese Club Incorporated. It would prohibit construction of the memorial until the master plan of the State Capitol Park is approved and adopted by the Joint Committee on Rules and the

Joint Committee on Rules, and the Department of Finance have determined that sufficient private funding is available to construct and maintain the memorial.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 14631 is added to the Government Code,
2 to read:

3 14631. (a) The American Portuguese Club Incorporated, or
4 any successor entity, may, in consultation with the department,
5 plan and construct a memorial in the ~~Capitol Historic Region~~
6 *existing Capitol Veterans Memorial Grove* to honor California
7 American Portuguese veterans.

8 (b) The California American Portuguese Veterans Memorial
9 Committee is hereby established and shall include as members all
10 of the following:

- 11 (1) The director, or his or her designee.
- 12 (2) The State Historic Preservation Officer, or his or her
13 designee.
- 14 (3) A Member of the Assembly appointed by the Speaker of the
15 Assembly.
- 16 (4) A Member of the Senate appointed by the Senate Committee
17 on Rules.

18 ~~(e) The committee shall consult with the Department of Veterans
19 Affairs to identify an appropriate location for the memorial in the
20 Capitol Historic Region and review a memorial design.~~

21 ~~(d)~~
22 (c) The department, in consultation with the American
23 Portuguese Club Incorporated, shall do all of the following:

- 24 (1) Review the preliminary design plans to identify potential
25 maintenance concerns.
- 26 (2) Ensure compliance with the *federal* Americans with
27 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and with
28 any other safety concerns.
- 29 (3) Review and approve California Environmental Quality Act
30 (Division 13 (commencing with Section 21000) of the Public

1 Resources Code) documents prepared for work at the designated
2 historic property.

3 (4) Review final construction documents to ensure that all
4 requirements are met.

5 (5) Prepare the right-of-entry permit outlining the final area of
6 work, final construction documents, construction plans, the
7 contractor hired to perform the work, insurance, bonding,
8 provisions for damage to state property, and inspection
9 requirements.

10 (6) Prepare a maintenance agreement outlining the American
11 Portuguese Club Incorporated's responsibility for the long-term
12 maintenance of the memorial due to aging, vandalism, or
13 relocation.

14 (7) Inspect the construction performed by the contractor selected
15 by the California American Portuguese Veterans Memorial
16 Committee.

17 ~~(e)~~

18 (d) If the American Portuguese Club Incorporated undertakes
19 responsibility to construct a memorial under this section, it shall,
20 in consultation with the department, establish a schedule for the
21 design, construction, and dedication of the memorial, implement
22 procedures to solicit designs for the memorial and devise a
23 selection process for the choice of the design, and establish a
24 program for the dedication of the memorial.

25 ~~(f)~~

26 (e) The department, the Department of Veterans Affairs, and
27 the California American Portuguese Veterans Memorial Committee
28 shall approve the design of the memorial.

29 ~~(g)~~

30 (f) If the American Portuguese Club Incorporated undertakes
31 responsibility to construct a memorial under this section, it shall
32 not begin construction of the memorial until the master plan of the
33 State Capitol Park is approved and adopted by the Joint Committee
34 on Rules, and the Joint Committee on Rules and the Department
35 of Finance have determined that sufficient private funding is
36 available to construct and maintain the memorial.

37 ~~(h)~~

38 (g) The planning, construction, and maintenance of the memorial
39 shall be funded exclusively through private donations to the
40 American Portuguese Club Incorporated.

1 (†)
2 (h) If the American Portuguese Club Incorporated undertakes
3 responsibility to construct a memorial under this section, it shall
4 sign a maintenance agreement with the state, as created under
5 paragraph (6) of subdivision (d), to maintain the memorial with
6 private contributions.

7 (‡)
8 (i) As adopted by the Joint Committee on Rules, this memorial
9 shall be constructed within the existing boundary of the Capitol
10 Veterans Memorial.

11 SEC. 2. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 This authorization is required to begin construction on the
16 memorial as quickly as possible to coincide with the Portuguese
17 Heritage Month, established by Chapter 24 of the Statutes of 2010.