

Assembly Bill No. 646

CHAPTER 301

An act to amend Section 12174 of the Government Code, relating to state archives, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 2015. Filed with
Secretary of State September 21, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 646, McCarty. State Archives: museum activities.

Existing law requires the Secretary of State to administer the State Archives Building Complex for the use, education, and enjoyment of the public and to advance civic education and civic engagement by all Californians. Existing law authorizes the Secretary of State to enter into an agreement to operate a museum in the State Archives Building Complex with the California Museum for History, Women and the Arts, a nonprofit public benefit corporation, or its successor. Existing law requires the Secretary of State, the Director of Parks and Recreation, and the State Archivist to act as honorary nonvoting members of the governing board of the corporation.

This bill would remove the Secretary of State, the Director of Parks and Recreation, and the State Archivist from their honorary, nonvoting positions on the governing board of the corporation and, instead, would require the Secretary of State and the Director of Parks and Recreation to act as ex officio voting members of the board.

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

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

SECTION 1. Section 12174 of the Government Code, as amended by Section 1 of Chapter 33 of the Statutes of 2015, is amended to read:

12174. (a) The Secretary of State shall administer, protect, develop, and interpret the Secretary of State and State Archives Building Complex located in Sacramento in the area bounded by 10th, 11th, O, and P Streets for the use, education, and enjoyment of the public, including uses to advance civic education and civic engagement by all Californians.

(b) The Secretary of State may enter into an operating agreement with the California Museum for History, Women and the Arts, an existing California nonprofit public benefit corporation, tax exempt under Section 501(c)(3) of the United States Internal Revenue Code, or its successor. Under the operating agreement with the Secretary of State, the corporation

shall operate a museum located in the Secretary of State and State Archives Building Complex, including development, administration, interpretation, and management of the museum and related public services, and acquiring and managing funding for the museum's programs and services. The operating agreement shall provide for support by the Secretary of State, consistent with subdivision (a) and Section 12221, including integration of State Archives artifacts, collections, and programs in museum exhibits and programs.

(c) The governing board of the corporation shall include the Secretary of State or any Assistant Secretary of State designated by the Secretary of State and the Director of Parks and Recreation or his or her designee as ex officio voting members of the board. The board shall be the governing authority for operations funded through moneys received by the museum. The board shall submit an audit report annually to the Secretary of State. The Secretary of State shall submit copies of the annual audit reports to the Director of Finance, the Chair of the Joint Legislative Audit Committee, and the Chair of the Joint Legislative Budget Committee. No funds raised or assets acquired by the corporation shall be used for purposes inconsistent with support of the museum and the operating agreement.

(d) No later than January 10 of each year, the corporation shall submit the corporation business plan for the following fiscal year to the Director of Finance and the Chair of the Joint Legislative Budget Committee for review and comment. The executive director of the corporation shall also submit, not less than 30 days prior to adoption by the governing board of the corporation, any proposed formal amendments to the corporation business plan to the Director of Finance and the Chair of the Joint Legislative Budget Committee for review and comment.

(e) Fees charged to members of the public for copying, reproduction, and other services provided by the Secretary of State shall be at a level consistent with the costs of providing these services. The Secretary of State may establish an agreement with the corporation to provide these services and collect moneys for providing these services.

(f) Notwithstanding any other provision of law, the California Museum for History, Women and the Arts, or its successor, is a private nonprofit corporation and shall not be considered a state, local, or other public body for any purpose.

(g) The Legislature encourages the governing board of the corporation to conduct its meetings in an open manner, establish a board membership that is representative and reflective of California's rich history, and work cooperatively with the Secretary of State to ensure public input, confidence, and accountability in the museum's use of its resources and the protection of California's priceless archives, collections, and artifacts.

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

In order for the Secretary of State to enter into an agreement with the California Museum for History, Women and the Arts without significant delay after the current agreement expires at the end of the 2014–15 fiscal year, it is necessary that this act take effect immediately.

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