

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1234

Introduced by Assembly Member McCarty

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, as amended, McCarty. State Archives: museum activities.

Existing law requires the Secretary of State to administer the State Archive Building Complex for the use, education, and enjoyment of the public. Existing law authorizes the Secretary of State to enter into an operating agreement with the Golden State Museum Public Benefit Corporation to operate a museum in the State Archives Building Complex.

This bill would provide that the purposes of that administration of the State Archive Building Complex also include uses to advance civic education and civic engagement by state residents. The bill would remove authorization for the corporation to support the operations and programs of the State Archives and would instead require that the operating agreement provide for integration of State Archives artifacts, collections, and programs in museum exhibits and programs. The bill would require the operating agreement to provide for support by the Secretary of State. The bill would remove the Secretary of State and

the Director of Parks and Recreation from their ex officio voting positions on the governing board of the corporation and instead make them and the State Archivist honorary nonvoting members of the board. The bill would also make technical changes.

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

Vote: ~~majority~~^{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 12174 of the Government Code is
2 amended to read:

3 12174. (a) The Secretary of State shall administer, protect,
4 develop, and interpret the Secretary of State and State Archives
5 Building Complex located in Sacramento in the area bounded by
6 10th, 11th, O, and P Streets for the use, education, and enjoyment
7 of the public, including uses to advance civic education and civic
8 engagement by all Californians.

9 (b) The Secretary of State may enter into an operating agreement
10 with the Golden State Museum Public Benefit Corporation
11 (GSMPBC), formerly known as the California Archives
12 Foundation, an existing California nonprofit public benefit
13 corporation, tax exempt under Section 501(c)(3) of the United
14 States Internal Revenue Code, or its successor. Under the operating
15 agreement with the Secretary of State, the corporation shall operate
16 a museum located in the Secretary of State and State Archives
17 Building Complex, including development, administration,
18 interpretation, and management of the museum and related public
19 services, and acquiring and managing funding for the museum’s
20 programs and services. The operating agreement shall provide for
21 support by the Secretary of State, consistent with subdivision (a)
22 and Section 12221, including integration of State Archives artifacts,
23 collections, and programs in museum exhibits and programs.

24 (c) The governing board of the corporation shall be the
25 governing authority for operations funded through moneys received
26 by the museum. The board shall submit an audit report annually
27 to the Secretary of State. The Secretary of State shall submit copies
28 of the annual audit reports to the Director of Finance, the Chair of
29 the Joint Legislative Audit Committee, and the Chair of the Joint

1 Legislative Budget Committee. No funds raised or assets acquired
2 by the corporation shall be used for purposes inconsistent with
3 support of the museum and the operating agreement. The Secretary
4 of State, the State Archivist, and the Director of Parks and
5 Recreation, or their respective designees, shall be honorary
6 nonvoting board members.

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

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

22 (f) Notwithstanding any other provision of law, the GSMPBC,
23 or its successor, is a private nonprofit corporation and shall not be
24 considered a state, local, or other public body for any purpose.

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

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

36 *In order for the Secretary of State to enter into agreements to*
37 *support the operations and programs of the State Archives Building*

- 1 *Complex before the end of the 2014–15 fiscal year, it is necessary*
- 2 *that this act take effect immediately.*

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