

Senate Bill No. 539

Passed the Senate September 8, 2015

Secretary of the Senate

Passed the Assembly August 31, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend the heading of Chapter 2.9 (commencing with Section 8195) of Division 1 of Title 2 of, and to add Section 8197 to, the Government Code, relating to public property.

LEGISLATIVE COUNSEL'S DIGEST

SB 539, Glazer. Public property: names: Confederate States of America.

(1) Existing law prohibits the sale or display of the Battle Flag of the Confederacy, as specified, or its image, by the State of California, subject to exceptions serving educational or historical purposes.

This bill would, on and after January 1, 2017, prohibit the use of an elected leader or senior military officer of the Confederate States of America to name state or local property. The bill would require a name associated with the Confederate States of America used to name state or local property prior to January 1, 2017, to be changed and any sign associated with the name to be removed. The bill would prohibit its provisions from being construed to require renaming of a city, county, or other political jurisdiction named after an elected leader or senior military officer of the Confederate States of America, or from requiring the renaming of property, as specified, that incorporates the name of the city, county, or political jurisdiction in which it is situated. By increasing the duties of local officials, this bill would impose a state-mandated local program. The bill would also make a statement of legislative findings and a conforming change.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Confederate States of America’s secessionist movement was rooted in the defense of slavery.

(b) Currently, certain ideological groups use the symbols of this movement to demean and offend whole segments of our society while sowing racial divisions.

(c) The use of names of political leaders and senior military officers of the Confederate States of America to name California public schools, buildings, parks, roadways, and other state and local property is antithetical to California’s mission for racial equality.

(d) California is opposed to enshrining the names of those associated with the Confederate States of America, the secessionist movement, or their discriminatory ideals in our public schools, buildings, parks, roadways, and other state and local property.

(e) California celebrates individuals who represent aspirations for social good, such as Frederick Douglass, one of America’s great historical figures.

(f) Frederick Douglass was an African American social reformer, abolitionist, orator, writer, and statesman. After escaping from slavery, he became a leader of the abolitionist movement, gaining note for his dazzling oratory and incisive antislavery writing, including his famous speech about what the 4th of July meant to slaves.

(g) Frederick Douglass became one of the most famous intellectuals of his time, advising presidents and lecturing to thousands on a range of causes, including women’s rights and Irish home rule. Among Douglass’ writings are several autobiographies eloquently describing his experiences in slavery and his life after the Civil War.

SEC. 2. The heading of Chapter 2.9 (commencing with Section 8195) of Division 1 of Title 2 of the Government Code is amended to read:

CHAPTER 2.9. THE FREDERICK DOUGLASS LIBERTY ACT

SEC. 3. Section 8197 is added to the Government Code, to read:

8197. (a) On and after January 1, 2017, an elected leader or senior military officer of the Confederate States of America shall not be used to name state or local property. If such a name is used to name state or local public property prior to January 1, 2017, the name shall be changed and any sign associated with the name shall be removed.

(b) Nothing in this section shall be construed to require the renaming of a city, county, or other political jurisdiction that was named after an elected leader or senior military officer of the Confederate States of America prior to January 1, 2016, nor shall this section be construed to require the renaming of any school, building, park, roadway, or other property that incorporates the name of the city, county, or political jurisdiction in which it is situated.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2015

Governor