

AMENDED IN ASSEMBLY APRIL 26, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2704

Introduced by Assembly Member Gipson
(Coauthors: Assembly Members Brown, Burke, Cooper, Holden,
Jones-Sawyer, McCarty, Thurmond, and Weber)
(Coauthors: Senators Hall and Mitchell)

February 19, 2016

An act to add Section 14633 to the Government Code, relating to the State Capitol.

LEGISLATIVE COUNSEL'S DIGEST

AB 2704, as amended, Gipson. State Capitol: Mervyn Dymally bust. 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 Mervyn Dymally Memorial Capitol Foundation, upon establishment, in consultation with the Department of General Services, to plan a bust of Mervyn Dymally to be placed in the State Capitol Building Annex. The bill would require the Department of General Services and the Mervyn Dymally Memorial Capitol Foundation to approve the design and any other aspect of the bust. The bill would require that the planning, construction, and maintenance of the bust be funded with private donations through the Mervyn Dymally Memorial Capitol Foundation. The bill would prohibit construction of the bust until the Joint Committee on Rules has approved and adopted the plan for the bust, and the Joint Committee on Rules and the Department of Finance have determined that sufficient private funding

is available to construct and maintain the bust. *The bill would provide legislative findings in support of these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

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

3 *(a) The late Honorable Mervyn M. Dymally was born in*
4 *Trinidad on May 12, 1926. Mr. Dymally moved to California when*
5 *he was 19 years old, after spending time studying journalism in*
6 *Missouri. His work organizing African American and low-income*
7 *communities in Los Angeles earned him an election to the*
8 *California State Assembly in 1962 where he became the first*
9 *foreign-born person of African descent to ever hold a state office*
10 *in California.*

11 *(b) Mr. Dymally later went on to become the first African*
12 *American elected to the California State Senate, in 1966, and in*
13 *1974 became the state's first African American lieutenant*
14 *governor. Mr. Dymally extended his legacy in serving as a United*
15 *States Congressman for 12 years, at which point he returned to*
16 *the California Assembly to finish his political career. In California,*
17 *he was considered the "Dean of Black Politicians," and for almost*
18 *half a century he impacted the political environment not only in*
19 *California and Washington, D.C., but in Africa, the Caribbean,*
20 *and as a mentor to a generation of elected officials.*

21 *(c) Mr. Dymally is recognized as a significant and effective*
22 *figure in politics, and has a number of institutions that bear his*
23 *name. Currently, there are busts of Mr. Dymally at Charles R.*
24 *Drew University of Medicine and Science, California State*
25 *University, Dominguez Hills, and Mervyn M. Dymally High School.*
26 *This measure seeks to build on these previous memorials by*
27 *establishing a bust in the California State Capitol to commemorate*
28 *the Honorable Mervyn M. Dymally's historic contributions as a*
29 *leader, not only in the African American community, but for*
30 *California as a whole. In tribute to Mr. Dymally's legacy, this bust*
31 *shall serve to inspire African Americans and all Californians as*
32 *a model of community and political leadership.*

1 SECTION 1. ~~Section 14632 is added to the Government Code,~~
2 ~~to read:~~

3 ~~14632.~~

4 SEC. 2. *Section 14633 is added to the Government Code, to*
5 *read:*

6 14633. (a) The Mervyn Dymally Memorial Capitol Foundation,
7 upon establishment, may, in consultation with the Department of
8 General Services, plan a bust of Mervyn Dymally to be placed in
9 the State Capitol Building Annex.

10 (b) The Department of General Services, in consultation with
11 the Mervyn Dymally Memorial Capitol Foundation, shall
12 accomplish the following goals:

13 (1) Review the preliminary design plans to identify potential
14 maintenance concerns.

15 (2) Ensure Americans with Disabilities Act of 1990 (42 U.S.C.
16 Sec. 12101 et seq.) compliance and other safety concerns.

17 (3) Review and approve proper California Environmental
18 Quality Act (Division 13 (commencing with Section 21000) of
19 the Public Resources Code) documents prepared for work at the
20 designated historic property.

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

23 (5) Prepare the right-of-entry permit outlining the final area of
24 work, final construction documents, construction plans, the
25 contractor hired to perform the work, insurance, bonding,
26 provisions for damage to state property, and inspection
27 requirements.

28 (6) Prepare a maintenance agreement outlining the Mervyn
29 Dymally Memorial Capitol Foundation's responsibility for the
30 long-term maintenance of the bust due to aging, vandalism, or
31 relocation.

32 (7) Inspect the construction performed by the contractor selected
33 by the Mervyn Dymally Memorial Capitol Foundation.

34 (c) If the Mervyn Dymally Memorial Capitol Foundation
35 undertakes responsibility to construct a bust under this section, it
36 shall, in consultation with the Department of General Services,
37 establish a schedule for the design, construction, and dedication
38 of the bust, implement procedures to solicit designs for the bust,
39 devise a selection process for the choice of the design, and establish
40 a program for the dedication of the bust.

- 1 (d) The Department of General Services and the Mervyn
2 Dymally Memorial Capitol Foundation shall approve the design
3 and any other aspect of the bust.
- 4 (e) If the Mervyn Dymally Memorial Capitol Foundation
5 undertakes responsibility to construct a bust under this section, it
6 shall not begin construction of the bust until the Joint Committee
7 on Rules has approved and adopted the plan for the bust, and only
8 if the Joint Committee on Rules and the Department of Finance
9 have determined that sufficient private funding is available to
10 construct and maintain the bust.
- 11 (f) The planning, construction, and maintenance of the bust shall
12 be funded exclusively through private donations to the Mervyn
13 Dymally Memorial Capitol Foundation.
- 14 (g) If the Mervyn Dymally Memorial Capitol Foundation
15 undertakes responsibility to construct a bust under this section, it
16 shall sign a maintenance agreement with the state, as created under
17 paragraph (6) of subdivision (b), to maintain the bust with private
18 contributions.