

Date of Hearing: April 28, 2015

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND
INTERNET MEDIA

Ian Charles Calderon, Chair

AB 1234 McCarty – As Amended April 22, 2015

SUBJECT: State Archives: museum activities.

SUMMARY: This bill would amend the purposes of the administration of the State Archive Building Complex and 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 also require the operating agreement to provide for support by the Secretary of State and would restructure the board of the corporation, as provided.

Specifically, **this bill:**

- 1) Requires the Secretary of State to administer, protect, develop, and interpret the Secretary of State and State Archives Building Complex for the use, education, and enjoyment of the public, including uses to advance civic education and civic engagement by all Californians.
- 2) Provides that the Secretary of State may enter into an operating agreement with the Golden State Museum Public Benefit Corporation (GSMPBC), to operate a museum located in the Secretary of State and State Archives Building Complex, as specified.
- 3) States that the governing board of the corporation shall be the governing authority for operations funded through moneys received by the museum, as specified.
- 4) Declares that the Secretary of State, the State Archivist, and the Director of Parks and Recreation, or their respective designees, shall be honorary non-voting board members.
- 5) Requires that 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.
- 6) Allows the Secretary of State to establish an agreement with the corporation to provide services, as specified, and collect moneys for providing these services.

EXISTING LAW:

- 1) Requires the Secretary of State to administer the State Archive Building Complex for the use, education, and enjoyment of the public.
- 2) Authorizes the Secretary of State to enter into an operating agreement with the Golden State Museum Public Benefit Corporation (GSMPBC) to operate a museum in the State Archives Building Complex.

- 3) Requires that 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.
- 4) Declares that “directors” means natural persons, designated in the articles or bylaws or elected by the incorporators, and their successors and natural persons designated, elected or appointed by any other name or title to act as members of the governing body of the corporation.
- 5) Further declares if the articles or bylaws designate that a natural person is a director or a member of the governing body of the corporation by reason of occupying a specified position within the corporation or outside the corporation, without limiting that person’s right to vote as a member of the governing body, that person shall be a director for all purposes and shall have the same rights and obligations, including voting rights, as the other directors.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) *Author and sponsor's statement of need for legislation: recent changes in law require conforming changes in the structure of the governing board of GSMPBC.* According to the author, "The Secretary of State’s duties include administering the Secretary of State and State Archives Building Complex 'for the use, education, and enjoyment of the public', in addition to Secretary of State offices and public counters for filing business records and other official documents. The complex is home to the State Archives and the California Museum.

"The State Archives is the official repository for state government records with permanent value and has a vast collection documenting California history. Under direction of the State Archivist, the Archives has a public reference room, provides research assistance, and exhibits items from its collection on a limited basis in its display cases and occasionally in California Museum exhibits. The Secretary of State is the official custodian of the State Archives. The California Museum opened in June of 1998 through a unique partnership with the state as a private non-profit institution focused on California history and culture. Each year, thousands of school children visit the Museum, which hosts many exhibits aligned with state education standards.

"This bill updates authority for the Secretary of State to renew an agreement that expires June 30, 2015, with the California Museum, which is located in the Secretary of State and State Archives Building Complex."

The California Secretary of State is the measure's sponsor, he adds the following in support, "Current law authorizes the Secretary of State to enter into an operating agreement with the nonprofit public benefit corporation that operates the Museum and requires that corporation to operate the Museum under the direction of a board that includes the Secretary of State and Director of Parks and Recreation, among other members. The Governor and First Lady are honorary co-chairs of the board. The operating agreement gives the Secretary power to veto any major decision of the Museum board not in the best interests of the state. The existing agreement expires June 30, 2015. This bill updates the statutory authority for the Secretary of State to enter into an operating agreement with the Museum. It does the following:

- a) Changes the public official board members from “ex officio voting members” to “honorary non-voting board members” to conform with AB 2755 (Bocanegra).
 - b) Clarifies that the public use of the Secretary of State and State Archives Building Complex include uses to advance civic education and civic engagement by all Californians.
 - c) Specifies that the Secretary of State agreement with the Museum provide for integration of State Archives artifacts, collections, and programs in Museum exhibits and programs.
 - d) Makes other technical changes to remove an outdated code reference and align statutory authority with terms of the new agreement to be effective July 1, 2015.
 - e) Includes an urgency clause in order to apply to the new agreement.
- 2) *Amendments presented in committee add an Urgency Clause.* In order for the measure to take effect before the expiration of the existing operating agreement, the bill is being amended in Committee to add an Urgency Clause.
- 3) *California Museum activities.*

One change in the operating agreement contained in this legislation is the requirement that, the Secretary of State must administer, protect, develop, and interpret the Secretary of State and State Archives Building Complex for the use, education, and enjoyment of the public, *including uses to advance civic education and civic engagement by all Californians.*

According to information found on it's website, "The California Museum — home of the California Hall of Fame — engages, educates and enlightens people about California’s rich history and unique contributions to the world through ideas, innovation, the arts and culture. Through interactive and innovative experiences, the Museum inspires men, women and children to pursue the California dream and make a mark on history."

Past exhibits have included: *Get On Board: Stories of the LA to Houston Freedom Riders*, *Extreme Engineering: The California State Water Project*, *Day of the Dead: Art of Día de los Muertos*, and *Riding Concrete: Skateboarding in California*. Signature events include: California Hall of Fame, California Indians, California Missions, California's Remarkable Women, Constitution Wall, Health Happens Here, Sesquicentennial Quilt, Uprooted!, and We Are All Californians.

Upcoming exhibitions include *Speak Your Mind*, where visitors will be invited to weigh in on historic issues in California that have continuing relevance today, such as immigration, civil rights, labor unions, and air quality, in an interactive program envisioned as part of the California Unity Center within the California Museum.

- 4) *Prior related legislation.* AB 2755 (Bocanegra) Chapter 914, Statutes of 2014, altered the definition of “directors” for the purposes of the Nonprofit Corporation Law to clarify that: (1) if the articles or bylaws designate that a natural person is a director or a member of the

governing body of the corporation by reason of occupying a specified position within the corporation or outside the corporation (i.e. “ex officio directors”), without limiting that person’s right to vote as a member of the governing body, that person shall be a director for all purposes and shall have the same rights and obligations, including voting rights, as the other directors; and (2) that the term “director” does not include a person who does not have authority to vote as a member of the governing body of the corporation, regardless of title.

REGISTERED SUPPORT / OPPOSITION:

Support

California Secretary of State (Sponsor)

Opposition

There is no opposition on file.

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