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**AB-2704 State Capitol: Mervyn Dymally bust.** (2015-2016)

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**Assembly Bill No. 2704**

**CHAPTER 698**

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

[ Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2704, 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 Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

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

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

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

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

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

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

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

- (1) Review the preliminary design plans to identify potential maintenance concerns.
- (2) Ensure Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) compliance and other safety concerns.
- (3) Review and approve proper California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) documents prepared for work at the designated historic property.
- (4) Review final construction documents to ensure that all requirements are met.
- (5) Prepare the right-of-entry permit outlining the final area of work, final construction documents, construction plans, the contractor hired to perform the work, insurance, bonding, provisions for damage to state property, and inspection requirements.
- (6) Prepare a maintenance agreement outlining the Mervyn Dymally Memorial Capitol Foundation's responsibility for the long-term maintenance of the bust due to aging, vandalism, or relocation.
- (7) Inspect the construction performed by the contractor selected by the Mervyn Dymally Memorial Capitol Foundation.

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

(d) The Department of General Services and the Mervyn Dymally Memorial Capitol Foundation shall approve the design and any other aspect of the bust.

(e) If the Mervyn Dymally Memorial Capitol Foundation undertakes responsibility to construct a bust under this section, it shall not begin construction of the bust until the Joint Committee on Rules has approved and adopted the plan for the bust, and only if the Joint Committee on Rules and the Department of Finance have determined that sufficient private funding is available to construct and maintain the bust.

(f) The planning, construction, and maintenance of the bust shall be funded exclusively through private donations to the Mervyn Dymally Memorial Capitol Foundation.

(g) If the Mervyn Dymally Memorial Capitol Foundation undertakes responsibility to construct a bust under this section, it shall sign a maintenance agreement with the state, as created under paragraph (6) of subdivision (b), to maintain the bust with private contributions.