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**AB-338 State Capitol grounds.** (2021-2022)

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Date Published: 09/27/2021 02:00 PM

**Assembly Bill No. 338**

**CHAPTER 280**

An act to add Section 14634 to, and to repeal Section 13082 of, the Government Code, relating to the State Capitol.

[ Approved by Governor September 24, 2021. Filed with Secretary of State September 24, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 338, Ramos. State Capitol grounds.

Existing law provides for various memorials and monuments on the grounds of the State Capitol. Existing law requires the Department of Finance, subject to the approval of the Capitol Building and Planning Commission, to acquire and do all acts necessary to erect and maintain a monument to Father Junípero Serra on the grounds of the State Capitol. Existing law requires the Department of General Services to maintain state buildings and grounds.

This bill would delete the requirement relating to the monument to Father Junípero Serra. The bill would authorize tribal nations in the Sacramento, California, region, in consultation with the Department of General Services, to plan, construct, and maintain a monument to the California Native people of the Sacramento, California, region on the grounds of the State Capitol. The bill would require the tribal nations to submit the plan for the monument to the Joint Rules Committee for its review and approval. The bill would prohibit the tribal nations from beginning construction of the monument until the Joint Rules Committee approves and adopts the plan and the Joint Rules Committee and the Department of Finance determine that sufficient private funding is available to construct and maintain the monument. The bill would require the planning, construction, and maintenance of the monument to be funded exclusively through private funding from the tribal nations in the Sacramento, California, region.

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) California is home to the greatest number of Native Americans living in the United States, approximately 720,000 according to the 2010 United States Census. They are the first population to inhabit California.

(b) The California Native American population consists of 109 tribes speaking up to 80 languages. They have fostered a rich and diverse cultural history that includes a long tradition of music, artisanship, and other contributions to California's history.

(c) Their history and contributions have been relatively ignored, written with great discrepancies and false mythologies. One of the greatest gaps between history and reality has been the retelling of the mission period in Native American history and the role of Franciscan friar Junípero Serra.

(d) Notwithstanding the false or incomplete narrative of the benefit to California's Native American population during the mission period, primary historical references and histories such as "A Cross of Thorns: The Enslavement of California's Indians by the Spanish Missions" by the late journalist and historian Elias Castillo tell a more accurate and complete account of the period.

(e) According to Castillo, the treatment of Native Americans was so horrific that, in 1530, the Spanish King Carlos I forbid enslavement in the New World and, seven years later, Pope Paul III issued an edict seeking to end the massacre and enslavement of Native Americans. Both the King's order and the Pope's edict were ignored.

(f) Enslavement of both adults and children, mutilation, genocide, and assault on women were all part of the mission period initiated and overseen by Father Serra.

(g) Therefore, it is critical that California address the incomplete telling of the history and contributions of Native Americans in this state and that the devastating impact of the mission period, and Father Serra's role in that devastation, be recognized and acknowledged.

**SEC. 2.** Section 13082 of the Government Code is repealed.

**SEC. 3.** Section 14634 is added to the Government Code, to read:

**14634.** (a) Tribal nations in the Sacramento, California, region, in consultation with the Department of General Services, may plan, construct, and maintain a monument to the California Native people of the Sacramento, California, region on the grounds of the State Capitol in accordance with this section.

(b) The Department of General Services, in consultation with tribal nations in the Sacramento, California, region, shall do all of the following:

- (1) Review the preliminary design plans to identify potential maintenance concerns.
- (2) Ensure compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and other safety concerns.
- (3) Review and approve any documents prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for the work on the grounds of the State Capitol.
- (4) Review final construction documents to ensure that the documents comply with all applicable laws.
- (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 responsibility of tribal nations in the Sacramento, California, region for the long-term maintenance of the monument due to aging, vandalism, or relocation.
- (7) Inspect all construction performed pursuant to this section by the contractor selected by the tribal nations in the Sacramento, California, region pursuant to this section.

(c) If the tribal nations in the Sacramento, California, region undertake responsibility for a monument pursuant to this section, they shall submit a plan for the monument to the Joint Rules Committee for its review and approval. The tribal nations shall not begin construction of the monument until both of the following have occurred:

- (1) The Joint Rules Committee has approved and adopted the plan for the monument.
- (2) The Joint Rules Committee and the Department of Finance have determined that sufficient private funding is available to construct and maintain the monument.

(d) The planning, construction, and maintenance of the monument shall be funded exclusively through private funding from the tribal nations in the Sacramento, California, region.