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THIRD READING

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Bill No: AB 338  
Author: Ramos (D), et al.  
Amended: 4/22/21 in Assembly  
Vote: 21

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SENATE GOVERNMENTAL ORG. COMMITTEE: 12-0, 6/22/21  
AYES: Dodd, Nielsen, Allen, Archuleta, Becker, Bradford, Glazer, Hueso,  
Kamlager, Portantino, Rubio, Wilk  
NO VOTE RECORDED: Borgeas, Jones, Melendez

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 66-2, 5/27/21 - See last page for vote

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**SUBJECT:** State Capitol grounds

**SOURCE:** Author

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**DIGEST:** This bill authorizes the construction and maintenance of a monument to the California Native people of the Sacramento, California, region on the grounds of the State Capitol, as specified. Additionally, this bill deletes the requirement that the Department of General Services (DGS) erect and maintain a monument to Father Junipero Serra on the grounds of the State Capitol.

**ANALYSIS:**

Existing law:

- 1) Establishes the Historic State Capitol Commission for the purpose of, among other things, reviewing and advising the Legislature on any development, improvement, or other physical change in any aspect of the historic State Capitol.
- 2) Defines “historic State Capitol” to mean the building housing the state legislative offices and chambers, as specified, and Capitol Park, provided that

Capitol Park shall be included in the historic State Capitol only upon the adoption by the Joint Rules Committee of a master plan regarding Capitol Park.

- 3) Defines “Capitol Park” to mean the area lying between 9th Street on the west, 15th Street on the east, N Street on the south, and L Street on the north.
- 4) Prescribes various duties for the DGS in connection with the development and maintenance of Capitol Park, and provides that the California Highway Patrol (CHP) is responsible for the security of the State Capitol Building Annex.

This bill:

- 1) Authorizes the construction and maintenance of a monument to the California Native people of the Sacramento, California, region on the grounds of the State Capitol.
- 2) Deletes the requirement that DGS erect and maintain a monument to Father Junipero Serra on the grounds of the State Capitol.
- 3) Requires DGS, in consultation with tribal nations in the Sacramento, California, region, to do all of the following:
  - a) Review the preliminary design plans to identify potential maintenance concerns.
  - b) Ensure compliance with the federal Americans Disabilities Act.
  - c) Review and approve documents prepared pursuant to the California Environmental Quality Act.
  - d) Review final construction documents to ensure that the documents comply with all applicable laws.
  - e) Prepare the right-of-entry permit outlining the final area work, final construction documents, construction plans, the contractor hired to perform the work, insurance, bonding, provisions for damage to state property, and inspection requirements.
  - f) 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.

- g) Inspect all construction performed pursuant to the provisions of this bill by the contractor selected by the tribal nations in the Sacramento, California, region pursuant to the provision of this bill.
- 4) Requires the tribal nations in the Sacramento, California, region to submit a plan for the monument to the Joint Rules Committee for its review and approval.
- 5) Prohibits the tribal nations to begin construction of the monument until both of the following have occurred:
  - a) The Joint Rules Committee has approved and adopted the plan for the monument.
  - b) The Joint Rules Committee and the Department of Finance have determined that sufficient private funding is available to construct and maintain the monument.
- 6) Provides that the planning, construction, and maintenance of the monument shall be funded exclusively through private funding from the tribal nations in the Sacramento, California, region.
- 7) Makes various legislative findings.

### **Comments**

*Purpose of the bill.* According to the author's office, "for over 50 years the monument to Junipero Serra has stood on the grounds of our State Capitol, serving as a constant reminder for area native people of the atrocities inflicted upon their ancestors during the Spanish colonization period. At the same time, no formal recognition of these native peoples has existed to recognize their loss, their contributions, or their history on these lands. It is long overdue that we as a state right this wrong and AB 338 will send a clear message that California's values have in fact changed since the days of Serra's reign."

*Father Junipero Serra (1713-1784).* Father Junipero Serra was born in Majorca on November 24, 1713; he joined the Franciscan Order at the age of 16. Soon after joining, he gained prominence as an eloquent preacher and eventually became a professor of theology. His dream was to become a missionary to America and thus he traveled to Mexico City in 1750.

In 1769, Father Junipero Serra established a mission in present day San Diego, California. This would become the first of many missions that would include San

Antonio, San Buenaventura, San Carlos, San Francisco de Assisi, San Gabriel, San Juan Capistrano, San Luis Obispo, and Santa Clara. Father Serra was ascetic and uncompromising in his zeal to convert Native Americans to Christianity.

The Father Junipero Serra monument was erected in 1967 after being authorized by AB 1124 (Chapter 371, Statutes of 1965). The monument was a life-sized statue of Father Serra and had a map of California's 21 missions at its base. The monument was vandalized and torn down by protestors on the evening of July 4, 2020. Statues of Father Serra were also torn down in San Francisco and Los Angeles around the same time, as his legacy has come under increased scrutiny.

This bill deletes the requirement that DGS erect and maintain a monument to Father Junipero Serra on the grounds of the State Capitol.

*State Capitol Park memorials.* Within the past 15 years three new memorials have been completed in Capitol Park: the California Veterans Memorial, the California Firefighters Memorial, and the World Peace Rose Garden. Additionally, staff has identified the following memorials within the boundaries of Capitol Park: California Vietnam Veterans Memorial, California Peace Officers Memorial, California Veterans of the Korean War Memorial, California Mexican-American Veterans Memorial, Spanish-American War Memorial, California Hispanic Veterans memorial, Fallen Employees of the Department of Transportation Memorial, the Military Order of the Purple Heart Memorial, and the Civil War Memorial Grove. Furthermore, Capitol Park contains a monument in honor of Thomas Starr King, and bronze seals commemorating the California Indians and Spanish/Mexican settlers.

Several additional memorials have been approved by the Legislature (see Related/Prior Legislation) but the Legislature has conditioned the start of construction of those memorials on adoption of a master plan for the Capitol Park by the Joint Committee on Rules. Such a provision is intended to address logistical concerns with respect to the specific location and particular size of each memorial and the cumulative effect on the Park's overall environment. For example, a particular group may desire that their specific project be placed in a more visible area of the Park or be larger in size than what can be easily accommodated and overshadow existing memorials.

*Moratorium.* The 2007 Budget Act provided \$1.5 million from the General Fund to complete a Capitol Park Master Plan, which is intended to identify the historic landscape of the Park, current infrastructure conditions, security and maintenance needs, and future memorial locations, and how to address these issues over the next 50 years. The Joint Committee on Rules is currently working with DGS to develop

a master plan for the Capitol Park grounds. Until the plan is developed, DGS has instituted an “unofficial” moratorium on additional memorials and monuments in Capitol Park, which is supported by the Joint Committee on Rules.

### **Related/Prior Legislation**

AB 1650 (Cooley, 2019) would have required that any development, or other physical change in any aspect of Capitol Park be approved by the Joint Rules Committee regardless if a master plan regarding Capitol park has been adopted by the Joint Rules Committee, as specified. (Died on the Senate Inactive File)

SB 1452 (Wilk, 2018) would have established the War on Terror Memorial Committee, and would have required the committee, in consultation with DGS, to conduct a review of the feasibility and best practices for the establishment and construction of a War on Terror Memorial in or around the State Capitol Park. (Held on the Assembly Desk)

SB 463 (Lara, 2018) would have authorized the California Legislative LGBT Caucus Foundation, in consultation with DGS, to plan and undertake construction of a monument honoring California’s LGBT movement’s civil rights history within the State Capitol Park. (Held in the Assembly Rules Committee)

AB 2036 (Gipson, Chapter 339, Statutes of 2018) authorized the Mervyn M. Dymally African American Political Economic Institute to assume the existing responsibilities associated with a bust in the State Capitol Building Annex to honor Mervyn M. Dymally.

AB 983 (Frazier, 2017) would have authorized a designated working group, in consultation with DGS, to plan and construct the California Indigenous People Capitol Memorial. (Held in the Assembly Rules Committee)

AB 2704 (Gipson, Chapter 698, Statutes of 2016) authorized the construction and maintenance of a bust in the Annex to honor Mr. Dymally, and provided that the Mervyn Dymally Memorial Capitol Foundation, upon establishment, with various duties and responsibilities associated with the bust.

SJR 4 (Lara, 2015) would have memorialized the Congress of the United States to place a statue of Sally Ride next to the statue of former President Ronald Reagan in the Congressional collection representing California. (Died on the Assembly Inactive File)

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:** (Verified 8/10/21)

Buena Vista Rancheria of Me-Wuk Indians  
California Faculty Association  
California Nations Indian Gaming Association  
California Tribal Business Alliance  
Central California Tribal Chairpersons' Association  
Chicken Ranch Rancheria of Me-Wuk Indians of California  
Ione Band of Miwok Indians  
Mechoopda Indian Tribe of Chico Rancheria  
Paskenta Band of Nomlaki Indians  
San Manuel Band of Mission Indians  
Santa Ynez Band of Chumash Indians  
Shingle Springs Band of Miwok Indians  
Tribal Alliance of Sovereign Indian Nations  
Tuolumne Band of Me-Wuk Indians  
Wilton Rancheria  
Yocha Dehe Wintun Nation

**OPPOSITION:** (Verified 8/10/21)

California Family Council  
Pacific Justice Institute – Center for Public Policy

**ARGUMENTS IN SUPPORT:** According to the Yocha Dehe Wintun Nation, “the proposed legislation provides an opportunity to permanently eliminate [the] source of trauma and distress to Native people, by removing the state statutory requirement for a monument of Juniperro Serra to be erected and maintained on the State Capitol Grounds. We applaud the Legislature for the strides it has made in its efforts to correct the egregious misrepresentation of Native people in this state’s history. AB 338 is one part of this progress. The monument’s removal is long overdue, and it should be replaced with a more appropriate remembrance of this time in history.”

**ARGUMENTS IN OPPOSITION:** According to the Pacific Justice Institute – Center for Public Policy, “the provision to tear out the law written to erect and maintain a monument in honor of Father Serra is nothing less than the validation and codification of anti-Christian mob violence. Californians who see the rubble where statutes of the revered once stood and look at cities on fire, wonder if what they are watching is a foreshadowing of their republic going up in flames. Then as lawmakers carry or vote for bills that enable radical behavior and ideology, on law abiding citizens there falls a palpable fear that the violent are being ushered into

power. When that happens, the faces that these revolutionaries will stomp will not brass or stone, but flesh and blood.”

ASSEMBLY FLOOR: 66-2, 5/27/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Choi, Cooley, Cooper, Cunningham, Daly, Flora, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

NOES: Gallagher, Kiley

NO VOTE RECORDED: Bigelow, Chen, Megan Dahle, Davies, Fong, Lackey, Nguyen, Patterson, Seyarto, Smith

Prepared by: Felipe Lopez / G.O. / (916) 651-1530  
8/18/21 17:59:59

\*\*\*\* END \*\*\*\*