

Assembly Bill No. 1826

CHAPTER 40

An act to amend Sections 9112, 14691, and 14692 of, to add Sections 9112.5, 9113, 9114, and 9114.5 to, and to add Article 5.6 (commencing with Section 9125) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, the Government Code, to amend Sections 21189.50, 21189.51, 21189.52, and 21189.53 of, and to amend the heading of Chapter 6.7 (commencing with Section 21189.50) of Division 13 of, the Public Resources Code, and to amend Section 286 of Chapter 31 of the Statutes of 2016, relating to state buildings, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1826, Committee on Budget. State Capitol Building Annex: state office building. (1) Existing law, known as the State Capitol Building Annex Act of 2016 (act), authorizes the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. Existing law requires that the work performed pursuant to these provisions be administered and supervised by the Department of General Services, subject to review by the State Public Works Board, pursuant to an agreement with the Joint Rules Committee. Existing law requires the Department of General Services to report to the Joint Rules Committee on the scope, budget, delivery method, and schedule for any space to be constructed, restored, rehabilitated, renovated, or reconstructed pursuant to these provisions. Existing law exempts all work performed by the Department of General Services pursuant to these provisions from the State Contract Act and requires that prevailing wages be paid to all workers employed on a project that is subject to these provisions.

This bill would expand this authority to include ancillary improvements and specify that projects under the act may be pursued in phases and may include a visitor center, a relocated and expanded underground parking facility, and any related or

necessary deconstruction and infrastructure work. The bill would also require that the agreement be between the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative. The bill would delete the requirement that the Department of General Services report to the Joint Rules Committee and instead require that the agreement establish the scope, budget, delivery method, and schedule for any work undertaken pursuant to the act. The bill would require that the scope, cost, and delivery method of each project pursuant to this section shall be recognized by, and subject to the oversight of, the State Public Works Board pursuant to specified laws, but would authorize the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative to agree to utilize any delivery method deemed appropriate and advantageous for the work performed pursuant to the act and require that any changes to the scope of the projects authorized by the act be agreed upon by the committee and each department or its designated representative. The bill would additionally exempt the work undertaken pursuant to the act from specified additional requirements. The bill would also require that a specified amount of space within any state capitol annex constructed, or within the restored, rehabilitated, renovated, or reconstructed State Capitol Building Annex, be under the control of the Department of General Services and that all other space be allocated from time to time by the Joint Rules Committee, as provided.

This bill would additionally authorize the Department of General Services to pursue the construction, restoration, rehabilitation, renovation, or reconstruction of a state office building, located on O Street, between 10th Street and 11th Street, in the City of Sacramento, in order to adequately provide for the housing and administrative requirements of the Legislature and the executive branch during the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. The bill would subject this authority to requirements and provisions similar to those under the act, as described above, would apply a height limit in existing statute, and would require the Department of General Services or its designated representative to collaborate with the Joint Rules Committee to determine the scope, budget, delivery method, and schedule for any space to be constructed, restored, rehabilitated, renovated, or reconstructed pursuant to this authority.

This bill would also authorize the State Public Works Board to issue bonds lease-revenue bonds, notes, or bond anticipation notes, not exceeding specified amounts, pursuant to specified law to finance the acquisition, design, and construction of the above-described work of construction, restoration, rehabilitation, renovation, or reconstruction under the State Capitol Building Annex Act of 2016 and the construction of the above-described state office building. The bill would specify that these amounts are in addition to any other funds that may be available for these projects. The bill would continuously appropriate funds derived from these financing methods to the State Public Works Board for the authorized projects.

(2) Existing law establishes the State Project Infrastructure Fund and continuously appropriates moneys in the fund for state projects, as defined, and specified other purposes, including the costs of the report required to be prepared pursuant to the State Capitol Building Annex Act of 2016, as described above. Existing law requires

the Controller to transfer moneys from the State Project Infrastructure Fund to the Operating Funds of the Assembly and Senate in an amount consistent with the budget amount contained in the report by the Department of General Services on the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex.

This bill would additionally authorize the use of moneys in the fund to cover the costs of any report as may be prepared with respect to the construction, restoration, rehabilitation, renovation, or reconstruction of a state office building, as authorized by this bill, and for transfer to the Architecture Revolving Fund, a continuously appropriated fund, to be used for that work of construction, restoration, rehabilitation, renovation, or reconstruction of a state office building, as provided.

This bill would prohibit the use of moneys transferred to the Operating Funds of the Assembly and Senate for alteration or modification of the color, detail, design, structure or fixtures of the historically restored areas of the first, second, and third floors and the exterior of the west wing of the State Capitol, unless the Legislature expressly appropriates those moneys for that purpose in accordance with a specified provision of the California Constitution. The bill would also expressly appropriate from the State Project Infrastructure Fund to the Operating Funds of the Assembly and Senate an amount up to \$20,000,000, as determined by the agreement under the State Capitol Building Annex Act of 2016, to cover the costs of the design and construction of components of the project or projects authorized by that act that will modify portions of the west wing of the State Capitol in order to facilitate a fully functional State Capitol.

By authorizing the use of moneys in a continuously appropriated fund for a new purpose, this bill would make an appropriation.

(3) The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.

A provision of CEQA requires the Judicial Council, on or before July 1, 2017, to adopt a rule of court establishing procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for a capitol building annex project, defined to include any work undertaken pursuant to the State Capitol Building Annex Act of 2016, or the granting of any project approvals that require the actions or proceedings be resolved, within 270 days of certification of the record of proceedings. Existing law also requires the preparation and certification of the administrative record for that project to comply with certain procedures. Existing law requires the draft and final EIR for that project to each include a notice containing specified information relating to required procedures for judicial actions challenging the certification of the EIR or the approval of a project described in the EIR. Existing law requires the lead agency to conduct an informational public workshop and hold a public hearing

on the draft EIR, as provided. Existing law prohibits a court from enjoining the construction or operation of specified components of the capitol building annex project unless the court makes specified findings.

This bill would expand these provisions to additionally apply to the construction, restoration, rehabilitation, renovation, or reconstruction of a state office building, as authorized by this bill, and to annex project related work, defined to include a visitor's center and a parking facility. The bill would also require, on or before July 1, 2019, the Judicial Council to adopt a similar rule of court regarding that state office building or that work.

(4) Existing law declares the intent of the Legislature with regard to work undertaken pursuant to the State Capitol Building Annex Act of 2016, including that any state capitol building annex incorporate certain elements and be designed as a working capitol. Existing law further declares the intent of the Legislature that the eastern facade of the historic state capitol building be restored as part of any project that includes demolition of the existing capitol building annex.

This bill would revise the latter provision to instead declare the intent of the Legislature that, to the extent feasible, the restoration of the eastern facade of the historic state capital building be consistent with the other above-described objectives.

(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Digest Key

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

Bill Text

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

SECTION 1.

Section 9112 of the Government Code is amended to read:

9112.

(a) (1) Notwithstanding any other law, including Section 9108, the Joint Rules Committee may pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex described in Section 9105 and any other ancillary improvements to effectuate the purposes of this article.

(2) Projects authorized pursuant to this section may be pursued in phases and may include a visitor center, a relocated and expanded underground parking facility, and any related or necessary deconstruction and infrastructure work.

(b) (1) All work performed pursuant to this article shall be administered and supervised by the Department of General Services. The work shall be undertaken pursuant to an agreement between the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative.

(2) The agreement entered into pursuant to paragraph (1), prior to any recognition by the State Public Works Board of a project authorized by this section, shall establish the scope, budget, delivery method, and schedule for any work undertaken pursuant to this article.

(3) (A) The scope, cost, and delivery method of each project pursuant to this section shall be recognized by, and subject to the oversight of, the State Public Works Board pursuant to Section 13332.11 or 13332.19, as applicable and subject to the provisions of this paragraph.

(B) Notwithstanding Sections 13332.11 and 13332.19, or any other law, the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative, pursuant to the agreement entered into pursuant to paragraph (1), may agree to utilize any delivery method deemed appropriate and advantageous for the work performed pursuant to this article.

(C) Notwithstanding any provision of Section 13332.11 or 13332.19 to the contrary, or any other law, any changes to the scope of the projects authorized by this section shall be agreed upon by the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative, pursuant to the agreement entered into pursuant to paragraph (1).

(c) Notwithstanding any other law, any action or proceeding alleging that a public agency has approved or is undertaking work pursuant to this article in violation of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall be subject to Chapter 6.7 (commencing with Section 21189.50) of Division 13 of the Public Resources Code.

(d) (1) Notwithstanding any other law, all work performed pursuant to this article by the Department of General Services shall be exempt from all of the following:

(A) The State Contract Act (Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code).

(B) Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3.

(C) Chapter 2.1 (commencing with Section 15813) of Part 10b of Division 3.

(D) Section 2807 of the Penal Code.

(2) Notwithstanding any other law, to the extent that the work performed pursuant to this article is administered and supervised by the Department of General Services, the department may enter into negotiations directly with any firm for the provision of services described in Section 4525.

(e) Prevailing wages shall be paid to all workers employed on a project that is subject to this article, in accordance with Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

SEC. 2.

Section 9112.5 is added to the Government Code, to read:

9112.5.

(a) (1) The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes in an amount not exceeding seven hundred fifty-five million five hundred ninety-one thousand dollars (\$755,591,000) pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 to finance the acquisition, design, and construction of the projects authorized by Section 9112.

(2) The amount described in paragraph (1) shall be available in addition to any other funds that may be available for the projects authorized by Section 9112, including, but not limited to, transfers from the State Project Infrastructure Fund, as contemplated in subparagraph (C) of paragraph (2) of subdivision (a) of Section 14692.

(b) The State Public Works Board, together with the Department of General Services or the Joint Rules Committee, as applicable, may obtain interim financing for the costs of the projects authorized by Section 9112 from any appropriate source, provided that the Joint Rules Committee or its designated representative agrees in advance to any interim financing obtained pursuant to this subdivision.

(c) Notwithstanding Section 13340, funds derived from the financing methods authorized by this section are hereby continuously appropriated to the State Public Works Board on behalf of the Department of General Services or the Joint Rules Committee, as applicable, for the acquisition, design, and construction of the projects authorized by Section 9112.

(d) The Department of General Services and the Joint Rules Committee are authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the issuance of the bonds by the State Public Works Board or otherwise effectuate the financing for the projects authorized by Section 9112.

(e) In the event that the bonds authorized by this section are not sold, the Department of General Services or the Joint Rules Committee, as applicable and as agreed to pursuant to subdivision (b), shall commit a sufficient portion of its budget to repay any interim financing.

(f) It is the intent of the Legislature that available cash sources, including, but not limited to, an allocation of the moneys deposited into the State Project Infrastructure Fund prior to 2018 and moneys appropriated in the Budget Act of 2018, be used to the maximum extent available to fund the projects authorized by Section 9112 before utilizing the lease-revenue bond authority provided by this section.

SEC. 3.

Section 9113 is added to the Government Code, to read:

9113.

An amount of space proportional to the amount of space utilized by the executive branch in the existing State Capitol Building Annex described in Section 9105, or another amount of space as determined by the agreement entered into pursuant to paragraph (1) of subdivision (b) of Section 9112, within any state capitol annex constructed, or within the restored, rehabilitated, renovated, or reconstructed State Capitol Building Annex described in Section 9105, shall be under the control of the Department of General Services. All other space in the newly constructed state capitol annex or the restored, rehabilitated, renovated, or reconstructed State Capitol Building Annex shall be allocated from time to time by the Joint Rules Committee in accordance with its determination of the needs of the Legislature and the two houses thereof. The committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by those houses and their committees and the officers, employees, and attachés thereof. The space allocated to the Senate and to the Assembly pursuant to this section shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

SEC. 4.

Section 9114 is added to the Government Code, to read:

9114.

The work performed pursuant to this article represents a historic partnership between the executive and legislative branches to revitalize the State Capitol Building Annex. The relevant entities of the legislative and executive branches and their officers and staff shall collaborate in good faith to explore and adopt any available and appropriate approaches to this work that expedite construction of the applicable projects in an efficient manner, that minimize disruption to the schedule of the Legislature in light of its occupancy of most of the State Capitol Building Annex, and that allow the Joint Rules Committee to have the preeminent role in making decisions about the design and management of the projects so that they advance the interests of the Legislature and executive branch in serving Californians for decades to come. The intent of the legislative and executive branches is to expedite and not unreasonably delay in taking actions needed to advance the expeditious development and construction of the projects authorized by Section 9112 and to collaborate in good faith.

SEC. 5.

Section 9114.5 is added to the Government Code, to read:

9114.5.

(a) There is hereby appropriated, without regard to fiscal years, from the State Project Infrastructure Fund to the Operating Funds of the Assembly and Senate an amount up to twenty million dollars (\$20,000,000), as determined by the

agreement entered into pursuant to paragraph (1) of subdivision (b) of Section 9112, to cover the costs of the design and construction of components of the project or projects authorized by Section 9112 that will modify portions of the west wing of the State Capitol in order to facilitate a fully functional State Capitol. Any transfer of funds appropriated pursuant to this section shall occur at the same time as the transfer of funds pursuant to subparagraph (C) of paragraph (2) of subdivision (a) of Section 14692.

(b) It is the intent of the Legislature that the appropriation in subdivision (a) constitute an express appropriation for the alteration or modification of the color, detail, design, structure or fixtures of the historically restored areas of the first, second, and third floors and the exterior of the west wing of the State Capitol, as required by Section 28 of Article IV of the California Constitution.

SEC. 6.

Article 5.6 (commencing with Section 9125) is added to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, to read:

Article 5.6. State Office Building Act of 2018

9125.

(a) (1) In order to adequately provide for the housing and administrative requirements of the Legislature and the executive branch during the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex pursuant to Article 5.2 (commencing with Section 9112), and to later provide for additional state-owned facilities in close proximity to the State Capitol, the Department of General Services may pursue the design and construction of a state office building located on O Street, between 10th Street and 11th Street, in the City of Sacramento.

(2) A project authorized pursuant to this section may proceed on a schedule different from that for the projects authorized by Section 9112, subject to good faith consultation between the Department of General Services and the Joint Rules Committee to determine the scope, budget, scheduling, organization, management, delivery method, and other approaches deemed most appropriate and advantageous to advance the office building authorized by this section and other related projects. This consultation shall be conducted pursuant to the agreement entered into pursuant to paragraph (1) of subdivision (b) of Section 9112.

(b) (1) The Department of General Services, or its designated representative, shall collaborate with the Joint Rules Committee and the Department of Finance, or its designated representative, to determine the scope, budget, delivery method, and schedule for any space to be constructed, restored, rehabilitated, renovated, or reconstructed pursuant to this article.

(2) (A) The scope, cost, and delivery method of each project pursuant to this section shall be recognized by, and subject to the oversight of, the State Public Works Board pursuant to Section 13332.11 or 13332.19, as applicable and subject to the provisions of this paragraph.

(B) Notwithstanding Sections 13332.11 and 13332.19, or any other law, the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative, may agree, pursuant to paragraph (1) of subdivision (b) of Section 9112, to utilize any delivery method deemed appropriate and advantageous for the work performed pursuant to this article.

(C) Notwithstanding any provision of Section 13332.11 or 13332.19 to the contrary, or any other law, any changes to the scope of the projects authorized by this section shall be agreed upon by the Joint Rules Committee, the Department of Finance or its designated representative, and the Department of General Services or its designated representative, pursuant to the agreement entered into pursuant to paragraph (1) of subdivision (b) of Section 9112.

(3) The height limitation specified in subdivision (c) of Section 8162.7 shall apply to any structure constructed, restored, rehabilitated, renovated, or reconstructed pursuant to this article.

(c) Notwithstanding any other law, any action or proceeding alleging that a public agency has approved or is undertaking work pursuant to this article in violation of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall be subject to Chapter 6.7 (commencing with Section 21189.50) of Division 13 of the Public Resources Code.

(d) (1) Notwithstanding any other law, all work performed pursuant to this article by the Department of General Services shall be exempt from all of the following:

(A) The State Contract Act (Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code).

(B) Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3.

(C) Chapter 2.1 (commencing with Section 15813) of Part 10b of Division 3.

(D) Section 2807 of the Penal Code.

(2) Notwithstanding any other law, the Department of General Services may enter into negotiations directly with any firm for the provision of services described in Section 4525.

(e) Prevailing wages shall be paid to all workers employed on a project that is subject to this article, in accordance with Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

(f) The Department of General Services shall provide maintenance and operation services in connection with that portion of the state office building subject to this article that is utilized by the Legislature, as requested by the Joint Rules Committee.

(g) It is the intent of the Legislature to collaborate in good faith with the executive branch to consider any necessary statutory changes or actions pursuant to Section 9123 or any other law in order to facilitate the financing and continuing operation of the project authorized by this section. Furthermore, the executive branch and the Joint Rules Committee agree to collaborate, consistent with the terms of the agreement required by paragraph (1) of subdivision (b) of Section 9112, in the design, scheduling, organization, management, choice of delivery method, and other approaches needed to ensure that the project authorized by this section serves the needs of the Legislature, as well as the needs of the executive branch, during the period of the work authorized by Section 9112. Over the long term, joint

occupancy by legislative and executive branch entities is contemplated, with the building's management provided by the Department of General Services, unless explicitly agreed to otherwise.

(h) Nothing in this article shall be construed to limit the jurisdiction of the Legislature over the buildings and property bounded by 10th, 11th, N, and O Streets in the City of Sacramento that are described in Article 5.5 (commencing with Section 9115).

9125.5.

(a) (1) The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes in an amount not exceeding four hundred twenty-two million five hundred eighty-seven thousand dollars (\$422,587,000) pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 to finance the acquisition, design, and construction of the projects authorized by Section 9125.

(2) The amount described in paragraph (1) shall be available in addition to any other funds that may be available for the projects authorized by Section 9125, including, but not limited to, transfers from the State Project Infrastructure Fund, as contemplated in subparagraph (D) of paragraph (2) of subdivision (a) of Section 14692.

(b) The State Public Works Board, together with the Department of General Services, may obtain interim financing for the costs of the projects authorized by Section 9125 from any appropriate source.

(c) Notwithstanding Section 13340, funds derived from the financing methods authorized by this section are hereby continuously appropriated to the State Public Works Board on behalf of the Department of General Services, for the acquisition, design, and construction of the projects authorized by Section 9125.

(d) The Department of General Services is authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the issuance of the bonds by the State Public Works Board or otherwise effectuate the financing for the projects authorized by Section 9125.

(e) In the event that the bonds authorized by this section are not sold, the Department of General Services shall commit a sufficient portion of its support budget, as determined by the Department of Finance, to repay any interim financing.

9125.6.

It is the intent of the legislative and executive branches to expedite and not unreasonably delay in taking actions needed to advance the expeditious development and construction of the projects authorized by Section 9125 and to collaborate in good faith.

SEC. 7.

Section 14691 of the Government Code is amended to read:

14691.

(a) For purposes of this article, the following definitions shall apply:

(1) "Acquisition" includes purchase, option to purchase, or lease of real property, including lease purchase or lease with option to purchase.

(2) "Planning" includes studies, suitability reports, environmental review, program management, and master planning. Services to deliver "planning" shall be considered "architectural and engineering services" as that term is used in Section 4529.10.

(3) "State project" means any planning, acquisition, design, or construction undertaken pursuant to this article and may include associated infrastructure, parking, landscaping, and other ancillary components, including furnishings and equipment instrumental to the use of a building. "State project" does not include work done to the State Capitol or an office building utilized by or under the control of the Legislature, including work done pursuant to Article 5.2 (commencing with Section 9112) or Article 5.6 (commencing with Section 9125) of Chapter 1.5 of Part 1 of Division 2.

(b) It is the intent of the Legislature that any state project authorized pursuant to this article incorporate elements complementary to the community in which it is sited, as well as elements that promote efficiency and sustainability.

SEC. 8.

Section 14692 of the Government Code is amended to read:

14692.

(a) (1) The State Project Infrastructure Fund is hereby established in the State Treasury.

(2) Except as otherwise provided in clause (iii) of subparagraph (C), notwithstanding Section 13340, the fund is continuously appropriated to the department, without regard to fiscal years, for the following purposes:

(A) Subject to authorization as provided in this article, for state projects pursuant to this article.

(B) To cover the costs of any report required by Section 9112 or any report as may be prepared under Section 9125.

(C) (i) For transfer to the Operating Funds of the Assembly and Senate, to be used for the capital outlay projects specified in Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2.

(ii) Upon direction of the Director of Finance, the Controller shall transfer from the fund to the Operating Funds of the Assembly and Senate an amount that is consistent with the budget amount specified in the agreement entered into pursuant to paragraph (1) of subdivision (b) of Section 9112.

(iii) Moneys transferred to the Operating Funds of the Assembly and Senate pursuant to clause (ii) shall not be used to alter or modify the color, detail, design, structure or fixtures of the historically restored areas of the first, second, and third floors and the exterior of the west wing of the State Capitol unless the Legislature

expressly appropriates those moneys for that purpose in accordance with subdivision (b) of Section 28 of Article IV of the California Constitution.

(D) For transfer to the Architecture Revolving Fund, to be used for the capital outlay projects specified in Article 5.6 (commencing with Section 9125) of Chapter 1.5 of Part 1 of Division 2. The Department of Finance shall provide 20 days' notice to the Joint Rules Committee prior to any transfer pursuant to this subparagraph.

(b) Notwithstanding any other law, the Controller may use the funds in the State Project Infrastructure Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381.

(c) The moneys in this fund shall be exempt from statewide general administrative cost recovery pursuant to Article 2 (commencing with Section 11270) of Chapter 3 of Part 1.

(d) Any lease entered into pursuant to this article is subject to the approval of the Department of Finance and any applicable notification required by subdivision (d) of Section 14694.

SEC. 9.

The heading of Chapter 6.7 (commencing with Section 21189.50) of Division 13 of the Public Resources Code is amended to read:

CHAPTER 6.7. Judicial Review of Capitol Building Annex and State Office Building Projects

SEC. 10.

Section 21189.50 of the Public Resources Code is amended to read:

21189.50.

As used in this chapter, the following definitions shall apply:

(a) "Capitol building annex project" means any work of construction of a state capitol building annex or restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex described in Section 9105 of the Government Code that is performed pursuant to Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

(b) "Annex project related work" means all work closely related to the Capitol building annex project, including, but not limited to, any visitor's center or parking facility constructed pursuant to Section 9112 of the Government Code.

(c) "State office building project" means any work of construction, restoration, rehabilitation, renovation, or reconstruction of a state office building that is performed pursuant to Article 5.6 (commencing with Section 9125) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

SEC. 11.

Section 21189.51 of the Public Resources Code is amended to read:

21189.51.

(a) On or before July 1, 2017, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for a capitol building annex project or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to Section 21189.52.

(b) On or before July 1, 2019, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for annex project related work or a state office building or the granting of any project approvals with respect to either that work or building that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to Section 21189.52.

SEC. 12.

Section 21189.52 of the Public Resources Code is amended to read:

21189.52.

(a) The lead agency shall prepare and certify the record of the proceedings in accordance with this section and in accordance with Rule 3.1365 of the California Rules of Court.

(b) No later than three business days following the date of the release of the draft environmental impact report, the lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to or relied on by the lead agency in the preparation of the draft environmental impact report. A document prepared by the lead agency after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five business days after the document is prepared or received by the lead agency.

(c) Notwithstanding subdivision (b), documents submitted to or relied on by the lead agency that were not prepared specifically for the capitol building annex project, annex project related work, or the state office building project, as applicable, and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index

must specify the libraries or lead agency offices in which hard copies of the copyrighted materials are available for public review.

(d) The lead agency shall encourage written comments on the capitol building annex project, annex project related work, and the state office building project, to be submitted in a readily accessible electronic format, and shall make any such comment available to the public in a readily accessible electronic format within five days of its receipt.

(e) Within seven business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

(f) The lead agency shall indicate in the record of the proceedings comments received that were not considered by the lead agency pursuant to subdivision (d) of Section 21189.55 and need not include the content of the comments as a part of the record.

(g) Within five days after the filing of the notice required by subdivision (a) of Section 21152, the lead agency shall certify the record of the proceedings for the approval or determination and shall provide an electronic copy of the record to a party that has submitted a written request for a copy. The lead agency may charge and collect a reasonable fee from a party requesting a copy of the record for the electronic copy, which shall not exceed the reasonable cost of reproducing that copy.

(h) Within 10 days after being served with a complaint or a petition for a writ of mandate, the lead agency shall lodge a copy of the certified record of proceedings with the superior court.

(i) Any dispute over the content of the record of the proceedings shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.

(j) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

SEC. 13.

Section 21189.53 of the Public Resources Code is amended to read:

21189.53.

(a) In granting relief in an action or proceeding brought pursuant to this chapter, the court shall not enjoin the capitol building annex project, annex project related work, or the state office building project unless the court finds either of the following:

(1) The continuation of the capitol building annex project, annex project related work, or the state office building project presents an imminent threat to the public health and safety.

(2) The capitol building annex project, annex project related work, or the state office building project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would

be materially, permanently, and adversely affected by the continuation of the capitol building annex project, annex project related work, or the state office building project unless the court stays or enjoins the capitol building annex project. (b) If the court finds that either paragraph (1) or (2) of subdivision (a) is satisfied, the court shall only enjoin those specific activities associated with the capitol building annex project, annex project related work, or the state office building project, as applicable, that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values.

SEC. 14.

Section 286 of Chapter 31 of the Statutes of 2016 is amended to read:

SEC. 286.

(a) It is the intent of the Legislature that any capitol building annex project undertaken pursuant to Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code incorporate elements complementary to the historic capitol, elements to make it efficient and sustainable, and historic elements from the existing capitol building annex.

(b) It is further the intent of the Legislature that any state capitol building annex be designed as a working capitol for the public to effectively engage with their elected representatives and their state government.

(c) It is further the intent of the Legislature that, to the extent feasible and consistent with the objectives described in subdivisions (a) and (b), the eastern façade of the historic state capitol building be restored as part of any project that includes demolition of the existing capitol building annex.

SEC. 15.

This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.