

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1774
Committee Substitute Favorable 6/13/94
Committee Substitute #2 Favorable 6/29/94

Short Title: Capitol Preservation Comm'n & Fund.

(Public)

Sponsors:

Referred to:

May 26, 1994

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE CAPITOL PRESERVATION COMMISSION, TO
2 MAKE THE COMMISSION RESPONSIBLE FOR THE CARE AND
3 ADMINISTRATION OF THE NORTH CAROLINA STATE CAPITOL AND
4 UNION SQUARE, AND TO ESTABLISH THE CAPITOL PRESERVATION
5 FUND.
6

7 Whereas, any state's grandest symbol is its capitol building and North
8 Carolina has a magnificent monument that symbolizes its citizens' attitudes about and
9 hopes for government; and

10 Whereas, a state capitol as noted by historian William Seale, "is an
11 architectural symbol that really belongs to the legislatures. Classically inspired
12 architectural features such as the dome - were created by legislators who saw in the
13 dramatic possibilities of architecture a means of expressing liberty."; and

14 Whereas, North Carolina's elegant graystone and copper domed capitol is
15 considered one of the most beautiful Greek Revival buildings in America and an
16 important exhibition of American craftsmanship in the period just before power-driven
17 machinery and mass production replaced the skills of artisans and architects; and

18 Whereas, North Carolina's State Capitol was last rehabilitated and refurbished
19 in the 1970s; and

20 Whereas, every effort should be made to restore, preserve, and maintain this
21 symbolic center of our State government; and

1 Whereas, recognizing this need, the State Capitol Foundation, a nonprofit
2 organization established to assist the State to maintain, preserve, furnish, equip, exhibit,
3 and interpret to the public the North Carolina State Capitol and Union Square, has
4 worked tirelessly with the Division of Archives and History, Department of Cultural
5 Resources to restore North Carolina's historic capitol to its mid 1840s' appearance; and

6 Whereas, it is appropriate that interested citizens and organizations have an
7 opportunity to contribute directly to the enhancement of their State Capitol; and

8 Whereas, the Foundation through the efforts of members of its board was
9 instrumental in entirely replacing the original 1840 chairs in the House and Senate
10 Chambers of the Capitol with new 1840 reproductions and has now undertaken the
11 repainting of the second floor interiors of the Capitol; and

12 Whereas, the Foundation continues to play an invaluable role by soliciting
13 gifts that will enable the Division of Archives to perform its duties with regard to the
14 State Capitol; and

15 Whereas, the most effective way to promote and foster the historic
16 preservation of the State Capitol is through the continued partnership between State
17 government and private citizens and by establishing a commission with members from
18 State government and from the private sector to supervise and coordinate this work; and

19 Whereas, while the cost of preserving this symbol of North Carolina may be
20 great, the cost of not preserving it is still greater; and

21 Whereas, as John Sanders noted in one of his many scholarly articles about
22 North Carolina's State Capitol although the Capitol far exceeded the anticipated costs of
23 the architects, building commissioners and legislators who commissioned it, the
24 commissioners continued to go first class and reckoned the cost afterward to achieve
25 their goal of building a monument to self-government that would win national acclaim;
26 and

27 Whereas, John Sanders noted further that upon the completion of the Capitol,
28 Governor Edward B. Dudley declared it to be "...a noble building and honorable to the
29 State, [that] will descend to posterity as a proud monument of the spirit of the age.";
30 Now, therefore,

31 The General Assembly of North Carolina enacts:

32 Section 1. Article 2 of Chapter 143B of the General Statutes is amended by
33 adding a new Part to read:

34 **"PART 10A. STATE CAPITOL PRESERVATION ACT.**

35 **"§ 143B-80.5. Short title.**

36 This Part is the 'State Capitol Preservation Act' and may be cited by that name.

37 **"§ 143B-80.6. Legislative findings.**

38 The General Assembly finds that:

39 (1) The Capitol was designated a National Historic Landmark in 1974 and
40 has been called the most distinguished of all state capitols by
41 architectural historians.

42 (2) The North Carolina State Capitol, completed in 1840, is one of the
43 finest and best preserved examples of a major civic building in the
44 Greek Revival Style of architecture. It is also an important exhibition

1 of American craftsmanship in the period just before power-driven
2 machinery and mass production replaced the creative skills of the
3 stone cutter, the joiner, the blacksmith, and the cabinetmaker.

4 (3) Improvements to the North Carolina State Capitol to make it more
5 functional through the years, have been made with a sympathetic
6 concern to effect as little change as possible in the building. That
7 approach, coupled with the solidity of the original construction and the
8 continuity of original use, has resulted in a capitol perhaps less
9 changed internally and externally than any other major civic building
10 of its age in the United States. Thus, much of the stonework, the
11 ornamental plaster and ironwork, the furniture of the legislative
12 chambers, and the marble mantels in the Capitol today are original, not
13 restorations or reproductions.

14 (4) The Capitol housed all of State government until the 1880s and
15 continued to house the General Assembly until 1963. The Governor
16 and Lieutenant Governor still have their offices in the Capitol and the
17 Secretary of State has a ceremonial office in the Capitol.

18 (5) Efforts have been made toward the restoration and preservation of
19 buildings, structures, documents, artifacts, and objects evidencing the
20 history of this eminent State and of the General Assembly, and these
21 efforts should be continued and intensified.

22 (6) Particular attention should be given to the preservation of the
23 architectural and historical integrity of the State Capitol Building and
24 to the restoration and preservation of artifacts, documents, and other
25 historical objects and resources located within that building.

26 (7) The most effective way to promote and foster the historic preservation
27 of the State Capitol Building is by the establishment of a commission
28 to supervise and coordinate this work.

29 **§ 143B-80.7. Definitions.**

30 The following definitions apply in this Part:

31 (1) Commission. – The Capitol Preservation Commission.

32 (2) Fund. – The Capitol Preservation Fund.

33 (3) Union Square. – The grounds that are the site of the North Carolina
34 State Capitol bounded by Edenton Street, Salisbury Street, Morgan
35 Street, and Wilmington Street. The term includes trees, vegetation,
36 and any monument located on the grounds.

37 **§ 143B-80.8. Capitol Preservation Commission - creation; purpose; cooperation**
38 **with the Department of Cultural Resources and the Department of**
39 **Administration.**

40 (a) There is established the Capitol Preservation Commission within the
41 Department of Cultural Resources. The Commission is to serve as both an advocate and
42 custodian of the State Capitol Building and Union Square. As an advocate the
43 Commission shall ensure that the needs of the State Capitol and Union Square are

1 brought to the attention of the Department of Cultural Resources, the Department of
2 Administration, the Governor, the General Assembly, and the citizens of this State.

3 (b) The purpose of the Commission is:

4 (1) To preserve and maintain the State Capitol building as a structure
5 having historical significance and value to the State of North Carolina.
6 All areas of the State Capitol except the offices, washrooms, and
7 working areas of the first floor shall be preserved as historic shrines
8 and shall be maintained insofar as practicable as they appeared
9 following the restoration of the State Capitol.

10 (2) To improve the furnishings of the State Capitol by encouraging gifts
11 and objects of art, furniture, and articles which may have historical
12 value and, with the advice and consent of the Secretary of Cultural
13 Resources, to approve any major changes in the furnishings of the
14 State Capitol.

15 (3) To identify and approve any major renovations, improvements, or
16 repairs needed to the State Capitol, Union Square, or monuments in
17 Union Square.

18 (4) To keep a complete list of all gifts and articles received by the Capitol,
19 together with their history and value.

20 (5) To publicize the work of the Commission and its role in preserving
21 and maintaining the Capitol.

22 (c) Both the Department of Cultural Resources and the Department of
23 Administration shall cooperate with and assist the Commission in carrying out the
24 provisions of this Part. The Commission may contract with any public or private
25 agency, as appropriate, to provide general services, labor, or other assistance needed to
26 carry out the provisions of this Part. The Department of Administration shall continue
27 to issue permits for the use of Union Square in accordance with G.S. 143-345.1.

28 **"§ 143B-80.9. Capitol Preservation Commission - membership.**

29 (a) The Commission shall be composed of 17 members as follows:

30 (1) Three members to be appointed by the General Assembly upon the
31 recommendation of the Speaker of the House of Representatives in
32 accordance with G.S. 120-121. One of those members shall have
33 experience or background in the restoration of monumental buildings,
34 historical restoration, or fine arts conservation. Two of those members
35 may be appointed upon the recommendation of the Executive
36 Committee of the State Capitol Foundation.

37 (2) Three members to be appointed by the General Assembly upon the
38 recommendation of the President Pro Tempore of the Senate in
39 accordance with G.S. 120-121. One of those members shall have
40 experience or background in the restoration of monumental buildings,
41 historical restoration, or fine arts conservation. Two of those members
42 may be appointed upon the recommendation of the Executive
43 Committee of the State Capitol Foundation.

- 1 (3) Six members to be appointed by the Governor. The six members shall
2 have experience or background in the restoration of monumental
3 buildings, historical restoration, or fine arts conservation.
4 (4) The Governor or the Governor's designee who shall serve as an ex
5 officio member.
6 (5) The Lieutenant Governor or the Lieutenant Governor's designee who
7 shall serve as an ex officio member.
8 (6) The Secretary of State or the Secretary's designee who shall serve as
9 an ex officio member.
10 (7) The Secretary of the Department of Cultural Resources or the
11 Secretary's designee who shall serve as an ex officio member.
12 (8) The Secretary of the Department of Administration or the Secretary's
13 designee who shall serve as an ex officio member.

14 (b) Criteria for appointments – Each of the individuals making appointments and
15 recommendations for appointments shall have as a goal that minority persons and
16 women are represented on the Commission and shall seek to achieve a balanced
17 membership representing, to the maximum extent practicable, the State as a whole. No
18 member appointed to serve on the Commission shall be an officer or employee of the
19 legislative branch of State government. No member appointed to serve on the
20 Commission, other than in an ex officio capacity or as a designee of an ex officio
21 member, shall be a member of the executive or judicial branch of State government at
22 the time of the member's appointment.

23 (c) Terms – Members shall serve four year terms, except initial appointments
24 shall be for terms as follows:

- 25 (1) The General Assembly upon the recommendation of the Speaker of the
26 House of Representatives shall initially appoint two members each to
27 serve a term of two years and one member to serve a term of four
28 years. The Speaker of the House of Representatives may consider the
29 recommendations of the Executive Committee of the State Capitol
30 Foundation, in making his recommendations to the General Assembly.
31 (2) The General Assembly upon the recommendation of the President Pro
32 Tempore of the Senate shall initially appoint two members each to
33 serve a term of two years and one member to serve a term of four
34 years. The President Pro Tempore of the Senate may consider the
35 recommendations of the Executive Committee of the State Capitol
36 Foundation, in making his recommendations to the General Assembly.
37 (3) The Governor shall initially appoint three members to serve a term of
38 two years and three members to serve a term of four years.

39 All initial terms shall commence July 1, 1994.

40 (d) Chair – The Governor shall appoint the chair from among the members of the
41 Commission to serve for a term of two years.

42 (e) Removal of members – The Commission may remove any member who
43 misses three consecutive meetings of the Commission. A vacancy created under this
44 subsection shall be filled in the manner provided in subsection (f) of this section.

1 (f) Vacancies – Vacancies in the membership of the Commission shall be filled
2 for the balance of the unexpired term in the same manner as the original appointment.
3 Vacancies in appointments made by the General Assembly shall be filled in accordance
4 with G.S. 120-122.

5 (g) Quorum and meeting time – A majority of all the members of the
6 Commission shall constitute a quorum for the transaction of business. The Commission
7 shall meet initially no later than September 1, 1994. Thereafter, the Commission shall
8 meet not less than twice each year.

9 **"§ 143B-80.10. Compensation and expenses of members; travel reimbursements.**

10 Members of the Commission shall serve without compensation but may receive
11 travel and subsistence as provided in G.S. 138-5 and G.S. 138-6. Reimbursements for
12 travel and subsistence shall be taken from the Capitol Preservation Fund.

13 **"§ 143B-80.11. Capitol Preservation Commission – powers and duties.**

14 The Commission shall have the following powers and duties and shall exercise those
15 powers and duties with the advice and consent of the Secretary of Cultural Resources:

- 16 (1) Develop a comprehensive plan and program for the historic
17 preservation and restoration of the State Capitol and Union Square.
- 18 (2) Make all repairs, alterations, and improvements to the State Capitol,
19 including the furnishing and refurnishing of the State Capitol, subject
20 to the availability of funds.
- 21 (3) Receive on behalf of the State, gifts or bequests of artifacts,
22 documents, and other historical objects or resources which contribute
23 to the historical significance of the State Capitol.
- 24 (4) Accept grants and subsidies from and enter into agreements or other
25 transactions with any federal agency, State agency, or other entity.
- 26 (5) Enter into contracts and execute all instruments necessary or
27 convenient for carrying on its operations.
- 28 (6) Make budgetary requests and recommendations to the Governor and
29 the General Assembly regarding the funds needed to properly preserve
30 and maintain the Capitol in accordance with Article 1 of Chapter 143
31 of the General Statutes.
- 32 (7) Administer the Capitol Preservation Fund as provided in G.S. 143B-
33 80.13.
- 34 (8) Contract with the Department of Administration to provide the security
35 needed for the Capitol and Union Square.
- 36 (9) Do all other things necessary or convenient to carry out the powers
37 granted to it by this Part.
- 38 (10) Adopt rules to implement this Part.

39 **"§ 143B-80.12. Commission staff.**

40 The Commission shall appoint and fix the salary of an Executive Director to serve at
41 its pleasure. The Executive Director shall direct the preservation, operation,
42 improvement, maintenance, and repairs needed to the State Capitol Building and Union
43 Square. The Executive Director may hire one secretary to assist with clerical
44 responsibilities.

1 **"§ 143B-80.13. Allocation of space in the State Capitol.**

2 The Governor shall allocate the space in the Capitol, including the working areas,
3 among the various departments as the Governor deems appropriate. However, the
4 Governor shall continue to occupy the space traditionally designated as the Governor's
5 Office. The Lieutenant Governor and the Secretary of State shall also retain space in
6 the Capitol as assigned by the Governor. The Governor may deny the use of the
7 legislative chambers for meetings in order that the chambers, with their historic
8 furnishings, may be better preserved for posterity. However, the General Assembly may
9 hold any sessions in the legislative chambers that it may by resolution deem proper.
10 The Governor shall assign some office space to the Commission in the Capitol. If
11 additional space is needed outside the Capitol for the Commission, the Department of
12 Cultural Resources shall provide that office space as feasible. The Department of
13 Cultural Resources shall not charge the Commission for the space.

14 **"§ 143B-80.14. Capitol Preservation Fund.**

15 (a) There is established within the Department of Cultural Resources a special
16 nonreverting fund to be known as the Capitol Preservation Fund. Revenue in this fund
17 shall be administered by the Commission with the advice and consent of the Secretary
18 of Cultural Resources for the purposes of subsection (b) of this section.

19 (b) The moneys in the Fund shall be used:

- 20 (1) For the restoration, preservation, and rehabilitation of artifacts,
21 documents, and other historical objects or resources located within and
22 around or associated with the State Capitol and Union Square or
23 acquired by the Commission.
24 (2) For the restoration, preservation, and rehabilitation of the building,
25 monuments, and grounds of the State Capitol and Union Square.
26 (3) For the acquisition of artifacts, documents, and other historical objects
27 or resources, including but not limited to, statuary, art, or any element
28 which contributes to the historical significance of the State Capitol.

29 (c) The Commission may accept on behalf of the State gifts, donations, legacies,
30 and usages of money from individuals, organizations, public or private corporations,
31 and other similar entities. The Commission may also solicit and raise moneys from
32 public and private sources through the sale of commemorative medals and other items
33 of a similar nature which promote the historic preservation and restoration of the State
34 Capitol Building and Union Square.

35 Except for appropriations made by the General Assembly, all moneys received or
36 raised under this section shall be deposited to the Capitol Preservation Fund."

37 Sec. 2. G.S. 121-9(h) is repealed.

38 Sec. 3. The Office of State Construction, Department of Administration shall
39 do a capital needs assessment of the State Capitol and shall report to the Capitol
40 Preservation Commission and the 1995 General Assembly regarding its findings and
41 recommendations by delivering copies to the Executive Director of the Capitol
42 Preservation Commission, the Speaker of the House of Representatives, the President
43 Pro Tempore of the Senate, and the Director of the Fiscal Research Division of the

1 Legislative Services Office. The report shall be made not later than seven days after the
2 convening of the 1995 General Assembly.

3 Sec. 4. This act shall be funded from funds available to the Office of the
4 Governor.

5 Sec. 5. Section 2 of this act becomes effective July 1, 1995. The remainder
6 of this act becomes effective July 1, 1994, except that G.S. 143B-80.8(b) and G.S.
7 143B-80.11(2), (6) and (8) become effective July 1, 1995, so that the Capitol
8 Preservation Commission shall not assume responsibility for the maintenance, repair,
9 preservation, or administration of the Capitol as provided by Part 10A of Article 2 of
10 Chapter 143B of the General Statutes as enacted by this act until July 1, 1995. Initial
11 appointments to the Commission shall be made within 60 days following the date of
12 ratification.