

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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HOUSE BILL 1774  
Committee Substitute Favorable 6/13/94

Short Title: Capitol Preservation Comm'n & Fund.

(Public)

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Sponsors:

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Referred to:

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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

22 Whereas, recognizing this need, the State Capitol Foundation, a nonprofit  
23 organization established to assist the State to maintain, preserve, furnish, equip, exhibit,

1 and interpret to the public the North Carolina State Capitol and Union Square, has  
2 worked tirelessly with the Division of Archives and History, Department of Cultural  
3 Resources to restore North Carolina's historic capitol to its mid 1840s' appearance; and

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

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

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

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

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

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

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

29 The General Assembly of North Carolina enacts:

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

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

33       **"§ 143B-80.5. Short title.**

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

35       **"§ 143B-80.6. Legislative findings.**

36       The General Assembly finds that:

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

40       (2) The North Carolina State Capitol, completed in 1840, is one of the  
41       finest and best preserved examples of a major civic building in the  
42       Greek Revival Style of architecture. It is also an important exhibition  
43       of American craftsmanship in the period just before power-driven

1           machinery and mass production replaced the creative skills of the  
2           stone cutter, the joiner, the blacksmith, and the cabinetmaker.

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

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

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

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

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

28 **"§ 143B-80.7. Definitions.**

29       The following definitions apply in this Part:

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

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

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

36 **"§ 143B-80.8. Capitol Preservation Commission - creation; purpose; cooperation**  
37 **with the Department of Cultural Resources and the Department of**  
38 **Administration.**

39       (a) There is established the Capitol Preservation Commission within the  
40 Department of Cultural Resources. The Commission is to serve as both an advocate and  
41 custodian of the State Capitol Building and Union Square. As an advocate the  
42 Commission shall ensure that the needs of the State Capitol and Union Square are  
43 brought to the attention of the Department of Cultural Resources, the Department of  
44 Administration, the Governor, the General Assembly, and the citizens of this State.

1 (b) The purpose of the Commission is:

- 2 (1) To preserve and maintain the State Capitol building as a structure  
3 having historical significance and value to the State of North Carolina.  
4 All areas of the State Capitol except the offices, washrooms, and  
5 working areas of the first floor shall be preserved as historic shrines  
6 and shall be maintained insofar as practicable as they appeared  
7 following the restoration of the State Capitol.
- 8 (2) To improve the furnishings of the State Capitol by encouraging gifts  
9 and objects of art, furniture, and articles which may have historical  
10 value and, with the advice and consent of the Secretary of Cultural  
11 Resources, to approve any major changes in the furnishings of the  
12 State Capitol.
- 13 (3) To identify and approve any major renovations, improvements, or  
14 repairs needed to the State Capitol, Union Square, or monuments in  
15 Union Square.
- 16 (4) To keep a complete list of all gifts and articles received by the Capitol,  
17 together with their history and value.
- 18 (5) To publicize the work of the Commission and its role in preserving  
19 and maintaining the Capitol.

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

26 **"§ 143B-80.9. Capitol Preservation Commission - membership.**

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

- 28 (1) Three members to be appointed by the General Assembly upon the  
29 recommendation of the Speaker of the House of Representatives in  
30 accordance with G.S. 120-121. One of those members shall have  
31 experience or background in the restoration of monumental buildings,  
32 historical restoration, or fine arts conservation. Two of those members  
33 may be appointed upon the recommendation of the Executive  
34 Committee of the State Capitol Foundation.
- 35 (2) Three members to be appointed by the General Assembly upon the  
36 recommendation of the President Pro Tempore of the Senate in  
37 accordance with G.S. 120-121. One of those members shall have  
38 experience or background in the restoration of monumental buildings,  
39 historical restoration, or fine arts conservation. Two of those members  
40 may be appointed upon the recommendation of the Executive  
41 Committee of the State Capitol Foundation.
- 42 (3) Six members to be appointed by the Governor. The six members shall  
43 have experience or background in the restoration of monumental  
44 buildings, historical restoration, or fine arts conservation.

- 1           (4)   The Governor or the Governor's designee who shall serve as an ex  
2           officio member.
- 3           (5)   The Lieutenant Governor or the Lieutenant Governor's designee who  
4           shall serve as an ex officio member.
- 5           (6)   The Secretary of State or the Secretary's designee who shall serve as  
6           an ex officio member.
- 7           (7)   The Secretary of the Department of Cultural Resources or the  
8           Secretary's designee who shall serve as an ex officio member.
- 9           (8)   The Secretary of the Department of Administration or the Secretary's  
10          designee who shall serve as an ex officio member.

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

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

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

36          All initial terms shall commence July 1, 1994.

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

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

42          (f)   Vacancies – Vacancies in the membership of the Commission shall be filled  
43          for the balance of the unexpired term in the same manner as the original appointment.

1 Vacancies in appointments made by the General Assembly shall be filled in accordance  
2 with G.S. 120-122.

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

7 **"§ 143B-80.10. Compensation and expenses of members; travel reimbursements.**

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

11 **"§ 143B-80.11. Capitol Preservation Commission – powers and duties.**

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

- 14 (1) Develop a comprehensive plan and program for the historic  
15 preservation and restoration of the State Capitol and Union Square.
- 16 (2) Make all repairs, alterations, and improvements to the State Capitol,  
17 including the furnishing and refurnishing of the State Capitol, subject  
18 to the availability of funds.
- 19 (3) Allocate the space, including the working areas, among the various  
20 departments as it deems appropriate. However, the Office of the  
21 Governor shall continue to have the space traditionally designated as  
22 the Governor's Office, unless the Governor chooses not to have an  
23 office in the Capitol. The Lieutenant Governor and the Secretary of  
24 State shall also retain space in the Capitol as assigned by the  
25 Commission. The Commission may deny the use of the legislative  
26 chambers for meetings in order that the chambers, with their historic  
27 furnishings, may be better preserved for posterity. However, the  
28 General Assembly may hold any sessions in the legislative chambers  
29 that it may by resolution deem proper.
- 30 (4) Receive on behalf of the State, gifts or bequests of artifacts,  
31 documents, and other historical objects or resources which contribute  
32 to the historical significance of the State Capitol.
- 33 (5) Accept grants and subsidies from and enter into agreements or other  
34 transactions with any federal agency, State agency, or other entity.
- 35 (6) Enter into contracts and execute all instruments necessary or  
36 convenient for carrying on its operations.
- 37 (7) Make budgetary requests and recommendations to the Governor and  
38 the General Assembly regarding the funds needed to properly preserve  
39 and maintain the Capitol in accordance with Article 1 of Chapter 143  
40 of the General Statutes.
- 41 (8) Administer the Capitol Preservation Fund as provided in G.S. 143B-  
42 80.13.
- 43 (9) Contract with the Department of Administration to provide the security  
44 needed for the Capitol and Union Square.

1           (10) Do all other things necessary or convenient to carry out the powers  
2           granted to it by this Part.

3           (11) Adopt rules to implement this Part.

4 **"§ 143B-80.12. Officers and staff; office space.**

5           (a) The Commission shall appoint and fix the salary of an Executive Director to  
6 serve at its pleasure. The Executive Director shall direct the preservation, operation,  
7 improvement, maintenance, and repairs needed to the State Capitol Building and Union  
8 Square. The Executive Director may hire one secretary to assist with clerical  
9 responsibilities.

10          (b) The Commission may assign itself office space in the State 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-80.13. 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. There is appropriated from the General Fund to the Department of  
4 Cultural Resources for the 1994-95 fiscal year the sum of one hundred twenty-five  
5 thousand dollars (\$125,000) to establish and support the Capitol Preservation  
6 Commission, an executive director, and a secretary in accordance with this act.

7           Sec. 5. Section 2 of this act becomes effective July 1, 1995. The remainder  
8 of this act becomes effective July 1, 1994, except that G.S. 143B-80.8(b) and G.S.  
9 143B-80.11(2), (3), (7), and (9) become effective July 1, 1995, so that the Capitol  
10 Preservation Commission shall not assume responsibility for the maintenance, repair,  
11 preservation, or administration of the Capitol as provided by Part 10A of Article 2 of  
12 Chapter 143B of the General Statutes as enacted by this act until July 1, 1995. Initial  
13 appointments to the Commission shall be made within 60 days following the date of  
14 ratification.