



**HISTORIC  
STATE CAPITOL  
COMMISSION**

**STATE OF CALIFORNIA**

**2004 ANNUAL REPORT**

**PRESENTED TO THE LEGISLATURE  
JULY 2005**



**2004 Annual Report Contents**

Introduction .....1

Message from Chair.....2

Capitol Commission Members.....4

Commission Legislative Liaisons.....5

Commission Meetings (1998 – present).....6

2004 Activities and Accomplishments .....7

2005 Goals .....9

National Register Pros and Cons brief.....11

Appendix .....16

## **Introduction**

This document represents the California Historic State Capitol Commission's annual report for the year 2004, with highlights of its activities and accomplishments for the calendar year. Also included are the Commission's goals for 2005. The activities and accomplishments for the year are organized by subject matter: art, furnishings, maintenance, outside projects, and one or two highlights. Included in the appendix is a copy of the Commission's statute.

Summaries and goals from past years are included in the 2003 Annual Report and are available upon request. The 1999 Annual Report includes summaries of the Commission's art, furnishings, and maintenance activities and accomplishments for calendar years 1976-1995. It is also available upon request.

### **BACKGROUND**

Prior to the 1976 California Capitol Restoration Project, there existed no guidelines or advisory authority to preserve and maintain the historic integrity of the Capitol and its artifacts, antiques and art. Consequently, succeeding administrations were unrestricted and free to do as they saw fit with the premises, its architecture and historical contents. By Joint Resolution of the Legislature in February 1976, however, the Restoration Project was declared the State's Bicentennial Project and a Capitol Commission was authorized to protect its historical and architectural restoration integrity in perpetuity. The Commission was to be composed of qualified persons in architecture, history and government who would review the maintenance and use of the landmark.

Officially established in 1984 at the close of the Capitol Restoration Project, the seven-member Commission was provided specific powers to review and advise the Legislature on any development, improvement, or change in the Historic State Capitol. The Commission met sporadically from September 1985 through April 1987. In 1998, the Commission reconvened with new members and recommitted itself to establishing advisory and working relationships with other stewards of the Historic State Capitol, as well as following its statutory charges.

One such requirement is to provide an annual report to the Legislature on its activities.

# California Historic State Capital Commission



MEMBERS  
JULIE L. CERRA  
KATHLEEN D. GREEN  
ERIC NELSON  
LUIS R. SANCHEZ, AIA

EX-OFFICIO MEMBERS  
DOUGLAS STONE  
STATE ARCHIVIST

SUSAN HILDRETH  
STATE LIBRARIAN  
M. WAYNE DONALDSON, SHPO  
OFFICE OF HISTORIC PRESERVATION

KOREN R. BENOIT  
EXECUTIVE DIRECTOR & CURATOR  
RAYMOND GIRVIGIAN, FAIA  
RETIRED CHAIR EMERITUS

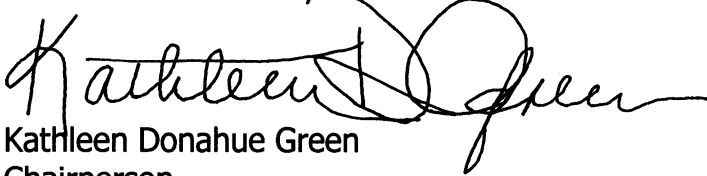
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1020 N STREET, SUITE 255, SACRAMENTO, CA 95814 (916) 445-1377 FAX (916) 324-6176

- Implementing an Integrated Maintenance Program for the building, which will be a joint effort of Senate and Assembly Rules and General Services. Currently, each is pursuing their efforts and plans.
- Continuing work with the State Archives on the Capitol Repository Project to incorporate all of the Capitol Restoration Project records within the Archives.
- Finalizing efforts to locate the "Fort Sumter after the Bombardment" painting by Emanuel Leutze in the Courts and Library Building.
- Exploring outside funding for specific projects with the non-profit organization to the Capitol Commission, the California Historic Preservation Society, in recognition of the State's budget situation.
- Researching the update to the National Register of Historic Places nomination of the State Capitol Building that was done in 1973 and did not include the Annex or Capitol Park.

We thank all of you that give your usual level of due consideration to this report and your support. We look forward to working closely with all involved in our effort in the year to come and feel it will be a productive one.

Yours in Preservation,

A handwritten signature in black ink, appearing to read "Kathleen Donahue Green". The signature is fluid and cursive, with a large loop at the end.

Kathleen Donahue Green  
Chairperson

## Historic State Capitol Commission 2004 Members and Backgrounds

Article 9 (commencing with Section 9149) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code states:

*"There is in state government, the Historic State Capitol Commission, which shall consist of seven members: two members appointed by the Speaker of the Assembly, two members appointed by the President pro Tempore of the Senate, and the State Historic Preservation Officer, the State Librarian, and the State Archivist, who shall serve ex officio."*

<b><u>Member</u></b>	<b><u>Appointment</u></b>	<b><u>End of Term</u></b>	<b><u>Background</u></b>
Julie Cerra Culver City, CA	Assembly Appoint. September 2003	Jan. 2009	Public Member (Historic Preservation, Art Outreach)
Wayne Donaldson San Diego, CA	Senate Appoint. June 2000	Jan. 2003	Public Member (Preservation Architect)
Wayne Donaldson SHPO Sacramento, CA	Ex officio (appointed 7/04)	N/A	Preservation Architect
Raymond Girvigian Pasadena, CA	Retired Chair Emeritus		Honorary Member
Walter Gray State Archivist Sacramento, CA	Ex officio	N/A	History
Kathleen Green Sacramento, CA	Senate Appoint. January 1999	Jan. 2005	Public Member (Preservation Activist)
Susan Hildreth State Librarian Sacramento, CA	Ex officio (appointed 10/04)	N/A	History
Susan Lassell Sacramento, CA	Assembly Appoint. May 1998	Jan. 2004	Public Member (Historic Preservation Planning)
Dr. Knox Mellon SHPO Sacramento, CA	Ex officio	Resigned 4/04	Preservation
Eric Nelson Napa, CA	Assembly Appoint. January 2001	Jan. 2007	Public Member (Art/Humanities)
Luis R. Sanchez, AIA Sacramento, CA	Senate Appoint. September 2003	Jan. 2009	Public Member (City Planning)
Dr. Kevin Starr State Librarian Sacramento, CA	Ex officio	Resigned 4/04	History
Doug Stone State Archivist Sacramento, CA	Ex officio (appointed 7/04)	N/A	History

**Historic State Capitol Commission  
2004 Legislative Liaisons**

<b><u>Member</u></b>	<b><u>House</u></b>	<b><u>Address</u></b>
Honorable Patricia Wiggins	Assembly	State Capitol Room 4016 Sacramento, CA (916) 319-2007
Honorable Deborah Ortiz	Senate	State Capitol Room 5114 Sacramento, CA (916) 445-7807
Honorable Jack Scott	Senate	State Capitol Room 2057 Sacramento, CA (916) 445-5976
Honorable Darrell Steinberg	Assembly	State Capitol Room 2114 Sacramento, CA (916) 319-2009



**Historic State Capitol Commission  
Meetings Held  
1998 – present**

Article 9 (commencing with Section 9149) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code states:

*"The Commission shall meet upon call of the chairperson and at such other times as it may prescribe."*

July 10, 1998	Sacramento, Historic State Capitol, Rm. 127
October 16, 1998	Sacramento, Historic State Capitol, Rm. 113
January 15, 1999	Sacramento, Historic State Capitol, Rm. 112
April 30, 1999	Sacramento, Historic State Capitol, Rm. 113
July 16, 1999	Sacramento, Historic State Capitol, Rm. 113
October 15, 1999	Sacramento, Historic State Capitol, Rm. 113
March 10, 2000	Sacramento, Historic State Capitol, Rm. 113
April 28, 2000	Sacramento, State Capitol, Rm. 2040
July 14, 2000	Sacramento, State Capitol, Rm. 2040
October 13, 2000	Sacramento, State Capitol, Rm. 2040
January 12, 2001	Sacramento, Historic State Capitol, Rm. 112
April 20, 2001	Sacramento, State Capitol, Rm. 3191
August 24, 2001	Sacramento, State Capitol, Rm. 3191
October 12, 2001	Sacramento, State Capitol, Rm. 3191
January 11, 2002	Sacramento, State Capitol, Room 3191
April 12, 2002	Sacramento, Historic State Capitol, Room 113
July 12, 2002	Sacramento, Historic State Capitol, Room 113
November 1, 2002	Sacramento, Historic State Capitol, Room 113
January 10, 2003	Sacramento, State Capitol, Room 3191
April 18, 2003	Sacramento, Historic State Capitol, Room 113
July 11, 2003	Sacramento, State Capitol, Room 3191
October 10, 2003	Sacramento, Historic State Capitol, Room 113
January 9, 2004	Sacramento, State Capitol, Room 3191
April 2, 2004	Sacramento, State Capitol, Room 3191
July 9, 2004	Sacramento, Historic State Capitol, Room 113
October 8, 2004	Sacramento, Historic State Capitol, Room 113

## Historic State Capitol Commission Activities and Accomplishments 2004

In 2004, the Commission continued its advisory work with various agencies on projects outside the Capitol. Members advised on the Capitol Park Master Plan; Commissioners Sanchez and Green were elected to represent the Commission at the advisory committee meetings. The Department of General Services kept members apprised on the Leland Stanford Mansion Rehabilitation Project, as well as the proposed Governor's residence in West Sacramento and the repainting of the Blue Anchor Building. Members were also asked to advise on the new West End Project, which includes office space for EDD and new uses for the historic Heilbron Mansion. Department of General Services plans an extensive public outreach effort for the project. Members weighed in on the proposed extension to the Police Officers Memorial in front of the Library and Courts building.

In regards to the Capitol Building itself, the Commission continued working on the history of the building's exterior paint colors. Although the issue of the two-color vs. white palette was resolved in 2002, the Commission sought Joint Rules Committee approval for a secondary color study. Samples were sent to Historic Paint Analysis with a final report expected before the end of the calendar year. Members continued to work with the Department of General Services on installing ADA-compliant hardware in the Historic West Wing, and were kept up to date on the planned building-wide ADA survey.

Members continued discussions on updating the National Register of Historic Places nomination for the State Capitol. Originally listed in 1973 (one of the first buildings to be listed in the register), the current nomination is inadequate under modern standards and the building and grounds have changed over the last 30 years. A new subcommittee was established to research the pros and cons of updating the nomination and to look into costs involved with rewriting the nomination.

Discussions on security measures for the State Capitol and Capitol Park continued into 2004. Members were briefed on the three separate projects: (1) vehicle barrier; (2) visitor pavilions for x-ray equipment visitor queuing; and (3) relocated loading dock/mail facility. Additional briefings were also held for Commission members.

Art projects for 2004 included finalizing the placement of the Emanuel Leutze painting, Fort Sumter after the Bombardment in the Library and Courts building, and finalizing design aspects for the governors' portraits frame labels and coordinating with Department of General Services on their installation. The Commission had been listed in an advisory capacity in ACR 44, which requested that a bronze memorial to Earl Warren be installed outside the State Treasurer's office. The project was dropped due to negative feedback from the Asian Caucus.

Committee action for the year 2004:

Maintenance Manual Subcommittee

**Purpose:** *to produce a maintenance manual for the continued use and preservation of the Historic State Capitol. According to its statute, the Commission is charged with developing "a comprehensive master plan for the restoration, preservation and maintenance of the Historic State Capitol."* The Commission had submitted a proposal for a maintenance plan to the Legislature in 2003. The Legislature responded, stating that due to budget constraints, the proposed manual would have to remain on hold; however, a more modest proposal should be submitted in 2005/06. Subcommittee members plan to revisit the proposal in early 2005.

Annual Report Subcommittee

**Purpose:** *to produce an annual report for the Legislature that would include a history of the Commission and a list of its activities. According to its statute, the Commission is charged with such a duty, to "annually report to the Legislature on its activities."* The subcommittee completed the 2003 report, which was distributed to an extensive mailing list in August 2004.

Capitol Restoration Project Repository Subcommittee

**Purpose:** *to identify current locations of all Capitol Restoration Project (CRP) materials and make recommendations to the Legislature regarding the most appropriate storage and care of these materials.* Having received approval from Joint Rules in 2002 to appoint the State Archives as the centralized repository for all CRP materials, the subcommittee continued to work on gathering materials. The salvaged South Portico pieces were identified and transferred to the Archives. Members sought Joint Rules Committee approval to transfer the Marvin Breinas oral histories to the State Archives.

Bylaws/Guidelines Subcommittee

**Purpose:** *to establish, with the review and approval of both Rules Committees, rules of order and/or bylaws to provide consistency in the way the Commission conducts its business.* Previously, the Commission conducted itself in accordance with provisions stated in the statute. Certain orders of business, however, were not defined, or were done so loosely. After reviewing several bylaw drafts, the Commission submitted them to the Legislature. They were reviewed and approved by both Legislative Counsel and the Legislature, with the caveat that the bylaws would not supercede the statute and no additional authority was implied.

HISTORIC STATE CAPITOL COMMISSION  
GOALS FOR 2005

Pursue the Approval of the Integrated Maintenance Plan

The Commission's outline for an Integrated Maintenance Plan specifies the appropriate maintenance treatment for on-going care of the Historic State Capitol building. The scope of the original Integrated Maintenance Plan was agreed upon among Commission members. The Commission now plans to move forward with a revised proposal (after being on hold for several years due to budget constraints). Recommended financing of the plan would be shared between the Senate and Assembly Rules, DGS and CA State Parks.

Assist in the Development of a Capitol Park Master Plan

An outline for the development of the Capitol Park Master Plan was produced by the Department of General Services in 2002. Since that time, there has been little action. With the lack of a comprehensive Master Plan, the Commission, as well as other agencies, continues to struggle with memorial/monument sites in and out of Capitol Park, infrastructure consideration, school visitations, programmatic improvements, security, landscape and wildlife issues, budget and funding constraints. This year, the Master Plan, along with the security portion of the project, began to move forward, and the Commission will continue to advise.

Continue work with the State Archives on the Capitol Repository Project

In 1999, the Commission convened a subcommittee, consisting of representatives from seven agencies that either managed project-related materials or had an interest in utilizing the collection. The committee recommended that the State Archives be the centralized repository for all such materials. In 2001, the Legislature approved the recommendation (but retained legal rights). The subcommittee will continue to identify gaps in the collection, request inventories from other agencies, and invite individuals to donate their materials. Discussions continue with Chair Emeritus Raymond Girvigian regarding the final repository of his personal papers.

Revise, with the approval of the Legislature, the National Register Listing for the State Capitol and Capitol Park

The State Capitol Building and Capitol Park have been listed in the National Register since 1973. The Historic State Capitol (west wing) and Legislative Annex (east wing) are integrated parts of a single building (Federal regulations and

guidelines forbid nominating parts of a building). The 32-year old nomination, however, makes no clear statement regarding the significance for the east wing. It was determined that an amendment was not necessary; however, the park and the east wing should be reevaluated. The Commission plans to consult with Carey & Company on a proposal to re-evaluate and document significant features and elements that have changed over the last 32 years to the east wing of the Capitol and Capitol Park.

Continue work with the Society on securing funds to appropriate toward implementing previous goals.

Due to continuing budget constraints, the Commission recognized that it was important to broaden its horizons and explore non-Legislative funding sources for their proposals. One such source is the CA Capitol Historic Preservation Society, a non-profit organization established in 1984 for the purpose of preserving and enhancing the historic and museum character of the State Capitol. The Commission hopes that 2005 will allow for greater communication with the Society and the possibility of joint projects.

## **Pros and Cons of Revising the National Register of Historic Places Nomination for the California State Capitol and Capitol Park**

Prepared by Stephen D. Mikesell, Deputy State Historic Preservation Officer and Designated Member of the Historic Capitol Commission

### *Background:*

The California State Capitol has been listed in the National Register of Historic Places since 1973. The National Register program was created by federal statute in 1966 but was not operational in California until the early 1970s. Not surprisingly, the Capitol was one of the first buildings in California to be listed in the National Register and has been so listed for three decades.

The first generation of National Register nominations have been revised and updated on a regular basis, for two reasons. First, the early nominations were generally very brief and do not meet modern, more stringent, documentation requirements. Second, the resources have evolved over the decades, making the early documentation often stale and inaccurate.

These two rationales apply to the State Capitol, the nomination for which was prepared early in the history of the National Register program but which has not been updated for more than 30 years. The 1973 documentation is entirely inadequate under modern standards and the building and grounds have changed dramatically over the past 30 years. In particular, the "historic" West Wing was fundamentally rehabilitated in the 1980s. In addition, many changes have been made to the Annex and to Capitol Park.

In short, from a technical standpoint (i.e., in applying the technical requirements of the National Register program), the National Register nomination should be updated to reflect new documentation standards and to reflect physical changes to the resource.

### *General implications of National Register listing:*

In and of itself, National Register listing has no implications for the operations of the State Capitol building and Capitol Park. National Register listing, however, is used as a threshold for historic significance under various federal, state, and local laws. The implications of National Register listing have to do with the use of such listing as a threshold under these other programs. These are discussed briefly below.

### Section 106 of the National Historic Preservation Act

Federal agencies are required to "take into account" the impact of the use of federal funds (or federally permitted activities) upon properties that are listed in or eligible for listing in the National Register of Historic Places. An agency "takes into account" this impact by consulting with the Office of Historic Preservation and the Advisory Council on Historic Preservation. The Capitol is listed in the National Register. Were the state to use federal

funds, or pursue an activity requiring a federal permit in relation to the Capitol, this Section 106 compliance would be required.

#### Public Resources Code 5024.5.

This code pertains to adverse effects to National Register listed properties owned by the State of California. It provides a process through which state agencies consult with the Office of Historic Preservation when a proposal will result in an adverse effect. The provisions of this code apply to the State Capitol today (by virtue of the fact that it is listed in the National Register) and would also apply, were the nomination form revised.

#### California Environmental Quality Act

National Register listing (along with California Register listing and other official designations) serve as indicators of historic significance for CEQA compliance. National Register is one, but not the only, threshold for historical designation. CEQA applies to work on the State Capitol today (by virtue of the fact that it is listed in the National Register as well as the California Register) and CEQA would apply, were the nomination to be revised.

#### *Documentation in a revised nomination, not present in the existing nomination*

To appreciate pros and cons of a revised National Register nomination, it is useful to consider what would be involved in the revision, i.e. what information the revised nomination will provide that is not provided in the existing nomination.

##### 1. Documentation pertaining to the rehabilitation of the West Wing of the Capitol

Obviously, the 1973 nomination includes no information on this rehabilitation, which occurred a decade later. During the early 1980s, the historic wing of the Capitol (the West wing) was fundamentally rehabilitated, removing much non-historic material and recreating many of the missing historic elements.

The documentation should identify three classes of materials in the historic wing of the Capitol: original material; new material that was designed and installed in a historically accurate manner; and new material that is not historically accurate. National Register eligibility criteria make these distinctions, with the first two classes being treated as contributing to the significance of the resource, while the third is not.

##### 2. Determining the status of the Annex.

The largest outstanding question is the status of the Annex. Does it, or does it not, contribute to the significance of the larger resource? The 1973 nomination mentions the Annex but does not indicate whether it is or is not a contributing element of the National Register property. The Annex has subsequently turned 50 years old (a minimal standard

for most National Register listings). The Annex is indisputably associated with the same general theme of the West Wing (the seat of power in California) and while less distinguished architecturally, it possesses some merit from the design standpoint. A time will come in which it will be necessary to determine the status of the Annex; the National Register revision will answer that question.

3. Determining significant and insignificant materials in the Annex, assuming that the annex is treated as historic.

It is known that many interior spaces within the Annex have been extensively remodeled, to an extent that these rooms would not be treated as contributing to the significance of the Annex, assuming the Annex as a whole was regarded as historic. The revised nomination would provide useful information about the specific interior as well as exterior elements of the Annex that retain sufficient integrity to warrant consideration as contributing elements of the building, and those that have been so extensively modified as to be considered non-contributing spaces or features.

4. Determine significant and insignificant aspects of Capitol Park.

Capitol Park will likely be treated as a contributing element of the resource, providing a formal setting for the Capitol building. Some aspects of the park, however, have been installed in very recent years and could be identified as not contributing to the significance of the resource. The revised nomination would provide an opportunity to evaluate the elements of the park that warrant consideration as contributing elements, and those that do not.

*Pros for a revised nomination*

1. A revised nomination would clarify the parts of the historic Capitol (west wing) that do and do not contribute to its historic significance.

The historic Capitol will pose an interesting problem for the person or firm preparing the revised nomination because so much of the interior elements of the building comprise replacement materials. The nomination will address the general integrity of the historic Capitol, likely distinguishing between and among: original fabric; replacement fabric that recreates missing elements; and new material that is inconsistent with the original design. Management of the resource could be tailored accordingly.

2. A revised nomination would clarify the status of the Annex.

Through the years, the Office of Historic Preservation and Department of General Services have labored to deal with ambiguity about the status of the Annex. The general practice has been to assume the Annex is a contributing part of the Capitol, although



there is no practical basis for doing so. A decision – significant or insignificant – would allow PRC 5024.5 compliance to move forward in a predictable manner for both parties.

3. A revised nomination would clarify what (if anything) is historically significant within the Annex.

Assuming the study found the Annex to be historically significant, it could also clarify the rooms, finishes, and other materials that do not contribute to the significance of the resource. If, as is likely the case, most of the interior offices have been modified, that fact would work in favor of expedited PRC 5024.5 compliance. The revised National Register nomination, for example, could document that Rooms X, Y, and Z had been so substantially modified that they retain no integrity to their historic appearance, while Rooms A, B, and C are largely intact. PRC 5024.5 compliance for room renovations could proceed, based upon this information, clearing the work in the heavily modified rooms while seeking to protect interior features, materials, and finishes in the unmodified rooms. Again, this information would form the basis for a more predictable and informed compliance process.

4. A revised nomination would clarify what does and does not constitute historic significance within Capitol Park.

Capitol Park, like the Annex, is in a kind of no-man's-land, in that it is listed in the nomination for the State Capitol but is not specifically listed as a contributing or non-contributing element. In addition, the park has changed a great deal since 1973, with installation of new monuments, changes to the plantings, and installation of security elements. A thoughtful revision to the National Register nomination would give some guidance for PRC 5024.5 compliance and any other regulatory efforts. The revised National Register nomination, for example, could document that landscape "rooms" A, B, and C, are so substantially modified that they retain no integrity to their historic appearance, while "rooms" X and Y are largely intact. PRC 5024.5 compliance for landscape work could proceed, based upon this information, clearing the work in the heavily modified "rooms" while seeking to protect landscape elements in the unmodified "rooms." Again, this information would form the basis for a more predictable and informed compliance process.

#### *Cons for a revised nomination*

1. Possible delisting of the entire property.

A remote possibility exists that the revised nomination, if circulated through appropriate channels, would determine that the State Capitol no longer meets the criteria for listing in the National Register. This finding would be made on the basis of changes to the building associated with the rehabilitation of the Capitol in the 1980s.

2. Potential finding that the Annex is significant and contributes to the significance of the larger resource.

This was discussed earlier and is not necessarily a "con." The Annex has an indeterminate status today because it is mentioned in the National Register documentation but is not specifically identified as contributing or non-contributing to the significance of the resource.

*Answers to specific questions*

In addition to the general "pros and cons," we were asked to consider two specific questions, as follows:

1. Will an updated National Register nomination preclude ever razing the Capitol building (either historic wing or east annex)?

No. There would be many impediments to such a program but these would arise from Section 106, PRC 5024.5, and CEQA, all of which apply under current conditions. The situation would be the same, with or without a revised National Register nomination.

2. Will an updated nomination preclude the Joint Rules Committee from making physical changes to the various members' offices in the annex?

No. It is possible that the revised nomination would facilitate, rather than impede, such changes, assuming that the various member offices have already been modified extensively. Changes to these rooms would be reviewed under PRC 5024.5. As discussed earlier, a thoughtful nomination would distinguish between rooms that have and have not been modified. Armed with this information, the Office of Historic Preservation could also distinguish between work in rooms that retain historic integrity and fabric and those that do not. Under these conditions, review would be expedited as a result of the revised nomination.

# **A P P E N D I X**

## CHAPTER 1757, STATUTES OF 1984

(Became law without governor's signature: filed with Secretary of State October 1, 1984)

*The people of the State of California do enact as follows:*

SECTION 1. The heading of Article 5 (commencing with Section 9105) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code is amended to read:

### Article 5. The State Capitol Building Annex

SEC. 2. Section 9105 of the Government Code is amended to read:

9105. The State Capitol Building Annex is the annex to the historic State Capitol, constructed to the east of the original building, situated in the area bounded by 10<sup>th</sup>, L, 15<sup>th</sup> and N Streets in the City of Sacramento.

SEC. 3. Section 9106 of the Government Code is amended to read:

9106. The State Capitol Building Annex is intended primarily for the use of the legislative department and, except as otherwise provided in this article, shall be devoted exclusively to such use.

SEC. 4. Section 9108 of the Government Code is amended to read:

9108. The first floor of the State Capitol Building Annex is excepted from the provisions of this article. Such excepted space shall continue under the control of the Department of General Services. All other space in the 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 such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole including, but not limited to, press quarters, billrooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. 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 thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

SEC. 5. Section 9109 of the Government Code is amended to read:

9109. The determination of the Joint Rules Committee as to the needs of the Legislature shall be subject to change only by action of the committee or by concurrent resolution. If, at any time, the committee determines that there is space in the State Capitol Building Annex in excess of the needs of the legislative branch of the state government, it may release that space for use by the executive branch of the state government until such time as the space is needed by the legislative branch. The release shall be effected by notifying the Director of General Services that certain described space is not necessary for the use by the Legislature for the time being. Thereafter, the Department of General Services, until such time as the Director of General Services is notified that the space has become needed by the legislative branch, shall

have the same jurisdiction over the excess space as if this article had not been enacted.

SEC. 6. Section 9110 of the Government Code is amended to read:

9110. The maintenance and operation of all of the State Capitol Building Annex shall continue under the control of the Department of General Services, subject to the provisions of this article.

SEC. 7. Section 9112 of the Government Code is repealed.

SEC. 8. Article 9 (commencing with Section 9149) is added to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to read:

#### Article 9. The Historic State Capitol Commission

9149. The Legislature finds and declares that the historic State Capitol is a state historic and architectural legacy which must be preserved and maintained in a manner befitting the significance of the structures to the history and people of California. It is the intention of the Legislature, in enacting this article, to provide a permanent, official body to be charged with advisory review of the maintenance, restoration, development, and management of the historic State Capitol.

9149.1. As used in this article:

(a) "Commission" means the Historic State Capitol Commission created by Section 9149.2.

(b) "Historic State Capitol" is the building housing the state legislative offices and chambers, situated in the area bounded by 10<sup>th</sup>, L, 15<sup>th</sup> and N Streets in the City of Sacramento, except the east annex thereto.

9149.2. (a) There is in state government, the Historic State Capitol Commission, which shall consist of seven members, initially appointed as follows:

(1) Two members appointed by the Speaker of the Assembly, with one member initially serving a term of four years and one member initially serving a term of six years; thereafter, any appointment under this paragraph shall be for a term of six years.

(2) Two members appointed by the President pro Tempore of the Senate, with one member initially serving a term of two years and one member initially serving a term of six years; thereafter, any appointment under this paragraph shall be for a term of six years.

(3) The State Historic Preservation Officer, the State Librarian, and the State Archivist, who shall serve ex officio.

(b) Each member shall serve until his or her successor is appointed and qualified. Vacancies shall be filled by the appointing power for the remainder of the term. The commission shall from time to time elect one of its members to chair the commission.

9149.3. The appointees of both the Speaker of the Assembly and the President pro Tempore of the Senate shall include one person who represents the arts or humanities and one person from the general public.

9149.4. The members of the commission shall serve without compensation, but shall receive reimbursement for travel and living expenses in connection with their official duties, at rates established by the Department of Personnel Administration.

9149.5. The Joint Rules Committee shall appoint a Subcommittee on the Capitol Restoration Project, comprised of three members from the Senate and three from the Assembly, to monitor the commission. The legislators so appointed shall have no vote in commission proceedings.

9149.6. (a) Four members of the commission shall constitute a quorum to do business, and no action of the commission may be taken except upon an affirmative recorded vote of four or more members.

(b) All meetings of the commission shall be open to the public.

(c) The commission shall meet upon call of the chairperson and at such other times as it may prescribe.

9149.7. The commission shall have the following powers and duties:

(a) To prepare, complete, and, from time to time, to amend, a comprehensive master plan, based on a priority of needs, for the restoration, preservation, and maintenance of the historic State Capitol.

(b) To review and advise the Legislature on any development, improvement, or other physical change in any aspect of the historic State Capitol.

(c) To manage, with the approval of the Joint Rules Committee, all historic and museum spaces and any concessions, in the historic State Capitol.

(d) To develop and manage historic art loans or other programs, exhibits, films, convocations, or other activities of an historic, architectural, or cultural nature, including any museum space in the historic State Capitol, as the commission determines will serve the interests of the public and promote public interest in the historic State Capitol under Joint Rules Committee supervision.

(e) To purchase for the state, or to accept as gifts to the state, any furnishings, artifacts, works of art, or other property which the commission determines will enhance the historic and cultural aspects of the historic State Capitol. All furnishings, artifacts, works of art or other property so acquired shall be managed by the commission under supervision of the Joint Rules Committee.

(f) To accept financial contributions from any source, public or private, including any advisory foundation or group.

(g) To do any other act which the commission determines will maintain or enhance the historic and cultural legacy of the historic State Capitol.

9149.8. In carrying out its duties and responsibilities under this article, the commission shall follow accepted standards for restoration, preservation, and maintenance of historic structures, including all of the following, where applicable and feasible:

(a) Standards for historic preservation, maintenance, recordation, and documentation of landmarks, promulgated by the United States Department of the Interior or its successor.

(b) Guidelines and museum management procedures, established by the National Trust for Historic Preservation or its successor.

(c) Standards, procedures, and guidelines for maintenance and protection of historic properties established or administered by the State Historic Preservation Officer and the Office of Historic Preservation.

(d) The management, conservation, and accession policies and procedures for historic features and artifacts developed for the Capitol

Museum project interpretive program of the Joint Rules Committee in connection with the State Capitol Restoration Project conducted under Section 9124.

(e) Recommended procedures of the American Association of Museums.

9149.9. The commission shall maintain and may utilize all historic data, research, and project files developed and gathered by the state, and in the possession of the state, in connection with the State Capitol Restoration Project. On the date that the commission commences business, all of the written materials covered under this section shall be transferred to the State Archives to inventory, process, and store on behalf of the commission.

9149.10. The commission may request and shall receive assistance and data, relevant to the commission's duties and responsibilities, from every agency of state government.

9149.11. The commission shall maintain complete records of its proceedings and may publish reports and other publications in connection with its duties and responsibilities.

9149.12. The commission shall use any funds appropriated to its use, or allocated to its use by the Joint Rules Committee, donated to it, or acquired as revenue from any concession operated in the State Capitol, only for purposes of furthering the objectives of this article.

9149.13. The commission shall review and advise on any interagency agreement for management of concessions within historic State Capitol.

9149.14. The commission shall employ an executive officer, who shall have at least three years of administrative curatorial experience in the cultural or historic preservation fields, and staff persons as may be necessary to provide administrative services to the commission. No person may be employed as executive officer without approval, by majority vote, of the members of the Joint Rules Committee.

9149.15. The commission may contract with any agency, public or private, for services, in connection with the commission's duties and responsibilities, as the commission determines to be necessary, including, but not limited to, the Department of Parks and Recreation in connection with the management of the Capitol Museum, as approved by the Joint Rules Committee. These contracts shall be subject to and consistent with existing laws, rules, and state policy regarding contracts with private firms or individuals for services provided to the state.

9149.16. The commission annually shall report to the Legislature on its activities. The commission shall propose to the Legislature such recommendations for legislation in connection with the historic State Capitol as the commission determines to be necessary.

9149.17. The commission shall be supported by allocations by the Joint Rules Committee from the Contingent Funds of the Assembly and Senate. The commission annually shall submit to the Joint Rules Committee a proposed budget for each fiscal year. The budget shall be subject to approval by a majority vote of the Joint Rules Committee.

SEC. 9. Of any funds appropriated by Chapter 246 of the Statutes of 1975, Chapter 28 of the Statutes of 1979, and Chapter 214 of the Statutes of 1980 to the Contingent Funds of the Assembly and Senate for purposes of restoration or rehabilitation of the State Capitol as provided

in Section 9124 of the Government Code, which are not expended upon completion of the project of restoration or rehabilitation by the prime contractor and the return of the custody of the building to the state, one-half is reappropriated to the Assembly Contingent Fund and one-half is reappropriated to the Senate Contingent Fund.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the Historic State Capitol Commission commence its work as soon as possible, it is necessary that this act take effect immediately.





1314-S

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