

THE FEASIBILITY OF ESTABLISHING A STATE CAPITOL MAINTENANCE PROGRAM UNDER THE LEGISLATURE

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FOREWORD

This report on the feasibility of establishing a State Capitol maintenance program under the Legislature is submitted in response to House Resolution No. 53, H.D. 1, which was adopted during the 1996 Regular Session.

The Bureau wishes to acknowledge the generous and invaluable assistance of the state Central Services and Parking Control divisions of the Department of Accounting and General Services; the Protective Services Division of the Department of Public Safety; and the State Parks Division of the Department of Land and Natural Resources. The Bureau would also like to acknowledge the assistance of the administrators of the facilities management programs of the various other states profiled in this report for their contributions.

Wendell K. Kimura
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contained State Capitol maintenance program under the Legislature. Chapter 5 presents a review of the state capitol management programs of several other jurisdictions. Chapter 6 presents the findings of the Bureau. Chapter 7 concludes the report.

Chapter 2

HISTORY OF THE STATE CAPITOL

Prior to the opening of Hawaii's new State Capitol building on March 15, 1969, Iolani Palace served as the seat of government in the islands for nearly ninety years. Completed in 1882 to serve as the royal residence of King David Kalakaua, the palace was subsequently converted to function as the Capitol of the Republic of Hawaii, the Territory of Hawaii, and finally the State of Hawaii. During its tenure as the Capitol of Hawaii, the Palace's royal bedroom was converted to serve as the office of the Governor; the former state dining room became the chambers of the Senate; and the throne room served as the meeting area for the House of Representatives.¹

As the needs of Hawaii's government expanded, plans to enlarge and expand Iolani Palace were commissioned. Plans to construct additional wings containing expanded legislative chambers were developed as early as 1902. While the plan to develop additional chamber space in the Palace eventually fell by the wayside, funds to restore the aging facility were allocated at various junctures throughout the years.²

By the early 1940's, efforts were already underway to build a new Capitol for government operations in Hawaii. Senate Concurrent Resolution 8 of the Twentieth Legislature of the Territory characterized the continued use of Iolani Palace as a governmental facility to be "both inadequate and inappropriate". The resolution requested the Territorial Planning Board to determine the site and the type of building suitable for housing both the legislative and executive branches of the Territorial government.³

Over the next ten year period, a considerable number of design proposals and site selection reports were commissioned and reviewed. While disputes over the best design and the ideal site for the new State Capitol appeared to prolong the debate over the facility, early planning studies show no indications of a conflict over the concept of housing the executive and legislative branches in the same facility. A site study released by the Territorial Planning Office in 1958 appears to indicate that the arrangement was viewed as a matter of common sense.⁴

It is assumed that the site is to be the location of a capitol building that will house both the legislative and executive functions of the Territorial government. The legislative function encompasses all of the activities of the legislative body while it is in session. The executive function would include, as a minimum, the offices of the Governor and future lieutenant-governor and their immediate staffs. Space for additional executive functions could readily be provided for staff agencies essential to the executive function, such as the Treasurer, Bureau of the Budget, Attorney General and Territorial Planning Office. Line agencies not having a large volume of daily contact with the general public could also be housed in the proposed capitol building.

In 1959, a "Citizens' Advisory Committee on the Capitol Site" was appointed to develop recommendations for the Legislature. In the final stages of the site study, consideration was narrowed to three sites: the site along the shoreline at the entrance to

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Honolulu Harbor occupied by Fort Armstrong; the site occupied by the Honolulu Rapid Transit Depot; and a site directly adjacent to the Pali Golf Course. The committee unanimously recommended the construction of the new State Capitol at the entrance to Honolulu Harbor on lands occupied by Fort Armstrong.⁵

The recommendations of the advisory committee were largely ignored and the Legislature designated a new site immediately mauka of Iolani Palace. Planning for the new State Capitol began with an appropriation of \$100,000 from the Legislature in 1960 for preliminary architectural designs.

An Architect Selection Committee was appointed to select the architectural firm to design the State Capitol. The team of Belt, Lemmon & Lo in association with John Carl Warnecke & Associates was selected to design the new facility. Plans for the facility were completed in 1964, and ground-breaking commenced on December 10, 1965. The total cost of the new facility (excluding land) was \$24,576,900. Dedication ceremonies were held on March 15, 1969.⁶

Within the first ten years of operation, several flaws in the operating systems of the State Capitol became apparent. Chief among the concerns of the building's occupants was the poor performance of the facility's air conditioning system. With the system's primary cooling units located in the basement of the building, refrigeration was insufficient on the upper levels while excessive on the lower levels. The system was also incapable of dealing with the wide swings in demand load caused by commencement and adjournment of sessions of the Legislature. Concerns about the repair and maintenance of the State Capitol reflecting pool and problems in retrofitting the facility to accommodate advances in computer technology also prompted calls to renovate the building.⁷

Funds to correct some of the operational problems of the facility were appropriated by the Legislature as early as 1977. Repairs to the facility took on a new perspective, however, as new federal regulations relating to the control and abatement of asbestos-containing materials came into effect. The use of asbestos in building construction was common when the State Capitol was completed in 1969. Health-related concerns about the use of asbestos surfaced during the 1970s, however, and the use of the material in building construction was prohibited in 1978.⁸

A 1984 study performed by a consulting firm on behalf of the state Department of Accounting and General Services confirmed the presence of asbestos containing materials in the State Capitol. By 1989, however, additional studies uncovered far more asbestos in the building than originally estimated. The expanded scope of work, the decision to relocate the occupants of the building, and various other cost and contractual factors drove the estimated cost of renovation work.⁹

Additional asbestos was uncovered in the State Capitol throughout the construction phase of the project, driving up the cost and postponing the completion date of the project even further. In the end, the project included asbestos abatement, air conditioning improvements and other renovation work, reconfiguration of office spaces, replacement of furniture and equipment, and other improvements to bring the building into compliance with applicable codes and regulations.¹⁰

Endnotes

1. Hawaii, Department of Accounting and General Services, Hawaii's State Capitol and Government, 1975 Edition, p. 17.
2. Ibid.
3. Hawaii, Territorial Planning Board, Report on the Executive-Legislative Quarters Civic Center City of Honolulu, Hawaii, Publication No. 10, January 1941, preface.
4. Hawaii, Territorial Planning Office, Capitol Site Study: A Report upon the Location of a Site for a Capitol Building for Hawaii; August 1958; page 9.
5. Ibid., p. 30.
6. Hawaii, Department of Accounting and General Services, Hawaii's State Capitol and Government, 1975 Edition, p. 10.
7. Hawaii, State Auditor, performed by H. Murry Hohns, Inc., A Study of the State Capitol Renovation Project, August 1995, p. 1.
8. Ibid., p. 2.
9. Ibid., p. 6.
10. Ibid., p. 2.

Chapter 3

STATE CAPITOL OPERATIONS AND MAINTENANCE IN HAWAII

Introduction

Except for the limited custodial functions taken on by the offices of the respective sergeants-at-arms during regular sessions of the Legislature, Hawaii's State Capitol is primarily maintained, operated, and protected by three agencies of the executive branch. The Department of Accounting and General Services maintains and operates the State Capitol; the Department of Land and Natural Resources tends to the landscape; and the Department of Public Safety provides security for the State Capitol and its occupants.

This chapter reviews the programs of the three principal executive agencies currently involved in the operation and maintenance of the State Capitol.

Department of Accounting and General Services

Under the direction of the Governor and the Comptroller, the Department of Accounting and General Services (see Appendix B) has broad authority to administer programs for the operation and maintenance of state buildings. The Department is responsible for the repair and maintenance of school facilities; landscape maintenance; public works construction; state property management; centralized accounting; auditing; risk management; state motor vehicle management; surplus property management; central mail and messenger services; inventory management and purchasing; archives and records management; parking control; student transportation services; land surveying; and centralized office leasing services.¹

Section 26-6(b), *Hawaii Revised Statutes*, specifically requires the Comptroller to carry out the aforementioned functions on a statewide basis.² Section 26-6(b)(6), in particular, requires the Comptroller to undertake a program of "centralized engineering and office leasing services, including operation and maintenance of public buildings, for departments of the State".

Central Services Division of the Department of Accounting and General Services

Keeping the facilities of the State in proper working order is the primary responsibility of the Central Services Division of the Department of Accounting and General Services. The Honolulu baseyard of the Central Services Division is located in Mapunapuna on the island of Oahu. Building repair and maintenance projects on Oahu are either performed directly by staff of the Division or contracted out to the appropriate service providers.

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The repair and maintenance programs of the Central Services Division are segregated into two major program areas under the executive budget of the State:

- (1) The Physical Plant Operations and Maintenance Program
(AGS-807: School Repairs and Maintenance); and
- (2) The Building Repairs and Alteration Program
(AGS-233: Public buildings and Libraries).

The Physical Plant Operations and Maintenance Program (School R&M) provides the Department of Education with the resources and professional support needed to repair and maintain the buildings of the state public school system. In fiscal year 1996-1997, the program was responsible for the repair and maintenance of approximately 3,600 school buildings.³

The Building Repairs and Alterations (R&A) Program provides the personnel, equipment, and resources needed to operate and maintain all other buildings of the State (excluding facilities of the Judiciary and the University of Hawaii). These services include building management, repairs and alterations, payment of utilities, and administering equipment maintenance contracts. Some of the more prominent buildings operated by the Building R&A program include the State Capitol, all the buildings of the Executive Branch, the buildings of the Hawaii State Library System, and various other health and civic facilities statewide.⁴

In fiscal year 1996-1997, the program was responsible for the maintenance of approximately 160 public buildings statewide. The program requires an annual budget of approximately \$3 million to carry out repairs and maintenance projects statewide.⁵ Over the previous biennium, however, restrictions imposed on the program's budget reduced the program's average allotment from \$3 million to \$1.96 million annually. The situation dramatically affected the Division's ability to address projects statewide and made it increasingly difficult for the program to systematically schedule repairs. Moreover, the addition of new facilities to the program's inventory such as the State Office Tower, the Capitol Center, and the State Capitol has affected the response time of the program and has resulted in the development of a larger number of competing priorities.⁶

The general functions of the Building R&A program under program area AGS 233 are described as follows:⁷

Statewide, the program contracts via DAGS-Public Works Division to complete major repair and alteration projects. With respect to minor and emergency repairs, trades personnel are dispatched from a central baseyard where work requests are received and disbursed to appropriate trade groups. Due to limited staffing, much of the aforementioned work is accomplished by contract on the neighbor islands.

All work is performed to preserve the life of buildings as well as safeguard its occupants and public users. Activities involving emergency repairs are completed immediately to remove unsafe barriers or conditions. In addition, the program also provides staff and technical assistance for legislative sessions as well as state and national functions.

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The basic mission of the Building R&A program is to "keep all buildings in a safe condition and at a high level of utility by providing repairs and maintenance services and by making minor alterations".⁸ Building managers are dispatched to identify problems and coordinate a wide variety of systematic maintenance and repair projects with building users. On Oahu, two building managers monitor the operations of the State Capitol and approximately seventy-one other state buildings. One manager is responsible for the maintenance and operation of all state buildings mauka of South King Street. The second manager is responsible for all buildings makai of South King Street as well as all buildings outside of Honolulu such as libraries, health facilities, and civic centers.⁹

R&A trade staff are sent out to address emergencies as well as perform minor repairs. The Central Services Division currently supports a staff of twenty personnel trained in various trades to perform various repairs on buildings on Oahu. Emergencies such as broken water pipes and power failures are generally referred to in-house trade staff to resolve. The program is also responsible for making a wide array of minor repairs including, but not limited to, fixing broken locks, repairing windows, and replacing broken light fixtures.¹⁰

Building managers are also required to monitor the work of contractors hired to operate major mechanical systems (*i.e.*, elevators, air conditioning systems, etc.). Repairs on most major mechanical systems are covered under maintenance contracts.¹¹

Maintenance Responsibilities of the Department of Accounting and General Services at the State Capitol

The Central Services Division ensures the delivery of a wide array of services--either directly or through contract--at the State Capitol, including, but not limited to:

- Planning, designing, and carrying out major construction and renovation projects;
- Performing major and minor exterior maintenance work, including roof repairs and exterior painting;
- Maintaining, repairing, and operating the building's major mechanical systems, including the elevators and air conditioning system;
- Maintaining and repairing the building's plumbing, electrical, and sewerage systems;
- Paying the facility's electrical, water, and sewer bills;
- Purchasing all building repair and maintenance supplies;
- Cleaning and maintaining the exterior surfaces of the building;

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- Cleaning the interior areas of the building, including the building's offices, hallways, and restrooms;
- Collecting all refuse;
- Installing furniture and moving office equipment;
- Installing and repairing office electrical systems and telecommunications equipment;
- Maintaining and operating the State Capitol parking lot;
- Cleaning and maintaining the State Capitol pond;
- Providing state messenger and U.S. mail delivery services;
- Keeping inventories of all state property;
- Changing and repairing State Capitol locks and distributing office keys;
- Scheduling demonstrations and other public events held in the State Capitol rotunda; and
- Managing the payroll of the Legislature's service agencies.

Department of Public Safety

Under the direction of the Governor, the Department of Public Safety (see Appendix C) operates eight correctional institutions; administers a broad range of public safety programs designed to deter criminal acts and incarcerate, supervise, train, and rehabilitate criminal offenders; carries out the state Correctional Industries Program; and administers statewide security programs to protect the general public, preserve the peace, secure public property, enforce specific laws to prevent crime, and serve legal process.¹²

Protective Services Division of the Department of Public Safety

The statewide security program is administered by the Protective Services Division of the Department of Public Safety. The basic objective of the Division is to serve and protect the general public, government officials, state personnel, and public properties under its jurisdiction by providing law enforcement services which incorporate patrol, surveillance, and educational activities.¹³ The duties and activities of the division under program area PSD 501 are described as follows:

The major activities of the Protective Services Division includes the law enforcement and security services for the State Capitol Complex area, Washington Place, and the

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Civic Center on a twenty-four hour basis. Personnel are responsible for the protection of life and property, which may require the arrest of violators of the law, and conducting investigations of both criminal and civil cases, when initiated by the division. Protective Services are provided to the Governor, Lieutenant Governor, and their families; to members of the Legislature; visiting officials; and others as assigned. Other law enforcement services include, the extradition of prisoners from outer islands or the mainland, service of search and arrest warrants, participation in both criminal and civil investigations, special tactical operations, etc.

Department of Land and Natural Resources

Under the direction of the Governor and the Board of Land and Natural Resources, the Department of Land and Natural Resources (see Appendix D) administers programs to manage and protect the public lands, water resources, coastal areas and navigable streams, small boat harbors, beaches, state parks mineral resources, forest reserves, aquatic and wildlife resources, historic sites, and recreational areas of the State. The department also keeps comprehensive records of documents affecting land titles and property conveyance in the State.¹⁴

State Parks Division of the Department of Land and Natural Resources

The State Parks Division is responsible for the acquisition, development, restoration, and management of all state parks, archaeological sites, and scenic resources in the State.¹⁵ The Division also provides the staff, equipment, and resources to maintain the landscapes of several buildings in the downtown area, including Iolani Palace and the State Capitol. Three park caretakers currently tend to the landscape of the State Capitol, the Eternal Flame, and the Capitol Mall on a full-time basis.

Endnotes

1. Hawaii, Department of Budget and Finance, Plan of Organization, Executive Branch of the Hawaii State Government, 11th Revised Edition, May 1994, p. 8.
2. Haw. Rev. Stat., §26-6(b).
3. Hawaii, Department of Budget and Finance, The Multi-Year Program and Financial Plan and Executive Budget for the Period 1995-2001 (Budget Period: 1995-97), Volume III, December 1994, p. 1108.
4. Ibid., p. 1595.
5. Ibid., p. 1594.
6. Ibid.
7. Ibid.

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8. Ibid.
9. Hawaii, Department of Accounting and General Services, Central Services Division, Estimated Operating and Maintenance Costs State Capitol, Memorandum dated July 7, 1996, p. 1.
10. Ibid.
11. Ibid.
12. Hawaii, Department of Budget and Finance, Plan of Organization, Executive Branch of the Hawaii State Government, 11th Revised Edition, May 1994, p. 8.
13. Hawaii, Department of Budget and Finance, The Multi-Year Program and Financial Plan and Executive Budget for the Period 1995-2001 (Budget Period: 1995-97), vol. III, December 1994, p. 1311.
14. Hawaii, Department of Budget and Finance, Plan of Organization, Executive Branch of the Hawaii State Government, 11th Revised Edition, May 1994, p. 50.
15. Ibid.

Chapter 4
ESTIMATED COSTS OF
A LEGISLATIVELY-OPERATED STATE CAPITOL
MAINTENANCE PROGRAM

Introduction

H.R. No. 53, H.D. 1, requests the Legislative Reference Bureau to "determine the resources necessary to assume the responsibility of managing the capitol, in terms of funding and staffing". This chapter provides estimates of the funding, the personnel, the equipment, and the resources needed to establish a State Capitol maintenance and security program under the Legislature.

Resources and Personnel Needed to Establish a Separate State Capitol Operations and Maintenance Program

The Central Services Division of the Department of Accounting and General Services estimates the initial cost of establishing a separate State Capitol building maintenance program under the Legislature to be \$2,222,391.¹ Currently, the only DAGS maintenance personnel working at the State Capitol on a full-time basis are the custodians assigned to the facility by the Central Services Division. In this regard, all other positions, including managerial, trades, and clerical positions must be created under the new program. The new program will require a staff of approximately seventeen personnel.

A. Personnel and Annual Salaries

| Description | Cost | Position Count |
|--------------------------------------|------------|----------------------------|
| Manager/Engineer SR-28G | \$ 56,388 | 1 position @ \$56,388/yr |
| Janitor III, WS-02 | 21,372 | 1 position @ \$21,372/yr |
| Janitor II, BC-02 | 201,480 | 10 positions @ \$20,148/yr |
| Trades Staff (2-BMW, elec, plumb) | 111,372 | 4 positions @ \$27,843/yr |
| Clerk Typist, SR-10 | 19,536 | 1 position @ \$19,536/yr |
| Annual Overtime Cost | 1,800 | |
| Night Differential | 25 | |
| Temporary Assignment | <u>233</u> | \$1.38 x 168 hours |
| Subtotal: | \$ 412,206 | |

ESTIMATED COSTS OF A STATE CAPITOL MAINTENANCE PROGRAM

B. Other Current Expenses

Annual Utilities

| | |
|-------------|---------------|
| Electricity | \$ 667,000 |
| Water/Sewer | 67,000 |
| Refuse | <u>23,484</u> |
| Subtotal: | \$ 757,484 |

Annual Contracts

| | |
|------------------|---------------|
| Elevator | \$ 38,000 |
| Air Conditioning | 56,400 |
| Pumps | 3,000 |
| Pond | <u>72,000</u> |
| Subtotal: | \$ 169,400 |

Repairs and Alterations

| | | |
|------------------|---------------|-----------------|
| 250 work orders | \$ 18,750 | 250 @ \$75 each |
| Contract Repairs | 23,746 | |
| Major Repairs | 750,000 | |
| Alterations | <u>50,000</u> | |
| Subtotal: | \$ 842,496 | |

Custodial Supplies

| | |
|---|------------------|
| Towels, soap, tissue, trash bags, floor wax, other supplies, etc. | \$ <u>40,805</u> |
|---|------------------|

C. Total Initial Cost \$2,222,391

State Capitol Parking Control

The State Capitol parking lot or "Lot S" is maintained and operated by the Parking Control Program of the Automotive Management Division, Department of Accounting and General Services. With a total of 446 parking stalls (*i.e.*, 370 reserved and 76 metered), the State Capitol parking lot represents ten percent of the 4,618 state parking stalls on Oahu.²

According to the Administrator of the Automotive Management Division, the total operating cost of the Parking Control Program on Oahu for fiscal year 1994-1995 was \$2,703,284. The cost includes \$568,720 for the salaries of nineteen personnel; \$1,230,869 in annual debt service payments; and \$903,695 in equipment, cleaning contracts, and other current expenses.³

According to the program administrator, an independently operated State Capitol parking program would require the hiring of one parking control officer and one clerical worker. The cost of equipment and other current expenses (excluding current salaries and debt service payments) in the following breakdown represents ten percent of the program's actual expenditures for fiscal year 1994-1995.⁴

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A. Personnel and Annual Salaries

| Description | Cost | Position Count |
|-----------------|---------------|-----------------|
| Parking Officer | \$20,000 | 1 @ \$20,000 |
| Clerical Worker | 19,538 | 1 @ \$19,538 |
| Fringe Benefits | <u>11,861</u> | 30% of base pay |
| Subtotal: | \$51,344 | |

B. Other Current Expenses

| | | |
|----------------------|----------|-------------------------|
| Office supplies | | |
| Utilities | | |
| Cleaning Contract | | |
| Motor vehicles, etc. | \$90,369 | 10% of current expenses |

C. Total Initial Cost

\$141,768

According to the program administrator, the state Parking Control Program is a self-sustaining program. Statewide revenues from permit fees, metered stalls, and parking citations are deposited into a revolving fund to pay for the operating expenses of the program. The revenues generated by parking fees at the State Capitol was estimated to be \$298,000 (*i.e.*, \$222,600 from reserved and \$76,000 from metered stalls).⁵

Resources and Personnel Needed to Establish a Separate State Capitol Security Program

The Protective Services Division currently provides around-the-clock security for the State Capitol and twenty-two state buildings in the downtown Honolulu area. Security at the State Capitol is provided in three shifts. Eight to ten officers are assigned to each shift during sessions of the Legislature; five to six officers are required during nonsession periods. Public Safety officials estimate the initial cost of establishing an around-the-clock State Capitol security force under the Legislature to be approximately \$1,716,156. The new security force would require the creation of approximately thirty-seven new positions under the Legislature. The initial estimate includes various non-recurring costs such as uniforms, equipment, and training expenses. Salary increases of approximately nine percent each year should be factored into the base pay estimates for personnel expenses in succeeding fiscal years.⁶

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A. Personnel and Annual Salaries

| Description | Cost | Position Count |
|--------------------|----------------|-------------------------|
| Administrator | \$ 36,588 | 1 position @ \$36,588 |
| Lieutenant | 60,144 | 2 positions @ \$30,072 |
| Sergeant | 166,824 | 6 positions @ \$27,804 |
| Patrol Officers | <u>720,048</u> | 28 positions @ \$25,716 |
| Subtotal: | \$ 983,604 | |
| Fringe Benefits | \$ 348,884 | |
| Annual Overtime | 111,769 | 160 hrs/yr |
| Holiday Overtime | 71,004 | 104 hrs/yr |
| Night Differential | 23,606 | |
| Meals | 3,959 | |
| Other Premium Pay | <u>14,328</u> | |
| Subtotal: | \$ 573,550 | |

B. Other Current Expenses

| | | |
|--------------------|--------------|-------------------|
| Weapons | \$ 25,900 | 37 @ \$700 each |
| Class A Uniforms | 19,610 | 37 @ \$530 each |
| Class A Supplies | 10,138 | 37 @ \$274 each |
| Class B Uniforms | 8,880 | 37 @ \$240 each |
| Class B Supplies | 6,105 | 37 @ \$165 each |
| Computer Hardware | 20,000 | 5 @ \$4,000 each |
| Base Radio Station | 5,000 | 1 @ \$5,000 each |
| Portable Radios | 32,400 | 18 @ \$1,800 each |
| Lockers | 4,255 | 37 @ \$115 each |
| Ammunition Train | 8,288 | 37 @ \$244 each |
| Ammunition Service | 666 | 37 @ \$18 each |
| Uniform Allowance | 8,880 | 37 @ 240 each |
| Weapon Allowance | <u>8,880</u> | 37 @ \$240 each |
| Subtotal: | \$ 159,002 | |

C. Total initial cost

\$1,716,156

Resources and Personnel Needed to Establish a Separate State Capitol Landscape Maintenance Program

The State Parks Division estimates the initial cost of establishing a separate State Capitol landscape maintenance program to be \$124,000.⁷ The cost of personnel, equipment, and other current expenses is detailed as follows:

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A. Personnel and Annual Salaries

| Description | Cost | Position Count |
|----------------|------------------|----------------|
| Park caretaker | \$ <u>62,400</u> | 3 @ \$20,800 |

B. Other Current Expenses

| | | |
|---------------------------|------------|----------------|
| Riding Mower | \$ 25,000 | 1 @ \$25,000 |
| One Cushman Cargo Carrier | 15,000 | 1 @ \$15,000 |
| Weedeater | 800 | 2 @ \$400 each |
| Lawnmower | <u>550</u> | 1 @ \$550 |
| Subtotal: | \$ 41,350 | |

| | |
|--------------------------|--------------|
| Irrigation System Repair | \$ 10,000 |
| Sewer | 2,700 |
| Garbage Bags (12 cases) | 200 |
| Tires, Equipment Repair | 5,000 |
| Safety Supplies | 375 |
| Motor Oil (5 cases) | 225 |
| Garden Tools, Supplies | 250 |
| Fertilizer | <u>1,500</u> |
| Subtotal: | \$ 20,250 |

| | |
|-----------------------|------------|
| C. Total Initial Cost | \$ 124,000 |
|-----------------------|------------|

State Capitol Building Maintenance, Landscape Maintenance, and Security Program Under the Legislature

Based on the cost estimates generated by the Departments of Accounting and General Services; Land and Natural Resources; and Public Safety, a State Capitol building maintenance, landscape maintenance, and security program at the Legislature would require an initial outlay of \$4,204,315 for the first year of operation. The program would require a staff of approximately fifty-nine personnel. Agency officials contend that aside from the personnel already assigned full-time to the State Capitol (*i.e.*, caretakers and custodians), most other employees cannot simply be transferred from their current positions to new positions under the Legislature. Fifty-nine new full-time positions would have to be created by the Legislature.

Endnotes

1. Ibid.
2. Interview with Harold Sonomura, Administrator, Automotive Management Division, Department of Accounting and General Services, October 1, 1996.
3. Ibid.

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4. Ibid.
5. Ibid.
6. Hawaii, Department of Public Safety, Cost Estimates to Establish Capitol Police Force Under the Legislature, Memorandum dated August 13, 1996.
7. Hawaii, Department of Land and Natural Resources, State Parks Division, State Capitol Operating Expenses Estimated, Memorandum dated August 21, 1996.

Chapter 5

STATE CAPITOL MANAGEMENT PROGRAMS IN OTHER JURISDICTIONS

Introduction

H.R. No. 53, H.D. 1, requests the Legislative Reference Bureau to examine "the number and experiences of other states where the legislature is responsible for managing their state capitol". This chapter provides detailed summaries of state capitol maintenance programs in twelve selected jurisdictions. The programs reviewed in this chapter illustrate the diverse approaches taken by various states to manage and operate their state capitols.

Also included in this chapter is a chart which outlines the basic operating details of the capitol maintenance programs of each state. Appendix E identifies: (1) the branch or branches of government that occupy offices in the State Capitol; (2) the branch or branches of government responsible for the day-to-day operations of the building; and (3) the branch or branches of government that actually perform all work on the building.

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United States Capitol

Completed at the end of the Civil War, the United States Capitol Building in Washington D.C. was designed to serve as the seat of Congress. The Architect of the United States Capitol is responsible for the operation, care, and mechanical and structural maintenance of the capitol building and all congressional staff office buildings. Statutory language requiring the Architect to carry out these duties was enacted by Congress in 1876 under 40 United States Code 162. The Architect of the Capitol is appointed by the President of the United States, with the consent of the United States Senate, for terms of ten years. Upon confirmation, the Architect becomes an official of the legislative branch and an agent of Congress.¹

The Architect consults with the appropriate congressional leaders whenever work is performed on the premises of any building falling under their respective jurisdictions. In addition to the aforementioned duties, the Architect is also responsible for the maintenance of the Library of Congress; the United States Supreme Court Building; the Thurgood Marshall Federal Judiciary Building; the Capitol Power Plant, the Capitol Police Headquarters; the Robert A. Taft Memorial; and the United States Botanic Garden.²

The Architect, whose duties were originally limited to supervising the construction of the Capitol, has taken on broader responsibilities in recent years including the restoration of the Statue of Freedom, the renovation of the Library of Congress, and the restoration of the Capitol Rotunda. Other projects completed by the Architect include the installation of television and broadcasting facilities in each chamber of Congress; the development of the Legislative Branch Telecommunications Network; the installation of a

subway system for the Senate; and the development of plans for a new Capitol Visitor Center.³

Arizona State Capitol

Completed in 1901, the Arizona State Capitol in Phoenix is now a state museum. All legislative business is conducted in a building directly adjacent to the State Capitol in the area known as the Capitol Mall Complex.

All state buildings, including the State Capitol, in Arizona are maintained and operated by the Arizona Department of Administration, an agency of the executive branch. The staff of the Department is responsible for the maintenance of more than forty state buildings, most of which are located in the 121-acre Capitol Mall Complex. Proposed actions with the potential to impact the historic value of the State Capitol must be approved by the state Historic Preservation Office.

California State Capitol

Completed in 1874, the California State Capitol in Sacramento was designed to accommodate the Governor, the Lieutenant Governor, the Secretary of State, and the Legislature. In 1949, a new six-story addition known as the State Capitol Building Annex, was developed directly east of the old State Capitol to provide expanded office facilities for both branches of government. Upon construction of the new addition, executive offices in the old State Capitol building were relocated to the first floor of the Annex, leaving the original facility solely to the state Legislature. The upper floors of the Annex are occupied by the offices and staff of the Legislature.⁴

According to the building manager of the State Capitol and Annex, all state buildings in California are maintained and operated by the California Department of General Services, an executive agency. The Department actually owns the State Capitol and most state buildings in California. Agencies of the State--including the Office of the Governor and the Legislature--are actually required to rent the office space they occupy from the Department of General Services. While the Governor's office reportedly pays its share of the rent, the Legislature apparently refuses to abide by the policy.⁵

A budget of approximately \$2,685,000 is allocated on an annual basis to the Department of General Services to maintain and operate the State Capitol and Annex. The budget supports a State Capitol building manager, a maintenance staff, and the equipment and supplies to keep the facilities operational. Major improvement projects are usually coordinated by the State Capitol building manager under the Department of General Services.⁶

Despite the Department's role as the official caretaker, the State Capitol manager noted that the Legislature's Senate and Assembly members will often "do pretty much what they want to do" with the offices they occupy. According to the building manager, both the Senate and the Assembly maintain separate accounts to finance and carry out remodeling

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projects on their own. Contracts for remodeling projects are often initiated by Senate or Assembly staff without proper planning or advanced notice to the Department or any other party in the building. According to the building manager, the California Legislature is exempt from all normal bid requirements. Because of the situation, the building manager noted that projects in the State Capitol and Annex are often difficult to monitor and coordinate. Not surprisingly, the situation has led to numerous problems throughout the years.⁷

For example, a seemingly unnecessary problem occurred when a legislative office decided to perform a relatively minor remodeling project in the building without prior consultation with the Department. Specifically, a contractor was hired to install a new wall in a section of the building occupied by the Legislature. Following the installation of the new wall, however, the air conditioning system in the immediate area began to malfunction. The Department was then notified of the project and asked to rectify the problem. Additional work was performed on the air ducts of the section to correct the problems caused by the new wall.⁸

Louisiana State Capitol

Completed in 1932, the Louisiana State Capitol in Baton Rouge was designed to accommodate the Governor, the Secretary of State, the Treasurer, the Attorney General, and the Legislature. In Louisiana, the Office of State Buildings, an agency of the executive branch, is responsible for the maintenance, repair, and operation of all state buildings. According to the head of the agency, however, the powers and duties of the Office are not quite as clear at the State Capitol.⁹

While the Office of State Buildings maintains the equipment and pays the facility's utility bills, a legislative entity known as the Budgetary Control Council apparently engages in various facets of operating and maintaining the State Capitol as well. Although the actual duties of the Council have never been fully clarified, the Council actually maintains a separate maintenance budget to carry out remodeling projects--primarily on the floors occupied by the House and the Senate--on its own volition. The Council hires an architectural/engineering firm to plan and design all self-initiated projects at the State Capitol.¹⁰

Another unique aspect of the Louisiana program concerns the personnel retained to perform most of the custodial work at the State Capitol. Specifically, inmates from a nearby prison are contracted separately by the House, the Senate, and the Office of Building Services to carry out most of the janitorial services in the facility.¹¹

Minnesota State Capitol

Completed in 1905, the Minnesota State Capitol in St. Paul was designed to accommodate the Governor, the Attorney General, the Supreme Court, and both houses of the Legislature. The State Capitol in Minnesota is managed, operated, and maintained by the Department of Administration, an agency of the executive branch.¹²

As the needs of state government in Minnesota expanded, new office buildings were built and several executive agencies moved out of the State Capitol. In 1985, the Legislature allocated funds for a new Judiciary Complex allowing the Supreme Court to move to a more spacious location. In anticipation of the move, House and Senate leaders began parceling out the space that would become available as soon as the new court complex was completed. The complex was completed in 1990, and the Supreme Court moved out of the State Capitol.¹³

Following statewide elections in the same year, however, a new governor moved into the State Capitol. Governor Arne H. Carlson quickly realized that the space allocated to his staff was far too small to accommodate their needs. The Governor's staff began negotiations with the Speaker of the House in hopes of securing the additional space they needed. After four years of negotiation, however, the Governor's request for a large contiguous area adjacent to his office was never granted. Following his re-election in 1994, Governor Carlson decided that the time was right to take the offices he coveted by force.¹⁴

On December 16, 1994, Governor Carlson transmitted a letter to the Speaker of the House announcing his intent to take possession of the offices at the end of the week. The letter cited a provision in state law that purportedly allows the Governor to take control of all state property. Section 4.01, Minnesota Statutes, provides that "the governor shall be the custodian of all property of the state not especially entrusted by law to other officers and may take possession thereof without legal process". The Governor also informed the Speaker that agents of the Department of Administration would be sent in to clear out and secure the offices.¹⁵

Faced with the situation, the Speaker considered summoning Capitol Security or mobilizing the National Guard to prevent the Department from gaining entry to the offices in question. However, since the Office of Capitol Security is an agency of the executive branch and since the Governor is the Commander-in-Chief of the National Guard, House members were decidedly pessimistic about their chances of getting the help they needed from these agencies. Instead, several House members volunteered to keep vigil over the offices themselves over the weekend before Christmas.¹⁶

The prospect of a televised confrontation between legislators and the Governor's moving crew in the middle of the holiday season compelled the Speaker to search for a less confrontational alternative. A suit seeking to enjoin the Governor from seizing the property was filed in court and a temporary restraining order was issued on December 22, 1994. The Senate subsequently intervened as a plaintiff in the case.¹⁷

As motions were being prepared and served, all three parties agreed that taking the issue to court would only exacerbate the dispute in the eyes of the public. Although negotiations resumed, very little progress was made. Because House members had all the space they needed, the Governor's negotiators had very little to offer. After several months of negotiation, the parties finally crafted an agreement to support a \$2 million bond appropriation to remodel the entire space taken over by the House from the Supreme Court--creating new offices and hearing rooms for the House and more space for the Senate.

The space requested by the Governor would also be remodeled to suit the needs of his staff.¹⁸

While the negotiators supported the compromise, passage of the appropriation by the full Legislature was by no means guaranteed. Following three failed attempts to approve the controversial measure, the appropriation was finally passed during a special session in 1995. The measure was subsequently approved by the Governor and remodeling began in 1995.¹⁹

Missouri State Capitol

Completed in 1917, the Missouri State Capitol in Jefferson City was designed to accommodate the Legislature, the Governor, the Lieutenant Governor, the Treasurer, the Secretary of State, and various executive agencies of the State of Missouri. The building, which replaced several earlier structures destroyed by fire, is the sixth State Capitol building in Missouri history.²⁰

Maintenance responsibilities at the Missouri State Capitol rests with the agency or the branch of government utilizing the space in the building--the House, the Senate, and the Governor each employ separate custodial personnel to maintain the offices they occupy. The Governor's office on the first floor of the building is maintained by the Office of Administration--an agency of the executive branch.²¹

All repairs and maintenance work performed by House and Senate maintenance crews are funded through separate "accounts committees" created by law. Section 8.015, Missouri Revised Statutes, specifies the powers and duties of the Senate Accounts Committee. A separate section of the law outlines identical powers and duties for the House Accounts Committee--in a different portion of the building. Section 8.015, MRS, reads as follows:

8.015. Senate accounts committee to control use of certain space and equipment in capitol.--The senate chamber, the senate committee rooms, the offices of the members of the senate on the third and fourth floors of the state capitol building and all other rooms of the state capitol building designed for or assigned by the board of public buildings to the use of the members and officers of the senate, and all furniture, equipment and supplies therein, are reserved for the exclusive use of the members and officers of the senate. These rooms, together with the furniture, equipment and supplies therein, are in direct charge and control of the senate accounts committee. No use of said quarters other than by the senate, its members or officers shall be made except with the written consent of the senator or officer occupying the office rooms and upon the order of the accounts committee.

The House Accounts Committee Chairman and the Speaker of the House approve all remodeling projects needed in the areas of the building assigned to the House. The President of the Senate assumes this responsibility for all Senate space.

Major construction projects at the Missouri State Capitol are usually sent to the Office of Administration for review. The Office of Administration solicits bids and issues the contracts for most major capital improvement projects.²²

New Jersey State House

Completed in 1899, the New Jersey State House in Trenton was designed to accommodate the Governor, the Secretary of State, the State Treasurer, and the Legislature.²³

In 1992, the New Jersey legislature created the State Capitol Joint Management Commission (see Appendix F) to develop overall policies and procedures for the management and operation of the State House, the State House Annex, and various ancillary facilities in the complex. According to the Executive Director of the Commission, the Joint Commission was created during the final stages of the first phase of a three-part renovation project at the State House to establish policies and procedures to protect the historic building. The day-to-day maintenance work at the State House is actually performed by an agency of the executive branch, known as the Property Management Division under the New Jersey Department of Treasury. The Property Management Division operates and maintains all state buildings under a general account of the executive branch. The State House is operated under a special legislative account.²⁴

The eight-member State Capitol Joint Management Commission is made up of four executive branch members and four legislative members. Executive branch members include representatives from the Office of Policy and Planning; the General Services Administration; the Office of Management and Budget; and the Governor's Chief of Staff. The legislative members of the commission include the directors of the majority and minority offices of the Senate and Assembly. The Commission is placed under the legislature for administrative purposes. The director of the Property Management Division of the State Department of Treasury serves as the Executive Director of the Commission. The Joint Management Commission's budget for State House operations during the 1995-1996 budget year, excluding utilities, was approximately \$4,000,000.²⁵

The State Capitol Joint Management Commission provides overall guidance and operating funds to the Property Management Division to carry out the day-to-day operations of the State House. The New Jersey State House is currently in the second phase of a three-stage renovation project. According to the Executive Director, the combined cost of all three phases of the renovation project may ultimately cost the State of New Jersey \$250 million.²⁶

New Mexico State Capitol

Completed in 1966, the New Mexico State Capitol in Santa Fe was designed to accommodate the Legislature, the Governor, the Lieutenant Governor, and the Secretary of State. At the time of its construction, the responsibility to operate and maintain the State

Capitol rested with an agency of the executive branch. In 1967, however, a law was passed giving full control and ownership of the building to the New Mexico Legislature.²⁷

Section 2-3-4, New Mexico Statutes Annotated, reads as follows:

2-3-4. Control of building housing legislature, adjacent utility plant and surrounding grounds.

Notwithstanding the provisions of Chapter 6, Articles 1 and 2, NMSA 1953, the exclusive control, care, custody and maintenance of the building in which the legislature is housed, the adjacent utilities plant and the surrounding grounds are transferred from the capitol buildings improvement commission, and the capitol custodian commission, to the legislative council.

The Legislative Council is a sixteen-member committee consisting of eight House and eight Senate members. There are no representatives of the executive branch on the Council. The Legislative Council governs a Council Services Office which--in addition to operating and maintaining the State Capitol--provides nonpartisan research, bill drafting, library, and statutory revision services to the New Mexico Legislature. The Maintenance Division of the Council Services Office provides all custodial services, performs all repairs, and carries out all the day-to-day tasks of operating the building. The Maintenance Division is supported by a staff of thirty-five building maintenance personnel.²⁸

Major construction at the New Mexico State Capitol is addressed by a special Facility Review Subcommittee of the Legislative Council. While minor repair projects are handled in-house by the Maintenance Division's staff, the Facility Review Subcommittee generally awards contracts for major construction projects.²⁹

Oregon State Capitol

Completed in 1938, the Oregon State Capitol in Willamette Valley was designed to accommodate the Governor and both houses of the State Assembly. The four-story building was built to replace an earlier structure destroyed by fire in 1935. State law in Oregon gives the responsibility to maintain the State Capitol to the Legislature. All other state buildings are controlled and operated by the Oregon Department of Administrative Services, an agency of the executive branch.³⁰

Offices in the Oregon State Capitol, including offices occupied by the Governor, are maintained and operated by a legislative agency known as the Legislative Administration Committee. Section 276.002, Oregon Revised Statutes, gives full control of the State Capitol to the Legislative Administration Committee. The law actually transfers full ownership of the State Capitol to the Legislature. The Governor actually rents office space in the State Capitol from the Legislature. All day-to-day maintenance in the building is carried out by the Legislative Administration Committee.³¹

Section 276.002, Oregon Revised Statutes, reads as follows:

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276.002 Control of State Capitol; assignment of parking spaces; disposition of rentals. (1) The Legislative Assembly, through the Legislative Administration Committee, shall exercise control over the use of the State Capitol.

(2) The committee has exclusive power to assign and reassign quarters in the State Capitol for such periods and under such terms, including rental rates, as the committee considers appropriate.

(3) All rentals for quarters and for parking shall be credited to the State Capitol Operating Account.

The Legislative Administration Committee is made up of members from both houses of the Legislature. There are no representatives from executive branch on the Committee. The Committee, which is co-chaired by the Speaker of the House and the President of the Senate, is responsible for the delivery of a wide range of technical and professional services to the occupants of the State Capitol. Administrative units under the committee provide personnel services, fiscal services, committee staffing, research assistance, library services, data processing, internal media services, and visitor information.³²

The Administrative Services Division of the Legislative Administration Committee operates and maintains the State Capitol. Moneys for the operation and maintenance of the State Capitol are allocated to the Legislative Administration Committee through a fund known as the "State Capitol Operating Account". Section 276.003, ORS, provides that "moneys credited to the account are appropriated continuously to the Legislative Administration Committee to pay the expenses of operating, maintaining, protecting and insuring the State Capitol and to reimburse the Oregon Department of Administrative Services for a share of the expenses of ground maintenance, utilities and other necessary expenses".

Tennessee State Capitol

Completed in 1893, the Tennessee State Capitol in Nashville was designed to accommodate the Legislature, the Governor, the Supreme Court, and various agencies of the executive branch. All maintenance work performed at the State Capitol is carried out by the Tennessee Department of General Services.³³

The Department of General Services is a staff agency of the executive branch which provides support services to all state agencies, including but not limited to procurement of supplies and equipment, building management, motor vehicle management, postal services, records management, and capitol facilities management.³⁴

In 1985, funds were appropriated to begin several major renovation projects at the State Capitol in Tennessee. A Capitol Restoration Committee was created by the Governor to draft a historic structures report for the building. In 1986, the Legislature established the Tennessee State Capitol Commission to formulate a plenary master plan for the restoration of the entire State Capitol complex. The Commission, which is placed under the Department of General Services for administrative purposes, develops plans and establishes policies for the restoration, preservation, and maintenance of the buildings and surrounding property of the complex. The 1986 plan developed by the Commission called

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for the restoration of the legislative library, the first and second floors of the State Capitol, the Supreme Court, and the offices of the Governor and the Governor's staff.³⁵

Vermont State Capitol

Completed in 1859, the Vermont State Capitol in Montpelier was designed to accommodate the Lieutenant Governor, the Senate President, and the House Clerk. Aside from the chambers where House and Senate members meet, there are no other offices in the State Capitol. House and Senate members in Vermont have no private offices and no funds to hire staff. Legislative sessions in Vermont run for a period of seventeen weeks each year. Staff support during sessions of the Legislature is provided by an agency known as the Legislative Counsel.³⁶

The Sergeant-at-Arms of the Vermont Legislature tends to the day-to-day needs of the Lieutenant Governor, the House Clerk and the Senate President. The duties of the Sergeant-at-Arms include mail delivery, custodial services, and building security. During sessions of the Legislature, the Sergeant-at-Arms also assigns rooms for committee meetings and provides personnel to function as pages and doorkeepers.³⁷

The Department of State Buildings carries out most of the major maintenance work on the State Capitol Building, including, but not limited to, exterior painting, repairs, and all electrical work. The Vermont Capitol Complex Commission was created in 1974 to protect the aesthetic and architectural integrity of all buildings in the Capitol Complex area. The Capitol Complex Commission consists of five members--the Chairperson of the Montpelier Planning Commission and four members appointed by the Governor.³⁸

Wisconsin State Capitol

The Wisconsin State Capitol in Madison is currently in the midst of a \$30 million restoration project. The Senate and Assembly are scheduled to return to their respective chambers by 1998. Along with the Legislature, the Wisconsin State Capitol provides accommodations for the Governor, the Lieutenant Governor, the Attorney General, and the Supreme Court.³⁹

The Division of Buildings and Police Services of the Wisconsin Department of Administration performs all maintenance work on the Wisconsin State Capitol. The Division maintains twenty-nine major buildings in cities throughout Wisconsin, including, but not limited to, the State Capitol and the Executive Residence. The Division also provides police protection and security for all state buildings, property, state officials, employees, and visiting dignitaries.⁴⁰

All work performed at the State Capitol by the Department of Administration must be approved by the State Capitol and Executive Residence Board created under chapter 183, Wisconsin Statutes Annotated (see Appendix G). The Board, which is placed under the Department of Administration for administrative purposes, is responsible for setting standards for the design, composition, and appropriateness of repairs at the State Capitol

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and Executive Residence. The Board consists of sixteen members appointed by the Governor for six-year terms.

Endnotes

1. Office of the Federal Register, The United States Government Manual, 1995/1996, p. 43.
2. Ibid.
3. Ibid.
4. E. Dotson Wilson, Chief Clerk of the California Assembly, California's Legislature, State of California, 1994 Edition, p. 146.
5. Telephone conversation with John Johnson, State Capitol Building Manager, California Department of General Services, September 18, 1996.
6. Ibid.
7. Ibid.
8. Ibid.
9. Telephone conversation with Bill Obier, Superintendent of State Buildings, Office of State Buildings, State of Louisiana, October 1, 1996.
10. Ibid.
11. Ibid.
12. Wattson, Peter S., Space Wars in Minnesota, The Legislative Lawyer, National Conference of State Legislatures, Volume 9, No. 4, p. 1.
13. Ibid., p. 2.
14. Ibid.
15. Ibid.
16. Ibid.
17. Ibid., p. 3.
18. Ibid.
19. Ibid., p. 4.
20. Missouri Secretary of State, 1993-1994 Official Manual, State of Missouri, p. 948.
21. Ibid., p. 296.
22. Ibid.

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23. New Jersey, Manual of the Legislature of New Jersey, 217th Legislature 1996, p. 101.
24. Telephone conversation with Anthony R. Mazzella, Executive Director, State Capitol Joint Management Commission, August 19, 1996.
25. Ibid.
26. Ibid.
27. Telephone conversation with Paula Tackett, Director, Legislative Council Services Office, August 15, 1996.
28. Ibid.
29. Ibid.
30. Oregon Secretary of State, 1993-94 Oregon Blue Book, p. 272.
31. Ibid., p. 161.
32. Ibid.
33. Tennessee Secretary of State, Tennessee Blue Book 1991-1994, p. 354.
34. Ibid., p. 179
35. Ibid., p. 358.
36. Telephone conversation with Teresa Randall, Sergeant-at-Arms, Vermont Legislature, August 22, 1996.
37. Ibid.
38. Ibid.
39. Wisconsin Legislative Reference Bureau, 1995-1996 Blue Book, p. 320.
40. Ibid., p. 373.

Chapter 6

THE FEASIBILITY OF ESTABLISHING A STATE CAPITOL MAINTENANCE PROGRAM UNDER THE LEGISLATURE

Introduction

H.R. No. 53, H.D. 1, requests the Legislative Reference Bureau to examine the feasibility of transferring the management of the State Capitol from the Department of Accounting and General Services to the Legislature. Specifically, H.R. No. 53, H.D. 1, requests the Bureau to:

- (1) Examine the "number and experiences of other states where the legislature is responsible for managing their state capitol";
- (2) Determine the "resources necessary to assume the responsibility of managing the Capitol, in terms of funding and staffing";
- (3) Determine "who should be responsible for security functions"; and
- (4) Identify any "union issues concerning the Department of Accounting and General Services' personnel".

This chapter summarizes the findings of the Bureau.

Analysis of State Capitol Maintenance Programs in Other States

Chapter 5 illustrates some of the approaches utilized by other jurisdictions to maintain and operate their state capitol buildings. Although there are various similarities in the programs of many states, other states have programs that are difficult to categorize. While many states assign the day-to-day duties of maintaining their state capitol buildings to the executive agency charged with the maintenance of all state buildings, others assign this duty to an office or committee of the Legislature. Several other states divide these duties among the various offices and branches of government occupying the building. Several states have programs with administrative setups and lines of authority that defy simple classification. Programs of this nature are probably more the result of political conflicts between the ranks of building users, rather than the most efficient means of operating the building.

It is important to emphasize that--aside from a few exceptions--agencies that maintain the state capitol buildings of their states rarely exercise unilateral control over the entire building. For example, while the State Capitols of Arizona and Tennessee are maintained and operated by staff agencies of the Governor, legislators are not precluded from making recommendations about the operations of the building. Indeed, most states encourage full participation in the decisionmaking process affecting the preservation and

use of their state capitol buildings. States such as Tennessee and Wisconsin have capitol preservation commissions made up of members of various groups, including legislative, executive, and public interest organizations. While their involvement in the day-to-day operations of the building is generally limited, these commissions exercise considerable influence over matters concerning the long-term preservation of their state capitol facilities.

Other states have joint building management committees that actually become involved--in varying degrees--in the day-to-day operations of the building. These committees typically include members from the Legislature as well as the executive branch. These committees are generally staffed to serve the operating needs of the building and are typically funded through special accounts controlled by the joint committee.

Analysis of a State Capitol Maintenance Program under the Hawaii State Legislature

H.R. No. 53, H.D. 1, states that "with the return of Hawaii's Legislature to the Capitol, the time is right for the Legislature to reassess the possibility of assuming the responsibility of managing the Capitol". The resolution makes reference to the Joint Legislative Management Committee law which was passed in 1990 and suggests placing control of the building under the committee. The Joint Legislative Management Committee was established to provide the Legislature with a mechanism to monitor the work of its service agencies. The law calls for the appointment of ten members of the Legislature to carry out the duties of the committee. To date, however, positions on the committee remain vacant and no actions have been initiated by the committee. Granting the Joint Legislative Management Committee full authority to manage and operate the State Capitol would be equivalent to placing the building under the exclusive control of the Legislature.

As noted in Chapter 3, Hawaii's State Capitol is maintained, operated, and secured by three agencies of the executive branch. Officials within each agency were consulted to ascertain their views on the proposal to establish a State Capitol maintenance program under the Legislature. When asked to offer their opinions on the "feasibility" of the proposal, most officials replied without hesitation that--given the necessary personnel, equipment, and resources--virtually any operating configuration would be "feasible". The issue of practicality, however, presented issues which were much more difficult to address. Most officials displayed little or no confidence that a program of this nature would improve the level or the quality of services provided to the building and its users under the current operating system.

This section reviews some of the problems the Legislature may encounter if the proposal to assume full control of the State Capitol is pursued.

- ***Executive Offices in the State Capitol.***

United by the design of the building, the Hawaii's legislative and executive branches have co-existed relatively amiably as neighbors in the State Capitol since its construction in 1969. Thus far, issues relating to the use and operation of the building (*i.e.*, renovation,

space allocation, etc.) have been worked out by informal working groups made up of members representing the two branches.

According to the Governor's Chief of Staff, the absence of recent demands, complaints, and other grievances from the Legislature about accommodations at the State Capitol led the state administration to believe that the Legislature was satisfied with the current operating arrangement. Not surprisingly, the lack of prior signs of dissatisfaction from the Legislature made the actions proposed in H.R. No. 53, H.D. 1, somewhat difficult for the Chief of Staff to fathom. Compounding the confusion was the fact that the resolution failed to identify any problem or complaint for the state administration to evaluate or address.

According to the Governor's Chief of Staff, the state administration will always remain open to discussions of specific problems concerning the State Capitol with the Legislature. However, until a well-grounded reason is provided to cede full control of the facility to the Legislature, the administration's position on the issue will--in all likelihood--remain firmly in favor of the current operating arrangement.

- ***Duplication of Personnel, Equipment, and Expenditures.***

Based on the cost estimates developed by the Departments of Accounting and General Services; Land and Natural Resources; and Public Safety, a State Capitol maintenance program and security force at the Legislature would require an initial outlay of about \$4,204,315 and a staff of approximately fifty-nine personnel. While some of the expenses of the new program would obviously be stricken from the costs customarily incurred by the three agencies, the cost of hiring new personnel and purchasing new equipment will obviously represent new expenditures for the State.

As noted in Chapter 3, the Central Services Division of the Department of Accounting and General Services is responsible for the operation and maintenance of the State Capitol and approximately 160 other buildings statewide. Two building managers and twenty trades staff divide their time and effort to maintain the State Capitol and about seventy other buildings on Oahu. Presently, the only DAGS personnel working at the State Capitol on a full-time basis are the custodians assigned to the facility by the Central Services Division.

Aside from the custodial staff, most administrative, professional, and trades personnel of the Central Services Division cannot simply be transferred from their current positions to new positions under the Legislature. Because of the large number of buildings they maintain, such an action would obviously leave the maintenance programs of the division seriously understaffed. A State Capitol maintenance program would require the hiring of a new manager/engineer and approximately four additional personnel trained in the various trades. Based on the scope of work addressed by professional and trades personnel at the Central Services Division, establishing a five-member State Capitol maintenance staff to oversee the maintenance of a single state building would represent a less efficient use of resources and may be difficult to justify.

The cost of establishing separate maintenance contracts for some of the State Capitol's major mechanical systems presents several additional factors to consider. For example, the State Capitol's air conditioning system is currently controlled by DAGS engineers from the Department's central baseyard in Mapunapuna by way of a computer program that links the air conditioning systems of most of the major state buildings operating in the downtown Honolulu area. The system enables engineers to monitor and control air temperature in various sections of the building. The system also enables engineers to extend the operating hours of the building's air conditioning system to accommodate late night sessions or meetings of the Legislature. Severing the State Capitol from this network and negotiating a new contract for the operation of the facility's air conditioning system as a separate operation will undoubtedly represent additional costs to the State.

Similarly, the cost of establishing a separate cleaning contract for the State Capitol parking lot or "Lot S" may result in extra costs to the State. The Parking Control Program currently issues a contract of \$89,980 on an annual basis to clean all state parking structures on Oahu. Because Lot S represents ten percent of all state parking stalls on the island, the State Capitol's current share of the expenses amounts to \$8,998. According to the program administrator, however, negotiating a separate cleaning contract for a single parking facility such as Lot S will undoubtedly result in higher cleaning costs for the facility.

- ***Fluctuating Demand for Services.***

The fluctuating demand for certain office-related services at the State Capitol also presents several important factors to consider. Unlike the offices of other state buildings, most offices at the State Capitol are fully occupied only for periods of five to six months each year. Requests for office-related services such as telephone repairs and installation, electrical alterations, modular furniture adjustments, office lock replacement, parking permit issuance and various other projects invariably increase as the building is reoccupied at the start of each session. Unless a sizable staff is kept on hand to address seasonal increases in workload, the program will invariably experience problems in meeting the needs of the individual offices as they arise.

Conversely, a fully-staffed maintenance office during periods of reduced workload will undoubtedly present questions of cost inefficiency. While the logical alternative would be to hire various employees on a seasonal basis, many problems at the State Capitol require experienced personnel familiar with the operations of the facility to resolve effectively. The current operating system allows the Department of Accounting and General Services to tap into the pool of trades personnel at the Central Services Division to address the needs of State Capitol occupants as they arise.

- ***State Capitol Security.***

Similarly, the fluctuating demand for security at the State Capitol makes the staffing requirements of a self-contained security force at the State Capitol difficult to determine. As noted in Chapter 3, the Protective Services Division of the Department of Public Safety estimates that the number of officers needed on any given shift to provide

basic security at the State Capitol ranges from eight to ten officers. Depending on the circumstances, however, requirements for security assistance at the State Capitol can increase dramatically. For example, public safety officials estimate that as many as forty officers were stationed throughout the State Capitol during the opening ceremonies of the Regular Session of 1996 to ensure public safety. Obviously, the number of officers needed to maintain order during disturbances, emergencies, controversial hearings, and large demonstrations depends on the magnitude and severity of the situation. The current security arrangement allows the Protective Services Division of the Department of Public Safety to summon public safety officers stationed onsite at the State Capitol and throughout the downtown area to address emergencies at the State Capitol.

Implicit in any suggestion to create a self-contained security force at the State Capitol is the desire or the intention to address the security problems and needs of the facility on an independent basis. As noted earlier, however, unless a sizable response team is kept on hand to deal with all possible emergencies, a truly independent security force under the Legislature would be difficult to envision. An independently operated legislative security office that regularly requires the assistance of outside forces would appear to serve no practical purpose.

By establishing a separate security agency under legislative control, the Legislature may also run the risk of creating a jurisdictional conflict between the security programs of the Legislature and the executive branch. With executive and legislative offices, property, and personnel situated in such close proximity in and around the State Capitol district, questions over the duties, obligations, and actual responsibilities of the security personnel of each agency will inevitably arise as security incidents transpire. Confusion over the jurisdictional powers of the respective security forces, especially in times of extreme emergency, may lead to problems of public safety.

- ***Loss of Civil Service Status of Transferred Personnel.***

H.R. No. 53, H.D. 1, alludes to one of the principal hurdles facing any legislative initiative to transfer existing state civil service personnel under the executive branch to new positions within the legislature--namely--the loss of civil service status. State law currently excludes employees of the Legislature from the civil service law. Section 76-16, *Hawaii Revised Statutes*, exempts from the civil service law, all employees "filled by the legislature or by either house or any committee thereof". Maintenance personnel transferred from their current positions to new positions under the Legislature would more than likely lose their status as civil service employees.

As noted earlier, the only maintenance personnel assigned to the State Capitol on a full-time basis are the custodians of the Department of Accounting and General Services and the park caretakers of the Department of Land and Natural Resources. Employees belonging to the two categories of maintenance workers are represented by the United Public Workers Union (UPW).

According to the Union, the basic mission of the UPW is to protect the interests of union workers. Based on this mission, the union traditionally opposes all proposals--legislative or otherwise--that either divest or deprive employees of the union representation

FEASIBILITY OF ESTABLISHING A STATE CAPITOL MAINTENANCE PROGRAM

they deserve. Based on the view of the union, the scenario suggested in the resolution appears to fall short of the union's criteria for acceptability on both counts. On one hand, transferring existing maintenance personnel from their current positions to the Legislature would result in the divestment of the employee's union representation. On the other hand, the union contends that hiring new employees to take on the work normally and customarily performed by union employees would be equivalent to "outsourcing" or "contracting out" these jobs to nonunion employees. Moreover, State Capitol maintenance employees hired to carry out jobs customarily performed by union employees would be deprived of the opportunity to be represented by the union.

Chapter 7

CONCLUSION

H.R. No. 53. H.D. 1, alludes to the fact that the State Capitol is a very special building. Accordingly, the primary objective of the current occupants of the State Capitol should be to preserve the useful life of the facility for future generations of users.

Regardless of the options, alternatives, and innovative programs of other states, the trend in state government in recent years has been to streamline existing programs, reduce costs, and eliminate duplication. Establishing a program that duplicates the personnel, equipment, services, and capabilities of existing programs runs contrary to the concept of increasing government efficiency. Based on the high cost, the duplication that would result, and the potential problems a program of this nature would likely face, the Bureau views the concept establishing an independently-operated State Capitol maintenance program under the Legislature at this time to be impractical.

Appendix A

HOUSE OF REPRESENTATIVES
EIGHTEENTH LEGISLATURE, 1996
STATE OF HAWAII

H.R. NO.

53
H.D. 1

HOUSE RESOLUTION

REQUESTING A FEASIBILITY STUDY OF TRANSFERRING THE MANAGEMENT OF THE
STATE CAPITOL FROM THE DEPARTMENT OF ACCOUNTING AND GENERAL
SERVICES TO THE LEGISLATURE.

1 WHEREAS, in March, 1969, the State Capitol (Capitol) was
2 completed and became home to the State Legislature and some of its
3 agencies, the Offices of the Governor, Lieutenant Governor, and a
4 few executive agencies; and
5

6 WHEREAS, out of the forty-nine other state capitols in the
7 country, Hawaii is a unique Capitol, filled with rich symbolism; and
8

9 WHEREAS, the Capitol was designed and built to symbolize a
10 volcanic island, with the curved legislative chambers resembling the
11 shape of the volcanoes that created Hawaii as an island state; and
12

13 WHEREAS, surrounding the Capitol is a pool of water that
14 symbolizes the Pacific Ocean, with the volcano rising up from it,
15 again, much like the Hawaiian Islands; and
16

17 WHEREAS, the columns echo the graceful shape of palm trees and
18 the open roof represents the summit of a volcano, open to the
19 elements; and
20

21 WHEREAS, in addition to its beauty, and in a very Hawaiian way,
22 the sense of majesty and importance it creates, the Capitol is
23 symbolic of Hawaii's "best hopes" for state government as
24 architecturally, the building is open, literally and figuratively;
25 and
26

27 WHEREAS, without exception, there are literally no back doors,
28 secret passageways, or hidden rooms in the Capitol, which makes for
29 a very open legislative process; and
30

31 WHEREAS, the massive rotunda is open twenty-four hours a day
32 for admiration, contemplation, or demonstration; and
33

34 WHEREAS, the effective symbolism of the Capitol's design is
35 good for the eye and the soul and the practical elements of the
36 design is good for open, honest government; and

1 WHEREAS, this unique building is currently maintained by the
2 Department of Accounting and General Services; and
3

4 WHEREAS, in some other states, however, the maintenance of
5 their capitol building is not the responsibility of the executive
6 branch; for example, in both California and Oregon, the legislatures
7 are responsible for the upkeep of their facilities; and
8

9 WHEREAS, in 1992, a bill was introduced in the Hawaii
10 Legislature that, among other things, would have had the Joint
11 Legislative Management Committee assume control of the Capitol; and
12

13 WHEREAS, with the return of Hawaii's Legislature to the
14 Capitol, the time is right for the Legislature to reassess the
15 possibility of assuming the responsibility of managing the Capitol;
16 now, therefore,
17

18 BE IT RESOLVED by the House of Representatives of the
19 Eighteenth Legislature of the State of Hawaii, Regular Session of
20 1996, that the Legislative Reference Bureau is requested to conduct
21 a feasibility study of transferring the management of the Capitol
22 from the Department of Accounting and General Services to the
23 Legislature; and
24

25 BE IT FURTHER RESOLVED that the feasibility study examine:
26

- 27 (1) The resources necessary to assume the responsibility of
28 managing the Capitol, in terms of funding and staffing;
29 and
30
31 (2) The number and experiences of other states where the
32 legislature is responsible for managing their state
33 capitol;
34

35 and
36

37 BE IT FURTHER RESOLVED that the feasibility study also identify
38 issues for the Legislature to consider including but not limited to:
39

- 40 (1) Determination of who should be responsible for security
41 functions;
42
43 (2) Union issues concerning the Department of Accounting and
44 General Services' personnel; and

1 (3) The number of staff that the Legislature would need to
2 employ to adequately maintain the Capitol, versus the
3 option of relying on the Department of Accounting and
4 General Services to continue to provide the service;

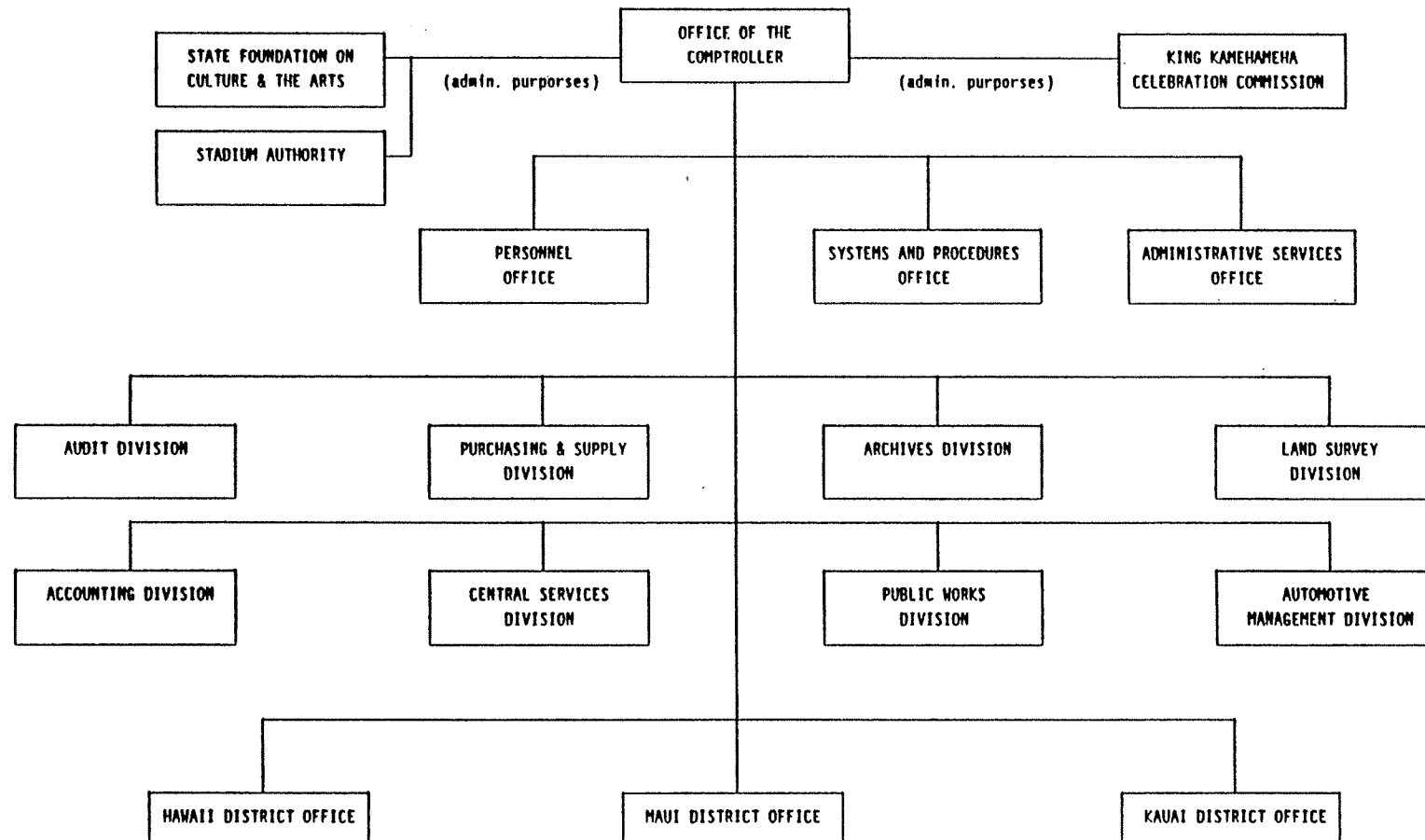
5
6 and

7
8 BE IT FURTHER RESOLVED that the Legislative Reference Bureau
9 submit a report of its findings and recommendations to the
10 Legislature no later than twenty days prior to the convening of the
11 Regular Session of 1997; and

12
13 BE IT FURTHER RESOLVED that a certified copy of this Resolution
14 be transmitted to the Director of the Legislative Reference Bureau.

Appendix B

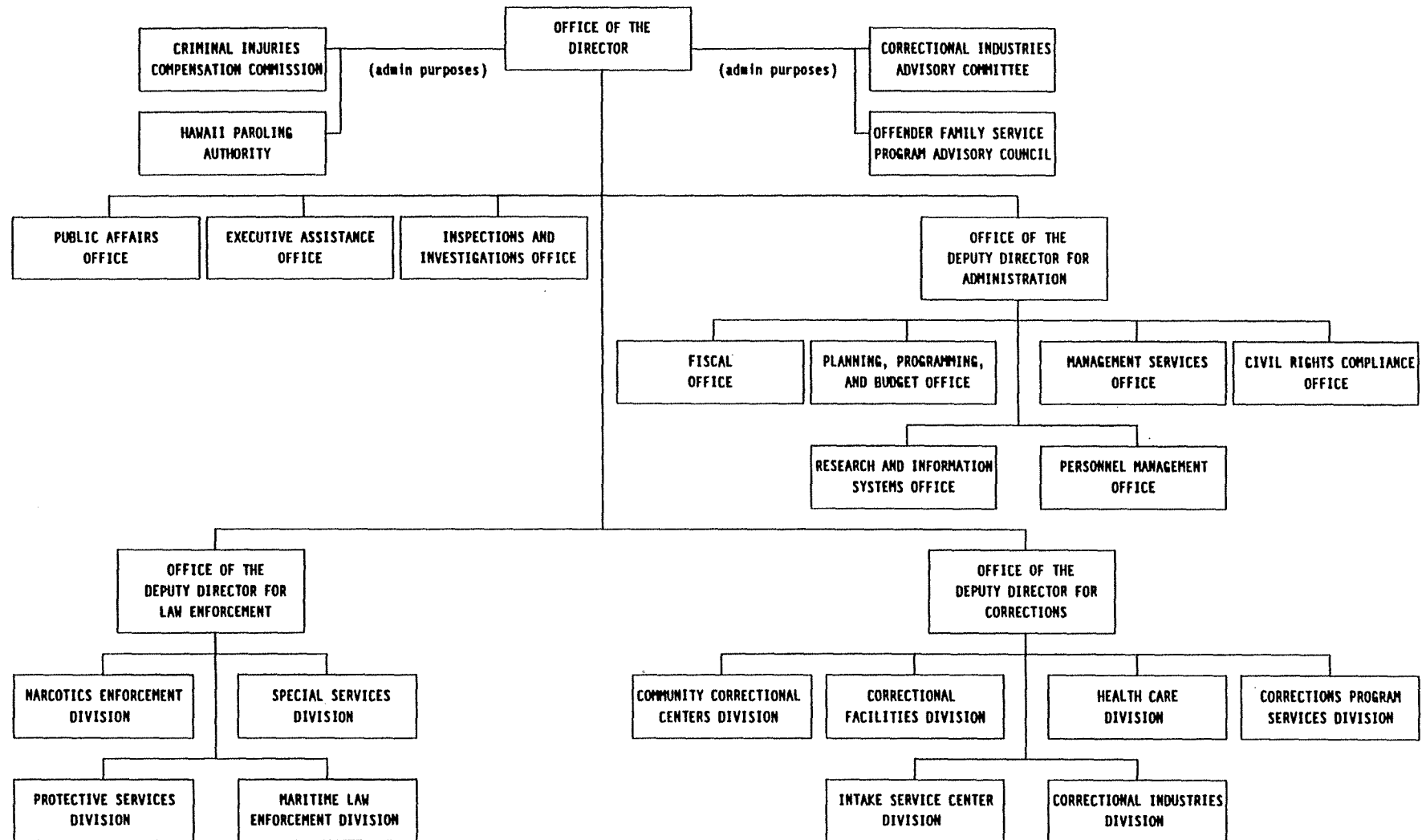
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES



Source: State of Hawaii, Department of Accounting and General Services, Plan of Organization.

Appendix C

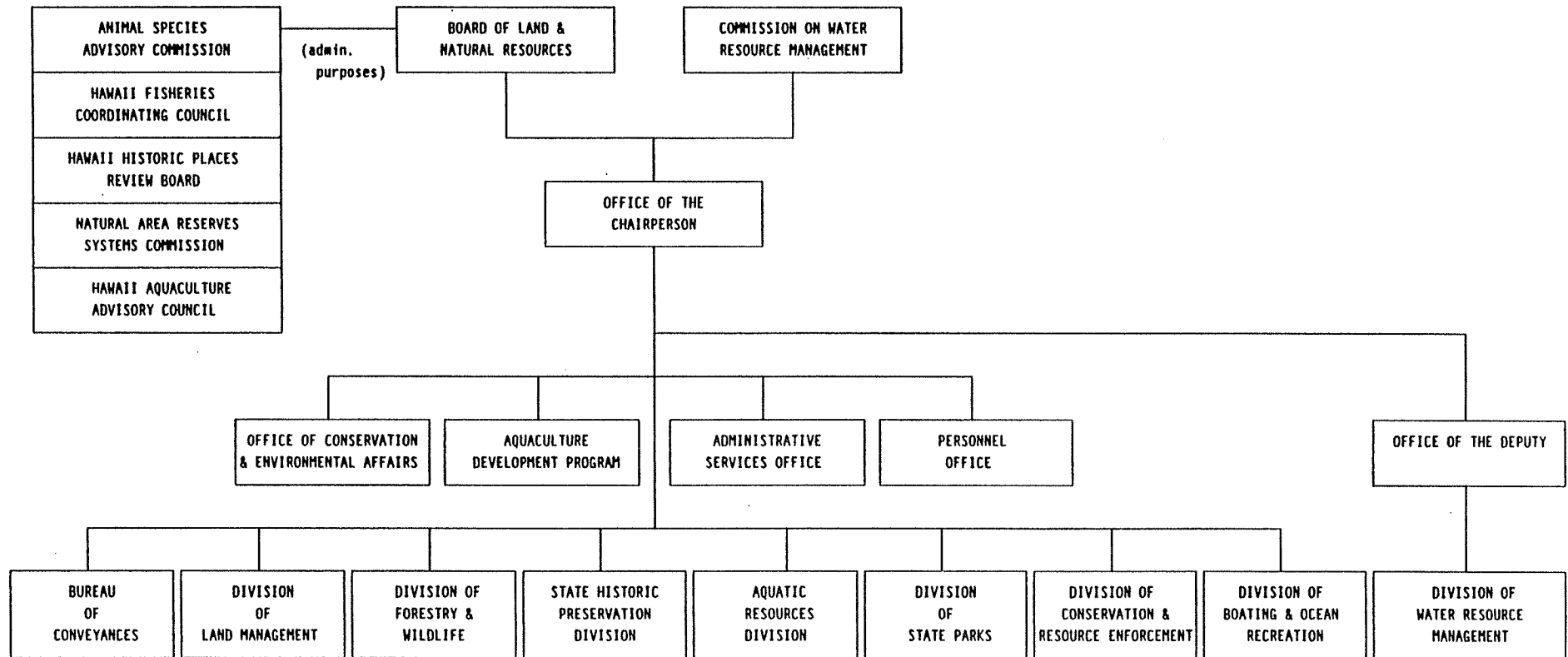
DEPARTMENT OF PUBLIC SAFETY



Source: State of Hawaii, Department of Public Safety, Plan of Organization.

Appendix D

DEPARTMENT OF LAND AND NATURAL RESOURCES



Source: State of Hawaii, Department of Land and Natural Resources, Plan of Organization.

Appendix E

STATE CAPITOL MAINTENANCE PROGRAMS IN OTHER JURISDICTIONS

| State | Occupants in State Capitol | Primary Responsibility to Manage/Operate | Performs Full or Partial Maintenance |
|---------------|--|---|--|
| Alabama | Legislature, Exec. Branch | Dept. of Finance | Dept. of Finance |
| Alaska | Legislature, Exec. Branch | Legislative Affairs Agency | Legislative Affairs Agency |
| Arizona | Legislature, Exec. Branch | Dept. of Administration | Dept. of Administration |
| Arkansas | Legislature, Exec. Branch | Secretary of State | Secretary of State |
| California | Legislature, Exec. Branch | Dept. of General Services | Separate Exec., Senate, and Assembly Programs |
| Colorado | Legislature, Exec. Branch | Dept. of Administration | Dept. of Administration |
| Connecticut | Legislature, Exec. Branch | Legislative Office Management Group | Legislative Office Management Group |
| Delaware | Legislature, Exec. Branch | Dept. of Administrative Services | Dept. of Administrative Services |
| Florida | Legislature, Exec. Branch | Dept. of General Services, Facilities Division | Dept. of General Services, Facilities Division |
| Georgia | Legislature, Exec. Branch | Georgia Building Authority | Georgia Building Authority |
| Hawaii | Legislature, Exec. Branch | Dept. of Accounting and General Services | Dept. of Accounting and General Services |
| Idaho | Legislature, Exec. Branch | Division of Public Works | Division of Public Works |
| Illinois | Legislature, Exec. Branch | Capitol Development Board, Secretary of State, and separate House and Senate Programs | Secretary of State, and separate House and Senate programs |
| Indiana | Legislature, Exec. Branch, Supreme Court | Dept. of Administration, Clerk of the House, and Secretary of the Senate | Separate Exec., House, and Senate programs |
| Iowa | Legislature, Exec. Branch, Supreme Court | Dept. of General Services | Dept. of General Services |
| Kansas | Legislature, Exec. Branch | Facilities Management Agency | Facilities Management Agency |
| Kentucky | Legislature, Exec. Branch | Dept. of Facilities Management | Dept. of Facilities Management |
| Louisiana | Legislature, Exec. Branch | Office of State Buildings | Office of State Buildings and Legislative Budgetary Control Council |
| Maine | Legislature, Exec. Branch | Bureau of General Services | Bureau of General Services |
| Maryland | Legislature, Exec. Branch | Annapolis Public Buildings and Grounds Division, Dept. of General Services | Annapolis Public Buildings and Grounds Division, Dept. of General Services |
| Massachusetts | Legislature, Exec. Branch | Division of Planning and Development | Division of Planning and Development |
| Michigan | Legislature, Exec. Branch | Joint Legislative/Exec. Capitol Building Committee | Capitol Building Manager |
| Minnesota | Legislature, Exec. Branch | Dept. of Administration | Dept. of Administration |
| Mississippi | Legislature, Exec. Branch | Secretary of State | Secretary of State |
| Missouri | Legislature, Exec. Branch | House/ Senate Accounts Committees and Dept. of Administration | Separate Exec., House, and Senate programs |

STATE CAPITOL MAINTENANCE PROGRAMS IN OTHER JURISDICTIONS

| State | Occupants in State Capitol | Primary Responsibility to Manage/Operate | Performs Full or Partial Maintenance |
|----------------|---|---|---|
| Montana | Legislature, Exec. Branch | Dept. of Administration | Dept. of Administration |
| Nebraska | Legislature, Exec. Branch, Supreme Court | Dept. of Administrative Services | Dept. of Administrative Services |
| Nevada | Legislature, Exec. Branch | Legislative Counsel Bureau | Legislative Counsel Bureau |
| New Hampshire | Legislature, Exec. Branch | Bureau of General Services | Bureau of General Services |
| New Jersey | Legislature, Exec. Branch | Joint Legislative/Exec. Management Commission | Dept. Of Treasury |
| New Mexico | Legislature, Exec. Branch | Legislative Council | Legislative Council Services |
| New York | Legislature, Exec. Branch | Office of General Services | Office of General Services |
| North Carolina | Legislature, Exec. Branch | State Construction Office | State Construction Office |
| North Dakota | Legislature, Exec. Branch, Supreme Court | Facilities Management Agency | Facilities Management Division |
| Ohio | Legislature, Exec. Branch | Joint Legislative/Exec. Capitol Square Advisory Board | Capitol Square Advisory Board and separate programs under House and Senate clerks |
| Oklahoma | Legislature, Exec. Branch, Supreme Court | Central Services Agency, and separate House and Senate programs | Central Services Agency, and separate House and Senate programs |
| Oregon | Legislature, Exec. Branch | Legislative Administration Committee | Legislative Administration Committee |
| Pennsylvania | Legislature, Exec. Branch | Capitol Preservation Commission, Dept. of General Services | Dept. of General Services |
| Rhode Island | Legislature, Exec. Branch | Dept. of Administration | Dept. of Administration |
| South Carolina | Legislature, Exec. Branch | Division of General Services | Division of General Services |
| South Dakota | Legislature, Exec. Branch | Bureau of Administration | Bureau of Administration |
| Tennessee | Legislature, Exec. Branch | Dept. of General Services | Dept. of General Services |
| Texas | Legislature, Exec. Branch, Supreme Court | General Services Commission/State Preservation Board/Architect of the Capitol | General Services Commission/State Preservation Board |
| Utah | Legislature, Exec. Branch, Supreme Court | Division of Facilities | Division of Facilities |
| Vermont | Legislature, Exec. Branch | Sgt. at Arms/Dept of State Buildings | Sgt. at Arms/Dept. of State Buildings |
| Virginia | Legislature, Exec. Branch | Dept. of General Services | Dept. of General Services |
| Washington | Legislature, Exec. Branch | Dept. of General Administration Division of Capitol Facilities | Dept. of General Administration Division of Capitol Facilities |
| West Virginia | Legislature, Exec. Branch, Supreme Court of Appeals | Dept. of Administration | Dept. of Administration |
| Wisconsin | Legislature, Exec. Branch, Supreme Court | Dept. of Administration | Dept. of Administration |
| Wyoming | Legislature, Exec. Branch | Facilities Management Division | Facilities Management Division |

Appendix F

ASSEMBLY, No. 9

STATE OF NEW JERSEY

INTRODUCED MARCH 30, 1992

By Assemblymen HAYTAIAN and DORIA

1N ACT concerning the custody and management of the State
capitol complex, providing for its preservation and
maintenance, establishing the State Capitol Joint Management
Commission, amending R.S.52:20-7 and repealing R.S.52:20-20
through 52:20-23.

BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey:

1. (New Section) This act shall be known and may be cited as
the "State Capitol Joint Management Commission Act."

2. (New Section) The Legislature finds that the State House
Complex, consisting of the State House, the State House Annex,
and the adjacent environs, embodies and exemplifies a rich and
valued resource of historical, architectural, cultural and artistic
significance; that it is of singular importance that this heritage,
and the traditions and values it represents, be identified,
displayed and protected; that this historic complex, as the home
of the State Legislature and the Office of the Governor, must
also be maintained in a state of modern repair so as to ensure the
safe, efficient and effective conduct of official business and
public functions; and that restoration and preservation of the
State House Complex can be best met through the establishment
of a governing structure with equal representation from both the
legislative and executive branches.

3. (New Section) As used in this act:

a. "State capitol complex" means the State House, the State
House Annex, any ancillary structures, facilities or components
that are integral to the operation or use of the State House or
State House Annex, and the adjacent public grounds, walkways,
driveways and parking areas;

b. "Common facility" means any building, office, facility or
component within the State capitol complex that serves the
offices or employees of the executive and the legislative
branches in common, or that serves the visiting public, or that
houses non-governmental entities;

c. "Executive branch facility" means any building, office,
facility or component within the complex that predominantly
houses or exclusively serves the Office of the Governor or any
agency or employee of the executive branch; and

d. "Legislative branch facility" means any building, office,
facility or component within the complex that predominantly
houses or exclusively serves the Legislature or any agency or
employee of the legislative branch.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 4. (New Section) a. There is established the State Capitol
 2 Joint Management Commission to consist of four members of the
 3 executive branch of State government and four members of the
 4 legislative branch of State government, as follows: the Director
 5 of the Division of Budget and Accounting, the General Services
 6 Administrator, and two other members of the executive branch of
 7 State government to be appointed by and serve at the pleasure of
 8 the Governor; four members of the legislative branch of State
 9 government who may either be legislators or employees, two of
 10 whom shall be appointed by the President of the Senate, one of
 11 whom shall be of a different political party than the President of
 12 the Senate, and two of whom shall be appointed by the Speaker of
 13 the General Assembly, one of whom shall be of a different
 14 political party than the Speaker of the General Assembly. Each
 15 appointed member of the legislative branch shall serve during the
 16 two-year legislative term in which the appointment is made. All
 17 initial appointments shall be made within 30 days after the
 18 effective date of this act. Vacancies shall be filled in the same
 19 manner as the original appointments.

20 b. The four members of the commission from the executive
 21 branch shall constitute a subcommittee on executive branch
 22 facility management and the four members of the commission
 23 from the legislative branch shall constitute a subcommittee on
 24 legislative branch facility management.

25 5. (New Section) a. The commission and each subcommittee
 26 shall organize as soon as practical after the appointment of the
 27 initial members, and shall reorganize as soon as practical after
 28 the organization of each Legislature, at which times the
 29 commission and each subcommittee shall select a chairman and
 30 vice-chairman to serve until the organization of the next
 31 Legislature.

32 b. No motion to take any action by the commission shall be
 33 valid except upon the affirmative vote of a majority of the
 34 authorized membership of the commission. No motion to take
 35 any action by a subcommittee shall be valid except upon the
 36 affirmative vote of a majority of the authorized membership of
 37 the subcommittee.

38 c. The commission or any subcommittee may call upon the
 39 assistance of any office or employee within the executive or
 40 legislative branch, and may delegate to any office or employee
 41 specific authority to act on behalf of the commission or
 42 subcommittee.

43 6. (New Section) a. It shall be the duty of the commission and
 44 its respective subcommittees to:

45 (1) maintain, monitor and preserve the architectural,
 46 historical, cultural and artistic integrity of any completed project
 47 for the restoration, preservation and improvement of the State
 48 capitol complex and to safeguard any related artifacts,
 49 documents and objects;

50 (2) maintain custody of the State capitol complex, with
 51 exclusive jurisdiction with respect to its management and
 52 operation, including maintenance, repair, renovation,
 53 improvement, security, parking, furnishing, artifact displays, and
 54 space utilization; and

1 (3) consult with the Capital City Redevelopment Corporation,
2 established pursuant to P.L.1987, c.68 (C.52:8Q-8 et seq.),
3 regarding matters of common concern.

4 b. The exclusive responsibility to carry out these duties shall
5 repose with the commission with respect to common facilities;
6 the subcommittee on executive branch facility management with
7 respect to executive branch facilities; and the subcommittee on
8 legislative branch facility management with respect to legislative
9 branch facilities.

10 7. (New Section) a. The commission or any subcommittee
11 may enter into agreements with other State agencies or private
12 vendors for the performance of any function or the provision of
13 any service relating to the custody, management or operation of
14 the State capitol complex.

15 b. The commission or any subcommittee may enter into
16 agreements with any State agency with respect to the joint
17 management and use of facilities or systems which serve both the
18 capitol complex and buildings under the custody of the agency.

19 c. The commission shall be subject to the provisions of subtitle
20 5. of Title 52 of the Revised Statutes with respect to contracting.

21 8. (New Section) Upon completion of any project for the
22 restoration, preservation and improvement of the State capitol
23 complex, no alteration of any element of the project shall be
24 made without the approval of the commission or the appropriate
25 subcommittee.

26 9. (New Section) The commission is authorized to accept
27 gifts, donations and grants from any public or private source for
28 the purposes of any project.

29 10. (New Section) The Legislature shall ensure that the
30 appropriate State agency to maintain and preserve the State
31 Capitol complex or undertake or contract for any project for
32 repair or alteration of any element of the complex, annually is
33 appropriated such sums as are necessary to protect, preserve and
34 maintain the complex to the highest standards.

35 11. R.S.52:20-7 is amended to read as follows:

36 52:20-7. The commission shall have custody of [the state
37 house, the property contained therein and the adjacent public
38 grounds and] all buildings owned by the state, including the state
39 barracks, except buildings under the custody of the State Capitol
40 Joint Management Commission, which are used by the
41 departments, agencies and officials of the state in connection
42 with the conduct of the state's business, and shall lease from
43 time to time such office space as may be required for the
44 conduct of the state's business at such terms and under such
45 conditions as it may deem appropriate.

46 (cf: R.S.52:20-7)

47 12. R.S.52:20-20 through R.S.52:20-23 are repealed and the
48 powers and duties thereby vested in the State House Commission
49 and transferred to the Division of Purchase and Property and its
50 director pursuant to P.L.1944, c.112, s.12 (C.52:27B-64) are
51 hereby vested in the State Capitol Joint Management Commission.

52 13. This act shall take effect immediately.

STATEMENT

This bill establishes an eight-member State Capitol Joint Management Commission which shall be responsible for the custody and management of the State capitol complex. The complex includes the State House, the State House Annex, any ancillary structures, facilities or components that are integral to the operation or use of the State House or the State House Annex, and the adjacent public grounds, walkways, driveways and parking areas. At present, the General Services Administration in the Department of the Treasury is responsible for the custody and maintenance of this property.

The commission shall consist of the Director of the Division of Budget and Accounting, the General Services Administrator, and two other members of the executive branch of State government to be appointed by and serve at the pleasure of the Governor and four members of the legislative branch of State government who may either be legislators or employees, two of whom shall be appointed by the President of the Senate, one of whom shall be of a different political party than the President of the Senate, and two of whom shall be appointed by the Speaker of the General Assembly, one of whom shall be of a different political party than the Speaker of the General Assembly. The four members of the commission from the executive branch shall constitute a subcommittee on executive branch facility management and the four members of the commission from the legislative branch shall constitute a subcommittee on legislative branch facility management. No motion to take any action by the commission, or by a subcommittee, shall be valid except upon the affirmative vote of a majority of the authorized membership of the commission or subcommittee, as the case may be.

It shall be the duty of the commission and its respective subcommittees to:

(1) maintain, monitor and preserve the architectural, historical, cultural and artistic integrity of any completed project for the restoration, preservation and improvement of the State capitol complex and to safeguard any related artifacts, documents and objects;

(2) maintain custody of the State capitol complex, with exclusive jurisdiction regarding its management and operation, including maintenance, repair, renovation, improvement, security, parking, furnishing, artifact displays, and space utilization; and

(3) consult with the Capital City Redevelopment Corporation regarding matters of common concern.

The responsibility to carry out these functions is assigned to the commission regarding common facilities; to the subcommittee on executive branch facility management regarding executive branch facilities; and to the subcommittee on legislative branch facility management regarding legislative branch facilities. Upon completion of any project for the restoration, preservation and improvement of the State capitol complex, no alteration of any element of the project shall be made without the approval of the commission or the appropriate

1 subcommittee.

2 The bill provides that the commission or any subcommittee
3 may enter into agreements with other State agencies or private
4 vendors for the performance of any function or the provision of
5 any service relating to the custody, management or operation of
6 the State capitol complex. It also allows the commission to
7 accept gifts, donations and grants from any public or private
8 source for the purposes of any project.

9 The bill repeals existing provisions of the law concerning the
10 appointment and responsibilities of the custodian of the State
11 House and the superintendent of the State House Annex and State
12 office buildings.

13

14

15

16

17 Creates State Capitol Joint Management Commission.

Source: P.L. 1992, c. 67.

Appendix G

SECTION 16.83, WISCONSIN STATUTES ANNOTATED

16.83. State capitol and executive residence board

(1) **Purpose.** The purpose of the state capitol and executive residence board is to direct the continuing and consistent maintenance of the property, decorative furniture and furnishings of the capitol and executive residence.

(2) **Powers and duties.** No renovation, repairs except repairs of an emergency nature, installation of fixtures, decorative items or furnishings for the grounds and buildings of the capitol or executive residence may be performed by or become the property of the state by purchase wholly or in part from state funds, or by gift, loan or otherwise until approved by the board as to design, structure, composition and appropriateness. The board shall:

(a) Annually thoroughly investigate the state of repair of the capitol and executive residence.

(b) Project the necessary personnel, materials and supplies required annually to maintain the executive residence appropriately both for its public functions and as the residence of the governor, and make specific budget recommendations to the department of administration to accomplish this purpose.

(c) Ensure the architectural and decorative integrity of the buildings, fixtures, decorative items, furnishings and grounds of the capitol and executive residence by setting standards and criteria for subsequent repair, replacement and additions.

(cm) Accept for the state donations or loans of works of art or other decorative items and fixtures consistent with par. (c) to be used at the state capitol.

(d) Accept for the state donations or loans of furnishings, works of art or other decorative items and fixtures consistent with par. (c).

(e) Accept for the state all gifts, grants and bequests to the state capitol restoration fund, and authorize expenditures from the appropriation under s. 20.505(4)(r) for the purposes of maintenance, restoration, preservation and rehabilitation of the buildings and grounds of the state capitol, or of artifacts, documents and other historical objects or resources located within and around the state capitol, and for the purpose of the acquisition of replacement or reacquisition of original artifacts, documents and other historical objects or resources, including statuary and works of art, consistent with par. (c), for the state capitol.

(3) **Swimming pool prohibited.** The board may not approve the construction or maintenance of a swimming pool on the grounds of or in the executive residence.

(4) **Foundation.** The board may organize or cooperate in the organization of a private foundation to be operated for the purposes specified in sub. (2)(e).

Historical and Statutory Notes

Source:

L.1967, c. 183, § 1, eff. Nov. 30, 1967.
L.1967, c. 217, §§ 1, 1m, eff. Dec. 10, 1967.
St.1967, § 16.83.

L.1967, c. 327, § 5m, eff. Feb. 18, 1968.
L.1969, c. 276, §§ 124 to 126, eff. Dec. 28, 1969.

L.1979, c. 34, § 78f, eff. July 29, 1979.

L.1979, c. 221, § 74, eff. April 30, 1980.

1993 Act 477, §§ 1 to 3, eff. May 13, 1994.

1993 Act 491, § 10, eff. June 11, 1994.

1993 Act 491 amended subsec. (2)(e).

1993 Act 477 created subsecs. (2)(cm) and (e) and (4).

Cross References

State capitol restoration fund, see § 25.35.

Source: Wisconsin Statutes Annotated.