

1980

## STATE CAPITOL MAINTENANCE.

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## Official Title and Summary Prepared by the Attorney General

**STATE CAPITOL MAINTENANCE. LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Prohibits any bill taking effect as urgency statute if it contains authorization or appropriation for alteration or modification of specified historically restored areas of State Capitol or for purchase of furniture of design different from the historic period of the Capitol restoration. Prohibits expenditure for above purposes without express appropriation. Fiscal impact on state or local governments: No immediate fiscal effect. By making it more difficult to change the restored Capitol and furnishings, there could be future cost avoidance.

## FINAL VOTE CAST BY LEGISLATURE ON SCA 65 (PROPOSITION 3)

Assembly—Ayes, 54	Senate—Ayes, 30
Noes, 24	Noes, 0

## Analysis by Legislative Analyst

**Background:**

The California State Capitol Building in Sacramento was initially occupied in 1869. Various building alterations have been made since the original construction. The most recent alteration began in 1976 and is expected to be completed in 1981. This latest alteration includes (1) major reconstruction to make the building structurally safe during earthquakes, and (2) restoration of the building and certain furniture to return them to their historical appearance. The reconstruction/restoration work has not been finished, but the completed project is currently expected to cost over \$63 million.

**Proposal:**

This proposition would impose additional requirements on the making of future alterations or modifications to the historically restored areas of the State

Capitol. Specifically, expenditures for alterations or modifications could not be made except from funds specifically appropriated for that purpose. Further, a statute authorizing such work or specifically appropriating such funds could not become effective immediately as an urgency statute.

This limitation would affect only the historically restored areas and furniture in the State Capitol. It would not apply to expenditures for ordinary repair and maintenance of the building, fixtures and furniture.

**Fiscal Effect:**

This proposition would have no immediate, direct fiscal effect. By making it more difficult to change the restored Capitol and furnishings, it could prevent future changes in these restorations, thereby resulting in cost avoidances in the future.

**Vote on Election Day, June 3**

## Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 65 (Statutes of 1978, Resolution Chapter 56) expressly amends the Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENT TO ARTICLE IV

*SEC. 28. (a) Notwithstanding any other provision of this Constitution, no bill shall take effect as an urgency statute if it authorizes or contains an appropriation for either (1) the alteration or modification of the color, detail, design, structure or fixtures of the historically restored areas of the first, second, and third floors and the exterior of the west wing of the State Capitol*

*from that existing upon the completion of the project of restoration or rehabilitation of the building conducted pursuant to Section 9124 of the Government Code as such section read upon the effective date of this section, or (2) the purchase of furniture of different design to replace that restored, replicated, or designed to conform to the historic period of the historically restored areas specified above, including the legislators' chairs and desks in the Senate and Assembly Chambers.*

*(b) No expenditures shall be made in payment for any of the purposes described in subdivision (a) of this section unless funds are appropriated expressly for such purposes.*

*(c) This section shall not apply to appropriations or expenditures for ordinary repair and maintenance of the State Capitol building, fixtures and furniture.*

**Polls are open from 7 a.m. to 8 p.m.**

### Argument in Favor of Proposition 3

At present, the Capitol of the State of California is being restored at a cost of \$63.8 million. When the project is done, both the interior and exterior of the building will have been restored to the magnificent appearance they presented 75 years ago.

Proposition 3 will provide constitutional protection for the public investment in the Capitol after its restoration is complete. Its enactment will mean the public will be aware in advance of any proposal to alter or modify the Capitol. Instead of casual alterations being made by politically powerful individuals, any changes would first have to be proposed to the Legislature and would be subject to the normal scrutiny given any suggestion to spend public tax dollars.

Furthermore, funds for modifications could not be hidden in other legislation. Proposition 3 will permit only routine repairs and maintenance without the need for legislation.

The need for Proposition 3 grew out of discoveries made by restoration project contractors during the dismantling work done prior to making the Capitol building earthquake resistant.

During the more than 100 years since the Capitol was built, extensive changes have made the building internally unrecognizable to the original occupants.

Its original decoration was destroyed or coated with layers of paint and plaster. Major meeting rooms were sliced up into smaller offices, and historic interior decor was lost. Grand staircases that connected major floors of the Capitol were ripped out, never to be seen again.

Additionally, the building was very much weakened by structural changes. The present restoration project was undertaken when engineers declared that the building might collapse.

The exterior of the building also suffered. In the 1950's the State Architect stripped the Capitol of its exterior sculpture and removed massive stone and iron gates. The stated purpose was to make the Capitol match the drab new office building to the east of the Capitol.

The State Capitol is an important part of California's heritage. Future generations will appreciate our foresight if we take this step to provide safeguards to preserve it.

Your YES vote on Proposition 3 will help protect the historical integrity and architectural beauty of the Capitol for future generations.

**JAMES R. MILLS**  
*State Senator, 40th District*  
*President pro Tempore of the Senate*

### Rebuttal to Argument in Favor of Proposition 3

How many things must we put into our Constitution? Surely not the individual protection of a historic building.

Common sense indicates that a \$64 million restoration of the largest state's Capitol Building, complete with daily tours, will not be improperly altered by an elected government official or bureaucrat.

If you would not choose to needlessly clutter our Constitution with the absolute protection of the hundreds

of historic buildings in California, all having good justification for their historic status, why place just one in our Constitution?

Let's save our Constitution for life, liberty, and the pursuit of happiness.

**EUGENE A. CHAPPIE**  
*Member of the Assembly, 3rd District*

**STAN STATHAM**  
*Member of the Assembly, 1st District*

### Argument Against Proposition 3

Proposition 3 is a perfect example of misuse of the Constitution by ballot measure.

There is absolutely no reason to lock into the Constitution "color, detail, design structure or fixtures" as well as "the purchase of furniture" for our historic State Capitol.

It appears that the authors of this proposition want to be sure that no future Legislature can alter the looks of the Capitol—it is to be preserved forever as they designed it.

If this is not their purpose, if they wish only to prevent precipitous change, rather than considered change, then means other than amendments to the Constitution are available. The Legislature has only to pass a law prohibiting any changes in the restored Capitol without prior legislative approval.

Our State Constitution sets forth the broad outlines of

state government, the relationships between the governed and the people they elect, and the relations of one part of the government structure to all other parts.

The Constitution is supposed to lay out the fundamental outlines of government while the specific details of law are left to the statutory and common law.

This proposition assumes as fundamental state policy that the existing Capitol restoration project should be protected against future change by imposing constitutional stumblingblocks.

We should leave the state's Constitution alone except for major changes in government—like Proposition 13.

We urge a "NO" vote on Proposition 3.

**EUGENE A. CHAPPIE**

*Member of the Assembly, 3rd District*

**STAN STATHAM**

*Member of the Assembly, 1st District*

### Rebuttal to Argument Against Proposition 3

A century of alterations wrought upon the Capitol is adequate proof that historical integrity of the building needs to be protected against capricious change.

Opponents suggest that Proposition 3 would "lock into the Constitution the color, detail, design structure : fixtures as well as the purchase of furniture." It would do nothing of the kind.

Proposition 3 simply would provide that the procedures that the Legislature must follow in making alterations to any other state building would apply also to the Capitol.

This is only reasonable. Proposition 3 gives to citizens concerned about the Capitol the opportunity to express

themselves before changes are made to it.

The Capitol building is a structure that belongs to the past, the present and the future. It is not the property of the Legislature; rather, it belongs to the people of California. It should not be altered surreptitiously. History cannot be repeated, but it can be duplicated. The need has been demonstrated for constitutional protection of this important public investment.

An AYE vote on Proposition 3 assures this protection.

**JAMES R. MILLS**

*State Senator, 40th District*

*President pro Tempore of the Senate*