

CAPITOL PRESERVATION BOARD

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Melvin R. Brown

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; ESTABLISHING A STATE CAPITOL PRESERVATION BOARD; DEFINING ITS MEMBERSHIP, RESPONSIBILITIES, JURISDICTION, POWERS, AND DUTIES; REQUIRING THE BOARD TO APPOINT AN EXECUTIVE DIRECTOR AND ESTABLISHING HIS DUTIES; ESTABLISHING A STATE CAPITOL FUND; REQUIRING TRANSFER OF CERTAIN ITEMS OF HISTORICAL SIGNIFICANCE; MAKING TECHNICAL CORRECTIONS; PROVIDING A TRANSITION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-1-109, as last amended by Chapter 104, Laws of Utah 1997

55-5-6, as enacted by Chapter 174, Laws of Utah 1971

63A-5-204, as last amended by Chapter 3, Laws of Utah 1997

63A-5-206, as renumbered and amended by Chapters 212 and 263, Laws of Utah 1993

63A-5-212, as renumbered and amended by Chapter 212, Laws of Utah 1993

ENACTS:

63C-9-101, Utah Code Annotated 1953

63C-9-102, Utah Code Annotated 1953

63C-9-201, Utah Code Annotated 1953

63C-9-202, Utah Code Annotated 1953

63C-9-301, Utah Code Annotated 1953

63C-9-401, Utah Code Annotated 1953

63C-9-402, Utah Code Annotated 1953

63C-9-501, Utah Code Annotated 1953

63C-9-502, Utah Code Annotated 1953

63C-9-601, Utah Code Annotated 1953

63C-9-602, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

63C-9-701, (Renumbered from 63A-5-401, as enacted by Chapter 16, Laws of Utah 1997)

63C-9-702, (Renumbered from 63A-5-402, as enacted by Chapter 16, Laws of Utah 1997)

63C-9-703, (Renumbered from 63A-5-403, as enacted by Chapter 16, Laws of Utah 1997)

This act enacts uncodified material.

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-1-109 is amended to read:

53-1-109. Security for capitol complex -- Traffic and parking rules enforcement for division -- Security personnel as peace officers.

(1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same meaning as provided in Section 63C-9-102.

(2) (a) The commissioner, ~~[in cooperation with the director of the Division of Facilities Construction and Management,]~~ under the direction of the State Capitol Preservation Board, shall:

~~[(a)]~~ (i) provide for the security of ~~[grounds and buildings of the]~~ capitol ~~[complex]~~ hill facilities and capitol hill grounds; and

~~[(b)]~~ (ii) enforce traffic provisions under Title 41, Chapter 6, Traffic Rules and Regulations, and parking rules, as adopted by the State Capitol Preservation Board, for capitol hill facilities and capitol hill grounds.

(b) The commissioner, in cooperation with the director of the Division of Facilities Construction and Management~~[, for]~~ shall provide for the security of all grounds and buildings under the jurisdiction of the Division of Facilities Construction and Management.

~~[(2)]~~ (3) Security personnel required in Subsection ~~[(1),]~~ (2) shall be peace officers as defined in Section 77-1a-1.

~~[(3)]~~ (4) Security personnel who were actively employed and had five or more years of active service with Protective Services within the Utah Highway Patrol Division as special function officers, as defined in Section 77-1a-4, on June 29, 1996, shall become peace officers:

(a) without a requirement of any additional training or examinations, if they have completed

the entire peace officer training of the Peace Officers Standards and Training Division; or

(b) upon completing only the academic portion of the peace officer training of the Peace Officers Standards and Training Division.

~~[(4)]~~ (5) An officer in a supervisory position with Protective Services within the Utah Highway Patrol Division shall be allowed to transfer the job title that the officer held on April 28, 1996, into a comparable supervisory position of employment as a peace officer for as long as the officer remains with Protective Services within the Utah Highway Patrol Division.

Section 2. Section **55-5-6** is amended to read:

55-5-6. Definitions.

As used in this ~~[act]~~ chapter:

~~[(2) The words "food"]~~ (1) "Food service" ~~[include]~~ includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with them.

~~[(1) The words "public"]~~ (2) (a) "Public office building" ~~[mean the state capitol,]~~ means all county courthouses, all city or town halls, and all buildings used primarily for governmental offices of the state or any county, city, or town. ~~[It]~~

(b) "Public office building" does not include capitol hill facilities as defined in Section 63A-7-102, public schools, state colleges, or state universities.

Section 3. Section **63A-5-204** is amended to read:

63A-5-204. Specific powers and duties of director.

(1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same meaning as provided in Section 63C-9-102.

~~(2)~~ The director shall:

(a) recommend rules to the executive director for the use and management of facilities and grounds owned or occupied by the state for the use of its departments and agencies;

(b) supervise and control the allocation of space, in accordance with legislative directive through annual appropriations acts or other specific legislation, to the various departments, commissions, institutions, and agencies ~~[in the capitol, the state office building, and]~~ in all ~~[other]~~

buildings or space owned, leased, or rented by or to the state, except capitol hill facilities and capitol hill grounds and except as otherwise provided by law;

(c) comply with the procedures and requirements of Title 63A, Chapter 5, Part 3, Division of Facilities Construction and Management Leasing;

(d) acquire, as authorized by the Legislature through the appropriations act or other specific legislation, and hold title to, in the name of the division, all real property, buildings, fixtures, or appurtenances owned by the state or any of its agencies;

~~[(e) recommend to the executive director rules to govern traffic flow and vehicle parking on roadways and parking lots which surround the capitol and that are a part of Utah State Highway 293;]~~

~~[(f)]~~ (e) adopt and use a common seal, of a form and design determined by the director, and of which courts shall take judicial notice;

~~[(g)]~~ (f) file a description and impression of the seal with the Division of Archives;

~~[(h)]~~ (g) collect and maintain all deeds, abstracts of title, and all other documents evidencing title to or interest in property belonging to the state or any of its departments, except institutions of higher education and the School and Institutional Trust Lands Administration;

~~[(i)]~~ (h) report all properties acquired by the state, except those acquired by institutions of higher education, to the director of the Division of Finance for inclusion in the state's financial records; and

~~[(j)]~~ (i) take all other action necessary for carrying out the purposes of this chapter.

~~[(2)]~~ (3) (a) The director shall direct or delegate maintenance and operations, preventive maintenance, and facilities inspection programs and activities for any department, commission, institution, or agency, except:

(i) the State Capitol Preservation Board; and

(ii) state institutions of higher education.

(b) The director may choose to delegate responsibility for these functions only when the director determines that:

(i) the department or agency has requested the responsibility;

(ii) the department or agency has the necessary resources and skills to comply with facility maintenance standards approved by the State Building Board; and

(iii) the delegation would result in net cost savings to the state as a whole.

(c) The State Capitol Preservation Board and state institutions of higher education are exempt from Division of Facilities Construction and Management oversight.

(d) Each state institution of higher education shall comply with the facility maintenance standards approved by the State Building Board.

(e) [~~Agencies~~] Except for the State Capitol Preservation Board, agencies and institutions that are exempt from division oversight shall annually report their compliance with the facility maintenance standards to the division in the format required by the division.

(f) The division shall:

(i) prescribe a standard format for reporting compliance with the facility maintenance standards;

(ii) report agency and institution compliance or noncompliance with the standards to the Legislature; and

(iii) conduct periodic audits of exempt agencies and institutions to ensure that they are complying with the standards.

~~[(3)]~~ (4) (a) In making any allocations of space under Subsection ~~[(1)]~~ (2), the director shall:

(i) conduct studies to determine the actual needs of each department, commission, institution, or agency; and

(ii) comply with the restrictions contained in this Subsection ~~[(3)]~~ (4).

(b) The supervision and control of the legislative area is reserved to the Legislature.

(c) The supervision and control of the judicial area is reserved to the judiciary for trial courts only.

(d) The director may not supervise or control the allocation of space for entities in the public and higher education systems.

(e) The supervision and control of capitol hill facilities and capitol hill grounds is reserved to the State Capitol Preservation Board.

~~[(4)]~~ (5) The director may:

(a) hire or otherwise procure assistance and services, professional, skilled, or otherwise, that are necessary to carry out the director's responsibilities, and may expend funds provided for that purpose either through annual operating budget appropriations or from nonlapsing project funds;

(b) sue and be sued in the name of the division; and

(c) hold, buy, lease, and acquire by exchange or otherwise, as authorized by the Legislature through an appropriations act or other specific legislation, whatever real or personal property that is necessary for the discharge of the director's duties.

~~[(5)]~~ (6) Notwithstanding the provisions of Subsection ~~[(1)]~~ (2)(d), the following entities may hold title to any real property, buildings, fixtures, and appurtenances held by them for purposes other than administration that are under their control and management:

(a) the Office of Trust Administrator;

(b) the Department of Transportation;

(c) the Division of Forestry, Fire and State Lands;

(d) the Department of Natural Resources;

(e) the Utah National Guard;

(f) any area vocational center or other institution administered by the State Board of Education; and

(g) any institution of higher education.

~~[(6)]~~ (7) Notwithstanding Subsections ~~[(1)]~~ (2)(c) and (d), the School and Institutional Trust Lands Administration may hold title to any real property, buildings, fixtures, and appurtenances held by it that are under its control.

Section 4. Section **63A-5-206** is amended to read:

63A-5-206. Construction, alteration, and repair of state facilities -- Powers of director -- Expenditure of appropriations.

(1) As used in this section:

(a) "Analysis" means an economic assessment of competing design and maintenance alternatives, the object of which is to reduce cost and conserve energy.

(b) "Capital developments" means any:

- (i) remodeling, site, or utility projects with a total cost of \$1,000,000 or more;
- (ii) addition of new space that will cost more than \$100,000; or
- (iii) land acquisition where an appropriation is requested.

(c) "Capital improvements" means any:

- (i) remodeling, alteration, repair project with a total cost of less than \$1,000,000; or
- (ii) site and utility improvement with a total cost of less than \$1,000,000.

(d) "Life cycle cost-effective" means the lowest cost of owning and operating a facility over a 25-year period, including the initial cost, energy costs, operation and maintenance costs, repair costs, and the costs of energy conservation and renewable energy systems.

(e) "Renewable energy system" means a system designed to use solar, wind, geothermal power, wood, or other replenishable energy source to heat, cool, or provide electricity to a building.

(f) "State-owned facilities" means those facilities identified in Section 63A-5-212.

(2) The director shall prepare or have prepared by private firms or individuals designs, plans, and specifications for the various buildings and improvements, and other work carried out by the division.

(3) (a) (i) Except as provided in Subsection (3)(a)(ii), and except for facilities under the jurisdiction of the State Capitol Preservation Board, the director shall recommend the need for and exercise direct supervision over the design and construction of all alterations, repairs, and improvements to all existing facilities of the state, its departments, commissions, institutions, and agencies if the total project construction cost is greater than \$100,000.

(ii) The director may:

(A) authorize a department, commission, institution, or agency to control design and construction of alterations, repairs, and improvements when the total project construction cost is greater than \$100,000 by following the delegation requirements and procedures of Subsection (3)(c);
or

(B) by rule, authorize a particular department, commission, institution, or agency to control design and construction on projects within a particular dollar range and a particular project type.

(b) Except for the placement or installation of works of art through Title 9, Chapter 6, Part 4, Utah Percent-for-Art Act, and except for facilities under the jurisdiction of the State Capitol Preservation Board, an existing facility may not be altered, repaired, or improved on the property of any state institution, department, commission, or agency if the total project construction cost exceeds \$100,000 until the location, design, plans, and specifications are approved by the director and the officials charged with the administration of the affairs of the particular department, commission, institution, or agency.

(c) (i) The director may delegate control over design, construction, and all other aspects of any project to entities of state government on a project-by-project basis if the state entity requests that delegation in writing and the State Building Board approves the delegation.

(ii) (A) The director, his designee, or the state entity to whom control has been designated pursuant to Subsection (5)(c)(i) shall notify in writing the elected representatives of local government entities directly and substantively affected by any diagnostic, treatment, parole, probation, or other secured facility project exceeding \$250,000, if:

(I) the nature of the project has been significantly altered since prior notification or approval;

(II) the project would significantly change the nature of the functions presently conducted at the location;

(III) the project adds 50% or more square feet to the area of the facility; or

(IV) the project is new construction.

(B) At the request of either the state entity or the local government entity, representatives from the state entity and the affected local entity shall conduct or participate in a local public hearing or hearings to discuss these issues.

(iii) The state entity to whom control is delegated shall assume fiduciary control over project finances, shall assume all responsibility for project budgets and expenditures, and shall receive all funds appropriated for the project, including any contingency funds contained in the appropriated project budget.

(iv) Delegation of project control does not exempt the state entity from complying with the codes and guidelines for design and construction adopted by the division and the State Building

Board.

(v) State entities that receive a delegated project may not have access to the building board contingency funds authorized in Section 63A-5-209 for the delegated project.

(4) (a) The director shall [~~be responsible to~~] ensure that state-owned facilities, except for facilities under the control of the State Capitol Preservation Board, are life cycle cost-effective.

(b) The estimated cost of the analysis shall be included in each program budget document and in the project funding request submitted to the State Building Board, the governor, and the Legislature.

(c) The final cost estimate shall reflect the most life cycle cost-effective building.

(d) The director, in consultation with the State Building Board and Division of Energy, shall make rules to implement this subsection by following the procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(e) The State Building Board may exempt a facility from being life cycle cost-effective pursuant to rules, after reviewing and concurring with a written request and justification from the director.

(5) (a) [~~The~~] Except for facilities constructed on property under the jurisdiction of the State Capitol Preservation Board, the director shall recommend the need for and exercise direct supervision over the design and construction of all new facilities of the state, its departments, commissions, institutions, and agencies if the total project construction cost is in excess of \$100,000.

(b) (i) Except for the placement or installation of works of art under Title 9, Chapter 6, Part 4, Utah Percent-for-Art Act, and except for facilities constructed on property under the jurisdiction of the State Capitol Preservation Board, a new facility may not be constructed on the property of any state department, commission, institution, or agency if the total project construction cost of the facility, regardless of the funding source, exceeds \$100,000, until the construction of the facility has been approved by the Legislature in an Appropriations Act or by other specific legislation, and the location, design, plans, and specifications are approved by the director and the official charged with the administration of the affairs of the particular department, commission, institution, or agency.

(ii) Facilities to be built with nonstate funds and owned and occupied by nonstate entities

within research park areas are exempt from this Subsection (5)(b).

(iii) Facilities to be built for the Utah National Guard for which the funding for construction, operations, and maintenance are derived totally from the United States Government are exempt from the requirement of obtaining legislative approval required by this Subsection (5)(b).

(c) (i) The director may delegate control over design, construction, and all other aspects of any project to entities of state government on a project-by-project basis if the state entity requests that delegation in writing and the State Building Board approves the delegation.

(ii) The state entity to whom control is delegated shall assume fiduciary control over project finances, shall assume all responsibility for project budgets and expenditures, and shall receive all funds appropriated for the project, including any contingency funds contained in the appropriated project budget.

(iii) Delegation of project control does not exempt the state entity from complying with the codes and guidelines for design and construction adopted by the division and the State Building Board.

(iv) State entities that receive a delegated project may not have access to the building board contingency funds authorized in Section 63A-5-209 for the delegated project.

(6) The director may expend appropriations for statewide projects from funds provided by the Legislature for those specific purposes and within guidelines established by the State Building Board.

(7) (a) The director, with the approval of the Office of Legislative Fiscal Analyst, shall develop standard forms to present capital development and capital improvement cost summary data.

(b) The director shall:

(i) within 30 days after the completion of each capital development project, submit cost summary data for the project on the standard form to the Office of Legislative Fiscal Analyst; and

(ii) upon request, submit cost summary data for a capital improvement project to the Office of Legislative Fiscal Analyst on the standard form.

(8) Notwithstanding the requirements of Title 63, Chapter 38, Budgetary Procedures Act, the director may:

(a) accelerate the design of projects funded by any appropriation act passed by the Legislature in its annual general session;

(b) use any unencumbered existing account balances to fund that design work; and

(c) reimburse those account balances from the amount funded for those projects when the appropriation act funding the project becomes effective.

Section 5. Section **63A-5-212** is amended to read:

63A-5-212. Buildings for which director responsible.

(1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same meaning as provided in Section 63C-9-102.

(2) The director [shall be] is responsible for [the state capitol, the state capitol grounds, the state office building, other]:

(a) rooms or buildings hired to house state departments and agencies[~~, and~~

(b) all other buildings owned by the state [on capitol hill,] other than the capitol hill facilities and capitol hill grounds; and

(c) other facilities as assigned[~~, and~~

(3) The director shall [keep] ensure that those facilities are kept in good repair.

Section 6. Section **63C-9-101** is enacted to read:

CHAPTER 9. STATE CAPITOL PRESERVATION BOARD

Part 1. General Provisions

63C-9-101. Title.

This chapter is known as the "State Capitol Preservation Board."

Section 7. Section **63C-9-102** is enacted to read:

63C-9-102. Definitions.

(1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.

(2) "Capitol hill" means the grounds, monuments, parking lots, buildings, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Street.

(3) (a) "Capitol hill facilities" means all of the buildings on capitol hill, and the exterior

steps, entrances, streets, parking lots, and other paved areas of capitol hill.

(b) "Capitol hill facilities" does not mean the greenhouses located on capitol hill.

(4) "Capitol hill grounds" means the unpaved areas of capitol hill.

(5) "Executive director" means the executive director appointed by the board under Section 63C-9-401.

Section 8. Section **63C-9-201** is enacted to read:

Part 2. State Capitol Preservation Board

63C-9-201. State Capitol Preservation Board -- Creation -- Membership.

(1) There is created the State Capitol Preservation Board.

(2) The board shall consist of the following 15 members:

(a) the governor;

(b) the lieutenant governor;

(c) the president of the Senate;

(d) the speaker of the House of Representatives;

(e) three members appointed by the governor;

(f) two members of the Senate appointed by the president of the Senate, one from the majority party and one from the minority party;

(g) two members of the House of Representatives appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party;

(h) the chief justice of the Supreme Court or his designee;

(i) the director of the Division of Archives; and

(j) an architect and a structural engineer, appointed by the governor with the advice and consent of both the Senate and the House of Representatives.

Section 9. Section **63C-9-202** is enacted to read:

63C-9-202. Terms -- Vacancies-- Chair --Meetings -- Compensation.

(1) (a) The governor, president of the Senate, and speaker of the House shall serve terms coterminous with their term as governor, president, and speaker.

(b) The other members shall serve two-year terms.

(2) Vacancies in the appointed positions shall be filled by the original appointing authority for the unexpired term.

(3) The governor is chair of the board.

(4) The board shall meet at least quarterly and at other times at the call of the governor or if four members of the board request a meeting.

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officers and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officers and employee members may decline to receive per diem and expenses for their service.

(c) Legislative members receive the expenses authorized by legislative rule.

Section 10. Section **63C-9-301** is enacted to read:

Part 3. Board Powers and Duties

63C-9-301. Board powers.

(1) The board shall:

(a) except as provided in Subsection (2), exercise complete jurisdiction over capitol hill facilities and capitol hill grounds;

(b) preserve, maintain, and restore capitol hill facilities, capitol hill grounds, and their contents;

(c) consult with the Division of Facilities Construction and Management, the State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council when necessary;

(d) review and approve the executive director's:

(i) annual budget and work plan;

(ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and

(iii) furnishings plan for placement and care of objects under the care of the board;

(e) approve all changes to the buildings and their grounds, including:

(i) restoration, remodeling, and rehabilitation projects;

(ii) usual maintenance; and

(iii) any transfers or loans of objects under the board's care;

(f) define and identify all significant aspects of capitol hill facilities and capitol hill grounds, after consultation with the Division of Facilities Construction and Management, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council;

(g) inventory, define, and identify all significant contents of the buildings and all state-owned items of historical significance that were at one time in the buildings, after consultation with the Division of Facilities Construction and Management, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council;

(h) maintain archives relating to the construction and development of the buildings, the contents of the buildings and their grounds, including documents such as plans, specifications, photographs, purchase orders, and other related documents, the original copies of which shall be maintained by the Division of Archives and Records Service;

(i) comply with federal and state laws related to program and facility accessibility; and

(j) establish procedures for receiving, hearing, and deciding complaints or other issues raised about the capitol hill facilities, capitol hill grounds, or their use.

(2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area is reserved to the Legislature.

(3) (a) The board shall make rules to govern, administer, and regulate the capitol hill facilities and capitol hill grounds by following the procedures and requirements of Title 63, Chapter

46a, Utah Administrative Rulemaking Act.

(b) A person who violates a rule adopted by the board under the authority of this Subsection (3) is guilty of a class C misdemeanor.

(c) The board may not apply this section or rules adopted under the authority of this section in a manner that violates a person's rights under the Utah Constitution or the First Amendment to the United States Constitution, including the right of persons to peaceably assemble.

(d) The board shall send proposed rules under this section to the legislative general counsel and the governor's general counsel for review and comment before the board adopts the rules.

(4) The board is exempt from the requirements of Title 63, Chapter 56, Utah Procurement Code, but shall adopt procurement rules substantially similar to the requirements of that chapter.

(5) The board may:

(a) establish fees for the use of capitol hill facilities and grounds;

(b) assign and allocate specific duties and responsibilities to any other state agency, if the other agency agrees to perform the duty or accept the responsibility; and

(c) contract with another state agency to provide services.

(6) (a) The board, and the employees of the board, may not move the office of the governor, lieutenant governor, president of the Senate, speaker of the House of Representatives, or a member of the Legislature from the State Capitol Building unless the removal is approved by:

(i) the governor, in the case of the governor's office;

(ii) the lieutenant governor, in the case of the lieutenant governor's office;

(iii) the president of the Senate, in the case of the president's office or the office of a member of the Senate; or

(iv) the speaker of the House of Representatives, in the case of the speaker's office or the office of a member of the House.

(b) The board and the employees of the board have no control over the furniture, furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the members of the Legislature except as necessary to inventory or conserve items of historical significance owned by the state.

(c) The board and the employees of the board have no control over records and documents produced by or in the custody of a state agency, official, or employee having an office in a building on capitol hill.

(d) Except for items identified by the board as having historical significance, and except as provided in Subsection (6)(b), the board and the employees of the board have no control over moveable furnishings and equipment in the custody of a state agency, official, or employee having an office in a building on capitol hill.

Section 11. Section **63C-9-401** is enacted to read:

Part 4. Executive Director

63C-9-401. Executive director.

The board shall appoint an executive director to assist them in performing their duties under this chapter.

Section 12. Section **63C-9-402** is enacted to read:

63C-9-402. Executive director -- Duties.

The executive director shall:

(1) develop for board approval a master plan with a projection of at least 20 years concerning the maintenance, preservation, restoration, and modification of the capitol hill facilities and capitol hill grounds, including, if directed by the board, a plan to restore the buildings to their original architecture;

(2) develop for board approval a furnishings plan for the placement and care of objects under the care of the board;

(3) prepare, and recommend for board approval, an annual budget and work plan consistent with the master plan and the furnishings plan for all work under this chapter, including usual maintenance for capitol hill facilities, the contents of capitol hill facilities, and capitol hill grounds;

(4) develop a program to purchase or accept by donation, permanent loan, or outside funding items necessary to implement the master plan;

(5) develop and maintain a registration system and inventory of the contents of the capitol hill facilities and capitol hill grounds and of the original documents relating to the buildings'

construction and alteration;

(6) develop a program to purchase or accept by donation, permanent loan, or outside funding items of historical significance that were at one time in the capitol hill facilities and that are not owned by the state;

(7) develop a program to locate and acquire state-owned items of historical significance that were at one time in the buildings;

(8) develop a collections policy regarding the items of historic significance as identified in the registration system and inventory for the approval of the board;

(9) assist in matters dealing with the preservation of historic materials;

(10) make recommendations on conservation needs and make arrangements to contract for conservation services for objects of significance;

(11) make recommendations for the transfer or loan of objects of significance as detailed in the approved collections policy;

(12) make recommendations to transfer, sell, or otherwise dispose of unused surplus property that is not of significance as defined in the collections policy and by the registration system;

(13) approve all exhibits placed in the buildings;

(14) employ staff to assist him in administering this chapter and direct and coordinate their activities;

(15) contract for professional services of qualified consultants, including architectural historians, landscape architects with experience in landscape architectural preservation, conservators, historians, historic architects, engineers, and craftsmen; and

(16) prepare annually a complete and detailed written report for the board that accounts for all funds received and disbursed by the board during the preceding fiscal year.

Section 13. Section **63C-9-501** is enacted to read:

Part 5. Fund Raising and Donations

63C-9-501. Soliciting donations.

(1) The executive director, under the direction of the board, shall:

(a) develop plans and programs to solicit gifts, money, and items of value from private

persons, foundations, or organizations; and

(b) actively solicit donations from those persons and entities.

(2) (a) Property provided by those entities are the property of the state and are under the control of the board.

(b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property of persons having an office in a building on capitol hill.

(3) The board shall:

(a) deposit monies donated to the board into the State Capitol Fund established by this part;
and

(b) use gifts of money made to the board for the purpose specified by the grantor, if any.

Section 14. Section **63C-9-502** is enacted to read:

63C-9-502. Fund created -- Donations.

(1) There is created a special revenue fund entitled the "State Capitol Fund."

(2) The fund consists of monies generated from the following revenue sources:

(a) any donations, deposits, contributions, gifts, money, and items of value received from private persons, foundations, or organizations;

(b) appropriations made to the fund by the Legislature; and

(c) monies received by the board from the federal government.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund monies shall be deposited into the fund.

(4) The board may use fund monies to:

(a) acquire historical and other items to furnish the capitol hill facilities;

(b) pay for the repair and maintenance of the capitol hill facilities and capitol hill grounds;

(c) pay for the rehabilitation of the capitol hill facilities and capitol hill grounds; and

(d) fund all costs incurred in complying with this chapter.

Section 15. Section **63C-9-601** is enacted to read:

Part 6. Custody, Control, and Acquisition of Furnishings

63C-9-601. Responsibility for items.

Furniture, furnishings, fixtures, works of art, and decorative objects for which the board has responsibility under this chapter are not subject to the custody or control of the State Library Board, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, the Arts Council, the Division of Fine Arts, the Institute of Fine Arts, the Alice Art Collection Committee, or any other state agency.

Section 16. Section **63C-9-602** is enacted to read:

63C-9-602. Transfer of certain historical items.

(1) (a) A state agency or other state entity that possesses a state-owned item identified by the executive director and the board as an item of historical significance that was at one time located in the capitol hill facilities shall transfer the item to the inventory of the board at the direction of the executive director not later than the 60th day after the date that the executive director notifies the agency or entity.

(b) The state agency or other state entity shall subsequently transfer physical possession of the item to the board in accordance with policies and procedures established by the board.

(2) This section does not apply to records or documents in the custody of the Division of Archives and Records Service.

Section 17. Section **63C-9-701**, which is renumbered from Section 63A-5-401 is renumbered and amended to read:

~~[63A-5-401].~~ **63C-9-701. Definitions.**

As used in this part:

(1) "Agency" means each agency, authority, board, bureau, commission, committee, corporation, council, department, division, fund, institution, laboratory, library, office, officer, panel, unit, or other administrative unit of the state.

(2) "Art" includes paintings, photographs, pottery, sculpture, textiles, and other visual and decorative arts.

(3) "Commission" means the State Capitol Art Placement Commission established by this part.

(4) "Exhibit" means a static visual explanatory or educational presentation.

(5) "Public area" means areas open to the public and not part of the offices of any government agency.

Section 18. Section **63C-9-702**, which is renumbered from Section 63A-5-402 is renumbered and amended to read:

~~[63A-5-402].~~ 63C-9-702. **State Capitol Art Placement Commission -- Created -- Membership -- Operations.**

(1) (a) There is created a State Capitol Art Placement Commission composed of nine members appointed as provided in this subsection.

(b) The governor shall appoint:

(i) an architect, from a list of three architects submitted by the American Institute of Architects;

(ii) an artist, from a list of three artists submitted by the Utah Arts Council Board of Directors; and

(iii) an historian, from a list of three historians submitted by the Board of State History.

(c) The president of the Senate shall appoint three members, two from the majority party and one from the minority party.

(d) The speaker of the House shall appoint three members, two from the majority party and one from the minority party.

(2) (a) (i) Commission members appointed by the governor shall serve four-year terms and may serve up to two consecutive terms.

(ii) Commission members appointed by the speaker and president shall serve two-year terms and may be reappointed.

(b) In appointing members to the first commission, the governor shall designate one member to serve a two-year term and two members to serve four-year terms.

(3) (a) Each commission member shall hold office until his successor has been appointed and qualified.

(b) If a vacancy occurs in the commission because of death, resignation, or otherwise, the appointing authority shall appoint a successor, who shall hold office for the unexpired term.

(c) Five members of the commission are a quorum for the purpose of organizing and conducting the business of the commission.

(d) The vote of a majority of members voting when a quorum is present is necessary for the commission to take action.

(4) (a) At the initial meeting of the commission, the commission shall select one of its number to serve as chair of the commission.

(b) The executive director of the [~~Division of Facilities Construction and Management or his designee~~] State Capitol Preservation Board is the nonvoting secretary to the commission and shall provide staff services to the commission.

(5) (a) Members of the commission shall receive per diem and may be reimbursed for expenses incurred in the performance of their official duties as established by the Division of Finance.

(b) The commission shall meet at least once per year and at the call of the chair.

Section 19. Section **63C-9-703**, which is renumbered from Section 63A-5-403 is renumbered and amended to read:

~~[63A-5-403].~~ **63C-9-703. State Capitol Art Placement Commission -- Duties.**

(1) The commission shall:

(a) review and [~~approve~~] make recommendations about the content and placement of each new piece of art to be placed within any public area of the State Capitol Building to the State Capitol Preservation Board;

(b) review and [~~approve~~] make recommendations about any proposals for removing or relocating any piece of art contained in any public area of the State Capitol Building to the State Capitol Preservation Board; and

(c) review and [~~approve~~] make recommendations about the content and placement of each new exhibit to be placed within any public area of the State Capitol Building[;] to the State Capitol Preservation Board.

~~[(d) comply with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act, in making rules establishing procedures and requirements for placement of art and exhibits in~~

the State Capitol Building.]

~~[(2) The commission may, after consultation with affected government agencies, review and make recommendations about any proposals for remodeling within the State Capitol Building.]~~

~~[(3) (a) If any conflicts exist between this part and Title 63A, Chapter 5, Part 2, Division of Facilities Construction and Management, this part takes precedence:]~~

(2) The commission has exclusive authority to make official recommendations to the State Capitol Preservation Board about content, placement, removal, and relocation of art and exhibits on capitol hill.

~~[(b)] (3) If any conflicts exist between this part and Section 36-5-1, Section 36-5-1 takes precedence.~~

Section 20. Transition clause.

(1) The facility use rules adopted by the Division of Facilities Construction and Management govern the use of the state capitol complex until January 1, 1999, or until new rules are adopted by the State Capitol Preservation Board, whichever is sooner.

(2) After the board is appointed, and until it assumes full responsibility for capitol hill facilities and capitol hill grounds on July 1, 1998, the Division of Facilities Construction and Management shall:

(a) consult with the board about issues involving capitol hill facilities and capitol hill grounds; and

(b) obtain board approval before executing any contracts, making any decisions, or establishing any policies that have a significant impact on capitol hill facilities, capitol hill grounds, or both.

Section 21. Effective date.

This act takes effect on July 1, 1998.