

1 **CAPITOL PRESERVATION BOARD DUTIES**
2 **AND RESPONSIBILITIES**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Raymond W. Short**

6 Ralph Becker

7 AN ACT RELATING TO BOARDS AND COMMISSIONS; REVISING THE JURISDICTION,
8 DUTIES, AND RESPONSIBILITIES OF THE STATE CAPITOL PRESERVATION BOARD;
9 PROHIBITING THE GOVERNOR FROM REVISING THE BUDGET FOR CAPITOL HILL
10 SUBMITTED BY THE COMMISSION; AND MAKING TECHNICAL CORRECTIONS.

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

12 AMENDS:

13 **63-38-2**, as last amended by Chapter 21, Laws of Utah 1999

14 **63C-9-102**, as enacted by Chapter 285, Laws of Utah 1998

15 **63C-9-202**, as enacted by Chapter 285, Laws of Utah 1998

16 **63C-9-301**, as enacted by Chapter 285, Laws of Utah 1998

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

18 Section 1. Section **63-38-2** is amended to read:

19 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
20 **Appropriations based on current tax laws and not to exceed estimated revenues.**

21 (1) (a) The governor shall, within three days after the convening of the Legislature in the
22 annual general session, submit a budget for the ensuing fiscal year by delivering it to the presiding
23 officer of each house of the Legislature together with a schedule for all of the proposed
24 appropriations of the budget, clearly itemized and classified.

25 (b) The budget message shall include a projection of estimated revenues and expenditures
26 for the next fiscal year.

27 (2) At least 34 days before the submission of any budget, the governor shall deliver a

28 confidential draft copy of his proposed budget recommendations to the Office of the Legislative
29 Fiscal Analyst.

30 (3) (a) The budget shall contain a complete plan of proposed expenditures and estimated
31 revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

32 (b) The budget may be accompanied by a separate document showing proposed
33 expenditures and estimated revenues based on changes in state tax laws or rates.

34 (4) The budget shall be accompanied by a statement showing:

35 (a) the revenues and expenditures for the last fiscal year;

36 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds
37 of the state;

38 (c) an estimate of the state's financial condition as of the beginning and the end of the
39 period covered by the budget;

40 (d) a complete analysis of lease with an option to purchase arrangements entered into by
41 state agencies;

42 (e) the recommendations for each state agency for new full-time employees for the next
43 fiscal year; which recommendation should be provided also to the State Building Board under
44 Subsection 63A-5-103(2);

45 (f) any explanation the governor may desire to make as to the important features of the
46 budget and any suggestion as to methods for the reduction of expenditures or increase of the state's
47 revenue; and

48 (g) the information detailing certain regulatory fee increases required by Section 63-38-3.2.

49 (5) The budget shall include an itemized estimate of the appropriations for:

50 (a) the Legislative Department as certified to the governor by the president of the Senate
51 and the speaker of the House;

52 (b) the Executive Department;

53 (c) the Judicial Department as certified to the governor by the state court administrator;

54 (d) payment and discharge of the principal and interest of the indebtedness of the state [of
55 Utah];

56 (e) the salaries payable by the state under the Utah Constitution or under law for the lease
57 agreements planned for the next fiscal year;

58 (f) other purposes that are set forth in the Utah Constitution or under law; and

59 (g) all other appropriations.

60 (6) Deficits or anticipated deficits shall be included in the budget.

61 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require
62 from the proper state officials, including public and higher education officials, all heads of
63 executive and administrative departments and state institutions, bureaus, boards, commissions, and
64 agencies expending or supervising the expenditure of the state moneys, and all institutions
65 applying for state moneys and appropriations, itemized estimates of revenues and expenditures.
66 The entities required by this Subsection (7)(a)(i) to submit itemized estimates of revenues and
67 expenditures to the governor, shall also report to the Utah Information Technology Commission
68 created in Title 63D, Chapter 1, Part 2, before October 30 of each year. The report to the
69 Information Technology Commission shall include the proposed information technology
70 expenditures and objectives, the proposed appropriation requests and other sources of revenue
71 necessary to fund the proposed expenditures and an analysis of:

72 (A) the entity's need for appropriations for information technology;

73 (B) how the entity's development of information technology coordinates with other state
74 or local government entities;

75 (C) any performance measures used by the entity for implementing information technology
76 goals; and

77 (D) any efforts to develop public/private partnerships to accomplish information
78 technology goals.

79 (ii) (A) The governor may also require other information under these guidelines and at
80 times as the governor may direct.

81 (B) These guidelines may include a requirement for program productivity and performance
82 measures, where appropriate, with emphasis on outcome indicators.

83 (b) The estimate for the Legislative Department as certified by the presiding officers of
84 both houses shall be included in the budget without revision by the governor. Before preparing
85 the estimates for the Legislative Department, the Legislature shall report to the Information
86 Technology Commission the proposed information technology expenditures and objectives, the
87 proposed appropriation requests and other sources of revenue necessary to fund the proposed
88 expenditures, including an analysis of:

89 (i) the Legislature's implementation of information technology goals;

90 (ii) any coordination of information technology with other departments of state and local
91 government;

92 (iii) any efforts to develop public/private partnerships to accomplish information
93 technology goals; and

94 (iv) any performance measures used by the entity for implementing information technology
95 goals.

96 (c) The estimate for the Judicial Department, as certified by the state court administrator,
97 shall also be included in the budget without revision, but the governor may make separate
98 recommendations on it. Before preparing the estimates for the Judicial Department, the state court
99 administrator shall report to the Information Technology Commission the proposed information
100 technology expenditures and objectives, the proposed appropriation requests and other sources of
101 revenue necessary to fund the proposed expenditures, including an analysis of:

102 (i) the Judicial Department's information technology goals;

103 (ii) coordination of information technology statewide between all courts;

104 (iii) any efforts to develop public/private partnerships to accomplish information
105 technology goals; and

106 (iv) any performance measures used by the entity for implementing information technology
107 goals.

108 (d) Before preparing the estimates for the State Office of Education, the state
109 superintendent shall report to the Information Technology Commission the proposed information
110 technology expenditures and objectives, the proposed appropriation requests and other sources of
111 revenue necessary to fund the proposed expenditures, including an analysis of:

112 (i) the Office of Education's information technology goals;

113 (ii) coordination of information technology statewide between all public schools;

114 (iii) any efforts to develop public/private partnerships to accomplish information
115 technology goals; and

116 (iv) any performance measures used by the Office of Education for implementing
117 information technology goals.

118 (e) Before preparing the estimates for the state system of Higher Education, the
119 commissioner shall report to the Information Technology Commission the proposed information
120 technology expenditures and objectives, the proposed appropriation requests and other sources of

121 revenue necessary to fund the proposed expenditures, including an analysis of:

122 (i) Higher Education's information technology goals;

123 (ii) coordination of information technology statewide within the state system of higher
124 education;

125 (iii) any efforts to develop public/private partnerships to accomplish information
126 technology goals; and

127 (iv) any performance measures used by the state system of higher education for
128 implementing information technology goals.

129 (f) The governor may require the attendance at budget meetings of representatives of
130 public and higher education, state departments and institutions, and other institutions or individuals
131 applying for state appropriations.

132 (g) The governor may revise all estimates, except those relating to the Legislative
133 Department, the Judicial Department, those proposed by the State Capitol Preservation Board
134 under Subsection (14), and those providing for the payment of principal and interest to the state
135 debt and for the salaries and expenditures specified by the Utah Constitution or under the laws of
136 the state.

137 (8) The total appropriations requested for expenditures authorized by the budget may not
138 exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal
139 year.

140 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity does
141 not affect the budget itself or any other item in it.

142 (10) (a) In submitting the budget for the Departments of Health and Human Services, the
143 governor shall consider a separate recommendation in his budget for funds to be contracted to:

144 (i) local mental health authorities under Section 17A-3-606;

145 (ii) local substance abuse authorities under Section 62A-8-110.5;

146 (iii) area agencies under Section 62A-3-104.2;

147 (iv) programs administered directly by and for operation of the Divisions of Mental Health,
148 Substance Abuse, and Aging and Adult Services; and

149 (v) local health departments under Title 26A, Chapter 1, Local Health Departments.

150 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor
151 shall consider an amount sufficient to grant local health departments, local mental health

152 authorities, local substance abuse authorities, and area agencies the same percentage increase for
153 wages and benefits that he includes in his budget for persons employed by the state.

154 (c) If the governor does not include in his budget an amount sufficient to grant the increase
155 described in Subsection (10)(b), he shall include a message to the Legislature regarding his reason
156 for not including that amount.

157 (11) (a) In submitting the budget for the Division of Services for People with Disabilities
158 within the Department of Human Services, the governor shall consider an amount sufficient to
159 grant employees of private nonprofit corporations that contract with that division, the same
160 percentage increase for cost-of-living that he includes in his budget for persons employed by the
161 state.

162 (b) If the governor does not include in his budget an amount sufficient to grant the increase
163 described in Subsection (11)(a), he shall include a message to the Legislature regarding his reason
164 for not including that amount.

165 (12) (a) The Families, Agencies, and Communities Together Council may propose to the
166 governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative service
167 delivery systems operated under Section 63-75-6.5.

168 (b) The Legislature may, through a specific program schedule, designate funds
169 appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

170 (13) The governor shall include in his budget the state's portion of the budget for the Utah
171 Communications Agency Network established in Title 63C, Chapter 7, Utah Communications
172 Agency Network Act.

173 (14) (a) As used in this Subsection (14):

174 (i) "Capitol hill" means:

175 (A) the grounds, monuments, parking lots, buildings, and other man-made and natural
176 objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East
177 Capitol Street;

178 (B) the White Chapel, the Utah Travel Council building, the Daughters of Utah Pioneers
179 building, and all land and structures adjacent to those buildings that are owned by the state; and

180 (C) the grounds, monuments, and other man-made and natural items within the area
181 bounded by Colombus Street, 500 North Street, and West Capitol Street.

182 (ii) "Capitol hill facilities" means all of the buildings on capitol hill, and the exterior steps,

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

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

185 (b) The governor shall include in his budget, without revision, the estimate for capitol hill,
186 capitol hill facilities, and capitol hill grounds as certified to the governor by the State Capitol
187 Preservation Board.

188 Section 2. Section **63C-9-102** is amended to read:

189 **63C-9-102. Definitions.**

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

191 (2) "Capitol hill" means:

192 (a) the grounds, monuments, parking lots, buildings, and other man-made and natural
193 objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East
194 Capitol Street[-];

195 (b) the White Chapel, the Utah Travel Council building, the Daughters of Utah Pioneers
196 building, and all land and structures adjacent to those buildings that are owned by the state; and

197 (c) the grounds, monuments, and other man-made and natural items within the area
198 bounded by Colombus Street, 500 North Street, and West Capitol Street.

199 (3) [~~(a)~~] "Capitol hill facilities" means all of the buildings on capitol hill, and the exterior
200 steps, entrances, streets, parking lots, and other paved areas of capitol hill.

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

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

203 (5) "Executive director" means the executive director appointed by the board under Section
204 63C-9-401.

205 Section 3. Section **63C-9-202** is amended to read:

206 **63C-9-202. Terms -- Vacancies-- Chair --Meetings -- Compensation.**

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

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

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

212 (3) (a) The governor is chair of the board.

213 (b) The governor shall recommend a member of the board to serve as vice chair of the

214 board.

215 (c) A person recommended by the governor becomes vice chair of the board when
216 approved by a majority vote of the board with a quorum present.

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

219 (5) (a) (i) Members who are not government employees shall receive no compensation or
220 benefits for their services, but may receive per diem and expenses incurred in the performance of
221 the member's official duties at the rates established by the Division of Finance under Sections
222 63A-3-106 and 63A-3-107.

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

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

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

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

231 Section 4. Section **63C-9-301** is amended to read:

232 **63C-9-301. Board powers.**

233 (1) The board shall:

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

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

238 (c) by October 1 of each year, prepare and submit a budget for capitol hill to the governor
239 for inclusion in his budget;

240 [~~e~~] (d) consult with the Division of Facilities Construction and Management, the State
241 Library Division, the Division of Archives and Records Service, the Division of State History, the
242 Office of Museum Services, and the Arts Council when necessary;

243 [~~d~~] (e) review and approve the executive director's:

244 (i) annual budget and work plan;

- 245 (ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and
246 (iii) furnishings plan for placement and care of objects under the care of the board;
247 [~~(e)~~] (f) approve all changes to the buildings and their grounds, including:
248 (i) restoration, remodeling, and rehabilitation projects;
249 (ii) usual maintenance; and
250 (iii) any transfers or loans of objects under the board's care;
251 [~~(f)~~] (g) define and identify all significant aspects of capitol hill facilities and capitol hill
252 grounds, after consultation with the Division of Facilities Construction and Management, State
253 Library Division, the Division of Archives and Records Service, the Division of State History, the
254 Office of Museum Services, and the Arts Council;
255 [~~(g)~~] (h) inventory, define, and identify all significant contents of the buildings and all
256 state-owned items of historical significance that were at one time in the buildings, after
257 consultation with the Division of Facilities Construction and Management, State Library Division,
258 the Division of Archives and Records Service, the Division of State History, the Office of Museum
259 Services, and the Arts Council;
260 [~~(h)~~] (i) maintain archives relating to the construction and development of the buildings,
261 the contents of the buildings and their grounds, including documents such as plans, specifications,
262 photographs, purchase orders, and other related documents, the original copies of which shall be
263 maintained by the Division of Archives and Records Service;
264 [~~(i)~~] (j) comply with federal and state laws related to program and facility accessibility; and
265 [~~(j)~~] (k) establish procedures for receiving, hearing, and deciding complaints or other
266 issues raised about the capitol hill facilities, capitol hill grounds, or their use.
- 267 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area
268 is reserved to the Legislature.
- 269 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
270 facilities and capitol hill grounds by following the procedures and requirements of Title 63,
271 Chapter 46a, Utah Administrative Rulemaking Act.
- 272 (b) A person who violates a rule adopted by the board under the authority of this
273 Subsection (3) is guilty of a class C misdemeanor.
- 274 (c) The board may not apply this section or rules adopted under the authority of this
275 section in a manner that violates a person's rights under the Utah Constitution or the First

276 Amendment to the United States Constitution, including the right of persons to peaceably
277 assemble.

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

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

282 (5) The board may:

283 (a) establish subcommittees and assign their membership;

284 [~~(a)~~] (b) establish fees for the use of capitol hill facilities and grounds;

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

287 [~~(c)~~] (d) contract with another state agency to provide services.

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

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

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

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

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

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

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

304 (d) Except for items identified by the board as having historical significance, and except
305 as provided in Subsection (6)(b), the board and the employees of the board have no control over
306 moveable furnishings and equipment in the custody of a state agency, official, or employee having

307 an office in a building on capitol hill.

**Legislative Review Note
as of 12-29-99 4:31 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel