

STATE CAPITOL PRESERVATION BOARD AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ralph Becker**

**This act modifies provisions governing the State Capitol Preservation Board. This act modifies the geographic jurisdiction of the board, allows the governor to appoint a vice chair of the board, and modifies certain powers of the board relating to budgets and the creation and membership of board subcommittees.**

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

AMENDS:

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

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

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

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

Section 1. Section **63C-9-102** is amended 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]~~ areas, 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.]~~ Boulevard, and includes:

(a) the White Community Memorial Chapel and its grounds and parking areas, and the Council Hall Travel Information Center building and its grounds and parking areas;

(b) the Daughters of the Utah Pioneers building and its grounds and parking areas and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(c) the state-owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(d) the state-owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.

(3) ~~(a)~~ "Capitol hill facilities" means all of the buildings on capitol hill, and the exterior steps, entrances, streets, parking ~~lots~~ areas, 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 2. Section **63C-9-202** is amended to read:

**63C-9-202. Terms -- Vacancies-- Chair -- Vice 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) (a) The governor is chair of the board.

(b) The governor shall appoint a member of the board to serve as vice chair with the approval of the board.

(4) The board shall meet at least quarterly and at other times at the call of the governor or ~~[if]~~ at the request of 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 3. Section **63C-9-301** is amended to read:

**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) before October 1 of each year, review and approve the executive director's[?] annual budget request for submittal to the governor and Legislature;

(e) by October 1 of each year, prepare and submit a recommended budget request for the upcoming fiscal year for capitol hill to:

(i) the governor, through the Office of Planning and Budget; and

(ii) the Legislature's appropriations subcommittee responsible for capital facilities, through the Office of Legislative Fiscal Analyst;

(f) 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)~~ (g) 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)~~ (h) 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)]~~ (i) 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)]~~ (j) 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)]~~ (k) comply with federal and state laws related to program and facility accessibility; and

~~[(j)]~~ (l) 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) (a) The board may:

(i) establish subcommittees made up of board members to assist and support the executive director in accomplishing his duties;

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

~~(iii)~~ (iii) 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~~

~~(iv)~~ (iv) contract with another state agency to provide services[-];

(v) delegate by specific motion of the board, any authority granted to it by this section to the executive director; and

(vi) in conjunction with Salt Lake City, expend monies to improve or maintain public property contiguous to East Capitol Boulevard and capitol hill.

(b) If a budget subcommittee is established by the board, the Legislative Fiscal Analyst, or the analyst's designee, and the director of the Office of Planning and Budget, or the director's designee, shall serve as ex officio, nonvoting members of the budget subcommittee.

(c) If the board establishes any subcommittees, the board may, by majority vote, appoint up to two people who are not members of the board to serve, at the will of the board, as nonvoting members of a subcommittee.

(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.