

1 **CAPITOL ARTS PLACEMENT COMMISSION**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Karen Hale**

5 **This act modifies provisions of the State Commissions and Councils Code related to the**
6 **State Capitol Preservation Board. The act changes the name of the State Capitol Art**
7 **Placement Commission to the Art Placement Subcommittee of the State Capitol**
8 **Preservation Board, and modifies the duties of that subcommittee. The act defines**
9 **certain terms. The act makes technical revisions.**

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

11 AMENDS:

12 **63C-9-701**, as renumbered and amended by Chapter 285, Laws of Utah 1998

13 **63C-9-702**, as last amended by Chapter 9, Laws of Utah 2000

14 **63C-9-703**, as renumbered and amended by Chapter 285, Laws of Utah 1998

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

16 Section 1. Section **63C-9-701** is amended to read:

17 **Part 7. Art Placement Subcommittee to the State Capitol Preservation Board**

18 **63C-9-701. Definitions.**

19 As used in this part:

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

23 (2) "Art" includes paintings, murals, photographs, pottery, sculpture, textiles,
24 monuments, memorials, and other visual and decorative arts.

25 ~~[(3) "Commission" means the State Capitol Art Placement Commission established by~~
26 ~~this part.]~~

27 ~~[(4)]~~ (3) "Exhibit" means a static visual explanatory or educational presentation.



28 ~~[(5)]~~ (4) "Public area" means ~~[areas]~~ any area either inside or outside any building on
 29 capitol hill under the jurisdiction of the board under Subsection 63C-9-301(1)(a) that is:

30 (a) open to the public; and

31 (b) not part of the offices of any government agency.

32 (5) "Subcommittee" means the Art Placement Subcommittee of the State Capitol
 33 Preservation Board created in this part.

34 Section 2. Section **63C-9-702** is amended to read:

35 **63C-9-702. Art Placement Subcommittee to the State Capitol Preservation Board**

36 **-- Created -- Membership -- Operations.**

37 (1) (a) There is created ~~[a State Capitol]~~ an Art Placement ~~[Commission]~~
 38 Subcommittee to the State Capitol Preservation Board composed of 11 members appointed as
 39 provided in this Subsection (1).

40 (b) (i) The governor shall appoint:

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

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

45 (C) an historian, from a list of three historians submitted by the Board of State History;
 46 and

47 (D) a citizen to represent the public at large.

48 (ii) The governor, as chair of the ~~[State Capitol Preservation Board created in Section~~
 49 ~~63C-9-201]~~ board, with the concurrence of the ~~[State Capitol Preservation Board]~~ board, shall
 50 appoint a member of the ~~[State Capitol Preservation Board]~~ board as ~~[an ex officio, nonvoting]~~
 51 a voting member of the ~~[State Capitol Art Placement Commission]~~ subcommittee.

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

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

56 (2) (a) (i) (A) ~~[Voting commission]~~ Subcommittee members appointed by the governor
 57 shall serve four-year terms and may serve up to two consecutive terms.

58 (B) ~~[Ex officio commission members]~~ The board member appointed by the governor

59 ~~[as chair of the State Capitol Preservation Board]~~ under Subsection (1)(b)(ii) shall serve a
60 two-year ~~[terms]~~ term, and may be reappointed.

61 (ii) ~~[Commission]~~ Subcommittee members appointed by ~~[the speaker and]~~ the
62 president of the Senate and the speaker of the House of Representatives shall serve two-year
63 terms and may be reappointed.

64 (b) In appointing members to the first ~~[commission]~~ subcommittee, the governor shall
65 designate ~~[one member]~~ two members to serve a two-year term and two members to serve
66 four-year terms.

67 (3) (a) Each ~~[commission]~~ subcommittee member shall hold office until his successor
68 has been appointed and qualified.

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

72 (c) Six voting members of the ~~[commission]~~ subcommittee are a quorum for the
73 purpose of organizing and conducting the business of the ~~[commission]~~ subcommittee.

74 (d) The vote of a majority of members voting when a quorum is present is necessary
75 for the ~~[commission]~~ subcommittee to take action.

76 (4) (a) At the initial meeting of the ~~[commission]~~ subcommittee, the ~~[commission]~~
77 subcommittee shall select one of its number to serve as chair of the ~~[commission]~~
78 subcommittee.

79 (b) The executive director of the ~~[State Capitol Preservation Board]~~ board is the
80 nonvoting secretary to the ~~[commission]~~ subcommittee and shall provide staff services to the
81 ~~[commission]~~ subcommittee.

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

85 (b) The ~~[commission]~~ subcommittee shall meet at least ~~[once per year and at the call of~~
86 ~~the chair]~~ quarterly.

87 Section 3. Section **63C-9-703** is amended to read:

88 **63C-9-703. Art Placement Subcommittee of the State Capitol Preservation Board**
89 **-- Duties.**

90 (1) The ~~[commission]~~ subcommittee shall:
91 (a) review and make recommendations to the board about the content and placement of
92 each new piece of art to be placed within any public area [~~of the State Capitol Building to the~~
93 ~~State Capitol Preservation Board~~] on capitol hill;
94 (b) review and make recommendations to the board about any proposals for removing
95 or relocating any piece of art contained in any public area [~~of the State Capitol Building to the~~
96 ~~State Capitol Preservation Board~~] on capitol hill; and
97 (c) review and make recommendations to the board about the content and placement of
98 each new exhibit to be placed within any public area [~~of the State Capitol Building to the State~~
99 ~~Capitol Preservation Board~~] on capitol hill.
100 [~~(2) The commission has exclusive authority to make official recommendations to the~~
101 ~~State Capitol Preservation Board about content, placement, removal, and relocation of art and~~
102 ~~exhibits on capitol hill.~~]
103 [~~(3)~~] (2) If any conflicts exist between this part and Section 36-5-1, Section 36-5-1
104 takes precedence.

Legislative Review Note
as of 1-15-03 8:50 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0124

Capitol Arts Placement Commission

27-Jan-03

12:17 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst