

28 ▶ modifies the definition of art overseen by the capitol preservation board to include
29 decorative paintings and historic light fixtures.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **63C-9-201**, as last amended by Chapters 171 and 176, Laws of Utah 2002

37 **63C-9-202**, as last amended by Chapter 171, Laws of Utah 2002

38 **63C-9-301**, as last amended by Chapter 16, Laws of Utah 2003

39 **63C-9-401**, as enacted by Chapter 285, Laws of Utah 1998

40 **63C-9-402**, as last amended by Chapter 66, Laws of Utah 2003

41 **63C-9-701**, as last amended by Chapter 66, Laws of Utah 2003



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

44 Section 1. Section **63C-9-201** is amended to read:

45 **63C-9-201. State Capitol Preservation Board -- Creation -- Membership.**

- 46 (1) There is created the State Capitol Preservation Board.
- 47 (2) The board shall consist of the following 15 members:
 - 48 (a) the governor or the governor's designee;
 - 49 (b) the lieutenant governor;
 - 50 (c) the president of the Senate or the president's designee;
 - 51 (d) the speaker of the House of Representatives or the speaker's designee;
 - 52 (e) three members appointed by the governor;
 - 53 (f) two members of the Senate appointed by the president of the Senate, one from the
 - 54 majority party and one from the minority party;
 - 55 (g) two members of the House of Representatives appointed by the speaker of the
 - 56 House of Representatives, one from the majority party and one from the minority party;
 - 57 (h) the chief justice of the Supreme Court or his designee;
 - 58 (i) the director of the Division of Archives; and

59 (j) an architect and a structural engineer, appointed by the governor with the consent of
60 the Senate.

61 Section 2. Section **63C-9-202** is amended to read:

62 **63C-9-202. Terms -- Vacancies -- Chair -- Vice chair -- Meetings --**
63 **Compensation.**

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

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

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

70 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.

71 (b) When the governor is absent from meetings of the board, the lieutenant governor is
72 chair of the board.

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

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

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

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

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

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

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

89 Section 3. Section **63C-9-301** is amended to read:

90 **63C-9-301. Board powers.**

91 (1) The board shall:

92 (a) except as provided in Subsection (2), exercise complete jurisdiction over capitol
93 hill facilities and capitol hill grounds;94 (b) preserve, maintain, and restore capitol hill facilities, capitol hill grounds, and their
95 contents;96 (c) consult with the Division of Facilities Construction and Management, the State
97 Library Division, the Division of Archives and Records Service, the Division of State History,
98 the Office of Museum Services, and the Arts Council when necessary;99 (d) before October 1 of each year, review and approve the executive director's annual
100 budget request for submittal to the governor and Legislature;101 (e) by October 1 of each year, prepare and submit a recommended budget request for
102 the upcoming fiscal year for capitol hill to:

103 (i) the governor, through the Governor's Office of Planning and Budget; and

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

106 (f) review and approve the executive director's:

107 (i) annual work plan;

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

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

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

111 (i) restoration, remodeling, and rehabilitation projects;

112 (ii) usual maintenance; and

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

114 (h) define and identify all significant aspects of capitol hill facilities and capitol hill
115 grounds, after consultation with the Division of Facilities Construction and Management, State
116 Library Division, the Division of Archives and Records Service, the Division of State History,
117 the Office of Museum Services, and the Arts Council;118 (i) inventory, define, and identify all significant contents of the buildings and all
119 state-owned items of historical significance that were at one time in the buildings, after
120 consultation with the Division of Facilities Construction and Management, State Library

121 Division, the Division of Archives and Records Service, the Division of State History, the
122 Office of Museum Services, and the Arts Council;

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

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

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

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

132 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
133 facilities and capitol hill grounds by following the procedures and requirements of Title 63,
134 Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

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

147 (5) (a) The board may:

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

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

151 (iii) assign and allocate specific duties and responsibilities to any other state agency, if

152 the other agency agrees to perform the duty or accept the responsibility;

153 (iv) contract with another state agency to provide services;

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

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

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

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

165 (d) Members of each subcommittee shall, at the first meeting of each calendar year,
166 select one individual to act as chair of the subcommittee for a one-year term.

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

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

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

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

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

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

181 (c) The board and the employees of the board have no control over records and
182 documents produced by or in the custody of a state agency, official, or employee having an

183 office in a building on capitol hill.

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

188 Section 4. Section **63C-9-401** is amended to read:

189 **63C-9-401. Executive director.**

190 The board shall:

191 (1) appoint an executive director to assist ~~[them]~~ the board in performing ~~[their]~~ its
192 duties under this chapter[-];

193 (2) (a) require the budget and operations subcommittee to review and make
194 recommendations to the board regarding:

195 (i) the executive director's annual performance; and

196 (ii) the executive director's suggestions for staff, including staff duties, performance,
197 compensation, and personnel;

198 (b) approve, deny, or modify the subcommittee's recommendations, which shall be
199 submitted to the board before the board submits its budget recommendations under Subsections
200 63C-9-301(1)(d) and (e); and

201 (c) make rules governing the review, compensation, and bonus process for the
202 executive director and staff.

203 Section 5. Section **63C-9-402** is amended to read:

204 **63C-9-402. Executive director -- Duties.**

205 The executive director shall:

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

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

212 (3) prepare, and recommend for board approval, an annual budget and work plan
213 consistent with the master plan and the furnishings plan for all work under this chapter,

214 including usual maintenance for capitol hill facilities, the contents of capitol hill facilities, and
215 capitol hill grounds;

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

218 (5) develop and maintain a registration system and inventory of the contents of the
219 capitol hill facilities and capitol hill grounds and of the original documents relating to the
220 buildings' construction and alteration;

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

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

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

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

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

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

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

236 (13) approve all art and exhibits placed on Capitol Hill after board approval;

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

239 (15) contract for professional services of qualified consultants, including architectural
240 historians, landscape architects with experience in landscape architectural preservation,
241 conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;
242 [~~and~~]

243 (16) prepare annually a complete and detailed written report for the board that accounts
244 for all funds received and disbursed by the board during the preceding fiscal year[-]; and

245 (17) develop and manage a visitor services program for capitol hill with duties that
246 include conducting tours, managing a gift shop, and providing communication services.

247 Section 6. Section **63C-9-701** is amended to read:

248 **63C-9-701. Definitions.**

249 As used in this part:

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

253 (2) "Art" includes paintings, decorative paintings, historic light fixtures, murals,
254 photographs, pottery, sculpture, textiles, monuments, memorials, and other visual and
255 decorative arts.

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

257 (4) "Public area" means any area either inside or outside any building on capitol hill
258 under the jurisdiction of the board under Subsection 63C-9-301(1)(a) that is:

259 (a) open to the public; and

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

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

Legislative Review Note
as of 1-27-05 12:41 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0163

Capitol Preservation Board Amendments

03-Feb-05

4:27 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst