

1                                   **DESIGNATION OF SECOND DISTRICT**  
2                                   **STATE COURT BUILDING**  
3                                   2008 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Chief Sponsor: Neil A. Hansen**

6                                   Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill designates the Second District State Court Building as the M. Blain Peterson  
11 Courthouse.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ requires the state building board to name the Second District Court Building the M.  
15 Blain Peterson Courthouse.

16 **Monies Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22           **63C-9-301**, as last amended by Laws of Utah 2007, Chapter 322

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

25           Section 1. Section **63C-9-301** is amended to read:

26           **63C-9-301. Board powers -- Subcommittees.**

27           (1) The board shall:



- 28 (a) except as provided in Subsection (2), exercise complete jurisdiction and  
29 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;
- 30 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
31 capitol hill grounds, and their contents;
- 32 (c) before October 1 of each year, review and approve the executive director's annual  
33 budget request for submittal to the governor and Legislature;
- 34 (d) by October 1 of each year, prepare and submit a recommended budget request for  
35 the upcoming fiscal year for the capitol hill complex to:
- 36 (i) the governor, through the Governor's Office of Planning and Budget; and  
37 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,  
38 through the Office of Legislative Fiscal Analyst;
- 39 (e) review and approve the executive director's:
- 40 (i) annual work plan;  
41 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and  
42 capitol hill grounds; and
- 43 (iii) furnishings plan for placement and care of objects under the care of the board;
- 44 (f) approve all changes to the buildings and their grounds, including:
- 45 (i) restoration, remodeling, and rehabilitation projects;  
46 (ii) usual maintenance program; and  
47 (iii) any transfers or loans of objects under the board's care;
- 48 (g) define and identify all significant aspects of the capitol hill complex, capitol hill  
49 facilities, and capitol hill grounds, after consultation with the:
- 50 (i) Division of Facilities Construction and Management;  
51 (ii) State Library Division;  
52 (iii) Division of Archives and Records Service;  
53 (iv) Division of State History;  
54 (v) Office of Museum Services; and  
55 (vi) Arts Council;
- 56 (h) inventory, define, and identify all significant contents of the buildings and all  
57 state-owned items of historical significance that were at one time in the buildings, after  
58 consultation with the:

- 59 (i) Division of Facilities Construction and Management;
- 60 (ii) State Library Division;
- 61 (iii) Division of Archives and Records Service;
- 62 (iv) Division of State History;
- 63 (v) Office of Museum Services; and
- 64 (vi) Arts Council;
- 65 (i) maintain archives relating to the construction and development of the buildings, the
- 66 contents of the buildings and their grounds, including documents such as plans, specifications,
- 67 photographs, purchase orders, and other related documents, the original copies of which shall
- 68 be maintained by the Division of Archives and Records Service;
- 69 (j) comply with federal and state laws related to program and facility accessibility; and
- 70 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
- 71 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
- 72 use.
- 73 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
- 74 area, as defined in Section 36-5-1, is reserved to the Legislature.
- 75 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
- 76 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
- 77 requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.
- 78 (b) A person who violates a rule adopted by the board under the authority of this
- 79 Subsection (3) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the
- 80 amount of any actual damages, expenses, and costs related to the violation of the rule that are
- 81 incurred by the state.
- 82 (c) The board may take any other legal action allowed by law.
- 83 (d) If any violation of a rule adopted by the board is also an offense under Title 76,
- 84 Utah Criminal Code, the violation is subject to the civil penalty, damages, expenses, and costs
- 85 allowed under this Subsection (3) in addition to any criminal prosecution.
- 86 (e) The board may not apply this section or rules adopted under the authority of this
- 87 section in a manner that violates a person's rights under the Utah Constitution or the First
- 88 Amendment to the United States Constitution, including the right of persons to peaceably
- 89 assemble.

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

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

96 (5) The board shall name the Second District Court Building the M. Blain Peterson  
97 Courthouse.

98 [~~5~~] (6) (a) The board may:

99 (i) establish subcommittees made up of board members and members of the public to  
100 assist and support the executive director in accomplishing the executive director's duties;

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

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

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

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

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

109 (vii) provide wireless Internet service to the public without a fee in any capitol hill  
110 facility; and

111 (viii) when necessary, consult with the:

112 (A) Division of Facilities Construction and Management;

113 (B) State Library Division;

114 (C) Division of Archives and Records Service;

115 (D) Division of State History;

116 (E) Office of Museum Services; and

117 (F) Arts Council.

118 (b) The board's provision of wireless Internet service under Subsection [~~5~~] (6)(a)(vii)  
119 shall be discontinued in the legislative area if the president of the Senate and the speaker of the  
120 House of Representatives each submit a signed letter to the board indicating that the service is

121 disruptive to the legislative process and is to be discontinued.

122 (c) If a budget subcommittee is established by the board, the following shall serve as ex  
123 officio, nonvoting members of the budget subcommittee:

124 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office  
125 of Legislative Fiscal Analyst; and

126 (ii) the director of the Governor's Office of Planning and Budget, or the director's  
127 designee, who shall be from the Governor's Office of Planning and Budget.

128 (d) If a preservation and maintenance subcommittee is established by the board, the  
129 board may, by majority vote, appoint one or each of the following to serve on the  
130 subcommittee as voting members of the subcommittee:

131 (i) an architect, who shall be selected from a list of three architects submitted by the  
132 American Institute of Architects; or

133 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
134 American Civil Engineers Council.

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

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

140 ~~[(6)]~~ (7) (a) The board, and the employees of the board, may not move the office of the  
141 governor, lieutenant governor, president of the Senate, speaker of the House of  
142 Representatives, or a member of the Legislature from the State Capitol Building unless the  
143 removal is approved by:

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

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

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

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

150 (b) The board and the employees of the board have no control over the furniture,  
151 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the

152 members of the Legislature except as necessary to inventory or conserve items of historical  
153 significance owned by the state.

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

157 (d) Except for items identified by the board as having historical significance, and  
158 except as provided in Subsection [~~(6)~~] (7)(b), the board and the employees of the board have no  
159 control over moveable furnishings and equipment in the custody of a state agency, official, or  
160 employee having an office in a building on the capitol hill complex.

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**Legislative Review Note**  
**as of 2-5-08 2:56 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 430 - Designation of Second District State Court Building**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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