

Part 3 Board Powers and Duties

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

- (1) The board shall:
- (a) except as provided in Subsection (2), exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;
 - (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;
 - (c) before October 1 of each year, review and approve the executive director's annual budget request for submittal to the governor and Legislature;
 - (d) by October 1 of each year, prepare and submit a recommended budget request for the upcoming fiscal year for the capitol hill complex to:
 - (i) the governor, through the Governor's Office of Management and Budget; and
 - (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities, through the Office of Legislative Fiscal Analyst;
 - (e) review and approve the executive director's:
 - (i) annual work plan;
 - (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and capitol hill grounds; and
 - (iii) furnishings plan for placement and care of objects under the care of the board;
 - (f) approve all changes to the buildings and their grounds, including:
 - (i) restoration, remodeling, and rehabilitation projects;
 - (ii) usual maintenance program; and
 - (iii) any transfers or loans of objects under the board's care;
 - (g) define and identify all significant aspects of the capitol hill complex, capitol hill facilities, and capitol hill grounds, after consultation with the:
 - (i) Division of Facilities Construction and Management;
 - (ii) State Library Division;
 - (iii) Division of Archives and Records Service;
 - (iv) Division of State History;
 - (v) Office of Museum Services; and
 - (vi) Arts Council;
 - (h) 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:
 - (i) Division of Facilities Construction and Management;
 - (ii) State Library Division;
 - (iii) Division of Archives and Records Service;
 - (iv) Division of State History;
 - (v) Office of Museum Services; and
 - (vi) Arts Council;
 - (i) 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;
 - (j) comply with federal and state laws related to program and facility accessibility; and

- (k) establish procedures for receiving, hearing, and deciding complaints or other issues raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their use.
- (2)
- (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area, as defined in Section 36-5-1, is reserved to the Legislature; and
 - (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is reserved to the governor.
- (3)
- (a) The board shall make rules to govern, administer, and regulate the capitol hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) A violation of a rule relating to the use of the capitol hill complex adopted by the board under the authority of this Subsection (3) is an infraction.
 - (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does not prohibit prosecution and sentencing for the more serious offense.
 - (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person who violates a rule adopted by the board under the authority of this Subsection (3) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state.
 - (e) The board may take any other legal action allowed by law.
 - (f) 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.
 - (g) 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 63G, Chapter 6a, Utah Procurement Code, but shall adopt procurement rules substantially similar to the requirements of that chapter.
- (5) The board shall name the House Building, that is defined in Section 36-5-1, the "Rebecca D. Lockhart House Building."
- (6)
- (a) The board may:
 - (i) establish subcommittees made up of board members and members of the public to assist and support the executive director in accomplishing the executive director's duties;
 - (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;
 - (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;
 - (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;
 - (vi) in conjunction with Salt Lake City, expend money to improve or maintain public property contiguous to East Capitol Boulevard and capitol hill;
 - (vii) provide wireless Internet service to the public without a fee in any capitol hill facility; and
 - (viii) when necessary, consult with the:
 - (A) Division of Facilities Construction and Management;
 - (B) State Library Division;
 - (C) Division of Archives and Records Service;

- (D) Division of State History;
 - (E) Office of Museum Services; and
 - (F) Arts Council.
- (b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the speaker of the House of Representatives each submit a signed letter to the board indicating that the service is disruptive to the legislative process and is to be discontinued.
- (c) If a budget subcommittee is established by the board, the following shall serve as ex officio, nonvoting members of the budget subcommittee:
- (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office of Legislative Fiscal Analyst; and
 - (ii) the executive director of the Governor's Office of Management and Budget, or the executive director's designee, who shall be from the Governor's Office of Management and Budget.
- (d) If a preservation and maintenance subcommittee is established by the board, the board may, by majority vote, appoint one or each of the following to serve on the subcommittee as voting members of the subcommittee:
- (i) an architect, who shall be selected from a list of three architects submitted by the American Institute of Architects; or
 - (ii) an engineer, who shall be selected from a list of three engineers submitted by the American Civil Engineers Council.
- (e) 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.
- (f) Members of each subcommittee shall, at the first meeting of each calendar year, select one individual to act as chair of the subcommittee for a one-year term.
- (7)
- (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 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 the capitol hill complex.
- (d) Except for items identified by the board as having historical significance, and except as provided in Subsection (7)(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 the capitol hill complex.

Amended by Chapter 245, 2016 General Session