

Effective 5/1/2024

Title 63O. Capitol Hill

**Chapter 1
Control and Maintenance of Capitol Hill**

**Part 1
General Provisions**

63O-1-101 Definitions.

As used in this title:

- (1) "Architectural integrity" means the architectural elements, materials, color, and quality of the original building construction.
- (2) "Area of joint control" means all areas that are specified under this chapter as being under the direction and control of both the Legislature and the governor.
- (3) "Board" means the State Capitol Preservation Board created in Section 63C-9-201.
- (4) "Capitol hill" means the following, in Salt Lake City:
 - (a) the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard;
 - (b) the White Community Memorial Chapel, including the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects on the property;
 - (c) the Council Hall Travel Information Center, including the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects on the property;
 - (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:
 - (i) the grounds, monuments, parking areas, buildings, structures, and other man-made and natural objects on the property; and
 - (ii) the other state-owned property within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;
 - (e) the Central Plant, located to the southeast of the intersection of 500 North and Columbus Street;
 - (f) the state-owned property within the area bounded by Columbus Street, Wall Street, and 400 North Street; and
 - (g) the state-owned property within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.
- (5) "Governor's area" means all areas, other than an area of joint control, that are specified under this chapter as being under the direction and control of the governor.
- (6) "House Building" means the west building on capitol hill that is located northwest of the State Capitol, southwest of the North Building, and west of the Senate Building.
- (7) "Legislative area" means all areas, other than an area of joint control, that are specified under this chapter as being under the direction and control of the Legislature.
- (8) "Legislative day" means:
 - (a) a day during the annual general session of the Legislature;
 - (b) a day during a special session of the Legislature;
 - (c) a day during which the House of Representatives is convened under Utah Constitution, Article VI, Section 17;
 - (d) a day during which the Senate is convened under Utah Constitution, Article VI, Section 18;

- (e) a day during a veto override session; or
- (f) a day designated by the Legislative Management Committee as a legislative day for meetings of the House of Representatives, the Senate, or a committee, task force, caucus, or other group of the legislative branch.
- (9) "North Building" means the building on capitol hill that is located north of the State Capitol, northeast of the House Building, and northwest of the Senate Building.
- (10) "Senate Building" means the building on capitol hill that is located northeast of the State Capitol, southeast of the North Building, and east of the House Building.
- (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
- (12)
 - (a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the basement level of capitol hill.
 - (b) "Tunnels" does not include the underground parking.

Enacted by Chapter 425, 2024 General Session

Part 2

Buildings, Structures, and Grounds

630-1-201 Capitol building -- Direction and control.

- (1) In the basement of the State Capitol:
 - (a) except as provided in Subsections (1)(b) and (c), the entire basement is under the direction and control of the board, which shall allocate space, as needed, for security offices, the Supreme Court, and others;
 - (b) the following areas are under the direction and control of the Legislature:
 - (i) the Legislative Printing office and Bill Room;
 - (ii) the Sergeant Lounge; and
 - (iii) the press room; and
 - (c) the following areas in the southwest corner are under the direction and control of the governor:
 - (i) the governor's parking area;
 - (ii) the operations center;
 - (iii) the executive suite; and
 - (iv) the executive detail area.
- (2) On the first floor of the State Capitol:
 - (a) the following are under the direction and control of the governor:
 - (i) the office suites located on the northwest and southwest sides; and
 - (ii) the dignitary holding area and elevator, which the Legislature may schedule through the Utah Highway Patrol Dignitary Protection Bureau;
 - (b) suite 180, in the southeast corner, is under the direction and control of the board and assigned for the use of the state treasurer; and
 - (c) the following are under the direction and control of the board:
 - (i) the board offices, located in suite 120, immediately to the east of the State Capitol's north entrance;
 - (ii) the Visitor Services Office, located in suite 130, immediately to the west of the State Capitol's north entrance;

- (iii) the vending room to the south of the Visitor Services Office;
 - (iv) all vestibules, and the room on the east of the south vestibule;
 - (v) the public area beneath the rotunda and the adjacent public areas;
 - (vi) all conference rooms and storage rooms accessed from the areas described in Subsection (2)(c)(v);
 - (vii) suite 110, to the south of the board offices;
 - (viii) the Visitors Center; and
 - (ix) the Presentation Room.
- (3) On the second floor of the State Capitol:
- (a) suite 250, in the northeast corner, is under the direction and control of the Legislature;
 - (b) before January 1, 2025, suite 260, to the west of suite 250, is under the direction and control of the board and assigned for the use of the state auditor;
 - (c) beginning on January 1, 2025, suite 260, to the west of suite 250, is under the direction and control of the board and assigned for the use of the state auditor, until a substantially similar space in the State Capitol is assigned to the state auditor, after which suite 260, to the west of suite 250, is under the direction and control of the Legislature;
 - (d) suite 230, in the southeast corner, is under the direction and control of the board and assigned for the use of the attorney general;
 - (e) the following are under the direction and control of the governor:
 - (i) suite 200, at the west end of the floor;
 - (ii) suite 220, to the west of suite 230; and
 - (iii) suite 270, in the central north area;
 - (f) the Gold Room, including the adjacent pantry:
 - (i) is under the direction and control of the governor and the Legislature; and
 - (ii) is scheduled through the governor, with the governor having scheduling priority;
 - (g) the Capitol Board Room:
 - (i) is under the direction and control of the governor and the Legislature; and
 - (ii) is scheduled through the board, as follows:
 - (A) on a day other than a legislative day:
 - (I) the governor and lieutenant governor have first scheduling priority, regardless of whether the Legislature or any other party has already scheduled the room; and
 - (II) the Legislature has second scheduling priority, regardless of whether a party, other than the governor or lieutenant governor, has already scheduled the room;
 - (B) on a legislative day:
 - (I) the Legislature has first scheduling priority, regardless of whether the governor, the lieutenant governor, or any other party has already scheduled the room; and
 - (II) the governor and lieutenant governor have second scheduling priority, regardless of whether a party, other than the Legislature, has already scheduled the room;
 - (C) if the reservation of a person who schedules the room is canceled under Subsection (3)(g)(ii)(A) or (B), the board shall give the person as much notice as possible to schedule another site;
 - (D) subject to Subsection (3)(g)(ii)(A) or (B), other executive branch or judicial branch entities may schedule the room on a first come, first-served, basis; and
 - (E) subject to Subsection (3)(g)(ii)(A) or (B), and the board's rules for use of capitol hill facilities, other persons may schedule the room on a first come, first-served, basis;
 - (h) the following areas are under the direction and control of the board:
 - (i) the grand staircases;
 - (ii) the rotunda;

- (iii) the kitchen adjacent to the Gold Room; and
- (iv) the open areas that are:
 - (A) east of the rotunda to the doors of the Capitol Board Room;
 - (B) west of the rotunda to the entrance to the governor's office;
 - (C) south of the rotunda to the south entrance to the State Capitol; and
 - (D) north of the rotunda to the north wall.
- (4)
 - (a) On the third floor of the State Capitol, the entire floor is under the direction and control of the Legislature, except the areas described in Subsections (6)(a) and (b).
 - (b) The Supreme Court Chambers will be scheduled by:
 - (i) the Legislature on a legislative day; and
 - (ii) the Senate on a day other than a legislative day.
- (5) On the fourth floor of the State Capitol, the entire floor is under the direction and control of the Legislature, except that the following areas are under the direction and control of the board:
 - (a) the areas described in Subsections (6)(a) and (b);
 - (b) the four art galleries outside of the storage rooms described in Subsection (6)(b); and
 - (c) the storage room to the north of the northeast art gallery.
- (6) In addition to the areas specified under Subsections (1) through (5) as being under the direction and control of the board, the following areas in the State Capitol are under the direction and control of the board:
 - (a) the staircases, elevators, public restrooms, and the access areas adjacent to them;
 - (b) the interior of the pillars that begin in the open area on the first floor and rise to the fourth floor, including the storage closets;
 - (c) all areas of the State Capitol above the fourth floor, including the dome and roof; and
 - (d) the other areas of the State Capitol not specified under this section as being under the direction or control of the governor or the Legislature.
- (7)
 - (a) Before October 1, 2024, the governor, the state auditor, the attorney general, the state treasurer, the president of the Senate, and the speaker of the House of Representatives shall assess the use of space in the State Capitol to determine the best use of the space, including the space currently used by:
 - (i) the governor;
 - (ii) the lieutenant governor;
 - (iii) the Elections Office;
 - (iv) the Senate;
 - (v) the House of Representatives;
 - (vi) the attorney general;
 - (vii) the state auditor; and
 - (viii) the state treasurer.
 - (b) In making the assessment described in Subsection (7)(a), priority for space in the capitol is given to the Legislature, the governor, the lieutenant governor, the attorney general, the state auditor, and the state treasurer.

Enacted by Chapter 425, 2024 General Session

630-1-202 House building -- Direction and control.

The entire House Building is under the direction and control of the Legislature, which may assign certain areas to be used by the executive branch.

Enacted by Chapter 425, 2024 General Session

630-1-203 Senate building -- Direction and control.

The entire Senate Building is under the direction and control of the Legislature, which may assign certain areas to be used by the executive branch.

Enacted by Chapter 425, 2024 General Session

630-1-204 North Building -- Direction and control.

- (1) As used in this section, "department" means the Department of Cultural and Community Engagement, created in Section 9-1-201.
- (2) The basement of the North Building is under the direction and control of the board, the majority of which the board will assign for the use of the state museum.
- (3) The first floor of the North Building is under the direction and control of the board, part of which the board will assign for the use of the state museum.
- (4) On the second floor of the North Building:
 - (a) except as provided under Subsection (4)(b), the entire floor is under the direction and control of the board, part of which the board will assign for the use of the state museum; and
 - (b) the conference room on the south side of the floor, to the west of the lounge, is under the direction and control of the Legislature.
- (5) The entire third floor of the North Building is under the direction and control of the Legislature.
- (6) The entire fourth floor of the North Building is under the direction and control of the Legislature.
- (7) All portions of the North Building above the fourth floor are under the direction and control of the board.
- (8) The entire atrium in the North Building, from the first floor to the ceiling of the fourth floor, is under the direction and control of the board, including:
 - (a) the architectural integrity of all areas of the atrium, including:
 - (i) architectural or design features;
 - (ii) historic color schemes, decorative finishes, and stenciling;
 - (iii) decorative light fixtures; and
 - (iv) flooring; and
 - (b) the appearance of the atrium, including interior alterations or furnishings that impact the appearance of the atrium.
- (9) All stairs, elevators, and restrooms in the North Building are under the direction and control of the board.

Enacted by Chapter 425, 2024 General Session

630-1-205 Parking.

- (1) All surface parking on capitol hill is under the direction and control of the board.
- (2) All underground parking on capitol hill is under the direction and control of the Legislature, except that the following are under the direction and control of the governor:
 - (a) 46 of the parking stalls in the underground parking facility known as Lot C located directly east of the State Capitol;
 - (b) 52 of the parking stalls in the underground parking facility known as Lot E located directly east of the Senate Building; and
 - (c) any other area designated by the board.

- (3) Under the direction of the Legislature, the board shall:
 - (a) maintain and control the use of the first level of the covered parking under the plaza to the north of the North Building, giving a preference for public parking on that level;
 - (b) except as provided in Subsection (3)(a), maintain and control the use of the covered parking under the plaza to the north of the North Building for use by the legislative branch; and
 - (c) designate portions of parking used by the Legislature on legislative days for use by the executive branch on days other than legislative days.

Enacted by Chapter 425, 2024 General Session

63O-1-206 Grounds, buildings, and other structures.

The following are under the direction and control of the board:

- (1) the White Memorial Chapel, including the areas and objects described in Subsection 63O-1-101(4)(b);
- (2) the Council Hall Travel Information Center, including the areas and objects described in Subsection 63O-1-101(4)(c);
- (3) the Daughters of the Utah Pioneers Building, including the Carriage House and the areas and objects described in Subsection 63O-1-101(4)(d);
- (4) the Central Plant;
- (5) the belvedere to the north of the North Plaza;
- (6) the stair towers;
- (7) the tunnels; and
- (8) except as expressly provided otherwise in this chapter, all grounds, buildings, structures, monuments, plants, and other natural or man-made features on capitol hill.

Enacted by Chapter 425, 2024 General Session

**Part 3
Capitol Jurisdiction.**

63O-1-301 Board responsibility -- Shared responsibility.

- (1) The following are the responsibility of the board:
 - (a) the architectural integrity of all areas of capitol hill, including:
 - (i) restored historic architectural or design features;
 - (ii) historic color schemes, decorative finishes, and stenciling;
 - (iii) decorative light fixtures; and
 - (iv) flooring;
 - (b) the exterior appearance of all buildings and structures on capitol hill, including interior alterations or furnishings that impact the exterior appearance;
 - (c) for the State Capitol, House Building, Senate Building, and North Building:
 - (i) control of the central mechanical and electrical core on all floors;
 - (ii) control of the enclosure of the building, from the exterior of the building to the interior of the exterior wall;
 - (iii) public restrooms;
 - (iv) the roof; and
 - (v) public elevators and stairways;

- (d) in relation to the legislative area, the functions that the Legislative Management Committee delegates in writing to be performed by the board; and
 - (e) in relation to the governor's area, the functions that the governor delegates in writing to be performed by the board.
- (2) The data and communications centers in the buildings and structures on capitol hill:
- (a) that are associated with the Legislature are maintained by the board under the direction of the Legislature;
 - (b) that are associated with the executive branch are maintained by the board under the direction of the governor; and
 - (c) that are associated with both the Legislature and the executive branch are maintained by the board under the direction of the Legislature and the governor.
- (3) The board shall maintain:
- (a) all areas under the direction and control of the board;
 - (b) as directed by the Legislature, all areas under the direction and control of the Legislature;
 - (c) as directed by the governor, all areas under the direction and control of the governor; and
 - (d) as directed by the state treasurer, state auditor, or attorney general, all areas under the respective control of those elected officials.
- (4) Any alteration that involves interior or exterior construction on capitol hill shall be done in coordination with the executive director of the board.

Enacted by Chapter 425, 2024 General Session

63O-1-302 Jurisdiction and use of areas under the direction and control of the Legislature.

- (1) The legislative area is reserved for the use and occupancy of the Legislature for legislative functions.
- (2) Except as provided in Section 63O-1-301, the Legislative Management Committee shall exercise jurisdiction over the legislative area.

Enacted by Chapter 425, 2024 General Session

63O-1-303 Jurisdiction and use of areas under the direction and control of the governor.

- (1) The governor's area is reserved for the use and occupancy of the executive branch for executive functions.
- (2) Except as provided in Section 63O-1-301, the governor shall exercise jurisdiction over the governor's area.

Enacted by Chapter 425, 2024 General Session

**Chapter 2
State Capitol Preservation Board**

**Part 1
General Provisions**

63O-2-101 Definitions.

As used in this chapter, "executive director" means the executive director appointed by the board under Section 63O-2-401.

Renumbered and Amended by Chapter 425, 2024 General Session

Part 2

State Capitol Preservation Board - Creation, Membership, and Terms

63O-2-201 State Capitol Preservation Board -- Creation -- Membership.

- (1) There is created the State Capitol Preservation Board.
- (2) The board shall consist of the following 11 members:
 - (a) the governor, or the lieutenant governor acting as the governor's designee;
 - (b) the president of the Senate or the president's designee, who shall be a member of the Senate;
 - (c) the speaker of the House of Representatives or the speaker's designee, who shall be a member of the House of Representatives;
 - (d) the state treasurer;
 - (e) the state attorney general;
 - (f) two members of the Senate appointed by the president of the Senate, one from the majority party and one from the minority party;
 - (g) two members of the House of Representatives appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party;
 - (h) the chief justice of the Supreme Court or the chief justice's designee, who shall be a member of the Supreme Court; and
 - (i) the state historic preservation officer.

Renumbered and Amended by Chapter 425, 2024 General Session

63O-2-202 Terms -- Vacancies -- Chair -- Vice chair -- Meetings -- Compensation.

- (1)
 - (a) The governor, president of the Senate, speaker of the House, chief justice, state treasurer, state attorney general, and state historic preservation officer shall serve terms coterminous with their office.
 - (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) Except as provided in Subsection (3)(b), the governor is chair of the board.
 - (b) When the governor is absent from meetings of the board, the vice chair is chair of the board.
 - (c) The governor shall appoint a member of the board to serve as vice chair with the approval of a majority of the members of the board.
- (4) The board shall meet at least quarterly and at other times at the call of the governor or at the request of four members of the board.
- (5)
 - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

- (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Renumbered and Amended by Chapter 425, 2024 General Session

Part 3

State Capitol Preservation Board - Powers and Duties

63O-2-301 Board powers -- Subcommittees.

- (1) The board shall:
- (a) except as otherwise provided in Chapter 1, Control and Maintenance of Capitol Hill, 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) on or before 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 Planning and Budget; and
 - (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities, through the Office of the 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 capitol hill, after consultation with the:
 - (i) Division of Facilities Construction and Management;
 - (ii) State Library Division;
 - (iii) Division of Archives and Records Service;
 - (iv) Utah Historical Society;
 - (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) Utah Historical Society;
 - (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 the grounds, including 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 capitol hill and the use of capitol hill.
- (2)
- (a) The board shall make rules to govern, administer, and regulate capitol hill, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) A violation of a rule relating to the use of capitol hill adopted by the board under the authority of this Subsection (2) is an infraction.
 - (c) If an act violating a rule under Subsection (2)(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 (2)(b) and (c), a person who violates a rule adopted by the board under the authority of this Subsection (2) 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.
- (3) 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.
- (4) The board shall name:
- (a) the House Building the "Rebecca D. Lockhart House Building"; and
 - (b) committee room 210 in the Senate Building the "Allyson W. Gamble Committee Room."
- (5)
- (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 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 the board under 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) Utah Historical Society;
 - (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 the Legislative Fiscal Analyst; and
 - (ii) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee, who shall be from the Governor's Office of Planning 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.
- (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 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.

Renumbered and Amended by Chapter 425, 2024 General Session

Part 4 Executive Director

63O-2-401 Executive director.

The board shall:

- (1) appoint an executive director to assist the board in performing the duties of the board;
- (2)
 - (a) require the budget and operations subcommittee to review and make recommendations to the board regarding:
 - (i) the executive director's annual performance; and
 - (ii) the executive director's suggestions for staff, including staff duties, performance, compensation, and personnel;
 - (b) approve, deny, or modify the subcommittee's recommendations, which shall be submitted to the board before the board submits budget recommendations under Subsections 63O-2-301(1)(c) and (d); and
 - (c) make rules governing the review, compensation, and bonus process for the executive director and staff.

Renumbered and Amended by Chapter 425, 2024 General Session

63O-2-402 Executive director -- Duties.

The executive director shall:

- (1) develop, for board approval, a master plan with a projection of at least 20 years concerning the stewardship responsibilities, operation, activities, maintenance, preservation, restoration, and modification of capitol hill, including, if directed by the board, a plan to restore the buildings to their original architecture;
- (2) develop, as part of the master plan submitted for board approval, a furnishings plan for the placement and care of objects under the care of the board;
- (3) prepare, and recommend for board approval, an annual budget and work plan, that is consistent with the master plan, for all work to be performed under this chapter, including usual operations and maintenance and janitorial and preventative maintenance for capitol hill and the contents of capitol hill;
- (4) develop an operations, maintenance, and janitorial program for capitol hill and the contents of capitol hill;
- (5) develop a program to purchase or accept by donation, permanent loan, or outside funding items necessary to implement the master plan;
- (6) develop and maintain a registration system and inventory of the contents of capitol hill facilities and grounds and of the original documents relating to the buildings' construction and alteration;
- (7) develop a program to purchase or accept by donation, permanent loan, or outside funding items of historical significance that were at one time in the capitol hill facilities and that are not owned by the state;

- (8) develop a program to locate and acquire state-owned items of historical significance that were at one time in the buildings;
- (9) develop a collections policy regarding the items of historic significance as identified in the registration system and inventory for the approval of the board;
- (10) assist in matters dealing with the preservation of historic materials;
- (11) make recommendations on conservation needs and make arrangements to contract for conservation services for objects of significance;
- (12) make recommendations for the transfer or loan of objects of significance as detailed in the approved collections policy;
- (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus property that is not of significance as defined in the collections policy and by the registration system;
- (14) approve all art and exhibits placed on capitol hill after board approval;
- (15) employ staff to assist in administering this chapter and direct and coordinate the staff's activities;
- (16) contract for professional services of qualified consultants, including architectural historians, landscape architects with experience in landscape architectural preservation, conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;
- (17) prepare annually a complete and detailed written report for the board that accounts for all funds received and disbursed by the board during the preceding fiscal year;
- (18) develop and manage a visitor services program for capitol hill which shall include public outreach programs, public tours, events, and communication and public relation services; and
- (19) subject to Section 63O-1-205, manage and organize all transit and parking programs on capitol hill .

Renumbered and Amended by Chapter 425, 2024 General Session

Effective until 7/1/2024

63O-2-403 Contracting power of executive director -- Health insurance coverage.

- (1) As used in this section:
 - (a) "Aggregate" means the sum of all contracts, change orders, and modifications related to a single project.
 - (b) "Change order" means the same as that term is defined in Section 63G-6a-103.
 - (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or "operative" who:
 - (i) works at least 30 hours per calendar week; and
 - (ii) meets employer eligibility waiting requirements for health care insurance, which may not exceed the first of the calendar month following 60 days after the day on which the individual is hired.
 - (d) "Health benefit plan" means:
 - (i) the same as that term is defined in Section 31A-1-301; or
 - (ii) an employee welfare benefit plan:
 - (A) established under the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sec. 1001 et seq.;
 - (B) for an employer with 100 or more employees; and
 - (C) in which the employer establishes a self-funded or partially self-funded group health plan to provide medical care for the employer's employees and dependents of the employees.
 - (e) "Qualified health coverage" means the same as that term is defined in Section 26B-3-909.
 - (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.

- (g) "Third party administrator" or "administrator" means the same as that term is defined in Section 31A-1-301.
- (2) Except as provided in Subsection (3), the requirements of this section apply to:
 - (a) a contractor of a design or construction contract entered into by the board, or on behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than \$2,000,000; and
 - (b) a subcontractor of a contractor of a design or construction contract entered into by the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.
- (3) The requirements of this section do not apply to a contractor or subcontractor described in Subsection (2) if:
 - (a) the application of this section jeopardizes the receipt of federal funds;
 - (b) the contract is a sole source contract; or
 - (c) the contract is an emergency procurement.
- (4) A person that intentionally uses change orders, contract modifications, or multiple contracts to circumvent the requirements of this section is guilty of an infraction.
- (5)
 - (a) A contractor subject to the requirements of this section shall demonstrate to the executive director that the contractor has and will maintain an offer of qualified health coverage for the contractor's employees and the employees' dependents during the duration of the contract by submitting to the executive director a written statement that:
 - (i) the contractor offers qualified health coverage that complies with Section 26B-3-909;
 - (ii) is from:
 - (A) an actuary selected by the contractor or the contractor's insurer;
 - (B) an underwriter who is responsible for developing the employer group's premium rates; or
 - (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
 - (iii) was created within one year before the day on which the statement is submitted.
 - (b)
 - (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii) shall provide the actuary or underwriter selected by the administrator, as described in Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's contribution to the health benefit plan and the health benefit plan's actuarial value meets the requirements of qualified health coverage.
 - (ii) A contractor may not make a change to the contractor's contribution to the health benefit plan, unless the contractor provides notice to:
 - (A) the actuary or underwriter selected by the administrator, as described in Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in Subsection (5)(a) in compliance with this section; and
 - (B) the executive director.
 - (c) A contractor that is subject to the requirements of this section shall:
 - (i) place a requirement in each of the contractor's subcontracts that a subcontractor that is subject to the requirements of this section shall obtain and maintain an offer of qualified health coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and
 - (ii) obtain from a subcontractor that is subject to the requirements of this section a written statement that:
 - (A) the subcontractor offers qualified health coverage that complies with Section 26B-3-909;

- (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an underwriter who is responsible for developing the employer group's premium rates, or if the subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator; and
 - (C) was created within one year before the day on which the contractor obtains the statement.
- (d)
- (i)
 - (A) A contractor that fails to maintain an offer of qualified health coverage as described in Subsection (5)(a) during the duration of the contract is subject to penalties in accordance with administrative rules adopted by the division under Subsection (6).
 - (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).
 - (ii)
 - (A) A subcontractor that fails to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to penalties in accordance with administrative rules adopted by the department under Subsection (6).
 - (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain an offer of qualified health coverage described in Subsection (5)(a).
- (6) The department shall make rules:
- (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) in coordination with:
 - (i) the Department of Environmental Quality in accordance with Section 19-1-206;
 - (ii) the Department of Natural Resources in accordance with Section 79-2-404;
 - (iii) the Division of Facilities Construction and Management in accordance with Section 63A-5b-607;
 - (iv) a public transit district in accordance with Section 17B-2a-818.5;
 - (v) the Department of Transportation in accordance with Section 72-6-107.5; and
 - (vi) the Legislature's Rules Review and General Oversight Committee created in Section 36-35-102; and
 - (c) that establish:
 - (i) the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including:
 - (A) that a contractor or subcontractor's compliance with this section is subject to an audit by the department or the Office of the Legislative Auditor General;
 - (B) that a contractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(a); and
 - (C) that a subcontractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(c)(ii);
 - (ii) the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of this section, which may include:
 - (A) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation;
 - (B) a six-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the second violation;
 - (C) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and

- (D) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health coverage for employees and dependents of employees of the contractor or subcontractor who were not offered qualified health coverage during the duration of the contract; and
 - (iii) a website on which the department shall post the commercially equivalent benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).
- (7)
- (a)
 - (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor or subcontractor who intentionally violates the provisions of this section is liable to the employee for health care costs that would have been covered by qualified health coverage.
 - (ii) An employer has an affirmative defense to a cause of action under Subsection (7)(a)(i) if:
 - (A) the employer relied in good faith on a written statement described in Subsection (5)(a) or (5)(c)(ii); or
 - (B) the department determines that compliance with this section is not required under the provisions of Subsection (3).
 - (b) An employee has a private right of action only against the employee's employer to enforce the provisions of this Subsection (7).
- (8) Any penalties imposed and collected under this section shall be deposited into the Medicaid Restricted Account created in Section 26B-1-309.
- (9) The failure of a contractor or subcontractor to provide qualified health coverage as required by this section:
- (a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under:
 - (i) Section 63G-6a-1602; or
 - (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design or construction.
- (10) An administrator, including the administrator's actuary or underwriter, who provides a written statement under Subsection (5)(a) or (c) regarding the qualified health coverage of a contractor or subcontractor who provides a health benefit plan described in Subsection (1)(d)(ii):
- (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless the administrator commits gross negligence in preparing the written statement;
 - (b) is not liable for any error in the written statement if the administrator relied in good faith on information from the contractor or subcontractor; and
 - (c) may require as a condition of providing the written statement that a contractor or subcontractor hold the administrator harmless for an action arising under this section.

Renumbered and Amended by Chapter 425, 2024 General Session

Effective 7/1/2024

63O-2-403 Contracting power of executive director -- Health insurance coverage.

- (1) As used in this section:
- (a) "Aggregate" means the sum of all contracts, change orders, and modifications related to a single project.
 - (b) "Change order" means the same as that term is defined in Section 63G-6a-103.

- (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or "operative" who:
 - (i) works at least 30 hours per calendar week; and
 - (ii) meets employer eligibility waiting requirements for health care insurance, which may not exceed the first of the calendar month following 60 days after the day on which the individual is hired.
 - (d) "Health benefit plan" means:
 - (i) the same as that term is defined in Section 31A-1-301; or
 - (ii) an employee welfare benefit plan:
 - (A) established under the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sec. 1001 et seq.;
 - (B) for an employer with 100 or more employees; and
 - (C) in which the employer establishes a self-funded or partially self-funded group health plan to provide medical care for the employer's employees and dependents of the employees.
 - (e) "Qualified health coverage" means the same as that term is defined in Section 26B-3-909.
 - (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
 - (g) "Third party administrator" or "administrator" means the same as that term is defined in Section 31A-1-301.
- (2) Except as provided in Subsection (3), the requirements of this section apply to:
- (a) a contractor of a design or construction contract entered into by the board, or on behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than \$2,000,000; and
 - (b) a subcontractor of a contractor of a design or construction contract entered into by the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.
- (3) The requirements of this section do not apply to a contractor or subcontractor described in Subsection (2) if:
- (a) the application of this section jeopardizes the receipt of federal funds;
 - (b) the contract is a sole source contract; or
 - (c) the contract is an emergency procurement.
- (4) A person that intentionally uses change orders, contract modifications, or multiple contracts to circumvent the requirements of this section is guilty of an infraction.
- (5)
- (a) A contractor subject to the requirements of this section shall demonstrate to the executive director that the contractor has and will maintain an offer of qualified health coverage for the contractor's employees and the employees' dependents during the duration of the contract by submitting to the executive director a written statement that:
 - (i) the contractor offers qualified health coverage that complies with Section 26B-3-909;
 - (ii) is from:
 - (A) an actuary selected by the contractor or the contractor's insurer;
 - (B) an underwriter who is responsible for developing the employer group's premium rates; or
 - (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
 - (iii) was created within one year before the day on which the statement is submitted.
 - (b)
 - (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii) shall provide the actuary or underwriter selected by the administrator, as described in Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's contribution to the

health benefit plan and the health benefit plan's actuarial value meets the requirements of qualified health coverage.

- (ii) A contractor may not make a change to the contractor's contribution to the health benefit plan, unless the contractor provides notice to:
 - (A) the actuary or underwriter selected by the administrator, as described in Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in Subsection (5)(a) in compliance with this section; and
 - (B) the executive director.
- (c) A contractor that is subject to the requirements of this section shall:
 - (i) place a requirement in each of the contractor's subcontracts that a subcontractor that is subject to the requirements of this section shall obtain and maintain an offer of qualified health coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and
 - (ii) obtain from a subcontractor that is subject to the requirements of this section a written statement that:
 - (A) the subcontractor offers qualified health coverage that complies with Section 26B-3-909;
 - (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an underwriter who is responsible for developing the employer group's premium rates, or if the subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator; and
 - (C) was created within one year before the day on which the contractor obtains the statement.
- (d)
 - (i)
 - (A) A contractor that fails to maintain an offer of qualified health coverage as described in Subsection (5)(a) during the duration of the contract is subject to penalties in accordance with administrative rules adopted by the division under Subsection (6).
 - (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).
 - (ii)
 - (A) A subcontractor that fails to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to penalties in accordance with administrative rules adopted by the department under Subsection (6).
 - (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain an offer of qualified health coverage described in Subsection (5)(a).
- (6) The department shall make rules:
 - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) in coordination with:
 - (i) the Department of Environmental Quality in accordance with Section 19-1-206;
 - (ii) the Department of Natural Resources in accordance with Section 79-2-404;
 - (iii) the Division of Facilities Construction and Management in accordance with Section 63A-5b-607;
 - (iv) a public transit district in accordance with Section 17B-2a-818.5;
 - (v) the Department of Transportation in accordance with Section 72-6-107.5; and
 - (vi) the Legislature's Rules Review and General Oversight Committee created in Section 36-35-102; and
 - (c) that establish:

- (i) the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including:
 - (A) that a contractor or subcontractor's compliance with this section is subject to an audit by the department or the Office of the Legislative Auditor General;
 - (B) that a contractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(a); and
 - (C) that a subcontractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(c)(ii);
 - (ii) the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of this section, which may include:
 - (A) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation;
 - (B) a six-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the second violation;
 - (C) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and
 - (D) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health coverage for employees and dependents of employees of the contractor or subcontractor who were not offered qualified health coverage during the duration of the contract; and
 - (iii) a website on which the department shall post the commercially equivalent benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).
- (7)
- (a)
 - (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor or subcontractor who intentionally violates the provisions of this section is liable to the employee for health care costs that would have been covered by qualified health coverage.
 - (ii) An employer has an affirmative defense to a cause of action under Subsection (7)(a)(i) if:
 - (A) the employer relied in good faith on a written statement described in Subsection (5)(a) or (5)(c)(ii); or
 - (B) the department determines that compliance with this section is not required under the provisions of Subsection (3).
 - (b) An employee has a private right of action only against the employee's employer to enforce the provisions of this Subsection (7).
- (8) Any penalties imposed and collected under this section shall be deposited into the Medicaid Growth Reduction and Budget Stabilization Account created in Section 63J-1-315.
- (9) The failure of a contractor or subcontractor to provide qualified health coverage as required by this section:
- (a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under:
 - (i) Section 63G-6a-1602; or
 - (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design or construction.

- (10) An administrator, including the administrator's actuary or underwriter, who provides a written statement under Subsection (5)(a) or (c) regarding the qualified health coverage of a contractor or subcontractor who provides a health benefit plan described in Subsection (1)(d)(ii):
- (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless the administrator commits gross negligence in preparing the written statement;
 - (b) is not liable for any error in the written statement if the administrator relied in good faith on information from the contractor or subcontractor; and
 - (c) may require as a condition of providing the written statement that a contractor or subcontractor hold the administrator harmless for an action arising under this section.

Part 5 Fundraising and Donations

63O-2-501 Soliciting donations.

- (1) The executive director, under the direction of the board, shall:
- (a) develop plans and programs to solicit gifts, money, and items of value from private persons, foundations, or organizations; and
 - (b) actively solicit donations from those persons and entities.
- (2)
- (a) Property provided by those entities is the property of the state and is under the control of the board.
 - (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property of persons having an office in a building on capitol hill.
- (3) The board:
- (a) shall deposit money donated to the board into the State Capitol Preservation Board budget as expendable receipts;
 - (b) shall use gifts of money made to the board for the purpose specified by the grantor, if any; and
 - (c) may return to the donor any gift or money donated to the board if a majority of the board determines that use of the gift or money is unfeasible, or will otherwise not be placed or used on capitol hill.

Renumbered and Amended by Chapter 425, 2024 General Session

Part 6 Furnishings, Fixtures, and Other Items

63O-2-601 Responsibility for items.

Furniture, furnishings, fixtures, works of art, and decorative objects for which the board has responsibility under this chapter are not subject to the custody or control of the State Library Board, the State Library Division, the Division of Archives and Records Service, the Utah Historical Society, the Division of Arts and Museums, the arts collection committee of the State of Utah Alice Merrill Horne Art Collection, or any other state agency.

Renumbered and Amended by Chapter 425, 2024 General Session

630-2-602 Transfer of certain historical items.

- (1)
 - (a) A state agency or other state entity that possesses a state-owned item identified by the executive director and the board as an item of historical significance that was at one time located in the capitol hill facilities shall transfer the item to the inventory of the board at the direction of the executive director not later than the 60th day after the date that the executive director notifies the agency or entity.
 - (b) The state agency or other state entity shall subsequently transfer physical possession of the item to the board in accordance with policies and procedures established by the board.
- (2) This section does not apply to records or documents in the custody of the Division of Archives and Records Service.

Renumbered and Amended by Chapter 425, 2024 General Session