

1 **63C-9-602**, Utah Code Annotated 1953

2 RENUMBERS AND AMENDS:

3 **63C-9-701**, (Renumbered from 63A-5-401, as enacted by Chapter 16, Laws of Utah 1997)

4 **63C-9-702**, (Renumbered from 63A-5-402, as enacted by Chapter 16, Laws of Utah 1997)

5 **63C-9-703**, (Renumbered from 63A-5-403, as enacted by Chapter 16, Laws of Utah 1997)

6 This act enacts uncodified material.

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

8 Section 1. Section **53-1-109** is amended to read:

9 **53-1-109. Security for capitol complex -- Traffic and parking rules enforcement for**
10 **division -- Security personnel as peace officers.**

11 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same
12 meaning as provided in Section 63C-9-102.

13 (2) (a) The commissioner, [~~in cooperation with the director of the Division of Facilities~~
14 ~~Construction and Management,~~] under the direction of the State Capitol Preservation Board, shall:

15 [~~(a)~~] (i) provide for the security of [~~grounds and buildings of the~~] capitol [~~complex~~] hill
16 facilities and capitol hill grounds; and

17 [~~(b)~~] (ii) enforce traffic provisions under Title 41, Chapter 6, Traffic Rules and
18 Regulations, and parking rules, as adopted by the State Capitol Preservation Board, for capitol hill
19 facilities and capitol hill grounds.

20 (b) The commissioner, in cooperation with the director of the Division of Facilities
21 Construction and Management[~~, for~~] shall provide for the security of all grounds and buildings
22 under the jurisdiction of the Division of Facilities Construction and Management.

23 [~~(2)~~] (3) Security personnel required in Subsection [~~(1)~~,] (2) shall be peace officers as
24 defined in Section 77-1a-1.

25 [~~(3)~~] (4) Security personnel who were actively employed and had five or more years of
26 active service with Protective Services within the Utah Highway Patrol Division as special
27 function officers, as defined in Section 77-1a-4, on June 29, 1996, shall become peace officers:

28 (a) without a requirement of any additional training or examinations, if they have
29 completed the entire peace officer training of the Peace Officers Standards and Training Division;
30 or

31 (b) upon completing only the academic portion of the peace officer training of the Peace

1 Officers Standards and Training Division.

2 ~~[(4)]~~ (5) An officer in a supervisory position with Protective Services within the Utah
3 Highway Patrol Division shall be allowed to transfer the job title that the officer held on April 28,
4 1996, into a comparable supervisory position of employment as a peace officer for as long as the
5 officer remains with Protective Services within the Utah Highway Patrol Division.

6 Section 2. Section **55-5-6** is amended to read:

7 **55-5-6. Definitions.**

8 As used in this ~~[act]~~ chapter:

9 ~~[(2) The words "food"]~~ (1) "Food service" ~~[include]~~ includes restaurant, cafeteria, snack
10 bar, vending machines for food and beverages, and goods and services customarily offered in
11 connection with them.

12 ~~[(1) The words "public"]~~ (2) (a) "Public office building" ~~[mean the state capitol,]~~ means
13 all county courthouses, all city or town halls, and all buildings used primarily for governmental
14 offices of the state or any county, city, or town. ~~[It]~~

15 (b) "Public office building" does not include capitol hill facilities as defined in Section
16 63A-7-102, public schools, state colleges, or state universities.

17 Section 3. Section **63A-5-204** is amended to read:

18 **63A-5-204. Specific powers and duties of director.**

19 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same
20 meaning as provided in Section 63C-9-102.

21 (2) The director shall:

22 (a) recommend rules to the executive director for the use and management of facilities and
23 grounds owned or occupied by the state for the use of its departments and agencies;

24 (b) supervise and control the allocation of space, in accordance with legislative directive
25 through annual appropriations acts or other specific legislation, to the various departments,
26 commissions, institutions, and agencies ~~[in the capitol, the state office building, and]~~ in all ~~[other]~~
27 buildings or space owned, leased, or rented by or to the state, except capitol hill facilities and
28 capitol hill grounds and except as otherwise provided by law;

29 (c) comply with the procedures and requirements of Title 63A, Chapter 5, Part 3, Division
30 of Facilities Construction and Management Leasing;

31 (d) acquire, as authorized by the Legislature through the appropriations act or other

1 specific legislation, and hold title to, in the name of the division, all real property, buildings,
2 fixtures, or appurtenances owned by the state or any of its agencies;

3 ~~[(e) recommend to the executive director rules to govern traffic flow and vehicle parking~~
4 ~~on roadways and parking lots which surround the capitol and that are a part of Utah State Highway~~
5 ~~293;]~~

6 ~~[(f)]~~ (e) adopt and use a common seal, of a form and design determined by the director,
7 and of which courts shall take judicial notice;

8 ~~[(g)]~~ (f) file a description and impression of the seal with the Division of Archives;

9 ~~[(h)]~~ (g) collect and maintain all deeds, abstracts of title, and all other documents
10 evidencing title to or interest in property belonging to the state or any of its departments, except
11 institutions of higher education and the School and Institutional Trust Lands Administration;

12 ~~[(i)]~~ (h) report all properties acquired by the state, except those acquired by institutions of
13 higher education, to the director of the Division of Finance for inclusion in the state's financial
14 records; and

15 ~~[(j)]~~ (i) take all other action necessary for carrying out the purposes of this chapter.

16 ~~[(2)]~~ (3) (a) The director shall direct or delegate maintenance and operations, preventive
17 maintenance, and facilities inspection programs and activities for any department, commission,
18 institution, or agency, except:

19 (i) the State Capitol Preservation Board; and

20 (ii) state institutions of higher education.

21 (b) The director may choose to delegate responsibility for these functions only when the
22 director determines that:

23 (i) the department or agency has requested the responsibility;

24 (ii) the department or agency has the necessary resources and skills to comply with facility
25 maintenance standards approved by the State Building Board; and

26 (iii) the delegation would result in net cost savings to the state as a whole.

27 (c) The State Capitol Preservation Board and state institutions of higher education are
28 exempt from Division of Facilities Construction and Management oversight.

29 (d) Each state institution of higher education shall comply with the facility maintenance
30 standards approved by the State Building Board.

31 (e) ~~[Agencies]~~ Except for the State Capitol Preservation Board, agencies and institutions

1 that are exempt from division oversight shall annually report their compliance with the facility
2 maintenance standards to the division in the format required by the division.

3 (f) The division shall:

4 (i) prescribe a standard format for reporting compliance with the facility maintenance
5 standards;

6 (ii) report agency and institution compliance or noncompliance with the standards to the
7 Legislature; and

8 (iii) conduct periodic audits of exempt agencies and institutions to ensure that they are
9 complying with the standards.

10 [~~(3)~~] (4) (a) In making any allocations of space under Subsection (1), the director shall:

11 (i) conduct studies to determine the actual needs of each department, commission,
12 institution, or agency; and

13 (ii) comply with the restrictions contained in this Subsection [~~(3)~~] (4).

14 (b) The supervision and control of the legislative area is reserved to the Legislature.

15 (c) The supervision and control of the judicial area is reserved to the judiciary for trial
16 courts only.

17 (d) The director may not supervise or control the allocation of space for entities in the
18 public and higher education systems.

19 (e) The supervision and control of capitol hill facilities and capitol hill grounds is reserved
20 to the State Capitol Preservation Board.

21 [~~(4)~~] (5) The director may:

22 (a) hire or otherwise procure assistance and services, professional, skilled, or otherwise,
23 that are necessary to carry out the director's responsibilities, and may expend funds provided for
24 that purpose either through annual operating budget appropriations or from nonlapsing project
25 funds;

26 (b) sue and be sued in the name of the division; and

27 (c) hold, buy, lease, and acquire by exchange or otherwise, as authorized by the Legislature
28 through an appropriations act or other specific legislation, whatever real or personal property that
29 is necessary for the discharge of the director's duties.

30 [~~(5)~~] (6) Notwithstanding the provisions of Subsection [~~(1)~~] (2)(d), the following entities
31 may hold title to any real property, buildings, fixtures, and appurtenances held by them for

1 purposes other than administration that are under their control and management:

- 2 (a) the Office of Trust Administrator;
- 3 (b) the Department of Transportation;
- 4 (c) the Division of Forestry, Fire and State Lands;
- 5 (d) the Department of Natural Resources;
- 6 (e) the Utah National Guard;
- 7 (f) any area vocational center or other institution administered by the State Board of
- 8 Education; and
- 9 (g) any institution of higher education.

10 ~~[(6)]~~ (7) Notwithstanding Subsections ~~[(1)]~~ (2)(c) and (d), the School and Institutional
11 Trust Lands Administration may hold title to any real property, buildings, fixtures, and
12 appurtenances held by it that are under its control.

13 Section 4. Section **63A-5-206** is amended to read:

14 **63A-5-206. Construction, alteration, and repair of state facilities -- Powers of**
15 **director -- Expenditure of appropriations.**

16 (1) As used in this section:

17 (a) "Analysis" means an economic assessment of competing design and maintenance
18 alternatives, the object of which is to reduce cost and conserve energy.

19 (b) "Capital developments" means any:

- 20 (i) remodeling, site, or utility projects with a total cost of \$1,000,000 or more;
- 21 (ii) addition of new space that will cost more than \$100,000; or
- 22 (iii) land acquisition where an appropriation is requested.

23 (c) "Capital improvements" means any:

- 24 (i) remodeling, alteration, repair project with a total cost of less than \$1,000,000; or
- 25 (ii) site and utility improvement with a total cost of less than \$1,000,000.

26 (d) "Life cycle cost-effective" means the lowest cost of owning and operating a facility
27 over a 25-year period, including the initial cost, energy costs, operation and maintenance costs,
28 repair costs, and the costs of energy conservation and renewable energy systems.

29 (e) "Renewable energy system" means a system designed to use solar, wind, geothermal
30 power, wood, or other replenishable energy source to heat, cool, or provide electricity to a
31 building.

1 (f) "State-owned facilities" means those facilities identified in Section 63A-5-212.

2 (2) The director shall prepare or have prepared by private firms or individuals designs,
3 plans, and specifications for the various buildings and improvements, and other work carried out
4 by the division.

5 (3) (a) (i) Except as provided in Subsection (a)(ii), and except for facilities under the
6 jurisdiction of the State Capitol Preservation Board, the director shall recommend the need for and
7 exercise direct supervision over the design and construction of all alterations, repairs, and
8 improvements to all existing facilities of the state, its departments, commissions, institutions, and
9 agencies if the total project construction cost is greater than \$100,000.

10 (ii) The director may:

11 (A) authorize a department, commission, institution, or agency to control design and
12 construction of alterations, repairs, and improvements when the total project construction cost is
13 greater than \$100,000 by following the delegation requirements and procedures of Subsection
14 (3)(c); or

15 (B) by rule, authorize a particular department, commission, institution, or agency to
16 control design and construction on projects within a particular dollar range and a particular project
17 type.

18 (b) Except for the placement or installation of works of art through Title 9, Chapter 6, Part
19 4, Utah Percent-for-Art Act, and except for facilities under the jurisdiction of the State Capitol
20 Preservation Board, an existing facility may not be altered, repaired, or improved on the property
21 of any state institution, department, commission, or agency if the total project construction cost
22 exceeds \$100,000 until the location, design, plans, and specifications are approved by the director
23 and the officials charged with the administration of the affairs of the particular department,
24 commission, institution, or agency.

25 (c) (i) The director may delegate control over design, construction, and all other aspects
26 of any project to entities of state government on a project-by-project basis if the state entity
27 requests that delegation in writing and the State Building Board approves the delegation.

28 (ii) (A) The director, his designee, or the state entity to whom control has been designated
29 pursuant to Subsection (5)(c)(i) shall notify in writing the elected representatives of local
30 government entities directly and substantively affected by any diagnostic, treatment, parole,
31 probation, or other secured facility project exceeding \$250,000, if:

1 (I) the nature of the project has been significantly altered since prior notification or
2 approval;

3 (II) the project would significantly change the nature of the functions presently conducted
4 at the location;

5 (III) the project adds 50% or more square feet to the area of the facility; or

6 (IV) the project is new construction.

7 (B) At the request of either the state entity or the local government entity, representatives
8 from the state entity and the affected local entity shall conduct or participate in a local public
9 hearing or hearings to discuss these issues.

10 (iii) The state entity to whom control is delegated shall assume fiduciary control over
11 project finances, shall assume all responsibility for project budgets and expenditures, and shall
12 receive all funds appropriated for the project, including any contingency funds contained in the
13 appropriated project budget.

14 (iv) Delegation of project control does not exempt the state entity from complying with
15 the codes and guidelines for design and construction adopted by the division and the State
16 Building Board.

17 (v) State entities that receive a delegated project may not have access to the building board
18 contingency funds authorized in Section 63A-5-209 for the delegated project.

19 (4) (a) The director shall [~~be responsible to~~] ensure that state-owned facilities, except for
20 facilities under the control of the State Capitol Preservation Board, are life cycle cost-effective.

21 (b) The estimated cost of the analysis shall be included in each program budget document
22 and in the project funding request submitted to the State Building Board, the governor, and the
23 Legislature.

24 (c) The final cost estimate shall reflect the most life cycle cost-effective building.

25 (d) The director, in consultation with the State Building Board and Division of Energy,
26 shall make rules to implement this subsection by following the procedures and requirements of
27 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

28 (e) The State Building Board may exempt a facility from being life cycle cost-effective
29 pursuant to rules, after reviewing and concurring with a written request and justification from the
30 director.

31 (5) (a) [~~The~~] Except for facilities constructed on property under the jurisdiction of the State

1 Capitol Preservation Board, the director shall recommend the need for and exercise direct
2 supervision over the design and construction of all new facilities of the state, its departments,
3 commissions, institutions, and agencies if the total project construction cost is in excess of
4 \$100,000.

5 (b) (i) Except for the placement or installation of works of art under Title 9, Chapter 6, Part
6 4, Utah Percent-for-Art Act, and except for facilities constructed on property under the jurisdiction
7 of the State Capitol Preservation Board, a new facility may not be constructed on the property of
8 any state department, commission, institution, or agency if the total project construction cost of
9 the facility, regardless of the funding source, exceeds \$100,000, until the construction of the
10 facility has been approved by the Legislature in an Appropriations Act or by other specific
11 legislation, and the location, design, plans, and specifications are approved by the director and the
12 official charged with the administration of the affairs of the particular department, commission,
13 institution, or agency.

14 (ii) Facilities to be built with nonstate funds and owned and occupied by nonstate entities
15 within research park areas are exempt from this Subsection (5)(b).

16 (iii) Facilities to be built for the Utah National Guard for which the funding for
17 construction, operations, and maintenance are derived totally from the United States Government
18 are exempt from the requirement of obtaining legislative approval required by this Subsection
19 (5)(b).

20 (c) (i) The director may delegate control over design, construction, and all other aspects
21 of any project to entities of state government on a project-by-project basis if the state entity
22 requests that delegation in writing and the State Building Board approves the delegation.

23 (ii) The state entity to whom control is delegated shall assume fiduciary control over
24 project finances, shall assume all responsibility for project budgets and expenditures, and shall
25 receive all funds appropriated for the project, including any contingency funds contained in the
26 appropriated project budget.

27 (iii) Delegation of project control does not exempt the state entity from complying with
28 the codes and guidelines for design and construction adopted by the division and the State
29 Building Board.

30 (iv) State entities that receive a delegated project may not have access to the building
31 board contingency funds authorized in Section 63A-5-209 for the delegated project.

1 (6) The director may expend appropriations for statewide projects from funds provided
2 by the Legislature for those specific purposes and within guidelines established by the State
3 Building Board.

4 (7) (a) The director, with the approval of the Office of Legislative Fiscal Analyst, shall
5 develop standard forms to present capital development and capital improvement cost summary
6 data.

7 (b) The director shall:

8 (i) within 30 days after the completion of each capital development project, submit cost
9 summary data for the project on the standard form to the Office of Legislative Fiscal Analyst; and

10 (ii) upon request, submit cost summary data for a capital improvement project to the
11 Office of Legislative Fiscal Analyst on the standard form.

12 (8) Notwithstanding the requirements of Title 63, Chapter 38, Budgetary Procedures Act,
13 the director may:

14 (a) accelerate the design of projects funded by any appropriation act passed by the
15 Legislature in its annual general session;

16 (b) use any unencumbered existing account balances to fund that design work; and

17 (c) reimburse those account balances from the amount funded for those projects when the
18 appropriation act funding the project becomes effective.

19 Section 5. Section **63A-5-212** is amended to read:

20 **63A-5-212. Buildings for which director responsible.**

21 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same
22 meaning as provided in Section 63C-9-102.

23 (2) The director [shall be] is responsible for [the state capitol, the state capitol grounds,
24 the state office building, other];

25 (a) rooms or buildings hired to house state departments and agencies[, and];

26 (b) all other buildings owned by the state [on capitol hill,] other than the capitol hill
27 facilities and capitol hill grounds; and

28 (c) other facilities as assigned[, and].

29 (3) The director shall [keep] ensure that those facilities are kept in good repair.

30 Section 6. Section **63C-9-101** is enacted to read:

31 **CHAPTER 9. STATE CAPITOL PRESERVATION BOARD**

Part 1. General Provisions

63C-9-101. Title.

This chapter is known as the "State Capitol Preservation Board."

Section 7. Section **63C-9-102** is enacted to read:

63C-9-102. Definitions.

(1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.

(2) "Capitol hill" means the grounds, monuments, parking lots, buildings, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Street.

(3) (a) "Capitol hill facilities" means all of the buildings on capitol hill, and the exterior steps, entrances, streets, parking lots, and other paved areas of capitol hill.

(b) "Capitol hill facilities" does not mean the greenhouses located on capitol hill.

(4) "Capitol hill grounds" means the unpaved areas of capitol hill.

(5) "Executive director" means the executive director appointed by the board under Section 63C-9-401.

Section 8. Section **63C-9-201** is enacted to read:

Part 2. State Capitol Preservation Board

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

(1) There is created the State Capitol Preservation Board.

(2) The board shall consist of the following eleven members:

(a) the governor;

(b) the president of the Senate;

(c) the speaker of the House of Representatives;

(d) two members appointed by the governor;

(e) two members appointed by the president of the Senate, one from the majority party and one from the minority party;

(f) two members appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party; and

(g) two members appointed jointly by the governor, president, and speaker.

Section 9. Section **63C-9-202** is enacted to read:

63C-9-202. Terms -- Vacancies-- Chair --Meetings -- Compensation.

1 (d) review and approve the executive director's:

2 (i) annual budget and work plan;

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

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

5 (e) approve all changes to the buildings and their grounds, including:

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

7 (ii) usual maintenance; and

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

9 (f) define and identify all significant aspects of capitol hill facilities and capitol hill
10 grounds, after consultation with the Division of Facilities Construction and Management, State
11 Library Division, the Division of Archives and Records Service, the Division of State History, the
12 Office of Museum Services, and the Arts Council;

13 (g) inventory, define, and identify all significant contents of the buildings and all
14 state-owned items of historical significance that were at one time in the buildings, after
15 consultation with the Division of Facilities Construction and Management, State Library Division,
16 the Division of Archives and Records Service, the Division of State History, the Office of Museum
17 Services, and the Arts Council;

18 (h) maintain archives relating to the construction and development of the buildings, the
19 contents of the buildings and their grounds, including documents such as plans, specifications,
20 photographs, purchase orders, and other related documents, the original copies of which shall be
21 maintained by the Division of Archives and Records Service;

22 (i) comply with federal and state laws related to program and facility accessibility; and

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

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

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

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

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

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

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

9 (5) The board may:

10 (a) establish fees for the use of capitol hill facilities and grounds;

11 (b) assign and allocate specific duties and responsibilities to any other state agency, if the
12 other agency agrees to perform the duty or accept the responsibility; and

13 (c) contract with another state agency to provide services.

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

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

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

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

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

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

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

30 (d) Except for items identified by the board as having historical significance, and except
31 as provided in Subsection (6)(b), the board and the employees of the board have no control over

1 moveable furnishings and equipment in the custody of a state agency, official, or employee having
2 an office in a building on capitol hill.

3 Section 11. Section **63C-9-401** is enacted to read:

4 **Part 4. Executive Director**

5 **63C-9-401. Executive director.**

6 The board shall appoint an executive director to assist them in performing their duties
7 under this chapter.

8 Section 12. Section **63C-9-402** is enacted to read:

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

10 The executive director shall:

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

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

17 (3) prepare, and recommend for board approval, an annual budget and work plan
18 consistent with the master plan and the furnishings plan for all work under this chapter, including
19 usual maintenance for capitol hill facilities, the contents of capitol hill facilities, and capitol hill
20 grounds;

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

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

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

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

31 (8) develop a collections policy regarding the items of historic significance as identified

1 in the registration system and inventory for the approval of the board;

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

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

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

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

10 (13) approve all exhibits placed in the buildings;

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

13 (15) contract for professional services of qualified consultants, including architectural
14 historians, landscape architects with experience in landscape architectural preservation,
15 conservators, historians, historic architects, engineers, and craftsmen; and

16 (16) prepare annually a complete and detailed written report for the board that accounts
17 for all funds received and disbursed by the board during the preceding fiscal year.

18 Section 13. Section **63C-9-501** is enacted to read:

19 **Part 5. Fund Raising and Donations**

20 **63C-9-501. Soliciting donations.**

21 (1) The executive director, under the direction of the board, shall:

22 (a) develop plans and programs to solicit gifts, money, and items of value from private
23 persons, foundations, or organizations; and

24 (b) actively solicit donations from those persons and entities.

25 (2) (a) Property provided by those entities are the property of the state and are under the
26 control of the board.

27 (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property of
28 persons having an office in a building on capitol hill.

29 (3) The board shall:

30 (a) deposit monies donated to the board into the State Capitol Fund established by this
31 part; and

1 (b) use gifts of money made to the board for the purpose specified by the grantor, if any.

2 Section 14. Section **63C-9-502** is enacted to read:

3 **63C-9-502. Fund created -- Donations.**

4 (1) There is created a special revenue fund entitled the "State Capitol Fund."

5 (2) The fund consists of monies generated from the following revenue sources:

6 (a) any donations, deposits, contributions, gifts, money, and items of value received from
7 private persons, foundations, or organizations;

8 (b) appropriations made to the fund by the Legislature; and

9 (c) monies received by the board from the federal government.

10 (3) (a) The fund shall earn interest.

11 (b) All interest earned on fund monies shall be deposited into the fund.

12 (4) The board may use fund monies to:

13 (a) acquire historical and other items to furnish the capitol hill facilities;

14 (b) pay for the repair and maintenance of the capitol hill facilities and capitol hill grounds;

15 (c) pay for the rehabilitation of the capitol hill facilities and capitol hill grounds; and

16 (d) fund all costs incurred in complying with this chapter.

17 Section 15. Section **63C-9-601** is enacted to read:

18 **Part 6. Custody, Control, and Acquisition of Furnishings**

19 **63C-9-601. Responsibility for items.**

20 Furniture, furnishings, fixtures, works of art, and decorative objects for which the board
21 has responsibility under this chapter are not subject to the custody or control of the State Library
22 Board, State Library Division, the Division of Archives and Records Service, the Division of State
23 History, the Office of Museum Services, the Arts Council, the Division of Fine Arts, the Institute
24 of Fine Arts, the Alice Art Collection Committee, or any other state agency.

25 Section 16. Section **63C-9-602** is enacted to read:

26 **63C-9-602. Transfer of certain historical items.**

27 (1) (a) A state agency or other state entity that possesses a state-owned item identified by
28 the executive director and the board as an item of historical significance that was at one time
29 located in the capitol hill facilities shall transfer the item to the inventory of the board at the
30 direction of the executive director not later than the 60th day after the date that the executive
31 director notifies the agency or entity.

1 **(b) The state agency or other state entity shall subsequently transfer physical possession**
2 **of the item to the board in accordance with policies and procedures established by the board.**

3 **(2) This section does not apply to records or documents in the custody of the Division of**
4 **Archives and Records Service.**

5 Section 17. Section **63C-9-701**, which is renumbered from Section 63A-5-401 is
6 renumbered and amended to read:

7 **[63A-5-401]. 63C-9-701. Definitions.**

8 As used in this part:

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

12 (2) "Art" includes paintings, photographs, pottery, sculpture, textiles, and other visual and
13 decorative arts.

14 (3) "Commission" means the State Capitol Art Placement Commission established by this
15 part.

16 (4) "Exhibit" means a static visual explanatory or educational presentation.

17 (5) "Public area" means areas open to the public and not part of the offices of any
18 government agency.

19 Section 18. Section **63C-9-702**, which is renumbered from Section 63A-5-402 is
20 renumbered and amended to read:

21 **[63A-5-402]. 63C-9-702. State Capitol Art Placement Commission -- Created**
22 **-- Membership -- Operations.**

23 (1) (a) There is created a State Capitol Art Placement Commission composed of nine
24 members appointed as provided in this subsection.

25 (b) The governor shall appoint:

26 (i) an architect, from a list of three architects submitted by the American Institute of
27 Architects;

28 (ii) an artist, from a list of three artists submitted by the Utah Arts Council Board of
29 Directors; and

30 (iii) an historian, from a list of three historians submitted by the Board of State History.

31 (c) The president of the Senate shall appoint three members, two from the majority party

1 and one from the minority party.

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

4 (2) (a) (i) Commission members appointed by the governor shall serve four-year terms and
5 may serve up to two consecutive terms.

6 (ii) Commission members appointed by the speaker and president shall serve two-year
7 terms and may be reappointed.

8 (b) In appointing members to the first commission, the governor shall designate one
9 member to serve a two-year term and two members to serve four-year terms.

10 (3) (a) Each commission member shall hold office until his successor has been appointed
11 and qualified.

12 (b) If a vacancy occurs in the commission because of death, resignation, or otherwise, the
13 appointing authority shall appoint a successor, who shall hold office for the unexpired term.

14 (c) Five members of the commission are a quorum for the purpose of organizing and
15 conducting the business of the commission.

16 (d) The vote of a majority of members voting when a quorum is present is necessary for
17 the commission to take action.

18 (4) (a) At the initial meeting of the commission, the commission shall select one of its
19 number to serve as chair of the commission.

20 (b) The executive director of the [~~Division of Facilities Construction and Management or~~
21 ~~his designee~~] State Capitol Preservation Board is the nonvoting secretary to the commission and
22 shall provide staff services to the commission.

23 (5) (a) Members of the commission shall receive per diem and may be reimbursed for
24 expenses incurred in the performance of their official duties as established by the Division of
25 Finance.

26 (b) The commission shall meet at least once per year and at the call of the chair.

27 Section 19. Section **63C-9-703**, which is renumbered from Section 63A-5-403 is
28 renumbered and amended to read:

29 ~~[63A-5-403].~~ **63C-9-703. State Capitol Art Placement Commission -- Duties.**

30 (1) The commission shall:

31 (a) review and [approve] make recommendations about the content and placement of each

1 new piece of art to be placed within any public area of the State Capitol Building to the State
2 Capitol Preservation Board;

3 (b) review and [approve] make recommendations about any proposals for removing or
4 relocating any piece of art contained in any public area of the State Capitol Building to the State
5 Capitol Preservation Board; and

6 (c) review and [approve] make recommendations about the content and placement of each
7 new exhibit to be placed within any public area of the State Capitol Building[;] to the State Capitol
8 Preservation Board.

9 [~~(d) comply with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking~~
10 ~~Act, in making rules establishing procedures and requirements for placement of art and exhibits~~
11 ~~in the State Capitol Building.;~~]

12 [~~(2) The commission may, after consultation with affected government agencies, review~~
13 ~~and make recommendations about any proposals for remodeling within the State Capitol~~
14 ~~Building.;~~]

15 [~~(3)(a) If any conflicts exist between this part and Title 63A, Chapter 5, Part 2, Division~~
16 ~~of Facilities Construction and Management, this part takes precedence.;~~]

17 [~~(b) (2) If any conflicts exist between this part and Section 36-5-1, Section 36-5-1 takes~~
18 ~~precedence.~~]

19 Section 20. **Transition clause.**

20 (1) The facility use rules adopted by the Division of Facilities Construction and
21 Management govern the use of the state capitol complex until January 1, 1999, or until new rules
22 are adopted by the State Capitol Preservation Board, whichever is sooner.

23 (2) After the board is appointed, and until it assumes full responsibility for capitol hill
24 facilities and capitol hill grounds on July 1, 1998, the Division of Facilities Construction and
25 Management shall:

26 (a) consult with the board about issues involving capitol hill facilities and capitol hill
27 grounds; and

28 (b) obtain board approval before executing any contracts, making any decisions, or
29 establishing any policies that have a significant impact on capitol hill facilities, capitol hill
30 grounds, or both.

31 Section 21. **Effective date.**

1 This act takes effect on July 1, 1998.

Legislative Review Note
as of 1-23-98 12:18 PM

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

Office of Legislative Research and General Counsel