

CAPITOL PRESERVATION BOARD DUTIES AND RESPONSIBILITIES

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Raymond W. Short

Ralph Becker

AN ACT RELATING TO BOARDS AND COMMISSIONS; REVISING THE JURISDICTION, DUTIES, AND RESPONSIBILITIES OF THE STATE CAPITOL PRESERVATION BOARD; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-38-2, as last amended by Chapter 21, Laws of Utah 1999

63C-9-102, as enacted by Chapter 285, Laws of Utah 1998

63C-9-202, as enacted by Chapter 285, Laws of Utah 1998

63C-9-301, as enacted by Chapter 285, Laws of Utah 1998

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

Section 1. Section **63-38-2** is amended to read:

63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation -- Appropriations based on current tax laws and not to exceed estimated revenues.

(1) (a) The governor shall, within three days after the convening of the Legislature in the annual general session, submit a budget for the ensuing fiscal year by delivering it to the presiding officer of each house of the Legislature together with a schedule for all of the proposed appropriations of the budget, clearly itemized and classified.

(b) The budget message shall include a projection of estimated revenues and expenditures for the next fiscal year.

(2) At least 34 days before the submission of any budget, the governor shall deliver a confidential draft copy of his proposed budget recommendations to the Office of the Legislative Fiscal Analyst.

(3) (a) The budget shall contain a complete plan of proposed expenditures and estimated

revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

(b) The budget may be accompanied by a separate document showing proposed expenditures and estimated revenues based on changes in state tax laws or rates.

(4) The budget shall be accompanied by a statement showing:

(a) the revenues and expenditures for the last fiscal year;

(b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds of the state;

(c) an estimate of the state's financial condition as of the beginning and the end of the period covered by the budget;

(d) a complete analysis of lease with an option to purchase arrangements entered into by state agencies;

(e) the recommendations for each state agency for new full-time employees for the next fiscal year; which recommendation should be provided also to the State Building Board under Subsection 63A-5-103(2);

(f) any explanation the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the state's revenue; and

(g) the information detailing certain regulatory fee increases required by Section 63-38-3.2.

(5) The budget shall include an itemized estimate of the appropriations for:

(a) the Legislative Department as certified to the governor by the president of the Senate and the speaker of the House;

(b) the Executive Department;

(c) the Judicial Department as certified to the governor by the state court administrator;

(d) payment and discharge of the principal and interest of the indebtedness of the state [~~of Utah~~];

(e) the salaries payable by the state under the Utah Constitution or under law for the lease agreements planned for the next fiscal year;

(f) other purposes that are set forth in the Utah Constitution or under law; and

(g) all other appropriations.

(6) Deficits or anticipated deficits shall be included in the budget.

(7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require from the proper state officials, including public and higher education officials, all heads of executive and administrative departments and state institutions, bureaus, boards, commissions, and agencies expending or supervising the expenditure of the state moneys, and all institutions applying for state moneys and appropriations, itemized estimates of revenues and expenditures. The entities required by this Subsection (7)(a)(i) to submit itemized estimates of revenues and expenditures to the governor, shall also report to the Utah Information Technology Commission created in Title 63D, Chapter 1, Part 2, before October 30 of each year. The report to the Information Technology Commission shall include the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures and an analysis of:

(A) the entity's need for appropriations for information technology;

(B) how the entity's development of information technology coordinates with other state or local government entities;

(C) any performance measures used by the entity for implementing information technology goals; and

(D) any efforts to develop public/private partnerships to accomplish information technology goals.

(ii) (A) The governor may also require other information under these guidelines and at times as the governor may direct.

(B) These guidelines may include a requirement for program productivity and performance measures, where appropriate, with emphasis on outcome indicators.

(b) The estimate for the Legislative Department as certified by the presiding officers of both houses shall be included in the budget without revision by the governor. Before preparing the estimates for the Legislative Department, the Legislature shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed

appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

- (i) the Legislature's implementation of information technology goals;
- (ii) any coordination of information technology with other departments of state and local government;
- (iii) any efforts to develop public/private partnerships to accomplish information technology goals; and
- (iv) any performance measures used by the entity for implementing information technology goals.

(c) The estimate for the Judicial Department, as certified by the state court administrator, shall also be included in the budget without revision, but the governor may make separate recommendations on it. Before preparing the estimates for the Judicial Department, the state court administrator shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

- (i) the Judicial Department's information technology goals;
- (ii) coordination of information technology statewide between all courts;
- (iii) any efforts to develop public/private partnerships to accomplish information technology goals; and
- (iv) any performance measures used by the entity for implementing information technology goals.

(d) Before preparing the estimates for the State Office of Education, the state superintendent shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

- (i) the Office of Education's information technology goals;
- (ii) coordination of information technology statewide between all public schools;
- (iii) any efforts to develop public/private partnerships to accomplish information technology

goals; and

(iv) any performance measures used by the Office of Education for implementing information technology goals.

(e) Before preparing the estimates for the state system of Higher Education, the commissioner shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

(i) Higher Education's information technology goals;

(ii) coordination of information technology statewide within the state system of higher education;

(iii) any efforts to develop public/private partnerships to accomplish information technology goals; and

(iv) any performance measures used by the state system of higher education for implementing information technology goals.

(f) The governor may require the attendance at budget meetings of representatives of public and higher education, state departments and institutions, and other institutions or individuals applying for state appropriations.

(g) The governor may revise all estimates, except those relating to the Legislative Department, the Judicial Department, and those providing for the payment of principal and interest to the state debt and for the salaries and expenditures specified by the Utah Constitution or under the laws of the state.

(8) The total appropriations requested for expenditures authorized by the budget may not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year.

(9) If any item of the budget as enacted is held invalid upon any ground, the invalidity does not affect the budget itself or any other item in it.

(10) (a) In submitting the budget for the Departments of Health and Human Services, the governor shall consider a separate recommendation in his budget for funds to be contracted to:

(i) local mental health authorities under Section 17A-3-606;

(ii) local substance abuse authorities under Section 62A-8-110.5;

(iii) area agencies under Section 62A-3-104.2;

(iv) programs administered directly by and for operation of the Divisions of Mental Health, Substance Abuse, and Aging and Adult Services; and

(v) local health departments under Title 26A, Chapter 1, Local Health Departments.

(b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor shall consider an amount sufficient to grant local health departments, local mental health authorities, local substance abuse authorities, and area agencies the same percentage increase for wages and benefits that he includes in his budget for persons employed by the state.

(c) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (10)(b), he shall include a message to the Legislature regarding his reason for not including that amount.

(11) (a) In submitting the budget for the Division of Services for People with Disabilities within the Department of Human Services, the governor shall consider an amount sufficient to grant employees of private nonprofit corporations that contract with that division, the same percentage increase for cost-of-living that he includes in his budget for persons employed by the state.

(b) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (11)(a), he shall include a message to the Legislature regarding his reason for not including that amount.

(12) (a) The Families, Agencies, and Communities Together Council may propose to the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative service delivery systems operated under Section 63-75-6.5.

(b) The Legislature may, through a specific program schedule, designate funds appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

(13) The governor shall include in his budget the state's portion of the budget for the Utah Communications Agency Network established in Title 63C, Chapter 7, Utah Communications Agency Network Act.

(14) (a) As used in this Subsection (14):

(i) "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.

(ii) "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.

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

(b) The governor shall include in his budget the estimate for capitol hill, capitol hill facilities, and capitol hill grounds as certified to the governor by the State Capitol Preservation Board.

Section 2. Section **63C-9-102** is amended 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 3. Section **63C-9-202** is amended to read:

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

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

(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) The governor is chair of the board.

(b) The board shall nominate a member of the board to serve as vice chair of the board.

(c) A person nominated by the board becomes vice chair of the board when approved by a majority vote of the board with a quorum present.

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

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

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

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

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

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

Section 4. Section **63C-9-301** is amended to read:

63C-9-301. Board powers.

(1) The board shall:

(a) except as provided in Subsection (2), exercise complete jurisdiction over capitol hill facilities and capitol hill grounds;

(b) preserve, maintain, and restore capitol hill facilities, capitol hill grounds, and their contents;

(c) by October 1 of each year, prepare and submit a budget for capitol hill to:

(i) the governor; and

(ii) the executive appropriations committee for distribution to the members of the legislative

appropriations subcommittee that addresses capital facilities;

~~(c)~~ (d) consult with the Division of Facilities Construction and Management, the State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council when necessary;

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

- (i) annual budget and work plan;
- (ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and
- (iii) furnishings plan for placement and care of objects under the care of the board;

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

- (i) restoration, remodeling, and rehabilitation projects;
- (ii) usual maintenance; and
- (iii) any transfers or loans of objects under the board's care;

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

~~(g)~~ (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 Division of Facilities Construction and Management, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council;

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

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

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

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

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

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

(c) 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.

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

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

(5) (a) The board may:

(i) establish subcommittees and assign their membership;

~~[(a)]~~ (ii) establish fees for the use of capitol hill facilities and grounds;

~~[(b)]~~ (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; and

~~[(c)]~~ (iv) contract with another state agency to provide services.

(b) If a budget committee is established, the Legislative Fiscal Analyst, or the analyst's designee, and the state budget officer, or the officer's designee, shall serve as ex officio, nonvoting members of the budget subcommittee.

(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 Building 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.

Section 5. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.