

Representative Raymond W. Short proposes to substitute the following bill:

**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; PROHIBITING THE GOVERNOR FROM REVISING THE BUDGET FOR CAPITOL HILL SUBMITTED BY THE COMMISSION; 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.

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

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

31 (3) (a) The budget shall contain a complete plan of proposed expenditures and estimated
32 revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

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

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

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

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

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

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

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

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

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

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

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

53 (b) the Executive Department;

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

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

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

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

60 (g) all other appropriations.

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

62 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require
63 from the proper state officials, including public and higher education officials, all heads of
64 executive and administrative departments and state institutions, bureaus, boards, commissions, and
65 agencies expending or supervising the expenditure of the state moneys, and all institutions
66 applying for state moneys and appropriations, itemized estimates of revenues and expenditures.

67 The entities required by this Subsection (7)(a)(i) to submit itemized estimates of revenues and
68 expenditures to the governor, shall also report to the Utah Information Technology Commission
69 created in Title 63D, Chapter 1, Part 2, before October 30 of each year. The report to the
70 Information Technology Commission shall include the proposed information technology
71 expenditures and objectives, the proposed appropriation requests and other sources of revenue
72 necessary to fund the proposed expenditures and an analysis of:

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

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

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

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

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

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

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

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

90 (i) the Legislature's implementation of information technology goals;
91 (ii) any coordination of information technology with other departments of state and local
92 government;

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

95 (iv) any performance measures used by the entity for implementing information technology
96 goals.

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

103 (i) the Judicial Department's information technology goals;

104 (ii) coordination of information technology statewide between all courts;

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

107 (iv) any performance measures used by the entity for implementing information technology
108 goals.

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

113 (i) the Office of Education's information technology goals;

114 (ii) coordination of information technology statewide between all public schools;

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

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

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

123 (i) Higher Education's information technology goals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

180 (b) The governor shall include in his budget the estimate for capitol hill, capitol hill

181 facilities, and capitol hill grounds as certified to the governor by the State Capitol Preservation
182 Board.

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

184 **63C-9-102. Definitions.**

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

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

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

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

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

193 (5) "Executive director" means the executive director appointed by the board under Section
194 63C-9-401.

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

196 **63C-9-202. Terms -- Vacancies-- Chair --Meetings -- Compensation.**

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

199 (b) The other members shall serve two-year terms.

200 (2) Vacancies in the appointed positions shall be filled by the original appointing authority
201 for the unexpired term.

202 (3) (a) The governor is chair of the board.

203 (b) The governor shall recommend a member of the board to serve as vice chair of the
204 board.

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

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

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

212 63A-3-106 and 63A-3-107.

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

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

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

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

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

222 **63C-9-301. Board powers.**

223 (1) The board shall:

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

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

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

229 (i) the governor; and

230 (ii) the Legislative Fiscal Analyst for distribution to the members of the legislative
231 appropriations subcommittee that addresses capital facilities;

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

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

236 (i) annual budget and work plan;

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

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

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

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

241 (ii) usual maintenance; and

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

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

247 [(g)] (h) inventory, define, and identify all significant contents of the buildings and all
248 state-owned items of historical significance that were at one time in the buildings, after
249 consultation with the Division of Facilities Construction and Management, State Library Division,
250 the Division of Archives and Records Service, the Division of State History, the Office of Museum
251 Services, and the Arts Council;

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

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

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

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

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

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

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

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

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

274 (5) (a) The board may:

275 (i) establish subcommittees and assign their membership;

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

277 [~~(b)~~] (iii) assign and allocate specific duties and responsibilities to any other state agency,

278 if the other agency agrees to perform the duty or accept the responsibility; and

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

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

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

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

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

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

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

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

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

299 (d) Except for items identified by the board as having historical significance, and except
300 as provided in Subsection (6)(b), the board and the employees of the board have no control over
301 moveable furnishings and equipment in the custody of a state agency, official, or employee having
302 an office in a building on capitol hill.

303 Section 5. **Effective date.**

304 If approved by two-thirds of all the members elected to each house, this act takes effect

305 upon approval by the governor, or the day following the constitutional time limit of Utah
306 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
307 date of veto override.