

1                                   **STATE CAPITOL ART PLACEMENT**

2                                   **COMMISSION AMENDMENTS**

3                                   2001 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Richard M. Siddoway**

6 **This act modifies statutory provisions governing the State Capitol Art Placement**  
7 **Commission. The act requires the State Capitol Preservation Board to include an**  
8 **appropriation in its budget for the State Capitol Art Placement Commission. The act allows**  
9 **the commission to implement its recommendations unless overridden by a two-thirds vote**  
10 **of the State Capitol Preservation Board.**

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

12 AMENDS:

13                   **63C-9-301**, as enacted by Chapter 285, Laws of Utah 1998

14                   **63C-9-703**, as renumbered and amended by Chapter 285, Laws of Utah 1998

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

16                   Section 1. Section **63C-9-301** is amended to read:

17                   **63C-9-301. Board powers.**

18                   (1) The board shall:

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

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

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

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

27                   [†] (A) annual budget and work plan;



28 [(iv)] (B) long-range master plan for the capitol hill facilities and capitol hill grounds; and

29 [(iii)] (C) furnishings plan for placement and care of objects under the care of the board;

30 (ii) in reviewing and approving the annual budget, ensure that the budget includes an

31 appropriation for the State Capitol Art Placement Commission;

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

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

34 (ii) usual maintenance; and

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

36 (f) define and identify all significant aspects of capitol hill facilities and capitol hill

37 grounds, after consultation with the Division of Facilities Construction and Management, State

38 Library Division, the Division of Archives and Records Service, the Division of State History, the

39 Office of Museum Services, and the Arts Council;

40 (g) inventory, define, and identify all significant contents of the buildings and all

41 state-owned items of historical significance that were at one time in the buildings, after

42 consultation with the Division of Facilities Construction and Management, State Library Division,

43 the Division of Archives and Records Service, the Division of State History, the Office of Museum

44 Services, and the Arts Council;

45 (h) maintain archives relating to the construction and development of the buildings, the

46 contents of the buildings and their grounds, including documents such as plans, specifications,

47 photographs, purchase orders, and other related documents, the original copies of which shall be

48 maintained by the Division of Archives and Records Service;

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

50 (j) establish procedures for receiving, hearing, and deciding complaints or other issues

51 raised about the capitol hill facilities, capitol hill grounds, or their use[-]; and

52 (k) (i) review any recommendations of the State Capitol Art Placement Commission and,

53 at the next scheduled meeting after receiving any recommendation, either approve or reject the

54 recommendation;

55 (ii) the board may reject recommendations of the State Capitol Art Placement Commission

56 only by at least a two-thirds vote of the board members present at the meeting.

57 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area

58 is reserved to the Legislature.

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

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

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

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

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

72 (5) The board may:

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

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

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

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

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

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

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

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

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

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

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

97 Section 2. Section **63C-9-703** is amended to read:

98 **63C-9-703. State Capitol Art Placement Commission -- Duties.**

99 (1) The commission shall:

100 (a) review and make recommendations about the content and placement of each new piece  
101 of art to be placed within any public area of the State Capitol Building to the State Capitol  
102 Preservation Board;

103 (b) review and make recommendations about any proposals for removing or relocating any  
104 piece of art contained in any public area of the State Capitol Building to the State Capitol  
105 Preservation Board; ~~and~~

106 (c) review and make recommendations about the content and placement of each new  
107 exhibit to be placed within any public area of the State Capitol Building to the State Capitol  
108 Preservation Board~~[-]; and~~

109 (d) subject to Subsection (3), implement recommendations of the commission.

110 (2) The commission has exclusive authority to make official recommendations to the State  
111 Capitol Preservation Board about content, placement, removal, and relocation of art and exhibits  
112 on capitol hill.

113 (3) (a) The State Capital Preservation Board may reject recommendations of the  
114 commission as provided in Section 63C-9-301.

115 (b) If the State Capitol Preservation Board does not reject the recommendations of the  
116 commission at its next scheduled meeting after receiving the recommendations, the commission  
117 may implement its recommendations.

118 ~~[(3)]~~ (4) If any conflicts exist between this part and Section 36-5-1, Section 36-5-1 takes  
119 precedence.

**Legislative Review Note**  
**as of 1-31-01 4:45 PM**

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

**Office of Legislative Research and General Counsel**