

**CAPITOL COMPLEX SPACE**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Jeff Alexander**

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**LONG TITLE**

**General Description:**

This bill establishes most of the House Building and certain parking spaces as the legislative area subject to the control of the Legislative Management Committee.

**Highlighted Provisions:**

This bill:

- ▶ designates, with certain exceptions, the House Building and 104 parking spaces as the legislative area;
- ▶ clarifies the scope of the Capitol Preservation Board's responsibilities;
- ▶ clarifies the Legislative Management Committee's responsibilities for the legislative area; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**36-5-1**, as last amended by Chapter 121, Laws of Utah 2002

**63C-9-301**, as last amended by Chapter 16, Laws of Utah 2003

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



28 Section 1. Section **36-5-1** is amended to read:

29 **36-5-1. Reservation of area for Legislature -- Duties of Legislative Management**  
30 **Committee.**

31 (1) As used in this section:

32 (a) "Architectural integrity" means the architectural elements, materials, color, and  
33 quality of the original building construction.

34 (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other  
35 man-made and natural objects within the area bounded by 300 North Street, Columbus Street,  
36 500 North Street, and East Capitol Boulevard, and includes:

37 (i) the White Community Memorial Chapel and its grounds and parking areas, and the  
38 Council Hall Travel Information Center building and its grounds and parking areas;

39 (ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and  
40 other state-owned property included within the area bounded by Columbus Street, North Main  
41 Street, and Apricot Avenue;

42 (iii) the state-owned property included within the area bounded by Columbus Street,  
43 Wall Street, and 400 North Street; and

44 (iv) the state-owned property included within the area bounded by Columbus Street,  
45 West Capitol Street, and 500 North Street.

46 (c) "House Building" means the west building on capitol hill that is located northwest  
47 of the state capitol and southwest of the state office building.

48 (d) "Legislative area" means the buildings, chambers, rooms, hallways, lounges,  
49 parking lots, and parking garages designated by this section as being subject to legislative  
50 control.

51 (2) The legislative area [at] on capitol hill includes:

52 (a) in the state capitol [includes]:

53 (i) the chambers, lounges, committee rooms, and galleries of both the Senate and the  
54 House[;];

55 (ii) the offices adjacent to the Senate gallery on all sides[;];

56 (iii) all rooms and office space between the Senate and House galleries[;]; and

57 (iv) all adjacent hallways, utility space, and facilities[. This];

58 (b) the House Building; and

59           (c) the parking stalls in the underground parking facility directly east of the House  
60 Building and below the central plaza.

61           (3) The legislative area is reserved for the use and occupancy of the Legislature and its  
62 committees and for legislative functions.

63           (4) The Legislative Management Committee shall [~~designate the use which may be~~  
64 made of the legislative area.] exercise complete jurisdiction over the legislative area, except  
65 for:

66           (a) the architectural integrity of the legislative area;

67           (b) control of the central mechanical and electrical core of the House Building on all  
68 floors;

69           (c) control of the enclosure of the House Building from the exterior of the building to  
70 the interior of the exterior wall;

71           (d) the roof of the House Building;

72           (e) the utility and security tunnel between the underground parking structure and the  
73 House Building; and

74           (f) those functions it delegates in writing to be performed by the Capitol Preservation  
75 Board.

76           Section 2. Section **63C-9-301** is amended to read:

77           **63C-9-301. Board powers.**

78           (1) The board shall:

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

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

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

86           (d) before October 1 of each year, review and approve the executive director's annual  
87 budget request for submittal to the governor and Legislature;

88           (e) by October 1 of each year, prepare and submit a recommended budget request for  
89 the upcoming fiscal year for capitol hill to:

- 90 (i) the governor, through the Governor's Office of Planning and Budget; and
- 91 (ii) the Legislature's appropriations subcommittee responsible for capital facilities,
- 92 through the Office of Legislative Fiscal Analyst;
- 93 (f) review and approve the executive director's:
- 94 (i) annual work plan;
- 95 (ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and
- 96 (iii) furnishings plan for placement and care of objects under the care of the board;
- 97 (g) approve all changes to the buildings and their grounds, including:
- 98 (i) restoration, remodeling, and rehabilitation projects;
- 99 (ii) usual maintenance; and
- 100 (iii) any transfers or loans of objects under the board's care;
- 101 (h) define and identify all significant aspects of capitol hill facilities and capitol hill
- 102 grounds, after consultation with the Division of Facilities Construction and Management, State
- 103 Library Division, the Division of Archives and Records Service, the Division of State History,
- 104 the Office of Museum Services, and the Arts Council;
- 105 (i) inventory, define, and identify all significant contents of the buildings and all
- 106 state-owned items of historical significance that were at one time in the buildings, after
- 107 consultation with the Division of Facilities Construction and Management, State Library
- 108 Division, the Division of Archives and Records Service, the Division of State History, the
- 109 Office of Museum Services, and the Arts Council;
- 110 (j) maintain archives relating to the construction and development of the buildings, the
- 111 contents of the buildings and their grounds, including documents such as plans, specifications,
- 112 photographs, purchase orders, and other related documents, the original copies of which shall
- 113 be maintained by the Division of Archives and Records Service;
- 114 (k) comply with federal and state laws related to program and facility accessibility; and
- 115 (l) establish procedures for receiving, hearing, and deciding complaints or other issues
- 116 raised about the capitol hill facilities, capitol hill grounds, or their use.
- 117 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
- 118 area, as defined in Section 36-5-1, is reserved to the Legislature.
- 119 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
- 120 facilities and capitol hill grounds by following the procedures and requirements of Title 63,

121 Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

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

134 (5) (a) The board may:

135 (i) establish subcommittees made up of board members to assist and support the  
136 executive director in accomplishing his duties;

137 (ii) establish fees for the use of capitol hill facilities and grounds;

138 (iii) assign and allocate specific duties and responsibilities to any other state agency, if  
139 the other agency agrees to perform the duty or accept the responsibility;

140 (iv) contract with another state agency to provide services;

141 (v) delegate by specific motion of the board, any authority granted to it by this section  
142 to the executive director; and

143 (vi) in conjunction with Salt Lake City, expend monies to improve or maintain public  
144 property contiguous to East Capitol Boulevard and capitol hill.

145 (b) If a budget subcommittee is established by the board, the Legislative Fiscal Analyst,  
146 or the analyst's designee, and the director of the Governor's Office of Planning and Budget, or  
147 the director's designee, shall serve as ex officio, nonvoting members of the budget  
148 subcommittee.

149 (c) If the board establishes any subcommittees, the board may, by majority vote,  
150 appoint up to two people who are not members of the board to serve, at the will of the board, as  
151 nonvoting members of a subcommittee.

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

- 156           (i) the governor, in the case of the governor's office;
- 157           (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- 158           (iii) the president of the Senate, in the case of the president's office or the office of a  
159 member of the Senate; or

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

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

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

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

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**Legislative Review Note**  
**as of 1-18-05 10:49 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0250**

Capitol Complex Space

03-Feb-05

8:16 AM

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**State Impact**

Provisions of this bill can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**