

CAPITOL PRESERVATION BOARD

MODIFICATIONS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Jeff Alexander

LONG TITLE

General Description:

This bill modifies provisions relating to the State Capitol Preservation Board.

Highlighted Provisions:

This bill:

- ▶ modifies the membership of the State Capitol Preservation Board;
- ▶ modifies provisions relating to selection of a chair for the State Capitol Preservation Board;
- ▶ modifies provisions relating to membership requirements for advisory subcommittees created by the State Capitol Preservation Board; and
- ▶ establishes procedures for selecting a subcommittee chair.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

63C-9-201, as last amended by Chapters 171 and 176, Laws of Utah 2002

63C-9-202, as last amended by Chapter 171, Laws of Utah 2002

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



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

29 Section 1. Section **63C-9-201** is amended to read:

30 **63C-9-201. State Capitol Preservation Board -- Creation -- Membership.**

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

32 (2) The board shall consist of the following [~~15~~] nine members:

33 (a) the governor or the governor's designee;

34 [~~(b) the lieutenant governor;~~]

35 [~~(c)~~] (b) the president of the Senate or the president's designee;

36 [~~(d)~~] (c) the speaker of the House of Representatives or the speaker's designee;

37 [~~(e) three members appointed by the governor;~~]

38 [~~(f) two members of the Senate appointed by the president of the Senate, one from the~~
39 ~~majority party and one from the minority party;~~]

40 [~~(g) two members of the House of Representatives appointed by the speaker of the~~
41 ~~House of Representatives, one from the majority party and one from the minority party;~~]

42 (d) the majority leader of the Senate or the majority leader's designee;

43 (e) the minority leader of the Senate or the minority leader's designee;

44 (f) the majority leader of the House of Representatives or the majority leader's
45 designee;

46 (g) the minority leader of the House of Representatives or the minority leader's
47 designee;

48 (h) the chief justice of the Supreme Court or [~~his~~] the chief justice's designee; and

49 [~~(i) the director of the Division of Archives; and~~]

50 [~~(j) an architect and a structural engineer, appointed by the governor with the consent~~
51 ~~of the Senate.]~~

52 (i) the attorney general or the attorney general's designee.

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

54 **63C-9-202. Terms -- Vacancies-- Chair -- Vice chair --Meetings -- Compensation.**

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

57 [~~(b) The other members shall serve two-year terms.]~~

58 [~~(2) Vacancies in the appointed positions shall be filled by the original appointing~~

59 authority for the unexpired term.]

60 [~~(3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.]~~

61 [~~(b) When the governor is absent from meetings of the board, the lieutenant governor is~~
62 ~~chair of the board.]~~

63 [~~(c) The governor shall appoint a member of the board to serve as vice chair with the~~
64 ~~approval of the board.]~~

65 (1) (a) The board, by a majority vote, shall select one of the board members as its chair.

66 (b) The chair's term is one year.

67 [~~(4)~~ (2) The board shall meet at least quarterly and at other times at the call of the
68 ~~[governor]~~ chair or at the request of four members of the board.

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

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

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

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

80 [~~(c)~~ (b) Legislative members receive the expenses authorized by legislative rule.

81 Section 3. Section **63C-9-301** is amended to read:

82 **63C-9-301. Board powers.**

83 (1) The board shall:

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

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

88 (c) consult with the Division of Facilities Construction and Management, the State
89 Library Division, the Division of Archives and Records Service, the Division of State History,

90 the Office of Museum Services, and the Arts Council when necessary;

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

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

95 (i) the governor, through the Governor's Office of Planning and Budget; and

96 (ii) the Legislature's appropriations subcommittee responsible for capital facilities,
97 through the Office of Legislative Fiscal Analyst;

98 (f) review and approve the executive director's:

99 (i) annual work plan;

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

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

102 (g) approve all changes to the buildings and their grounds, including:

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

104 (ii) usual maintenance; and

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

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

110 (i) inventory, define, and identify all significant contents of the buildings and all
111 state-owned items of historical significance that were at one time in the buildings, after
112 consultation with the Division of Facilities Construction and Management, State Library
113 Division, the Division of Archives and Records Service, the Division of State History, the
114 Office of Museum Services, and the Arts Council;

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

119 (k) comply with federal and state laws related to program and facility accessibility; and

120 (l) establish procedures for receiving, hearing, and deciding complaints or other issues

121 raised about the capitol hill facilities, capitol hill grounds, or their use.

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

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

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

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

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

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

139 (5) (a) The board may:

140 (i) establish subcommittees [~~made up of board members~~] to assist and support the
141 executive director in accomplishing his duties;

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

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

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

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

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

150 [~~(b) If a budget subcommittee is established by the board, the Legislative Fiscal
151 Analyst, or the analyst's designee, and the director of the Governor's Office of Planning and~~

152 ~~Budget, or the director's designee, shall serve as ex officio, nonvoting members of the budget~~
153 ~~subcommittee.]~~

154 ~~[(c)] (b) If the board establishes any subcommittees, [the board may, by majority vote,~~
155 ~~appoint up to two people who are not members of the board to serve, at the will of the board, as~~
156 ~~nonvoting members of a subcommittee.] the board shall appoint the members of each~~
157 ~~subcommittee by a majority vote.~~

158 (c) The membership of each subcommittee may include members of the board.

159 (d) (i) The board shall, by a majority vote, select a chair for each subcommittee.

160 (ii) The subcommittee chair's term is one year.

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

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

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

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

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

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

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

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

182 Section 4. **Effective date.**

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

Legislative Review Note

as of 2-1-05 10:13 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

Fiscal Note
Bill Number HB0291

Capitol Preservation Board Modifications

03-Feb-05

1:44 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst