

Senator Beverly Ann Evans proposes the following substitute bill:

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:

- ▶ establishes an executive committee for the State Capitol Preservation Board;
- ▶ provides that the executive committee shall review and provide recommendations to the board regarding:
 - the day to day activities and decisions of the executive director and staff; and
 - the executive director's and staff's policies and procedures, performance, and compensation; and
- ▶ provides that the executive committee is exempt from open meetings requirements.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:



26 **63C-9-102**, as last amended by Chapter 76, Laws of Utah 2001

27 **63C-9-301**, as last amended by Chapter 16, Laws of Utah 2003

28 ENACTS:

29 **63C-9-302**, Utah Code Annotated 1953

30 **63C-9-303**, Utah Code Annotated 1953

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

33 Section 1. Section **63C-9-102** is amended to read:

34 **63C-9-102. Definitions.**

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

36 (2) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other
37 man-made and natural objects within the area bounded by 300 North Street, Columbus Street,
38 500 North Street, and East Capitol Boulevard, and includes:

39 (a) the White Community Memorial Chapel and its grounds and parking areas, and the
40 Council Hall Travel Information Center building and its grounds and parking areas;

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

44 (c) the state-owned property included within the area bounded by Columbus Street,
45 Wall Street, and 400 North Street; and

46 (d) the state-owned property included within the area bounded by Columbus Street,
47 West Capitol Street, and 500 North Street.

48 (3) "Capitol hill facilities" means all of the buildings on capitol hill, and the exterior
49 steps, entrances, streets, parking areas, and other paved areas of capitol hill.

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

51 (5) "Executive committee" means the executive committee of the State Capitol
52 Preservation Board created by Section 63C-9-302.

53 ~~[(5)]~~ (6) "Executive director" means the executive director appointed by the board
54 under Section 63C-9-401.

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

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

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

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

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

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

(i) annual 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;

(g) 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;

(h) 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;

(i) 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;

(j) 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;

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

(l) establish procedures for receiving, hearing, and deciding complaints or other issues raised about the capitol hill facilities, capitol hill grounds, or their use[-]; and

(m) review and approve the recommendations of the executive committee.

(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 made up of board members to assist and support the executive director in accomplishing his duties;

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

(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;

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

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

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

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

(c) If the board establishes any subcommittees, the board may, by majority vote, appoint up to two people who are not members of the board to serve, at the will of the board, as nonvoting members of a 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 3. Section **63C-9-302** is enacted to read:

63C-9-302. Executive committee -- Meetings.

(1) The following individuals shall constitute the executive committee for the State Capitol Preservation Board:

(a) the governor;

(b) the president of the Senate; and

(c) the speaker of the House of Representatives.

(2) The executive committee shall meet as necessary and may:

(a) set an established meeting schedule upon the majority vote of the members of the executive committee;

(b) meet upon the request of two members of the executive committee; and

(c) meet upon the request of the executive director.

(3) The executive committee shall be exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings.

Section 4. Section **63C-9-303** is enacted to read:

63C-9-303. Executive committee -- Powers and duties.

The executive committee shall review and make recommendations to the board regarding:

(1) the day to day operations, decisions, spending, and schedule of the executive director and staff;

(2) the executive director's annual performance;

(3) the executive director's suggestions for staff, including staff duties, performance, compensation, and personnel; and

(4) the policies and procedures governing the executive director and staff, including those procedures governing performance review, compensation, and bonuses.

Section 5. **Effective date.**

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

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

184 Section 6. **Coordinating H.B. 291 with S.B. 163.**

185 If this H.B. 291 and S.B. 163, Capitol Preservation Amendments, both pass, Section
186 63C-9-401 shall return to its original language, which is:

187 "The board shall appoint an executive director to assist the board in performing the
188 board's duties under this chapter."