

CAPITOL PRESERVATION BOARD

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Beverly Ann Evans

House Sponsor: Ralph Becker

LONG TITLE

General Description:

This bill modifies the provisions related to the capitol preservation board's duties, boards, and subcommittees.

Highlighted Provisions:

This bill:

- ▶ permits the president of the Senate and the speaker of the House to appoint a designee for the capitol preservation board to act on their behalf;
- ▶ provides that the lieutenant governor will serve terms on the capitol preservation board concurrently with the governor, the president of the Senate, and the speaker of the House;
- ▶ provides that members of capitol preservation board subcommittees shall select a subcommittee chair at the beginning of each calendar year to serve a one-year term;
- ▶ requires the capitol preservation board's budget and operations subcommittee to make yearly recommendations to the board concerning the executive director's performance and suggestions for staff;
- ▶ provides that the capitol preservation board shall make rules to govern the review, compensation, and bonus processes for the executive director and staff;
- ▶ provides the capitol preservation board with responsibility for visitor services on capitol hill, including conducting tours, managing a gift shop, and providing communications services; and
- ▶ modifies the definition of art overseen by the capitol preservation board to include

decorative paintings and historic light fixtures.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

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

63C-9-401, as enacted by Chapter 285, Laws of Utah 1998

63C-9-402, as last amended by Chapter 66, Laws of Utah 2003

63C-9-701, as last amended by Chapter 66, Laws of Utah 2003

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

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

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

- (1) There is created the State Capitol Preservation Board.
- (2) The board shall consist of the following 15 members:
 - (a) the governor or the governor's designee;
 - (b) the lieutenant governor;
 - (c) the president of the Senate or the president's designee;
 - (d) the speaker of the House of Representatives or the speaker's designee;
 - (e) three members appointed by the governor;
 - (f) two members of the Senate appointed by the president of the Senate, one from the majority party and one from the minority party;
 - (g) two members of the House of Representatives appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party;

- (h) the chief justice of the Supreme Court or his designee;
- (i) the director of the Division of Archives; and
- (j) an architect and a structural engineer, appointed by the governor with the consent of the Senate.

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

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

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

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

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

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

(b) When the governor is absent from meetings of the board, the lieutenant governor is chair of the board.

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

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

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

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

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

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

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

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

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.

(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.

(d) Members of each subcommittee shall, at the first meeting of each calendar year, select one individual to act as chair of the subcommittee for a one-year term.

(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 4. Section **63C-9-401** is amended to read:

63C-9-401. Executive director.

The board shall:

(1) appoint an executive director to assist [them] the board in performing [their] its duties under this chapter[-];

(2) (a) require the budget and operations subcommittee to review and make recommendations to the board regarding:

- (i) the executive director's annual performance; and
- (ii) the executive director's suggestions for staff, including staff duties, performance, compensation, and personnel;

(b) approve, deny, or modify the subcommittee's recommendations, which shall be

submitted to the board before the board submits its budget recommendations under Subsections 63C-9-301(1)(d) and (e); and

(c) make rules governing the review, compensation, and bonus process for the executive director and staff.

Section 5. Section **63C-9-402** is amended to read:

63C-9-402. Executive director -- Duties.

The executive director shall:

(1) develop for board approval a master plan with a projection of at least 20 years concerning the maintenance, preservation, restoration, and modification of the capitol hill facilities and capitol hill grounds, including, if directed by the board, a plan to restore the buildings to their original architecture;

(2) develop for board approval a furnishings plan for the placement and care of objects under the care of the board;

(3) prepare, and recommend for board approval, an annual budget and work plan consistent with the master plan and the furnishings plan for all work under this chapter, including usual maintenance for capitol hill facilities, the contents of capitol hill facilities, and capitol hill grounds;

(4) develop a program to purchase or accept by donation, permanent loan, or outside funding items necessary to implement the master plan;

(5) develop and maintain a registration system and inventory of the contents of the capitol hill facilities and capitol hill grounds and of the original documents relating to the buildings' construction and alteration;

(6) develop a program to purchase or accept by donation, permanent loan, or outside funding items of historical significance that were at one time in the capitol hill facilities and that are not owned by the state;

(7) develop a program to locate and acquire state-owned items of historical significance that were at one time in the buildings;

(8) develop a collections policy regarding the items of historic significance as identified

in the registration system and inventory for the approval of the board;

(9) assist in matters dealing with the preservation of historic materials;

(10) make recommendations on conservation needs and make arrangements to contract for conservation services for objects of significance;

(11) make recommendations for the transfer or loan of objects of significance as detailed in the approved collections policy;

(12) make recommendations to transfer, sell, or otherwise dispose of unused surplus property that is not of significance as defined in the collections policy and by the registration system;

(13) approve all art and exhibits placed on Capitol Hill after board approval;

(14) employ staff to assist him in administering this chapter and direct and coordinate their activities;

(15) contract for professional services of qualified consultants, including architectural historians, landscape architects with experience in landscape architectural preservation, conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen; ~~and~~

(16) prepare annually a complete and detailed written report for the board that accounts for all funds received and disbursed by the board during the preceding fiscal year[-]; and

(17) develop and manage a visitor services program for capitol hill with duties that include conducting tours, managing a gift shop, and providing communication services.

Section 6. Section **63C-9-701** is amended to read:

63C-9-701. Definitions.

As used in this part:

(1) "Agency" means each agency, authority, board, bureau, commission, committee, corporation, council, department, division, fund, institution, laboratory, library, office, officer, panel, unit, or other administrative unit of the state.

(2) "Art" includes paintings, decorative paintings, historic light fixtures, murals, photographs, pottery, sculpture, textiles, monuments, memorials, and other visual and decorative

arts.

(3) "Exhibit" means a static visual explanatory or educational presentation.

(4) "Public area" means any area either inside or outside any building on capitol hill under the jurisdiction of the board under Subsection 63C-9-301(1)(a) that is:

(a) open to the public; and

(b) not part of the offices of any government agency.

(5) "Subcommittee" means the Art Placement Subcommittee of the State Capitol Preservation Board created in this part.