

1 **ACCESS TO HIGH SPEED INTERNET AT**
2 **STATE CAPITOL COMPLEX**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Sheldon L. Killpack**

7 **LONG TITLE**

8 **General Description:**

9 This bill allows the Capitol Preservation Board to provide wireless Internet access in
10 capitol hill facilities.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies the powers of the Capitol Preservation Board to allow it to provide
14 wireless Internet access to the public without a fee in capitol hill facilities; and
15 ▶ makes technical changes.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides an immediate effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63C-9-301**, as last amended by Chapter 16, Laws of Utah 2003

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

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

26 **63C-9-301. Board powers.**

27 (1) The board shall:



- 28 (a) except as provided in Subsection (2), exercise complete jurisdiction over capitol
- 29 hill facilities and capitol hill grounds;
- 30 (b) preserve, maintain, and restore capitol hill facilities, capitol hill grounds, and their
- 31 contents;
- 32 (c) when necessary, consult with the:
 - 33 (i) Division of Facilities Construction and Management~~[, the]~~;
 - 34 (ii) State Library Division~~[, the]~~;
 - 35 (iii) Division of Archives and Records Service~~[, the]~~;
 - 36 (iv) Division of State History~~[, the]~~;
 - 37 (v) Office of Museum Services~~[,]~~; and ~~[the]~~
 - 38 (vi) Arts Council [~~when necessary~~];
- 39 (d) before October 1 of each year, review and approve the executive director's annual
- 40 budget request for submittal to the governor and Legislature;
- 41 (e) by October 1 of each year, prepare and submit a recommended budget request for
- 42 the upcoming fiscal year for capitol hill to:
 - 43 (i) the governor, through the Governor's Office of Planning and Budget; and
 - 44 (ii) the Legislature's appropriations subcommittee responsible for capital facilities,
 - 45 through the Office of Legislative Fiscal Analyst;
- 46 (f) review and approve the executive director's:
 - 47 (i) annual work plan;
 - 48 (ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and
 - 49 (iii) furnishings plan for placement and care of objects under the care of the board;
- 50 (g) approve all changes to the buildings and their grounds, including:
 - 51 (i) restoration, remodeling, and rehabilitation projects;
 - 52 (ii) usual maintenance; and
 - 53 (iii) any transfers or loans of objects under the board's care;
- 54 (h) define and identify all significant aspects of capitol hill facilities and capitol hill
- 55 grounds, after consultation with the:
 - 56 (i) Division of Facilities Construction and Management~~[,]~~;
 - 57 (ii) State Library Division~~[, the]~~;
 - 58 (iii) Division of Archives and Records Service~~[, the]~~;

- 59 (iv) Division of State History~~[-the]~~;
- 60 (v) Office of Museum Services~~[-]~~; and ~~[the]~~
- 61 (vi) Arts Council;
- 62 (i) inventory, define, and identify all significant contents of the buildings and all
- 63 state-owned items of historical significance that were at one time in the buildings, after
- 64 consultation with the;
- 65 (i) Division of Facilities Construction and Management~~[-]~~;
- 66 (ii) State Library Division~~[-the]~~;
- 67 (iii) Division of Archives and Records Service~~[-the]~~;
- 68 (iv) Division of State History~~[-the]~~;
- 69 (v) Office of Museum Services~~[-]~~; and ~~[the]~~
- 70 (vi) Arts Council;
- 71 (j) maintain archives relating to the construction and development of the buildings, the
- 72 contents of the buildings and their grounds, including documents such as plans, specifications,
- 73 photographs, purchase orders, and other related documents, the original copies of which shall
- 74 be maintained by the Division of Archives and Records Service;
- 75 (k) comply with federal and state laws related to program and facility accessibility; and
- 76 (l) establish procedures for receiving, hearing, and deciding complaints or other issues
- 77 raised about the capitol hill facilities, capitol hill grounds, or their use.
- 78 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
- 79 area is reserved to the Legislature.
- 80 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
- 81 facilities and capitol hill grounds by following the procedures and requirements of Title 63,
- 82 Chapter 46a, Utah Administrative Rulemaking Act.
- 83 (b) A person who violates a rule adopted by the board under the authority of this
- 84 Subsection (3) is guilty of a class C misdemeanor.
- 85 (c) The board may not apply this section or rules adopted under the authority of this
- 86 section in a manner that violates a person's rights under the Utah Constitution or the First
- 87 Amendment to the United States Constitution, including the right of persons to peaceably
- 88 assemble.
- 89 (d) The board shall send proposed rules under this section to the legislative general

90 counsel and the governor's general counsel for review and comment before the board adopts the
91 rules.

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

95 (5) (a) The board may:

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

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

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

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

102 (v) delegate by specific motion of the board[;] any authority granted to it by this section
103 to the executive director; [~~and~~]

104 (vi) in conjunction with Salt Lake City, expend monies to improve or maintain public
105 property contiguous to East Capitol Boulevard and capitol hill[-]; and

106 (vii) provide wireless Internet service to the public without a fee in any capitol hill
107 facility.

108 (b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall
109 be discontinued in the legislative area if the president of the Senate and the speaker of the
110 House of Representatives each submit a signed letter to the board indicating that the service is
111 to be discontinued.

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

116 [~~(c)~~] (d) If the board establishes any subcommittees, the board may, by majority vote,
117 appoint up to two people who are not members of the board to serve, at the will of the board, as
118 nonvoting members of a subcommittee.

119 (6) (a) The board, and the employees of the board, may not move the office of the
120 governor, lieutenant governor, president of the Senate, speaker of the House of

121 Representatives, or a member of the Legislature from the State Capitol Building unless the
122 removal is approved by:

- 123 (i) the governor, in the case of the governor's office;
- 124 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- 125 (iii) the president of the Senate, in the case of the president's office or the office of a
126 member of the Senate; or
- 127 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
128 the office of a member of the House.

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

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

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

140 **Section 2. Effective date.**

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

Legislative Review Note
as of 1-6-05 10:23 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