

1                                   **CAPITOL PRESERVATION BOARD**

2   **REVISIONS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Beverly Ann Evans**

6   House Sponsor: Peggy Wallace

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8                   **LONG TITLE**

9                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ modifies definitions;
- 15                   ▶ modifies the membership of the capitol preservation board;
- 16                   ▶ provides the board with stewardship over the capitol and the capitol hill complex,  
17 facilities, and grounds, with certain exceptions;
- 18                   ▶ provides that the board may choose to consult with various government entities in  
19 performing its duties;
- 20                   ▶ requires that designees of ex officio members of the budget subcommittee must be  
21 from the same office as the designating member;
- 22                   ▶ provides that the board may appoint certain members, including an architect or  
23 engineer, to any preservation and maintenance subcommittee that may be  
24 established;
- 25                   ▶ modifies the duties of the executive director to permit the director to:
- 26                   • develop an operations, maintenance, and janitorial program for the capitol hill  
27 complex;



- 28           • develop and manage public outreach programs, events, and public relation
- 29 services; and
- 30           • manage and organize transit and parking on the capitol hill complex, except for
- 31 the legislative area, where the executive director shall act under the direction of
- 32 the Legislative Management Committee;
- 33           ▸ permits gift shop profits to be deposited into the State Capitol Fund; and
- 34           ▸ makes technical changes.

35 **Monies Appropriated in this Bill:**

36           None

37 **Other Special Clauses:**

38           None

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41           **63C-9-102**, as last amended by Chapter 76, Laws of Utah 2001
- 42           **63C-9-201**, as last amended by Chapter 196, Laws of Utah 2005
- 43           **63C-9-202**, as last amended by Chapter 196, Laws of Utah 2005
- 44           **63C-9-301**, as last amended by Chapters 4, 196 and 280, Laws of Utah 2005
- 45           **63C-9-401**, as last amended by Chapter 196, Laws of Utah 2005
- 46           **63C-9-402**, as last amended by Chapter 196, Laws of Utah 2005
- 47           **63C-9-502**, as last amended by Chapter 256, Laws of Utah 2002



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

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

51           **63C-9-102. Definitions.**

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

53           (2) "Capitol hill complex" means the grounds, monuments, parking areas, buildings,  
54 including the capitol, and other man-made and natural objects within the area bounded by 300  
55 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:

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

58           (b) the Daughters of the Utah Pioneers building and its grounds and parking areas and

59 other state-owned property included within the area bounded by Columbus Street, North Main  
60 Street, and Apricot Avenue;

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

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

65 (3) "Capitol hill facilities" means all of the buildings on the capitol hill[;] complex,  
66 including the capitol, and the exterior steps, entrances, streets, parking areas, and other paved  
67 areas of capitol hill.

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

69 (5) "Executive director" means the executive director appointed by the board under  
70 Section 63C-9-401.

71 Section 2. Section **63C-9-201** is amended to read:

72 **63C-9-201. State Capitol Preservation Board -- Creation -- Membership.**

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

74 (2) The board shall consist of the following [~~15~~] 11 members:

75 (a) the governor, or the lieutenant governor acting as the governor's designee;

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

77 [~~(c)~~] (b) the president of the Senate or the president's designee, who shall be a member  
78 of the Senate;

79 [~~(d)~~] (c) the speaker of the House of Representatives or the speaker's designee, who  
80 shall be a member of the House of Representatives;

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

82 (d) the state treasurer;

83 (e) the state attorney general;

84 (f) two members of the Senate appointed by the president of the Senate, one from the  
85 majority party and one from the minority party;

86 (g) two members of the House of Representatives appointed by the speaker of the  
87 House of Representatives, one from the majority party and one from the minority party;

88 (h) the chief justice of the Supreme Court or [~~his~~] the chief justice's designee[;], who  
89 shall be a member of the Supreme Court; and

90 ~~[(i) the director of the Division of Archives; and]~~  
 91 ~~[(j) an architect and a structural engineer, appointed by the governor with the consent~~  
 92 ~~of the Senate.]~~

93 (i) the state historic preservation officer.

94 Section 3. Section **63C-9-202** is amended to read:

95 **63C-9-202. Terms -- Vacancies -- Chair -- Vice chair -- Meetings --**

96 **Compensation.**

97 (1) (a) The governor, ~~[lieutenant governor,]~~ president of the Senate, ~~[and]~~ speaker of  
 98 the House, chief justice, state treasurer, state attorney general, and state historic preservation  
 99 officer shall serve terms coterminous with their ~~[term as governor, lieutenant governor,~~  
 100 ~~president, and speaker]~~ office.

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

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

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

105 (b) When the governor is absent from meetings of the board, the ~~[lieutenant governor]~~  
 106 vice chair is chair of the board.

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

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

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

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

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

120 (ii) State government officers and employee members may decline to receive per diem

121 and expenses for their service.

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

123 Section 4. Section **63C-9-301** is amended to read:

124 **63C-9-301. Board powers.**

125 (1) The board shall:

126 (a) except as provided in Subsection (2), exercise complete jurisdiction and  
127 stewardship over capitol hill facilities [~~and~~], capitol hill grounds and the capitol hill complex;

128 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
129 capitol hill grounds, and their contents;

130 [~~(c) when necessary, consult with the:~~]

131 [~~(i) Division of Facilities Construction and Management;~~]

132 [~~(ii) State Library Division;~~]

133 [~~(iii) Division of Archives and Records Service;~~]

134 [~~(iv) Division of State History;~~]

135 [~~(v) Office of Museum Services; and]~~

136 [~~(vi) Arts Council;~~]

137 [~~(d)~~] (c) before October 1 of each year, review and approve the executive director's  
138 annual budget request for submittal to the governor and Legislature;

139 [~~(e)~~] (d) by October 1 of each year, prepare and submit a recommended budget request  
140 for the upcoming fiscal year for the capitol hill complex to:

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

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

144 [~~(f)~~] (e) review and approve the executive director's:

145 (i) annual work plan;

146 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and  
147 capitol hill grounds; and

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

149 [~~(g)~~] (f) approve all changes to the buildings and their grounds, including:

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

151 (ii) usual maintenance program; and

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

153 [~~(h)~~] (g) define and identify all significant aspects of the capitol hill complex, capitol  
154 hill facilities, and capitol hill grounds, after consultation with the:

155 (i) Division of Facilities Construction and Management;

156 (ii) State Library Division;

157 (iii) Division of Archives and Records Service;

158 (iv) Division of State History;

159 (v) Office of Museum Services; and

160 (vi) Arts Council;

161 [~~(i)~~] (h) inventory, define, and identify all significant contents of the buildings and all  
162 state-owned items of historical significance that were at one time in the buildings, after  
163 consultation with the:

164 (i) Division of Facilities Construction and Management;

165 (ii) State Library Division;

166 (iii) Division of Archives and Records Service;

167 (iv) Division of State History;

168 (v) Office of Museum Services; and

169 (vi) Arts Council;

170 [~~(j)~~] (i) maintain archives relating to the construction and development of the  
171 buildings, the contents of the buildings and their grounds, including documents such as plans,  
172 specifications, photographs, purchase orders, and other related documents, the original copies  
173 of which shall be maintained by the Division of Archives and Records Service;

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

176 [~~(l)~~] (k) establish procedures for receiving, hearing, and deciding complaints or other  
177 issues raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or  
178 their use.

179 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative  
180 area, as defined in Section 36-5-1, is reserved to the Legislature.

181 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill  
182 complex, capitol hill facilities, and capitol hill grounds by following the procedures and

183 requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

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

196 (5) (a) The board may:

197 (i) establish subcommittees made up of board members and members of the public to  
198 assist and support the executive director in accomplishing the executive director's duties;

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

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

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

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

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

207 (vii) provide wireless Internet service to the public without a fee in any capitol hill  
208 facility[-]; and

209 (viii) when necessary, consult with the:

210 (A) Division of Facilities Construction and Management;

211 (B) State Library Division;

212 (C) Division of Archives and Records Service;

213 (D) Division of State History;

214 (E) Office of Museum Services; and

215 (F) Arts Council.

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

220 (c) If a budget subcommittee is established by the board, ~~[the Legislative Fiscal~~  
221 ~~Analyst, or the analyst's designee, and the director of the Governor's Office of Planning and~~  
222 ~~Budget, or the director's designee,]~~ the following shall serve as ex officio, nonvoting members  
223 of the budget subcommittee[-:];

224 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office  
225 of Legislative Fiscal Analyst; and

226 (ii) the director of the Governor's Office of Planning and Budget, or the director's  
227 designee, who shall be from the Governor's Office of Planning an Budget.

228 (d) If a preservation and maintenance subcommittee is established by the board, the  
229 board may, by majority vote, appoint one or each of the following to serve on the  
230 subcommittee as voting members of the subcommittee:

231 (i) an architect, who shall be selected from a list of three architects submitted by the  
232 American Institute of Architects; or

233 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
234 American Civil Engineers Council.

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

238 ~~[(e)]~~ (f) Members of each subcommittee shall, at the first meeting of each calendar  
239 year, select one individual to act as chair of the subcommittee for a one-year term.

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

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



245 (ii) the lieutenant governor, in the case of the lieutenant governor's office;  
246 (iii) the president of the Senate, in the case of the president's office or the office of a  
247 member of the Senate; or

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

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

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

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

261 Section 5. Section **63C-9-401** is amended to read:

262 **63C-9-401. Executive director.**

263 The board shall:

264 (1) appoint an executive director to assist the board in performing its duties under this  
265 chapter;

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

268 (i) the executive director's annual performance; and

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

271 (b) approve, deny, or modify the subcommittee's recommendations, which shall be  
272 submitted to the board before the board submits its budget recommendations under Subsections  
273 63C-9-301(1)~~(c)~~(c) and ~~(e)~~(d); and

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

276 Section 6. Section **63C-9-402** is amended to read:

277 **63C-9-402. Executive director -- Duties.**

278 The executive director shall:

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

284 (2) develop, as part of the master plan submitted for board approval, a furnishings plan  
285 for the placement and care of objects under the care of the board;

286 (3) prepare, and recommend for board approval, an annual budget and work plan, that  
287 is consistent with the master plan [and the furnishings plan], for all work to be performed under  
288 this chapter, including usual operations and maintenance [for] and janitorial and preventative  
289 maintenance for the capitol hill complex, capitol hill facilities, [the contents of capitol hill  
290 facilities, and] capitol hill grounds, and their contents;

291 (4) develop an operations, maintenance, and janitorial program for the capitol hill  
292 complex, capitol hill facilities, capitol hill grounds, and their contents;

293 ~~[(4)]~~ (5) develop a program to purchase or accept by donation, permanent loan, or  
294 outside funding items necessary to implement the master plan;

295 ~~[(5)]~~ (6) develop and maintain a registration system and inventory of the contents of  
296 the capitol hill facilities and capitol hill grounds and of the original documents relating to the  
297 buildings' construction and alteration;

298 ~~[(6)]~~ (7) develop a program to purchase or accept by donation, permanent loan, or  
299 outside funding items of historical significance that were at one time in the capitol hill facilities  
300 and that are not owned by the state;

301 ~~[(7)]~~ (8) develop a program to locate and acquire state-owned items of historical  
302 significance that were at one time in the buildings;

303 ~~[(8)]~~ (9) develop a collections policy regarding the items of historic significance as  
304 identified in the registration system and inventory for the approval of the board;

305 ~~[(9)]~~ (10) assist in matters dealing with the preservation of historic materials;

306 ~~[(10)]~~ (11) make recommendations on conservation needs and make arrangements to

307 contract for conservation services for objects of significance;

308       ~~[(11)]~~ (12) make recommendations for the transfer or loan of objects of significance as

309 detailed in the approved collections policy;

310       ~~[(12)]~~ (13) make recommendations to transfer, sell, or otherwise dispose of unused

311 surplus property that is not of significance as defined in the collections policy and by the

312 registration system;

313       ~~[(13)]~~ (14) approve all art and exhibits placed on capitol hill after board approval;

314       ~~[(14)]~~ (15) employ staff to assist him in administering this chapter and direct and

315 coordinate their activities;

316       ~~[(15)]~~ (16) contract for professional services of qualified consultants, including

317 architectural historians, landscape architects with experience in landscape architectural

318 preservation, conservators, historians, historic architects, engineers, artists, exhibit designers,

319 and craftsmen;

320       ~~[(16)]~~ (17) prepare annually a complete and detailed written report for the board that

321 accounts for all funds received and disbursed by the board during the preceding fiscal year;

322 ~~[and]~~

323       ~~[(17)]~~ (18) develop and manage a visitor services program for capitol hill ~~[with duties~~

324 ~~that]~~ which shall include [conducting] public outreach programs, public tours, [managing]

325 events, a gift shop, and [providing] communication and public relation services[-]; and

326       (19) manage and organize all transit and parking programs on the capitol hill complex,

327 except that the Legislative Management Committee shall direct the executive director's

328 management and organization of transit and parking associated with the legislative area as

329 defined in Section 36-5-1.

330 Section 7. Section **63C-9-502** is amended to read:

331 **63C-9-502. Fund created -- Donations.**

332 (1) There is created a restricted special revenue fund entitled the "State Capitol Fund."

333 (2) The fund consists of monies generated from the following revenue sources:

334 (a) any donations, deposits, contributions, gifts, money, and items of value received

335 from private persons, foundations, or organizations;

336 (b) gift shop profits;

337 ~~[(b)]~~ (c) appropriations made to the fund by the Legislature; and

- 338            [~~e~~] (d) monies received by the board from the federal government.  
339            (3) (a) The fund shall earn interest.  
340            (b) All interest earned on fund monies shall be deposited into the fund.  
341            (4) The board may use fund monies to:  
342            (a) acquire historical and other items to furnish the capitol hill facilities;  
343            (b) pay for the repair and maintenance of the capitol hill facilities and capitol hill  
344 grounds;  
345            (c) pay for the rehabilitation of the capitol hill facilities and capitol hill grounds; and  
346            (d) fund all costs incurred in complying with this chapter.

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**Legislative Review Note**  
**as of 2-15-06 9:36 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 SB0260**

**Capitol Preservation Board Revisions**

*17-Feb-06*

*11:19 AM*

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**State Impact**

Provisions of this bill can be implemented within existing budgets. No Fiscal Impact.

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**Individual and Business Impact**

Provisions of this bill can be implemented within existing budgets. No Fiscal Impact.

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**Office of the Legislative Fiscal Analyst**