

CAPITOL HILL WATER USAGE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ requires the State Capitol Preservation Board to reduce the amount of water that is used at the capitol hill complex by 25%;

▶ requires the State Capitol Preservation Board to create and implement a water management plan; and

▶ requires the State Capitol Preservation Board to consult with the Division of Water Resources.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63C-9-301, as last amended by Laws of Utah 2016, Chapters 215 and 245

63C-9-402, as last amended by Laws of Utah 2015, Chapter 314

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



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

29 **63C-9-301. Board powers -- Subcommittees.**

30 (1) The board shall:

31 (a) except as provided in Subsection (2), exercise complete jurisdiction and
32 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

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

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

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

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

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

42 (e) review and approve the executive director's:

43 (i) annual work plan; and

44 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
45 capitol hill grounds[~~; and~~], including:

46 [~~(iii)~~] (A) a furnishings plan for placement and care of objects under the care of the
47 board; and

48 (B) a water management plan;

49 (f) approve all changes to the buildings and their grounds, including:

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

51 (ii) usual maintenance program; and

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

53 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
54 facilities, and capitol hill grounds, after consultation with the:

55 (i) Division of Facilities Construction and Management;

56 (ii) State Library Division;

57 (iii) Division of Archives and Records Service;

58 (iv) Division of State History;

59 (v) Office of Museum Services; ~~and~~

60 (vi) Arts Council; and

61 (vii) Division of Water Resources;

62 (h) 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;

67 (iii) Division of Archives and Records Service;

68 (iv) Division of State History;

69 (v) Office of Museum Services; and

70 (vi) Arts Council;

71 (i) 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 (j) comply with federal and state laws related to program and facility accessibility;

76 ~~and~~

77 (k) exercise leadership in state efforts to promote water conservation; and

78 ~~(k)~~ (l) establish procedures for receiving, hearing, and deciding complaints or other
79 issues raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or
80 their use.

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

83 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is
84 reserved to the governor.

85 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
86 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
87 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

88 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the
89 board under the authority of this Subsection (3) is an infraction.

90 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject
91 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor
92 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does
93 not prohibit prosecution and sentencing for the more serious offense.

94 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person
95 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to
96 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,
97 expenses, and costs related to the violation of the rule that are incurred by the state.

98 (e) The board may take any other legal action allowed by law.

99 (f) The board may not apply this section or rules adopted under the authority of this
100 section in a manner that violates a person's rights under the Utah Constitution or the First
101 Amendment to the United States Constitution, including the right of persons to peaceably
102 assemble.

103 (g) The board shall send proposed rules under this section to the legislative general
104 counsel and the governor's general counsel for review and comment before the board adopts the
105 rules.

106 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
107 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
108 of that chapter.

109 (5) The board shall name the House Building, that is defined in Section [36-5-1](#), the
110 "Rebecca D. Lockhart House Building."

111 (6) (a) The board may:

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

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

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

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

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

120 (vi) in conjunction with Salt Lake City, expend money to;

121 (A) improve or maintain public property contiguous to East Capitol Boulevard and
122 capitol hill; and

123 (B) implement water conservation measures at the capitol hill complex;

124 (vii) provide wireless Internet service to the public without a fee in any capitol hill
125 facility; and

126 (viii) when necessary, consult with the:

127 (A) Division of Facilities Construction and Management;

128 (B) State Library Division;

129 (C) Division of Archives and Records Service;

130 (D) Division of State History;

131 (E) Office of Museum Services; [~~and~~]

132 (F) Arts Council[-]; and

133 (G) Division of Water Resources.

134 (b) The board's provision of wireless Internet service under Subsection [~~(5)~~] (6)(a)(vii)
135 shall be discontinued in the legislative area if the president of the Senate and the speaker of the
136 House of Representatives each submit a signed letter to the board indicating that the service is
137 disruptive to the legislative process and is to be discontinued.

138 (c) If a budget subcommittee is established by the board, the following shall serve as ex
139 officio, nonvoting members of the budget subcommittee:

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

142 (ii) the executive director of the Governor's Office of Management and Budget, or the
143 executive director's designee, who shall be from the Governor's Office of Management and
144 Budget.

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

148 (i) an architect, who shall be selected from a list of three architects submitted by the
149 American Institute of Architects; [~~or~~]

150 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
151 American Civil Engineers Council[-]; or

152 (iii) a water conservation specialist, selected from a list of three water conservation
153 specialists submitted by the Division of Water Resources.

154 (e) 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.

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

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

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

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

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

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

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

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

176 (d) Except for items identified by the board as having historical significance, and
177 except as provided in Subsection (7)(b), the board and the employees of the board have no
178 control over moveable furnishings and equipment in the custody of a state agency, official, or
179 employee having an office in a building on the capitol hill complex.

180 (8) (a) The board shall, before November 1, 2019, conduct an analysis of water use at
181 the capitol hill complex to determine:

182 (i) the total amount of water that has been used indoors and outdoors for each year in

183 the period beginning January 1, 1998 and ending December 31, 2018;
184 (ii) trends in indoor and outdoor water usage over time at the capitol hill complex,
185 including the relationship between water usage and:
186 (A) variations in weather; and
187 (B) the completion of renovations in capitol hill facilities;
188 (iii) the appropriateness of current water use for landscaping on capitol hill grounds
189 relative to:
190 (A) annual local evapotranspiration; and
191 (B) the landscape of and plant material on capitol hill grounds;
192 (iv) a baseline amount of water used annually at the capitol hill complex, including
193 standards and data to justify the baseline;
194 (v) efficiency standards that may be used to gauge progress toward the water reduction
195 requirements described in Subsection (8)(c)(i); and
196 (vi) opportunities for future water conservation, including potential savings from
197 incorporating more low-water turfgrasses and plant material on capitol hill grounds.
198 (b) Before November 1, 2020, the board shall, with the assistance of the executive
199 director:
200 (i) develop and approve a water management plan that:
201 (A) includes goals and plans regarding how the board will comply with the water
202 reduction requirements described in Subsection (8)(c)(i);
203 (B) is based upon the analysis conducted under Subsection (8)(a); and
204 (C) includes provisions to meter indoor and outdoor water use at the capitol hill
205 complex separately; and
206 (ii) incorporate the water management plan described in Subsection (8)(b)(i) into the
207 master plan described in Subsection [63C-9-402\(1\)](#).
208 (c) Before November 1, 2025, the board shall:
209 (i) in accordance with the water management plan described in Subsection (8)(b),
210 reduce the amount of water that is used at the capitol hill complex by 25%, compared to the
211 baseline determined under Subsection (8)(a)(iv); and
212 (ii) document progress toward complying with Subsection (8)(c)(i) using the efficiency
213 standards described in Subsection (8)(a)(v).

214 Section 2. Section **63C-9-402** is amended to read:

215 **63C-9-402. Executive director -- Duties.**

216 The executive director shall:

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

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

224 (3) (a) assist the board in developing a water management plan by which the board may
225 comply with Subsection [63C-9-301\(8\)\(c\)](#); and

226 (b) incorporate the water management plan into the master plan described in
227 Subsection (1);

228 [~~(3)~~] (4) prepare, and recommend for board approval, an annual budget and work plan,
229 that is consistent with the master plan, for all work to be performed under this chapter,
230 including usual operations and maintenance and janitorial and preventative maintenance for the
231 capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;

232 [~~(4)~~] (5) develop an operations, maintenance, and janitorial program for the capitol hill
233 complex, capitol hill facilities, capitol hill grounds, and their contents;

234 [~~(5)~~] (6) develop a program to purchase or accept by donation, permanent loan, or
235 outside funding items necessary to implement the master plan;

236 [~~(6)~~] (7) develop and maintain a registration system and inventory of the contents of
237 the capitol hill facilities and capitol hill grounds and of the original documents relating to the
238 buildings' construction and alteration;

239 [~~(7)~~] (8) develop a program to purchase or accept by donation, permanent loan, or
240 outside funding items of historical significance that were at one time in the capitol hill facilities
241 and that are not owned by the state;

242 [~~(8)~~] (9) develop a program to locate and acquire state-owned items of historical
243 significance that were at one time in the buildings;

244 [~~(9)~~] (10) develop a collections policy regarding the items of historic significance as

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

246 ~~[(10)]~~ (11) assist in matters dealing with the preservation of historic materials;

247 ~~[(11)]~~ (12) make recommendations on conservation needs and make arrangements to

248 contract for conservation services for objects of significance;

249 ~~[(12)]~~ (13) make recommendations for the transfer or loan of objects of significance as

250 detailed in the approved collections policy;

251 ~~[(13)]~~ (14) make recommendations to transfer, sell, or otherwise dispose of unused

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

253 registration system;

254 ~~[(14)]~~ (15) approve all art and exhibits placed on capitol hill after board approval;

255 ~~[(15)]~~ (16) employ staff to assist ~~[him]~~ the executive director in administering this

256 chapter and direct and coordinate their activities;

257 ~~[(16)]~~ (17) contract for professional services of qualified consultants, including

258 architectural historians, landscape architects with experience in landscape architectural

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

260 and craftsmen;

261 ~~[(17)]~~ (18) prepare annually a complete and detailed written report for the board that

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

263 ~~[(18)]~~ (19) develop and manage a visitor services program for capitol hill which shall

264 include public outreach programs, public tours, events, and communication and public relation

265 services; and

266 ~~[(19)]~~ (20) manage and organize all transit and parking programs on the capitol hill

267 complex, except that:

268 (a) the Legislative Management Committee shall direct the executive director's

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

270 defined in Section [36-5-1](#); and

271 (b) the governor shall direct the executive director's management and organization of

272 transit and parking associated with the governor's area as defined in Section [67-1-16](#).