

1 **MEMORIAL PLAQUE OF GEORGE E. WAHLEN**
2 **IN THE CAPITOL**
3 2002 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Gerry A. Adair**

6 **This act modifies the powers of the State Capitol Preservation Board by requiring the board**
7 **to place a memorial plaque in the State Capitol Building honoring George E. Wahlen.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **63C-9-301**, as last amended by Chapter 76, Laws of Utah 2001

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

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

13 **63C-9-301. Board powers.**

14 (1) The board shall:

15 (a) except as provided in Subsection (2), exercise complete jurisdiction over capitol hill
16 facilities and capitol hill grounds;

17 (b) preserve, maintain, and restore capitol hill facilities, capitol hill grounds, and their
18 contents;

19 (c) consult with the Division of Facilities Construction and Management, the State Library
20 Division, the Division of Archives and Records Service, the Division of State History, the Office
21 of Museum Services, and the Arts Council when necessary;

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

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

26 (i) the governor, through the Office of Planning and Budget; and

27 (ii) the Legislature's appropriations subcommittee responsible for capital facilities, through



28 the Office of Legislative Fiscal Analyst;

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

30 (i) annual work plan;

31 (ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and

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

33 (g) approve all changes to the buildings and their grounds, including:

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

35 (ii) usual maintenance; and

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

37 (h) define and identify all significant aspects of capitol hill facilities and capitol hill

38 grounds, after consultation with the Division of Facilities Construction and Management, State

39 Library Division, the Division of Archives and Records Service, the Division of State History, the

40 Office of Museum Services, and the Arts Council;

41 (i) inventory, define, and identify all significant contents of the buildings and all

42 state-owned items of historical significance that were at one time in the buildings, after

43 consultation with the Division of Facilities Construction and Management, State Library Division,

44 the Division of Archives and Records Service, the Division of State History, the Office of Museum

45 Services, and the Arts Council;

46 (j) maintain archives relating to the construction and development of the buildings, the

47 contents of the buildings and their grounds, including documents such as plans, specifications,

48 photographs, purchase orders, and other related documents, the original copies of which shall be

49 maintained by the Division of Archives and Records Service;

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

51 (l) establish procedures for receiving, hearing, and deciding complaints or other issues

52 raised about the capitol hill facilities, capitol hill grounds, or their use.

53 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area

54 is reserved to the Legislature.

55 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill

56 facilities and capitol hill grounds by following the procedures and requirements of Title 63,

57 Chapter 46a, Utah Administrative Rulemaking Act.

58 (b) A person who violates a rule adopted by the board under the authority of this

59 Subsection (3) is guilty of a class C misdemeanor.

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

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

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

68 (5) The board shall, in consultation with the State Capitol Art Placement Commission
69 created in Section 63C-9-702, place a memorial plaque in the State Capitol Building honoring
70 Utah native and Medal of Honor recipient George E. Wahlen.

71 [~~5~~] (6) (a) The board may:

72 (i) establish subcommittees made up of board members to assist and support the executive
73 director in accomplishing his duties;

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

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

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

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

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

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

85 (c) If the board establishes any subcommittees, the board may, by majority vote, appoint
86 up to two people who are not members of the board to serve, at the will of the board, as nonvoting
87 members of a subcommittee.

88 [~~6~~] (7) (a) The board, and the employees of the board, may not move the office of the
89 governor, lieutenant governor, president of the Senate, speaker of the House of Representatives,

90 or a member of the Legislature from the State Capitol Building unless the removal is approved by:

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

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

93 (iii) the president of the Senate, in the case of the president's office or the office of a

94 member of the Senate; or

95 (iv) the speaker of the House of Representatives, in the case of the speaker's office or the

96 office of a member of the House.

97 (b) The board and the employees of the board have no control over the furniture,

98 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the

99 members of the Legislature except as necessary to inventory or conserve items of historical

100 significance owned by the state.

101 (c) The board and the employees of the board have no control over records and documents

102 produced by or in the custody of a state agency, official, or employee having an office in a building

103 on capitol hill.

104 (d) Except for items identified by the board as having historical significance, and except

105 as provided in Subsection [~~(6)~~] (7)(b), the board and the employees of the board have no control

106 over moveable furnishings and equipment in the custody of a state agency, official, or employee

107 having an office in a building on capitol hill.

Legislative Review Note

as of 1-28-02 2:44 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel