

DEPARTMENT OF COMMUNITY AND CULTURE

GRANTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheryl L. Allen

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill modifies provisions of Title 9, Community and Culture Development, regarding grant programs administered by certain divisions, offices, and boards within the Department of Community and Culture in the divisions of Arts and Museums, State Library, and State History.

Highlighted Provisions:

This bill:

► provides that the Board of Directors of the Utah Arts Council, the Museum Services Advisory Board, the State Library Board, and the Board of State History prepare and submit an annual request to the governor and Legislature for prioritized capital facilities grants to be awarded to eligible applicants;

~~§→ [→→ provides an annual cutoff date for receiving capital facilities grant applications and for submission of prioritized capital requests to the governor and Legislature;~~

~~→→ allows divisions within the Department of Community and Culture charged with administering independent grants to use up to ~~5%~~ [3%] 2% ~~5%~~ of the grant money for technical assistance and administrative overhead costs; ~~5%~~ [and] provides for progress reports as a precondition to the dispersal of grant funds; and ~~5%~~ ~~5%~~ ←§~~

► makes certain technical changes.

Monies Appropriated in this Bill:

None

H.B. 236



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **9-6-205**, as last amended by Laws of Utah 2008, Chapter 382

33 **9-6-605**, as last amended by Laws of Utah 2008, Chapter 382

34 **9-7-205**, as last amended by Laws of Utah 2001, Chapter 73

35 **9-8-205**, as last amended by Laws of Utah 1997, Chapter 353



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

38 Section 1. Section **9-6-205** is amended to read:

39 **9-6-205. Board powers and duties.**

40 (1) The board may:

41 (a) make, amend, or repeal rules for the conduct of its business in governing the
42 institute and the division in accordance with Title 63G, Chapter 3, Utah Administrative
43 Rulemaking Act;

44 (b) receive gifts, bequests, and property; and

45 (c) issue certificates and offer and confer prizes, certificates, and awards for works of
46 art and achievement in the arts.

47 (2) The board shall make policy for the institute and for the division.

48 (3) (a) By September 30 of each year, the board shall prepare and submit a request to
49 the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible
50 individuals and organizations under this part and Parts 3 through 5.

51 (b) The board shall prepare a list of the requested capital facilities grants in a
52 prioritized order and include a written explanation of:

53 (i) the total grant amount requested in the list; and

54 (ii) the basis of its prioritization of requested grants on the list.

55 (c) The board shall accept applications for capital facilities grants through June 1 of
56 each year, prior to compiling and submitting its yearly request to the governor and the
57 Legislature under Subsection (3)(a).

58 ~~§~~ → ~~[(4) When charged with administering an independent grant, the Division of Arts and~~ ← ~~§~~

59 ~~§~~ → Museums may retain up to ~~¶~~ → [3%] 2% ← ~~¶~~ of the money provided for the grant for technical
 59a assistance and
 60 administrative overhead costs, but not less than \$500 or more than ~~¶~~ → [\$10,000] \$5,000 ← ~~¶~~
 60a dependent on the
 61 size and complexity of the grant being administered.
 61a ~~¶~~ → (5)(a) For a grant of at least \$25,000, the division shall make quarterly
 61b disbursements to the grant recipient, contingent upon the division receiving a quarterly
 61c progress report from the recipient.
 61d ~~¶~~ → (b) The division shall:
 61e ~~¶~~ → (i) provide each grant recipient with a progress report form for the reporting purposes
 61f of Subsection (5)(a); and
 61g ~~¶~~ → (ii) include reporting requirement instructions with the form. ← ~~¶~~] ← ~~§~~

62 Section 2. Section 9-6-605 is amended to read:

63 **9-6-605. Board -- Duties.**

64 (1) The board is the policymaking body for the office.

65 (2) The board shall, in consultation with the director of the office:

66 (a) set policies and, in accordance with Title 63G, Chapter 3, Utah Administrative
 67 Rulemaking Act, make rules governing:

68 (i) the office grants program; and

69 (ii) the awarding of grants to assist Utah's eligible museums; and

70 (b) set eligibility guidelines for grants administered through the office.

71 (3) (a) By September 30 of each year, the board shall prepare and submit a request to
 72 the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible
 73 museums under this part.

74 (b) The board shall prepare a list of the requested capital facilities grants in a
 75 prioritized order and include a written explanation of:

76 (i) the total grant amount requested in the list; and

77 (ii) the basis of its prioritization of requested grants on the list.

78 (c) The board shall accept applications for capital facilities grants through June 1 of
 79 each year, prior to compiling and submitting its yearly request to the governor and the
 80 Legislature under Subsection (3)(a).

81 ~~§~~ → [(4) When charged with administering an independent grant, the Division of Arts and
 82 Museums may retain up to ~~¶~~ → [3%] 2% ← ~~¶~~ of the money provided for the grant for technical
 82a assistance and ← ~~§~~

- 83 ~~§→~~ administrative overhead costs, but not less than \$500 or more than ~~→~~ [\$10,000] \$5,000 ~~←~~→
- 83a dependent on the
- 84 size and complexity of the grant being administered.
- 84a ~~→~~ (5)(a) For a grant of at least \$25,000, the
- 84b division shall make quarterly disbursements to the grant recipient, contingent upon the
- 84c division receiving a quarterly progress report from the recipient.
- 84d ~~→~~ (b) The division shall:
- 84e ~~→~~ (i) provide each grant recipient with a progress report form for the reporting purposes
- 84f of Subsection (5)(a); and
- 84g ~~→~~ (ii) include reporting requirement instructions with the form. ~~←~~→ ~~←~~→

85 Section 3. Section 9-7-205 is amended to read:

86 **9-7-205. Duties of board and director.**

87 (1) The board shall:

88 (a) promote, develop, and organize a state library and make provisions for its housing;

89 (b) promote and develop library services throughout the state in cooperation with [any

90 ~~and all~~] other state or municipal libraries, schools, or other agencies wherever practical;

91 (c) promote the establishment of district, regional, or multicounty libraries as
92 conditions within particular areas of the state may require;

93 (d) supervise the books and materials of the state library and require the keeping of
94 careful and complete records of the condition and affairs of the state library [~~to be kept~~];

95 (e) establish policies for the administration of the division and for the control,
96 distribution, and lending of books and materials to those libraries, institutions, groups, or
97 individuals entitled to them under this chapter;

98 (f) serve as the agency of the state for the administration of [~~any~~] state or federal funds
99 that may be appropriated to further library development within the state;

100 (g) aid and provide general advisory assistance in the development of statewide school
101 library service and encourage contractual and cooperative relations between school and public
102 libraries;

103 (h) give assistance, advice, and counsel to all tax-supported libraries [~~of any type~~]
104 within the state and to all communities or persons proposing to establish them and conduct
105 courses and institutes on the approved methods of operation, selection of books, or other
106 activities necessary to the proper administration of a library;

107 (i) furnish or contract for the furnishing of library or information service to state
108 officials, state departments, or any groups that in the opinion of the director warrant the
109 furnishing of those services, particularly through the facilities of traveling libraries to those
110 parts of the state otherwise inadequately supplied by libraries;

111 (j) where sufficient need exists and if the director considers it advisable, establish and
112 maintain special departments in the state library to provide services for the blind, visually
113 impaired, persons with disabilities, and professional, occupational, and other groups;

114 (k) administer a depository library program by collecting state publications, and
115 providing a bibliographic information system;

116 (l) require [~~that~~] the collection of information and statistics necessary to the work of
117 the state library [~~be collected,~~] and [~~that~~] the distribution of findings and reports [~~be published~~];

118 (m) make any report concerning the activities of the state library to the governor as [~~he~~]
119 the governor may require; and

120 (n) develop standards for public libraries.

121 (2) (a) By September 30 of each year, the board shall prepare and submit a request to
 122 the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible
 123 libraries under this chapter.

124 (b) The board shall prepare a list of the requested capital facilities grants in a
 125 prioritized order and include a written explanation of:

126 (i) the total grant amount requested in the list; and

127 (ii) the basis of its prioritization of requested grants on the list.

128 (c) The board shall accept applications for capital facilities grants through June 1 of
 129 each year, prior to compiling and submitting its yearly request to the governor and Legislature
 130 under Subsection (2)(a).

131 ~~§→ [(3) When charged with administering an independent grant, the State Library Division~~
 132 ~~may retain up to ~~Ĥ→ [3%] 2% ←Ĥ~~ of the money provided for the grant for technical assistance and~~
 133 ~~administrative overhead costs, but not less than \$500 or more than ~~Ĥ→ [\$10,000] \$5,000 ←Ĥ~~~~
 133a ~~dependent on the~~
 134 ~~size and complexity of the grant being administered.] ←§~~

135 ~~[(2)]~~ ~~§→ [(4)] (3) ←§ Ĥ→~~ (a) For a grant of at least \$25,000, the division shall make quarterly
 135a disbursements to the grant recipient, contingent upon the division receiving a quarterly
 135b progress report from the recipient.

135c (b) The division shall:

135d (i) provide each grant recipient with a progress report form for the reporting purposes
 135e of Subsection (4)(a); and

135f (ii) include reporting requirement instructions with the form.

135g ~~§→ [(5)] (4) ←§ ←Ĥ~~ The director shall, under the policy direction of the board, carry out the
 136 responsibilities under Subsection (1).

137 Section 4. Section ~~9-8-205~~ is amended to read:

138 **9-8-205. Board duties and powers.**

139 (1) The board shall:

140 (a) make policies to direct the division director in carrying out ~~[his]~~ the director's
 141 duties;

142 (b) approve the division's rules;

143 (c) assist the division in development programs consistent with this chapter;

144 (d) function as the State Review Board for purposes of the historic preservation
 145 program;

146 (e) recommend districts, sites, buildings, structures, and objects for listing on the State
 147 and National Historic Registers to the director;

148 (f) review and approve, if appropriate, matching grants under Subsection
 149 ~~9-8-203(3)[(b)](c)(ii);~~ and

150 (g) function as the board of the society.

151 (2) (a) By September 30 of each year, the board shall prepare and submit a request to

152 the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible
153 institutions under this chapter.

154 (b) The board shall prepare a list of the requested capital facilities grants in a
155 prioritized order and include a written explanation of:

156 (i) the total grant amount requested in the list; and

157 (ii) the basis of its prioritization of requested grants on the list.

158 (c) The board shall accept applications for capital facilities grants by June 1 of each
159 year, prior to compiling and submitting its yearly request to the governor and Legislature under
160 Subsection (2)(a).

161 ~~§→ [(3) When charged with administering an independent grant, the Division of State~~
162 ~~History may retain up to ~~11~~→ [3%] 2% ←~~11~~ of the money provided for the grant for technical~~
162a ~~assistance and~~
163 ~~administrative overhead costs, but not less than \$500 or more than ~~11~~→ [\$10,000] \$5,000 ←~~11~~~~
163a ~~dependent on the~~
164 ~~size and complexity of the grant being administered.] ←~~§~~~~

165 [(2)] ~~§→ [(4)] (3) ←~~§~~ ~~11~~→~~ (a) For a grant of at least \$25,000, the division shall make quarterly
165a dispersments to the grant recipient, contingent upon the division receiving a quarterly
165b progress report from the recipient.

165c (b) The division shall:

165d (i) provide each grant recipient with a progress report form for the reporting purposes
165e of Subsection (5)(a); and

165f (ii) include reporting requirement instructions with the form.

165g ~~§→ [(5)] (4) ←~~§~~ ←~~11~~~~ The board may establish advisory committees to assist it and the division in
166 carrying out their responsibilities under this chapter.

Legislative Review Note
as of 12-30-08 9:01 AM

Office of Legislative Research and General Counsel

H.B. 236 - Department of Community and Culture Grants

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill would allow the Department of Community and Culture to cover administrative costs by retaining three percent of appropriations it receives for targeted grants. The ultimate impact will depend on the amount of targeted grants appropriated in a given fiscal year.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals. Grant recipients may lose a portion of targeted assistance.
