

Senator Lyle W. Hillyard proposes the following substitute bill:

DEPARTMENT OF COMMUNITY AND CULTURE

GRANTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheryl L. Allen

Senate Sponsor: Ralph Okerlund

Cosponsors:

Julie Fisher

Jennifer M. Seelig

Jim Bird

Kory M. Holdaway

Christine F. Watkins

Jackie Biskupski

Steven R. Mascaro

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;

► provides for progress reports as a precondition to the dispersal of grant funds; and



26 ▶ makes certain technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **9-6-205**, as last amended by Laws of Utah 2008, Chapter 382

34 **9-6-605**, as last amended by Laws of Utah 2008, Chapter 382

35 **9-7-205**, as last amended by Laws of Utah 2001, Chapter 73

36 **9-8-205**, as last amended by Laws of Utah 1997, Chapter 353



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

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

40 **9-6-205. Board powers and duties.**

41 (1) The board may:

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

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

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

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

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

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

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

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

56 (c) The board shall accept applications for capital facilities grants through June 1 of

57 each year, prior to compiling and submitting its yearly request to the governor and the
58 Legislature under Subsection (3)(a).

59 (4) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements
60 to the grant recipient, contingent upon the division receiving a quarterly progress report from
61 the recipient.

62 (b) The division shall:

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

65 (ii) include reporting requirement instructions with the form.

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

67 **9-6-605. Board -- Duties.**

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

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

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

72 (i) the office grants program; and

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

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

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

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

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

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

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

85 (4) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements
86 to the grant recipient, contingent upon the division receiving a quarterly progress report from
87 the recipient.

- 88 (b) The division shall:
- 89 (i) provide each grant recipient with a progress report form for the reporting purposes
- 90 of Subsection (4)(a); and
- 91 (ii) include reporting requirement instructions with the form.

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

93 **9-7-205. Duties of board and director.**

94 (1) The board shall:

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

96 (b) promote and develop library services throughout the state in cooperation with [~~any~~
97 ~~and all~~] other state or municipal libraries, schools, or other agencies wherever practical;

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

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

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

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

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

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

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

118 (j) where sufficient need exists and if the director considers it advisable, establish and

119 maintain special departments in the state library to provide services for the blind, visually
120 impaired, persons with disabilities, and professional, occupational, and other groups;

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

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

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

127 (n) develop standards for public libraries.

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

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

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

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

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

138 (3) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements
139 to the grant recipient, contingent upon the division receiving a quarterly progress report from
140 the recipient.

141 (b) The division shall:

142 (i) provide each grant recipient with a progress report form for the reporting purposes
143 of Subsection (3)(a); and

144 (ii) include reporting requirement instructions with the form.

145 ~~[(2)]~~ (4) The director shall, under the policy direction of the board, carry out the
146 responsibilities under Subsection (1).

147 Section 4. Section **9-8-205** is amended to read:

148 **9-8-205. Board duties and powers.**

149 (1) The board shall:

- 150 (a) make policies to direct the division director in carrying out [~~his~~] the director's
151 duties;
- 152 (b) approve the division's rules;
- 153 (c) assist the division in development programs consistent with this chapter;
- 154 (d) function as the State Review Board for purposes of the historic preservation
155 program;
- 156 (e) recommend districts, sites, buildings, structures, and objects for listing on the State
157 and National Historic Registers to the director;
- 158 (f) review and approve, if appropriate, matching grants under Subsection
159 9-8-203(3)[~~(b)~~](c)(ii); and
- 160 (g) function as the board of the society.
- 161 (2) (a) By September 30 of each year, the board shall prepare and submit a request to
162 the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible
163 institutions under this chapter.
- 164 (b) The board shall prepare a list of the requested capital facilities grants in a
165 prioritized order and include a written explanation of:
- 166 (i) the total grant amount requested in the list; and
167 (ii) the basis of its prioritization of requested grants on the list.
- 168 (c) The board shall accept applications for capital facilities grants by June 1 of each
169 year, prior to compiling and submitting its yearly request to the governor and Legislature under
170 Subsection (2)(a).
- 171 (3) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements
172 to the grant recipient, contingent upon the division receiving a quarterly progress report from
173 the recipient.
- 174 (b) The division shall:
- 175 (i) provide each grant recipient with a progress report form for the reporting purposes
176 of Subsection (3)(a); and
- 177 (ii) include reporting requirement instructions with the form.
- 178 [~~2~~] (4) The board may establish advisory committees to assist it and the division in
179 carrying out their responsibilities under this chapter.

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Fiscal Note

2009 General Session

State of Utah

State Impact

Administrative costs for the Department of Community and Culture will depend on the number of capital grants issued in any given year. If only a few allocations occur costs could be absorbed within existing budgets.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
