

1 **DEPARTMENT OF COMMUNITY AND CULTURE**

2 **GRANTS AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Julie Fisher**

6 Senate Sponsor: Ralph Okerlund

7 Cosponsors:

 Neil A. Hansen

 Paul Ray

8 Laura Black

 Steven R. Mascaro

 Christine F. Watkins

9

10 **LONG TITLE**

11 **General Description:**

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

16 **Highlighted Provisions:**

17 This bill:

- 18 ▶ provides for quarterly disbursement and progress reports of pass-through funding
- 19 grants of at least \$25,000 administered by certain divisions, offices, and boards
- 20 within the Department of Community and Culture;
- 21 ▶ defines pass-through funding; and
- 22 ▶ makes certain technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **9-6-102**, as last amended by Laws of Utah 2006, Chapter 24

- 30 9-6-201, as last amended by Laws of Utah 2006, Chapter 24
- 31 9-6-205, as last amended by Laws of Utah 2009, Chapter 62
- 32 9-6-601, as renumbered and amended by Laws of Utah 2006, Chapter 24
- 33 9-6-603, as last amended by Laws of Utah 2008, Chapter 177
- 34 9-6-605, as last amended by Laws of Utah 2009, Chapter 62
- 35 9-7-101, as last amended by Laws of Utah 2006, Chapter 81
- 36 9-7-203, as last amended by Laws of Utah 2006, Chapter 81
- 37 9-7-205, as last amended by Laws of Utah 2009, Chapter 62
- 38 9-8-102, as enacted by Laws of Utah 1992, Chapters 150 and 241
- 39 9-8-203, as last amended by Laws of Utah 2008, Chapter 382
- 40 9-8-205, as last amended by Laws of Utah 2009, Chapter 62



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

43 Section 1. Section 9-6-102 is amended to read:

44 **9-6-102. Definitions.**

45 As used in this chapter:

- 46 (1) "Board" means the Board of Directors of the Utah Arts Council.
- 47 (2) "Council" means the Utah Arts Council.
- 48 (3) "Director" means the director of the Division of Arts and Museums.
- 49 (4) "Division" means the Division of Arts and Museums.
- 50 (5) (a) "Pass-through funding" means funds appropriated by the Legislature to a state
- 51 agency that are intended to be passed through the state agency to:
 - 52 (i) local governments;
 - 53 (ii) other government agencies;
 - 54 (iii) private organizations, including not-for-profits; or
 - 55 (iv) persons in the form of a loan or grant.
- 56 (b) The funding may be:
 - 57 (i) general funds, federal funds, dedicated credits, or any combination of funding

58 sources; and

59 (ii) ongoing or one-time.

60 Section 2. Section **9-6-201** is amended to read:

61 **9-6-201. Division of Arts and Museums -- Creation -- Powers and duties.**

62 (1) There is created within the department the Division of Arts and Museums under
63 the administration and general supervision of the executive director or the designee of the
64 executive director.

65 (2) The division shall be under the policy direction of the board.

66 (3) The division shall advance the interests of the arts, in all their phases, within the
67 state, and to that end shall:

68 (a) cooperate with and locally sponsor federal agencies and projects directed to similar
69 undertakings;

70 (b) develop the influence of arts in education;

71 (c) involve the private sector, including businesses, charitable interests, educational
72 interests, manufacturers, agriculturalists, and industrialists in these endeavors;

73 (d) utilize broadcasting facilities and the power of the press in disseminating
74 information; and

75 (e) foster, promote, encourage, and facilitate, not only a more general and lively study
76 of the arts, but take all necessary and useful means to stimulate a more abundant production of
77 an indigenous art in this state.

78 (4) The board shall set policy to guide the division in accomplishing the purposes set
79 forth in Subsection (3).

80 (5) The division may not grant funds for the support of any arts project under this
81 section unless the project has been first approved by the board.

82 (6) (a) For a pass-through funding grant of at least \$25,000, the division shall make
83 quarterly disbursements to the pass-through funding grant recipient, contingent upon the
84 division receiving a quarterly progress report from the pass-through grant recipient.

85 (b) The division shall:

86 (i) provide the pass-through grant recipient with a progress report form for the
87 reporting purposes of Subsection (6)(a); and

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

89 Section 3. Section **9-6-205** is amended to read:

90 **9-6-205. Board powers and duties.**

91 (1) The board may:

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

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

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

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

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

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

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

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

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

109 ~~[(4) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements~~
110 ~~to the grant recipient, contingent upon the division receiving a quarterly progress report from~~
111 ~~the recipient.]~~

112 ~~[(b) The division shall:]~~

113 ~~[(i) provide each grant recipient with a progress report form for the reporting purposes~~

114 of Subsection (4)(a); and]

115 [~~(ii) include reporting requirement instructions with the form.~~]

116 Section 4. Section **9-6-601** is amended to read:

117 **9-6-601. Definitions.**

118 As used in this part:

119 (1) "Museum" means an organized and permanent nonprofit institution, essentially
120 educational or aesthetic in purpose, with permanent staff, which:

- 121 (a) owns or utilizes tangible collections;
- 122 (b) cares for them; and
- 123 (c) exhibits them to the public on a regular schedule.

124 (2) "Office" means the Office of Museum Services.

125 (3) (a) "Pass-through funding" means funds appropriated by the Legislature to a state
126 agency that are intended to be passed through the state agency to:

- 127 (i) local governments;
- 128 (ii) other government agencies;
- 129 (iii) private organizations, including not-for-profits; or
- 130 (iv) persons in the form of a loan or grant.

131 (b) The funding may be:

- 132 (i) general funds, federal funds, dedicated credits, or any combination of funding
133 sources; and
- 134 (ii) ongoing or one-time.

135 Section 5. Section **9-6-603** is amended to read:

136 **9-6-603. Duties of office.**

137 (1) The office shall:

138 [~~(+)~~] (a) recommend to the Museum Services Advisory Board:

139 [~~(+)~~] (i) policies regarding:

140 [~~(+)~~] (A) a grants program; and

141 [~~(+)~~] (B) the equitable dissemination of office technical assistance; and

- 142 ~~[(b)]~~ (ii) guidelines for determining eligibility for office grants;
- 143 ~~[(2)]~~ (b) advise state and local government agencies and employees regarding museum
- 144 related issues, including museum capital development projects;
- 145 ~~[(3)]~~ (c) provide to Utah museums technical advice and information about sources of
- 146 direct technical assistance;
- 147 ~~[(4)]~~ (d) assist and advise Utah museums in locating sources of training for their
- 148 museum staff members;
- 149 ~~[(5)]~~ (e) develop and coordinate programs, workshops, seminars, and similar activities
- 150 designed to provide training for staff members of Utah museums;
- 151 ~~[(6)]~~ (f) undertake scholarly research as necessary to understand the training needs of
- 152 the museum community and to assess how those needs could best be met;
- 153 ~~[(7)]~~ (g) administer a state Museum Grant Program to assist eligible Utah museums;
- 154 and
- 155 ~~[(8)]~~ (h) establish a program by January 1, 2009, by rule, creating a certified local
- 156 museum designation, including any provisions necessary to ensure public confidence in
- 157 charitable solicitation undertaken by a certified local museum.

158 (2) (a) For a pass-through funding grant of at least \$25,000, the office shall make
 159 quarterly disbursements to the pass-through funding grant recipient, contingent upon the office
 160 receiving a quarterly progress report from the pass-through grant recipient.

161 (b) The office shall:

162 (i) provide the pass-through grant recipient with a progress report form for the
 163 reporting purposes of Subsection (2)(a); and

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

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

166 **9-6-605. Board -- Duties.**

- 167 (1) The board is the policymaking body for the office.
- 168 (2) The board shall, in consultation with the director of the office:
- 169 (a) set policies and, in accordance with Title 63G, Chapter 3, Utah Administrative

170 Rulemaking Act, make rules governing:

171 (i) the office grants program; and

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

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

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

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

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

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

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

184 ~~[(4) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements~~
185 ~~to the grant recipient, contingent upon the division receiving a quarterly progress report from~~
186 ~~the recipient.]~~

187 ~~[(b) The division shall:]~~

188 ~~[(i) provide each grant recipient with a progress report form for the reporting purposes~~
189 ~~of Subsection (4)(a); and]~~

190 ~~[(ii) include reporting requirement instructions with the form.]~~

191 Section 7. Section **9-7-101** is amended to read:

192 **9-7-101. Definitions.**

193 As used in this chapter:

194 (1) "Division" means the State Library Division.

195 (2) "Library board" means the library board of directors appointed locally as
196 authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for
197 library services within a city or county of the state, regardless of the title by which it is known

198 locally.

199 (3) (a) "Pass-through funding" means funds appropriated by the Legislature to a state
200 agency that are intended to be passed through the state agency to:

201 (i) local governments;

202 (ii) other government agencies;

203 (iii) private organizations, including not-for-profits; or

204 (iv) persons in the form of a loan or grant.

205 (b) The funding may be:

206 (i) general funds, federal funds, dedicated credits, or any combination of funding
207 sources; and

208 (ii) ongoing or one-time.

209 [~~3~~] (4) "Physical format" means a transportable medium in which analog or digital
210 information is published, such as print, microform, magnetic disk, or optical disk.

211 [~~4~~] (5) "Policy" means the public library online access policy adopted by a library
212 board to meet the requirements of Section 9-7-215.

213 [~~5~~] (6) "Political subdivision" means a county, city, town, school district, public
214 transit district, redevelopment agency, or special improvement or taxing district.

215 [~~6~~] (7) "State agency" means the state, an office, department, agency, authority,
216 commission, board, institution, hospital, college, university, or other instrumentality of the
217 state.

218 [~~7~~] (8) (a) "State publication" means a book, compilation, directory, document,
219 contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,
220 monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum,
221 resolution, register, rule, report, statute, audiovisual material, electronic publication,
222 micrographic form and tape or disc recording regardless of format or method of reproduction,
223 issued or published by a state agency or political subdivision for distribution.

224 (b) "State publication" does not include correspondence, internal confidential
225 publications, office memoranda, university press publications, or publications of the state

226 historical society.

227 Section 8. Section **9-7-203** is amended to read:

228 **9-7-203. Division duties.**

229 (1) The division shall:

230 [~~(1)~~] (a) establish, operate, and maintain a state publications collection, a digital
231 library of state publications, a bibliographic control system, and depositories as provided in
232 this part;

233 [~~(2)~~] (b) cooperate with:

234 [~~(a)~~] (i) other agencies to facilitate public access to government information through
235 electronic networks or other means;

236 [~~(b)~~] (ii) other state or national libraries or library agencies; and

237 [~~(c)~~] (iii) the federal government or agencies in accepting federal aid whether in the
238 form of funds or otherwise;

239 [~~(3)~~] (c) receive bequests, gifts, and endowments of money and deposit the funds with
240 the state treasurer to be placed in the State Library Donation Fund, which funds shall be held
241 for the purpose, if any, specifically directed by the donor; and

242 [~~(4)~~] (d) receive bequests, gifts, and endowments of property to be held, used, or
243 disposed of, as directed by the donor, with the approval of the Division of Finance.

244 (2) (a) For a pass-through funding grant of at least \$25,000, the division shall make
245 quarterly disbursements to the pass-through funding grant recipient, contingent upon the
246 division receiving a quarterly progress report from the pass-through grant recipient.

247 (b) The division shall:

248 (i) provide the pass-through grant recipient with a progress report form for the
249 reporting purposes of Subsection (2)(a); and

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

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

252 **9-7-205. Duties of board and director.**

253 (1) The board shall:

- 254 (a) promote, develop, and organize a state library and make provisions for its housing;
- 255 (b) promote and develop library services throughout the state in cooperation with other
256 state or municipal libraries, schools, or other agencies wherever practical;
- 257 (c) promote the establishment of district, regional, or multicounty libraries as
258 conditions within particular areas of the state may require;
- 259 (d) supervise the books and materials of the state library and require the keeping of
260 careful and complete records of the condition and affairs of the state library;
- 261 (e) establish policies for the administration of the division and for the control,
262 distribution, and lending of books and materials to those libraries, institutions, groups, or
263 individuals entitled to them under this chapter;
- 264 (f) serve as the agency of the state for the administration of state or federal funds that
265 may be appropriated to further library development within the state;
- 266 (g) aid and provide general advisory assistance in the development of statewide school
267 library service and encourage contractual and cooperative relations between school and public
268 libraries;
- 269 (h) give assistance, advice, and counsel to all tax-supported libraries within the state
270 and to all communities or persons proposing to establish them and conduct courses and
271 institutes on the approved methods of operation, selection of books, or other activities
272 necessary to the proper administration of a library;
- 273 (i) furnish or contract for the furnishing of library or information service to state
274 officials, state departments, or any groups that in the opinion of the director warrant the
275 furnishing of those services, particularly through the facilities of traveling libraries to those
276 parts of the state otherwise inadequately supplied by libraries;
- 277 (j) where sufficient need exists and if the director considers it advisable, establish and
278 maintain special departments in the state library to provide services for the blind, visually
279 impaired, persons with disabilities, and professional, occupational, and other groups;
- 280 (k) administer a depository library program by collecting state publications, and
281 providing a bibliographic information system;

282 (l) require the collection of information and statistics necessary to the work of the state
283 library and the distribution of findings and reports;

284 (m) make any report concerning the activities of the state library to the governor as the
285 governor may require; and

286 (n) develop standards for public libraries.

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

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

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

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

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

297 [~~(3) (a) For a grant of at least \$25,000, the division shall make quarterly disbursements~~
298 ~~to the grant recipient, contingent upon the division receiving a quarterly progress report from~~
299 ~~the recipient.]~~

300 [~~(b) The division shall:]~~

301 [~~(i) provide each grant recipient with a progress report form for the reporting purposes~~
302 ~~of Subsection (3)(a); and]~~

303 [~~(ii) include reporting requirement instructions with the form.]~~

304 [~~(4)~~ (3)] The director shall, under the policy direction of the board, carry out the
305 responsibilities under Subsection (1).

306 Section 10. Section **9-8-102** is amended to read:

307 **9-8-102. Definitions.**

308 As used in this chapter:

309 (1) "Board" means the Board of State History.

310 (2) "Director" means the director of the Division of State History.

311 (3) "Division" means the Division of State History.

312 (4) "Documentary materials" means written or documentary information contained in
313 published materials, manuscript collections, archival materials, photographs, sound
314 recordings, motion pictures, and other written, visual, and aural materials, except government
315 records.

316 (5) "Historical artifacts" means objects produced or shaped by human efforts, a natural
317 object deliberately selected and used by a human, an object of aesthetic interest, and any
318 human-made objects produced, used, or valued by the historic peoples of Utah.

319 (6) (a) "Pass-through funding" means funds appropriated by the Legislature to a state
320 agency that are intended to be passed through the state agency to:

321 (i) local governments;

322 (ii) other government agencies;

323 (iii) private organizations, including not-for-profits; or

324 (iv) persons in the form of a loan or grant.

325 (b) The funding may be:

326 (i) general funds, federal funds, dedicated credits, or any combination of funding
327 sources; and

328 (ii) ongoing or one-time.

329 [~~6~~] (7) "Society" means the Utah State Historical Society.

330 Section 11. Section **9-8-203** is amended to read:

331 **9-8-203. Division duties.**

332 (1) The division shall:

333 (a) stimulate research, study, and activity in the field of Utah history and related
334 history;

335 (b) maintain a specialized history library;

336 (c) mark and preserve historic sites, areas, and remains;

337 (d) collect, preserve, and administer historical records relating to the history of Utah;

338 (e) administer, collect, preserve, document, interpret, develop, and exhibit historical
339 artifacts, documentary materials, and other objects relating to the history of Utah for
340 educational and cultural purposes;

341 (f) edit and publish historical records;

342 (g) cooperate with local, state, and federal agencies and schools and museums to
343 provide coordinated and organized activities for the collection, documentation, preservation,
344 interpretation, and exhibition of historical artifacts related to the state;

345 (h) provide grants and technical assistance as necessary and appropriate; and

346 (i) comply with the procedures and requirements of Title 63G, Chapter 4,

347 Administrative Procedures Act, in its adjudicative proceedings.

348 (2) The division may acquire or produce reproductions of historical artifacts and
349 documentary materials for educational and cultural use.

350 (3) To promote an appreciation of Utah history and to increase heritage tourism in the
351 state, the division shall:

352 (a) (i) create and maintain an inventory of all historic markers and monuments that are
353 accessible to the public throughout the state;

354 (ii) enter into cooperative agreements with other groups and organizations to collect
355 and maintain the information needed for the inventory;

356 (iii) encourage the use of volunteers to help collect the information and to maintain the
357 inventory;

358 (iv) publicize the information in the inventory in a variety of forms and media,
359 especially to encourage Utah citizens and tourists to visit the markers and monuments;

360 (v) work with public and private landowners, heritage organizations, and volunteer
361 groups to help maintain, repair, and landscape around the markers and monuments; and

362 (vi) make the inventory available upon request to all other public and private history
363 and heritage organizations, tourism organizations and businesses, and others;

364 (b) (i) create and maintain an inventory of all active and inactive cemeteries
365 throughout the state;

- 366 (ii) enter into cooperative agreements with local governments and other groups and
367 organizations to collect and maintain the information needed for the inventory;
- 368 (iii) encourage the use of volunteers to help collect the information and to maintain the
369 inventory;
- 370 (iv) encourage cemetery owners to create and maintain geographic information
371 systems to record burial sites and encourage volunteers to do so for inactive and small historic
372 cemeteries;
- 373 (v) publicize the information in the inventory in a variety of forms and media,
374 especially to encourage Utah citizens to participate in the care and upkeep of historic
375 cemeteries;
- 376 (vi) work with public and private cemeteries, heritage organizations, genealogical
377 groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites,
378 and tombstones; and
- 379 (vii) make the inventory available upon request to all other public and private history
380 and heritage organizations, tourism organizations and businesses, and others; and
- 381 (c) (i) create and maintain a computerized record of cemeteries and burial locations in
382 a state-coordinated and publicly accessible information system;
- 383 (ii) gather information for the information system created and maintained under
384 Subsection (3)(c)(i) by providing matching grants, upon approval by the board, to:
- 385 (A) municipal cemeteries;
- 386 (B) cemetery maintenance districts;
- 387 (C) endowment care cemeteries;
- 388 (D) private nonprofit cemeteries;
- 389 (E) genealogical associations; and
- 390 (F) other nonprofit groups with an interest in cemeteries; and
- 391 (iii) adopt rules, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking
392 Act, for granting matching funds under Subsection (3)(c)(ii) to assure that:
- 393 (A) professional standards are met; and

394 (B) projects are cost effective.

395 (4) (a) For a pass-through funding grant of at least \$25,000, the division shall make
396 quarterly disbursements to the pass-through funding grant recipient, contingent upon the
397 division receiving a quarterly progress report from the pass-through grant recipient.

398 (b) The division shall:

399 (i) provide the pass-through grant recipient with a progress report form for the
400 reporting purposes of Subsection (4)(a); and

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

402 [~~4~~] (5) This chapter may not be construed to authorize the division to acquire by
403 purchase any historical artifacts, documentary materials, or specimens that are restricted from
404 sale by federal law or the laws of any state, territory, or foreign nation.

405 Section 12. Section **9-8-205** is amended to read:

406 **9-8-205. Board duties and powers.**

407 (1) The board shall:

408 (a) make policies to direct the division director in carrying out the director's duties;

409 (b) approve the division's rules;

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

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

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

415 (f) review and approve, if appropriate, matching grants under Subsection
416 9-8-203(3)(c)(ii); and

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

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

421 (b) The board shall prepare a list of the requested capital facilities grants in a

422 prioritized order and include a written explanation of:

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

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

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

428 [~~(3)(a) For a grant of at least \$25,000, the division shall make quarterly disbursements~~
429 ~~to the grant recipient, contingent upon the division receiving a quarterly progress report from~~
430 ~~the recipient.]~~

431 [~~(b) The division shall:]~~

432 [~~(i) provide each grant recipient with a progress report form for the reporting purposes~~
433 ~~of Subsection (3)(a); and]~~

434 [~~(ii) include reporting requirement instructions with the form.]~~

435 [~~(4)~~ (3) The board may establish advisory committees to assist it and the division in
436 carrying out their responsibilities under this chapter.