

Cultural and Community Engagement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Christine F. Watkins

LONG TITLE

General Description:

This bill modifies provisions related to cultural and community engagement.

Highlighted Provisions:

This bill:

- amends terms;
- creates the Community Library Enhancement Fund Grant Program;
- creates the Utah Women's History Initiative;
- amends provisions of the State Library division;
- provides that a state agency with management authority over state lands shall retain temporary custody of remains under certain circumstances;
- amends certain provisions of the One Utah Service Fellowship Program (program), including:
 - allowing a third-party administrator to receive matching funds by a qualified partner organization for supplementing a living allowance;
 - providing exceptions for funding under certain circumstances;
 - requiring disbursement of a living allowance on no less than a monthly basis over the term of the agreement;
 - allowing an institution of higher education that is a qualified partner organization to enter into a tuition agreement with a student participant; and
 - provides that the director may discontinue a tuition-only award under the program if participation does not support continuation of the tuition-only award; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****9-1-201**, as last amended by Laws of Utah 2021, Chapter 184**9-1-208**, as last amended by Laws of Utah 2024, Chapter 379**9-6-201**, as last amended by Laws of Utah 2024, Chapter 323**9-6-301**, as last amended by Laws of Utah 2024, Chapter 506**9-7-101**, as last amended by Laws of Utah 2024, Chapter 323**9-7-201**, as last amended by Laws of Utah 2024, Chapter 323**9-7-203**, as last amended by Laws of Utah 2023, Chapters 160, 291**9-7-205**, as last amended by Laws of Utah 2024, Chapter 323**9-7-213**, as last amended by Laws of Utah 2023, Chapter 160**9-8a-309**, as renumbered and amended by Laws of Utah 2023, Chapter 160**9-9-403**, as last amended by Laws of Utah 2023, Chapter 160**9-9-405**, as last amended by Laws of Utah 2023, Chapter 160**9-20-301**, as enacted by Laws of Utah 2024, Chapter 379**9-24-102**, as last amended by Laws of Utah 2023, Chapter 160**ENACTS:****9-7-219**, Utah Code Annotated 1953**9-8-210**, Utah Code Annotated 1953**REPEALS:****9-7-207**, as last amended by Laws of Utah 2023, Chapters 160, 291 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 291**9-7-208**, as last amended by Laws of Utah 2023, Chapters 160, 291

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **9-1-201** is amended to read:**9-1-201 . Department of Cultural and Community Engagement -- Creation -- Powers and duties.**

(1) There is created the Department of Cultural and Community Engagement.

(2) The department is responsible for:

(a) planning, promoting, and supporting cultural and community engagement in the state, including programs and activities related to:

- 62 (i) libraries;
63 (ii) history;
64 (iii) the arts;
65 (iv) STEM engagement;
66 (v) museums;
67 (vi) cultural development;
68 (vii) cultural organizations;
69 (viii) multicultural organizations and communities;
70 (ix) service and volunteerism;[~~and~~]
71 (x) the coordination of relationships with tribal nations;
72 (xi) the regulation of professional unarmed combat sports; and
73 (xii) historic preservation;
74 (b) overseeing and coordinating the program plans of the divisions within the
75 department;
76 (c) administering and coordinating state and federal grant programs related to the
77 programs and activities described in Subsection (2)(a);
78 (d) administering any other programs over which the department is given administrative
79 supervision by the governor;
80 (e) submitting an annual written report to the governor and the Legislature as described
81 in Section 9-1-208;
82 (f) ensuring that any training or certification required of a public official or public
83 employee, as those terms are defined in Section 63G-22-102, complies with Title
84 63G, Chapter 22, State Training and Certification Requirements, if the training or
85 certification is required:
86 (i) under this title;
87 (ii) by the department; or
88 (iii) by an agency or division within the department; and
89 (g) performing any other duties as provided by the Legislature.
90 (3) The department may:
91 (a) solicit and accept contributions of money, services, and facilities from any other
92 sources, public or private, but may not use those contributions for publicizing the
93 exclusive interest of the donor; and
94 (b) establish a nonprofit foundation called the Cultural and Community Engagement
95 Foundation under the control and direction of the executive director to assist in the

development and implementation of the programs and objectives described in this title.

(4) Money received under Subsection (3)(a) shall be deposited into the General Fund as dedicated credits.

(5) A foundation established by the department under Subsection (3)(b):

(a) may receive contributions of money, services, and facilities from legislative appropriations, government grants, and private sources for the development and implementation of the programs and objectives described in this title;

(b) shall comply with the requirements described in Section 9-1-209; and

(c) shall provide information detailing all transactions and balances associated with the foundation to the department, which shall be summarized by the department and included in the department's annual report described in Section 9-1-208.

(6)(a) For a pass-through funding grant of \$50,000 or less, the department shall make an annual disbursement to the pass-through funding grant recipient.

(b) For a pass-through funding grant of more than \$50,000, the department shall make a semiannual disbursement to the pass-through funding grant recipient, contingent upon the department receiving a semiannual progress report from the pass-through funding grant recipient.

(c) The department shall:

- (i) provide the pass-through funding grant recipient with a progress report form for the reporting purposes described in Subsection (6)(b); and
- (ii) include reporting requirement instructions with the form.

Section 2. Section **9-1-208** is amended to read:

9-1-208 . Annual report -- Content -- Format.

(1) [The] On or before November 1 of each year, the department shall prepare and submit to the governor and the Legislature[~~, by October 1 of each year,~~] an annual written report of the operations, activities, programs, and services of the department, including its divisions, offices, boards, commissions, councils, and committees, for the preceding fiscal year.

(2) For each operation, activity, program, or service provided by the department, the annual report shall include:

(a) a description of the operation, activity, program, or service;

(b) data selected and used by the department to measure progress, performance, and scope of the operation, activity, program, or service, including summary data;

- (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
- (d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);
- (e) goals, challenges, and achievements related to the operation, activity, program, or service;
- (f) relevant federal and state statutory references and requirements;
- (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
- (h) other information determined by the department that:
- (i) may be needed, useful, or of historical significance; or
 - (ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.
- (3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.
- (4) The department shall:
- (a) submit the annual report in accordance with Section 68-3-14; and
 - (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the department's website.
- (5) ~~[Beginning in 2025,]~~ On or before November 1 of each year, in addition to the annual report required by Subsection (1), the department shall provide a written report to the Education Interim Committee ~~[about]~~ on the progress of the One Utah Service Fellowship Program created in Section 9-20-301, including the progress of the Utah Commission on Service and Volunteerism created in Section 9-20-201 on the duties described in Subsection 9-20-301(3) ~~[, by October 1 of each year]~~.
- Section 3. Section **9-6-201** is amended to read:
- 9-6-201 . Division of Arts and Museums -- Creation -- Powers and duties.**
- (1) There is created within the department the Division of Arts and Museums under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division shall:
- (a) advance the interests of arts and museums in the state in all stages of development;
 - (b) promote and encourage the development of arts, museums, and culture in the state;
 - (c) support the efforts of state and local government and nonprofit arts, museums, and

- 164 cultural organizations to encourage the development of arts, museums, and culture in
165 the state;
- 166 (d) provide assistance to museums in the state to improve museums' ability to:
- 167 (i) care for and manage collections;
- 168 (ii) develop quality educational resources such as exhibitions, collections, and
169 publications;
- 170 (iii) provide access to collections for research; and
- 171 (iv) provide other services as needed;
- 172 (e) assist arts and museum organizations in the state in cultural development as needed;
- 173 (f) cooperate with federal agencies and locally sponsor federal projects directed to the
174 development of arts, museums, and culture in the state;
- 175 (g) develop the influence of arts and museums in education and life-long learning;
- 176 (h) cooperate with the private sector, including businesses, charitable interests,
177 educational interests, manufacturers, agriculturalists, and industrialists in arts,
178 museums, and cultural endeavors;
- 179 (i) disseminate information related to arts, museums, and culture by utilizing broadcast
180 media and print media;
- 181 (j) foster, promote, encourage, and facilitate the study, creation, and appreciation of the
182 arts, museums, and culture in the state;
- 183 (k) foster, promote, encourage, and facilitate, the study, creation, and appreciation of the
184 works of indigenous artists in the state;
- 185 (l) advise state and local government agencies and employees regarding arts and
186 museums related issues, including arts and museums capital development projects;
- 187 (m) provide technical advice and information about sources of technical assistance to
188 arts, museums, and cultural organizations in the state;
- 189 (n) develop, coordinate, and support programs, workshops, seminars, and similar
190 activities that provide training for staff members of arts, museums, and cultural
191 organizations in the state;
- 192 (o) undertake research to understand the training needs of the arts, museums, and
193 cultural organizations community and assess how those needs can be met;
- 194 (p) administer grant programs to assist eligible arts, museums, and cultural organizations
195 in the state, including cultural organizations associated with institutions of higher
196 education; and
- 197 (q) create strategic partnerships to advance the development of arts, museums, and

cultural organizations in the state.

Section 4. Section **9-6-301** is amended to read:

9-6-301 . Utah Arts and Museums Advisory Board.

- (1) There is created within the division the Utah Arts and Museums Advisory Board.
- (2)(a) Except as provided in Subsection (2)(b), the arts and museums board shall consist of nine members appointed or reappointed by the governor to four-year terms with the advice and consent of the Senate.
- (b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of arts and museums board members are staggered so that approximately half of the arts and museums board is appointed every two years.
- (3) The governor shall appoint:
 - (a) five members who are working artists or administrators, one from each of the following areas:
 - (i) visual arts, media arts, architecture, or design;
 - (ii) literature;
 - (iii) music;
 - (iv) folk, traditional, or native arts; and
 - (v) theater or dance;
 - (b) two members who are qualified, trained, and experienced museum professionals who each have a minimum of five years of continuous paid work experience at a museum;
 - (c) one member who is knowledgeable in or appreciative of the arts or museums; and
 - (d) one member who has expertise in technology, marketing, business, or finance.
- (4) The governor shall appoint members described in Subsection (3) from the state at large with due consideration for organizational size and geographical representation.
- (5) When a vacancy occurs in the membership for any reason, the governor shall, within 30 days after the date on which the vacancy occurs, appoint a replacement with the advice and consent of the Senate, for the unexpired term.
- (6) A simple majority of the voting members of the arts and museums board constitutes a quorum for the transaction of business.
- (7)(a) The arts and museums board members shall elect a chair and a vice chair from among the arts and museums board's members.
- (b) The chair and the vice chair shall serve a term of two years.
- (8) The arts and museums board shall meet at least twice each year.
- (9) A member of the arts and museums board may not receive compensation or benefits for

the member's service, but may receive per diem and travel expenses in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(10) Except as provided in Subsection (9), a member may not receive any gifts, prizes, or awards of money from division funds during the member's term of office.

(11) The division shall provide staff to the arts and museums board.

Section 5. Section **9-7-101** is amended to read:

9-7-101 . Definitions.

As used in this chapter:

(1) "Board" means the State Library Board created in Section 9-7-204.

~~[(2) "Digital library" means the web-accessible digital library of state publications created under Section 9-7-208.]~~

~~[(3)]~~ (2) "Division" means the State Library Division.

~~[(4)]~~ (3) "Internet policy" means the public library online access policy required in Section 9-7-215.

~~[(5) "Legislative staff office" means the Office of Legislative Research and General Counsel.]~~

~~[(6) "Legislative publication" means:]~~

~~[(a) the Utah Code after the legislative staff office prepares an updated Utah Code database incorporating amendments to the Utah Code;]~~

~~[(b) the Laws of Utah; and]~~

~~[(c) the Utah Constitution after the legislative staff office incorporates into the Utah Constitution amendments to the Utah Constitution that passed during the preceding regular general election.]~~

~~[(7)]~~ (4) "Library board" means the library board of directors appointed locally as authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for library services within a city or county of the state, regardless of the title by which the board is known locally.

~~[(8) "Physical format" means a transportable medium in which analog or digital information is published, such as print, microform, magnetic disk, or optical disk.]~~

~~[(9)]~~ (5) "Political subdivision" means a county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.

~~[(10)(a) "State agency" means:]~~

266 [(i) the state; or]

267 [(ii) an office, department, division or other agency or instrumentality of the state.]

268 [(b) "State agency" does not include:]

269 [(i) the Office of Legislative Research and General Counsel;]

270 [(ii) a political subdivision; or]

271 [(iii) a state institution of higher education.]

272 [(11) "State institution of higher education" means an institution described in Section
273 53B-2-101 or any other university or college that is established and maintained by the
274 state.]

275 [(12)(a) "State publication" means any information issued or published by a state
276 agency for distribution.]

277 [(b) "State publication" includes a book, compilation, directory, map, fact sheet,
278 newsletter, brochure, bulletin, journal, magazine, pamphlet, periodical, report, video
279 recording, and electronic publication.]

280 [(c) "State publication" does not include public information, as that term is defined in
281 Section 63A-16-601.]

282 Section 6. Section **9-7-201** is amended to read:

283 **9-7-201 . State Library Division -- Creation -- Purpose.**

284 (1) There is created within the department the State Library Division under the
285 administration and general supervision of the executive director or the designee of the
286 executive director.

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

288 (3)[(a)] The division shall function as the library authority for:

289 [(i)] (a) general library services;

290 [(ii)] (b) mobile library services; and

291 [(iii)] ~~providing for permanent public access to state publications; and~~

292 [(iv)] (c) other services considered proper for a state library.

293 [(b) The division is responsible for providing access to legislative publications, as
294 provided in this part, that the legislative staff office deposits with the division.]

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

296 **9-7-203 . Division duties.**

297 Subject to the requirements of this part, the division shall:

298 (1) establish, operate, and maintain[:]

299 [(a) a state publications collection;]

300 ~~[(b) a digital library of state publications and legislative publications; and]~~

301 ~~[(e)]~~ a bibliographic control system;

302 (2) cooperate with:

303 ~~[(a) other state agencies to facilitate public access to government information through~~
304 ~~electronic networks or other means;]~~

305 ~~[(b)]~~ (a) other state or national libraries or library agencies; and

306 ~~[(e)]~~ (b) the federal government or agencies in accepting federal aid whether in the form
307 of funds or otherwise;

308 (3) receive bequests, gifts, and endowments of money and deposit the funds with the state
309 treasurer to be placed in the State Library Donation Fund, which funds shall be held for
310 the purpose, if any, specifically directed by the donor; and

311 (4) receive bequests, gifts, and endowments of property to be held, used, or disposed of, as
312 directed by the donor:

313 (a) in accordance with the division's policies for collection development; and

314 (b) with the approval of the Division of Finance.

315 Section 8. Section **9-7-205** is amended to read:

316 **9-7-205 . Duties of board and director.**

317 (1) The board shall:

318 (a) promote, develop, and organize a state library and make provisions for the state
319 library's housing;

320 (b) promote and develop library services throughout the state in cooperation with other
321 state or municipal libraries, schools, or other agencies wherever practical;

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

324 (d) supervise the books and materials of the state library and require the keeping of
325 careful and complete records of the condition and affairs of the state library;

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

329 (f) serve as the agency of the state for the administration of state or federal funds that
330 may be appropriated to further library development within the state;

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

- (h) give assistance, advice, and counsel to all tax-supported libraries within the state and to all communities or persons proposing to establish a tax-supported library and conduct courses and institutes on the approved methods of operation, selection of books, or other activities necessary to the proper administration of a library;
- (i) furnish or contract for the furnishing of library or information service to state officials, state departments, or any groups that in the opinion of the director warrant the furnishing of those services, particularly through the facilities of traveling libraries to those parts of the state otherwise inadequately supplied by libraries;
- (j) where sufficient need exists and if the director considers it advisable, establish and maintain special departments in the state library to provide services for the blind, visually impaired, persons with disabilities, and professional, occupational, and other groups;

~~[(k) administer a state publications and legislative publications library program by collecting state publications and legislative publications, providing access to state publications and legislative publications through the digital library, and providing a bibliographic control system;]~~

~~[(†)]~~ (k) require the collection of information and statistics necessary to the work of the state library and the distribution of findings and reports;

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

~~[(n)]~~ (m) develop standards for public libraries.

- (2) The director shall, under the policy direction of the board, carry out the responsibilities under Subsection (1).

Section 9. Section **9-7-213** is amended to read:

9-7-213 . Rulemaking.

The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to implement and administer the provisions of this chapter including:

~~[(1) standards for submitting state publications to the division under Section 9-7-207;]~~

~~[(2)]~~ (1) the method by which grants are made to individual libraries, but not including appropriations made directly to any other agency or institution;

~~[(3)]~~ (2) standards for the certification of public librarians; and

~~[(4)]~~ (3) standards for the public library online access policy required in Section 9-7-215.

Section 10. Section **9-7-219** is enacted to read:

9-7-219 . Community Library Enhancement Fund Grant Program.

- (1) There is created within the division the Community Library Enhancement Fund Grant Program, consisting of grants to be distributed to certified public libraries within the state for:
- (a) collection development;
 - (b) patron-facing technology;
 - (c) programming;
 - (d) compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.; and
 - (e) minor capital projects.

- (2) The division shall:
- (a) establish a formula-based grant application process that includes the following data points:
 - (i) service area;
 - (ii) population served;
 - (iii) local operating expenditures;
 - (iv) median household income; and
 - (v) state certification status;
 - (b) assign and distribute funding based on the established criteria described in Subsection (2)(a); and
 - (c) gather metrics to analyze grant effectiveness and impact.

Section 11. Section **9-8-210** is enacted to read:

9-8-210 . Utah Women's History Initiative -- Creation -- Duties.

- (1) There is created within the society the Utah Women's History Initiative under the administration and supervision of the director or the designee of the director.
- (2) The Utah Women's History Initiative shall:
- (a) function as an educational outlet for the society to educate the public on the contribution of women to Utah history;
 - (b) bring attention to the stories of women to deepen understanding and appreciation of women's roles in Utah history;
 - (c) provide support to museums, historical organizations, and other cultural organizations to promote and preserve the history of women in Utah; and
 - (d) stimulate research, study, and activity in the field of women's history.

Section 12. Section **9-8a-309** is amended to read:

9-8a-309 . Ancient human remains on nonfederal lands that are not state lands.

(1) If a person knows or has reason to know that the person discovered ancient human remains on nonfederal land that is not state land:

(a) the person shall:

- (i) cease activity in the area of the discovery until activity may be resumed in accordance with Subsection ~~[(1)(e)]~~ (2)(c);
- (ii) notify a local law enforcement agency in accordance with Section 76-9-704; and
- (iii) notify the person who owns or controls the nonfederal land, if that person is different than the person who discovers the ancient human remains; and

(b) the person who owns or controls the nonfederal land shall:

- (i) require that activity in the area of the discovery cease until activity may be resumed in accordance with Subsection ~~[(1)(e)]~~ (2)(c); and
- (ii) make a reasonable effort to protect the discovered ancient human remains before activity may be resumed in accordance with Subsection ~~[(1)(e)]~~ (2)(c).

~~(2)(e)~~ (a) ~~(i)~~ If the local law enforcement agency believes after being notified under [~~this~~] Subsection (1) that a person may have discovered ancient human remains, the local law enforcement agency shall contact the Antiquities Section~~[-]~~ , which shall:

~~[(ii) The Antiquities Section shall:]~~

~~[(A)]~~ (i) within two business days of the day on which the Antiquities Section is notified by local law enforcement, notify the landowner that the Antiquities Section may excavate and retrieve the human remains with the landowner's permission; and

~~[(B)]~~ (ii) if the landowner gives the landowner's permission, excavate the human remains by no later than:

~~[(H)]~~ (A) five business days from the day on which the Antiquities Section obtains the permission of the landowner under this Subsection ~~[(1)]~~ (2); or

~~[(H)]~~ (B) if extraordinary circumstances exist as provided in Subsection ~~[(1)(d)]~~ , ~~(2)(b)~~ , within the time period designated by the director not to exceed 30 days from the day on which the Antiquities Section obtains the permission of the landowner under this Subsection ~~[(1)]~~ (2).

~~[(d)]~~ (b)(i) The ~~[director]~~ officer may grant the Antiquities Section an extension of time for excavation and retrieval of ancient human remains not to exceed 30 days from the day on which the Antiquities Section obtains the permission of the

landowner under this Subsection ~~[(1)]~~ (2), if the ~~[director]~~ officer determines that extraordinary circumstances exist on the basis of objective criteria such as:

- (A) the unusual scope of the ancient human remains;
- (B) the complexity or difficulty of excavation or retrieval of the ancient human remains; or
- (C) the landowner's concerns related to the excavation or retrieval of the ancient human remains.

(ii) If the landowner objects to the time period designated by the ~~[director]~~ officer, the landowner may appeal the decision to the executive director of the department in writing.

(iii) If the executive director receives an appeal from the landowner under this Subsection ~~[(1)(d)]~~ (2)(b), the executive director shall:

- (A) decide on the appeal within two business days; and
- (B)(I) uphold the decision of the ~~[director]~~ officer; or
- (II) designate a shorter time period than the ~~[director]~~ officer designated for the excavation and retrieval of the ancient human remains.

(iv) An appeal under this Subsection ~~[(1)(d)]~~ (2)(b) may not be the cause for the delay of the excavation and retrieval of the ancient human remains.

(v) A decision and appeal under this Subsection ~~[(1)(d)]~~ (2)(b) is exempt from Title 63G, Chapter 4, Administrative Procedures Act.

~~[(e)]~~ (c) A person that owns or controls nonfederal land that is not state land may engage in or permit others to engage in activities in the area of the discovery without violating this part or Section 76-9-704 if once notified of the discovery of ancient human remains on the nonfederal land, the person:

- (i) consents to the Antiquities Section excavating and retrieving the ancient human remains; and
- (ii) engages in or permits others to engage in activities in the area of the discovery only after:
 - (A) the day on which the Antiquities Section removes the ancient human remains from the nonfederal land; or
 - (B) the time period described in Subsection ~~[(1)(e)(ii)(B)]~~ (2)(a).

~~[(2)]~~ (3) A person that owns or controls nonfederal land that is not state land may not be required to pay any costs incurred by the state associated with the ancient human remains, including costs associated with the costs of the:

- (a) discovery of ancient human remains;
- (b) excavation or retrieval of ancient human remains; or
- (c) determination of ownership or disposition of ancient human remains.

~~[(3)]~~ (4) For nonfederal land that is not state land, nothing in this section limits or prohibits the Antiquities Section and a person who owns or controls the nonfederal land from entering into an agreement addressing the ancient human remains that allows for different terms than those provided in this section.

~~[(4)]~~ (5) The ownership and control of ancient human remains that are the ancient human remains of a Native American shall be determined in accordance with Chapter 9, Part 4, Native American Grave Protection and Repatriation Act:

- (a) if the ancient human remains are in ~~[possession]~~ temporary custody of the state;
- (b) if the ancient human remains are not known to have been discovered on lands owned, controlled, or held in trust by the federal government; and
- (c) regardless of when the ancient human remains are discovered.

~~[(5)]~~ (6) This section:

- (a) does not apply to ancient human remains that are subject to the provisions and procedures of:
 - (i) federal law; or
 - (ii) Part 4, Historic Sites; and
- (b) does not modify any property rights of a person that owns or controls nonfederal land except as to the ownership of the ancient human remains.

~~[(6)]~~ (7) The office, Antiquities Section, or Division of Indian Affairs may not make rules that impose any requirement on a person who discovers ancient human remains or who owns or controls nonfederal land that is not state land on which ancient human remains are discovered that is not expressly provided for in this section.

Section 13. Section **9-9-403** is amended to read:

9-9-403 . Ownership and disposition of Native American remains.

- (1) If Native American remains are discovered on nonfederal lands on or after April 30, 2007, the ownership or control of the Native American remains shall be determined in the following priority:
 - (a) first, in the lineal descendants of the Native American;
 - (b) second, if the lineal descendants cannot be ascertained, in the Indian tribe that:
 - (i) has the closest cultural affiliation with the Native American remains; and
 - (ii) states a claim for the Native American remains; or

(c) third:

(i) in the Indian tribe that is recognized as aboriginally occupying the area in which the Native American remains are discovered, if:

(A) cultural affiliation of the Native American remains cannot be reasonably ascertained;

(B) the land is recognized either by a final judgment of the Indian Claims Commission or through other evidence as the exclusive or joint aboriginal land of some Indian tribe; and

(C) that tribe states a claim for the Native American remains; or

(ii) in a different tribe if:

(A) it can be shown by a preponderance of the evidence that that different tribe has a stronger genetic or cultural relationship with the Native American remains; and

(B) that different tribe states a claim for the Native American remains.

(2) Subject to Subsection (7), Native American remains discovered on nonfederal lands that are not claimed under Subsection (1) shall be ~~[disposed of]~~ cared for in accordance with rules made by the division:

(a) consistent with Chapter 8a, Part 3, Antiquities; and

(b) in consultation with Native American groups, representatives of repositories, and the review committee established under Section 9-9-405.

(3) The intentional removal or excavation of Native American remains from state lands may be permitted only if:

(a) the Native American remains are excavated or removed pursuant to a permit issued under Section 9-8a-305;

(b) the Native American remains are excavated or removed after consultation with and written consent of the owner of the state land; and

(c) the ownership or right of control of the disposition of the Native American remains is determined as provided in Subsections (1) and (2).

(4)(a) A person who knows or has reason to know that the person has discovered Native American remains on state lands after March 17, 1992, shall notify, in writing, the appropriate state agency having primary management authority over the lands as provided in Chapter 8a, Part 3, Antiquities.

(b) If the discovery occurs in connection with construction, mining, logging, agriculture, or a related activity, the person shall:

- (i) cease the activity in the area of the discovery;
- (ii) make a reasonable effort to protect the Native American remains discovered before resuming the activity; and
- (iii) provide notice of discovery to the appropriate state agency under Subsection (4)(a).

(c) Following notification under Subsections (4)(a) and (b) and upon certification by the head of the appropriate state agency that notification is received, the activity may resume after compliance with Section 76-9-704.

(5)(a) Scientific study of Native American remains may be carried out only with approval of the owner of the Native American remains as established in Subsections (1) and (2).

(b)(i) If ownership is unknown, study before identifying ownership is restricted to those sufficient to identify ownership.

(ii) Study to identify ownership shall be approved only in accordance with rules made by the division in consultation with the review committee.

(c) The Native American remains may not be retained longer than 90 days after the date of establishing ownership.

(6)(a) Ownership of Native American remains shall be determined in accordance with this Subsection (6) if:

- (i) there are multiple claims of ownership under Subsection (1) of Native American remains; and
- (ii) the division cannot clearly determine which claimant is the most appropriate claimant.

(b) If the conditions of Subsection (6)(a) are met, the appropriate state agency having primary authority over the lands as provided in Chapter 8a, Part 3, Antiquities, may retain the remains until:

(i) the multiple claimants for the Native American remains enter into an agreement concerning the disposition of the Native American remains;

(ii) the dispute is resolved through an administrative process:

(A) established by rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(B) that is exempt from Title 63G, Chapter 4, Administrative Procedures Act; or

(iii) after the administrative process described in Subsection (6)(b)(ii) is complete, the dispute is resolved by a court of competent jurisdiction.

(7) The division may not make rules that impose any requirement on a person who discovers Native American remains or owns or controls nonfederal land that is not state land on which Native American remains are discovered that is not expressly provided for in Section 9-8a-309.

(8) For purposes of this part, if Native American remains are discovered on nonfederal land that is not state land, the Antiquities Section is considered the state agency having primary authority over the nonfederal land.

(9) This part does not modify any property rights of a person that owns or controls nonfederal land except as to the ownership of Native American remains.

(10) The state agency with primary authority over state land shall retain temporary custody of the remains until the ownership and control of the ancient human remains is determined in accordance with this part.

Section 14. Section **9-9-405** is amended to read:

9-9-405 . Review committee.

(1) There is created a Native American Remains Review Committee.

(2)(a) The review committee shall be composed of seven members as follows:

(i) four Tribal members shall be appointed by the director from nominations submitted by the elected officials of Indian Tribal Nations described in Subsection 9-9-104.5(2)(b); and

(ii) three shall be appointed by the director from nominations submitted by representatives of Utah's repositories.

(b) A member appointed under Subsection (2)(a)(i) shall have familiarity and experience with this part.

(c)(i) A member appointed under Subsection (2)(a)(i) serves at the will of the director, and if the member represents an Indian Tribal Nation, at the will of that Indian Tribal Nation.

(ii) Removal of a member who represents an Indian Tribal Nation requires the joint decision of the director and the Indian Tribal Nation.

~~[(ii)]~~ (iii) A member appointed under Subsection (2)(a)(ii) serves at the will of the director, and if the member represents a repository, at the will of the [Division of State History] State Historic Preservation Office.

(iv) Removal of a member who represents a repository requires the joint decision of the director and the [Division of State History] State Historic Preservation Office.

(d) When a vacancy occurs in the membership for any reason, the director shall appoint

- 606 a replacement in the same manner as the original appointment under Subsection (2)(a).
- 607 (e) A member may not receive compensation or benefits for the member's service, but
- 608 may receive per diem and travel expenses in accordance with:
- 609 (i) Section 63A-3-106;
- 610 (ii) Section 63A-3-107; and
- 611 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 612 63A-3-107.
- 613 (f) The review committee shall designate one of its members as chair.
- 614 (3) The review committee shall:
- 615 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair
- 616 and objective consideration and assessment of all available relevant information and
- 617 evidence;
- 618 (b) review a finding relating to the following, subject to the rules made by the division
- 619 under Subsection 9-9-403(6):
- 620 (i) the identity or cultural affiliation of Native American remains; or
- 621 (ii) the return of Native American remains;
- 622 (c) facilitate the resolution of a dispute among Indian Tribal Nations or lineal
- 623 descendants and state agencies relating to the return of Native American remains,
- 624 including convening the parties to the dispute if considered desirable;
- 625 (d) consult with Indian Tribal Nations on matters within the scope of the work of the
- 626 review committee affecting these Indian Tribal Nations;
- 627 (e) consult with the division in the development of rules to carry out this part;
- 628 (f) perform other related functions as the division may assign to the review committee;
- 629 and
- 630 (g) make recommendations, if appropriate, regarding care of Native American remains
- 631 that are to be repatriated.
- 632 (4) A record or finding made by the review committee relating to the identity of or cultural
- 633 affiliation of Native American remains and the return of Native American remains may
- 634 be admissible in any action brought under this part.
- 635 (5) The appropriate state agency having primary authority over the lands as provided in
- 636 Chapter 8a, Part 3, Antiquities, shall ensure that the review committee has reasonable
- 637 access to:
- 638 (a) Native American remains under review; and
- 639 (b) associated scientific and historical documents.

- 640 (6) The division shall provide reasonable administrative and staff support necessary for the
641 deliberations of the review committee.
- 642 (7) The department shall include in the annual written report described in Section 9-1-208:
643 (a) a description of the progress made, and any barriers encountered, by the review
644 committee in implementing this section during the previous year; and
645 (b) a review of the expenditures made from the Native American Repatriation Restricted
646 Account.

647 Section 15. Section **9-20-301** is amended to read:

648 **9-20-301 . One Utah Service Fellowship Program.**

- 649 (1) As used in this section:
- 650 (a) "Education expense" means:
- 651 (i) tuition or student fees at an institution of higher education that participates in the
652 federal student assistance programs under the Higher Education Act of 1965, Title
653 IV, 20 U.S.C. Sec. 1070 et seq.;
- 654 (ii) repayment of a student loan; or
- 655 (iii) other costs of attending an institution of higher education described in
656 Subsection (1)(a)(i), as determined by the institution of higher education, for a
657 degree or certificate program, including:
- 658 (A) books;
- 659 (B) supplies;
- 660 (C) transportation; and
- 661 (D) room and board.
- 662 (b) "Eligible recipient" means an individual who:
- 663 (i) is a resident of the state;
- 664 (ii) successfully completes a fellowship under the program created in this section; and
- 665 (iii) is a citizen of the United States, a United States national, or a lawful permanent
666 resident of the United States.
- 667 (c) "Federal requirements for the AmeriCorps program" means:
- 668 (i) relevant provisions of:
- 669 (A) the National and Community Service Act of 1990, as amended, 42 U.S.C.
670 12501 et seq. and corresponding federal regulations;
- 671 (B) the Domestic Volunteer Service Act of 1973, as amended, 42 U.S.C. 4950 et
672 seq. and corresponding federal regulations;
- 673 (C) the Federal Grant and Cooperative Agreement Act, as amended, 31 U.S.C.

- 674 Secs. 6301 through 6308, and corresponding federal regulations; and
675 (D) AmeriCorps' C.F.R. Chapters XII and XXV; and
676 (ii) any terms and conditions associated with AmeriCorps federal grant funding.
- 677 (d) "Institution of higher education" means an entity described in Section 53B-2-101.
- 678 (e) "Participant" means an individual who:
679 (i) is at least 17 years old;
680 (ii) has received a high school diploma or its equivalent; and
681 (iii) the program matches with a qualified partner organization to participate in a
682 program fellowship.
- 683 (f) "Program" means the One Utah Service Fellowship Program created in Subsection (2).
- 684 (g) "Qualified partner organization" means a nonprofit organization or government
685 entity that:
686 (i) agrees to supervise a participant for the total number of hours outlined in an
687 agreement with the commission;
688 (ii) except as provided in [~~Subsection (4)(d)~~] Subsection (4)(d) or (6), agrees to
689 provide the commission or third-party administrator with a matching [~~stipend~~]
690 living allowance amount, as described in Subsection (5); and
691 (iii) provides a valuable service to the community, as determined by the commission
692 or commission rule.
- 693 (h) "State funds" means funds that are owned, held, or administered by the department to
694 administer the program as described in this section.
- 695 [~~(h)~~] (i) "Supervise" means the act of overseeing the work of an eligible recipient,
696 including some component of in-person interaction.
- 697 [~~(i)~~] (j) "Third-party administrator" means an entity that:
698 (i) enters into an agreement with the department, as described in Subsection [~~(7)~~] (8);
699 (ii) is a nonprofit organization or subsidiary or affiliate of an institution of higher
700 education;
701 (iii) has experience managing programs and funds; and
702 (iv) operates under the direction of the commission.
- 703 [~~(j)~~] (k) "Tuition award" means an amount of money to be used for an education expense,
704 as described in Subsection [~~(6)~~] (7).
- 705 (2) There is created a One Utah Service Fellowship Program to provide meaningful service
706 opportunities to young adults in the state to:
707 (a) prepare young adults for additional educational, training, and career opportunities;

708 (b) address high-priority needs within the state; and

709 (c) provide a [~~stipend~~] living allowance to a participant[~~and~~] , a tuition award to an
710 eligible recipient, or both, in accordance with this section.

711 (3)(a) Subject to appropriations from the Legislature, the commission shall administer
712 the program as described in this section.

713 (b) Except as otherwise provided in an agreement authorized by Subsection [~~(7)(b)~~],
714 (8)(b) the commission:

715 (i) shall create and maintain a list of high-priority policy needs in the state where
716 program service opportunities can provide the most value to the state;

717 (ii) shall receive an application from a potential participant;

718 (iii) shall match a participant to a qualified partner organization for participation in
719 the program;

720 (iv) shall approve a potential qualified partner organization to participate in the
721 program;

722 (v) shall prioritize the placement of participants with qualified partner organizations
723 that address the high-priority policy needs identified under Subsection (3)(b)(i);

724 (vi) shall create and maintain, or contract with a third-party to create and maintain, an
725 online portal that:

726 (A) provides information about the program, including required qualifications for
727 participation, tuition awards, and [~~stipends~~] living allowances;

728 (B) lists all service opportunities with qualified partner organizations that are
729 available through the program; and

730 (C) allows a potential participant to apply for placement with a qualified partner
731 organization;

732 (vii) shall determine the metrics of success of the program, including metrics
733 regarding whether an eligible recipient:

734 (A) matriculates at an institution of higher education after completing a One Utah
735 Service Fellowship; and

736 (B) graduates from, or otherwise completes a program at, an institution of higher
737 education;

738 (viii) shall measure the success of the program according to the metrics determined
739 under this Subsection (3);

740 (ix) shall coordinate with institutions of higher education to:

741 (A) connect an eligible recipient with additional educational, training,

- 742 certification, and apprenticeship opportunities; and
- 743 (B) explore options to award an eligible recipient with academic credit for the
- 744 completion of a One Utah Service Fellowship, in addition to the [~~stipend and~~]
- 745 living allowance or tuition award;
- 746 (x) may solicit private donations to supplement the program, including to offset a
- 747 matching amount required of a qualified partner organization as described in
- 748 Subsection (4)(d);
- 749 (xi) shall market and provide outreach for the program; and
- 750 (xii) shall ensure the program complies with federal requirements for the AmeriCorps
- 751 program administered by the commission.
- 752 (c) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
- 753 Administrative Rulemaking Act, to implement this section.
- 754 (4)(a) Before a participant begins providing service through the program, the
- 755 commission or third-party administrator shall enter into an agreement with the
- 756 participant that outlines the mutual expectations of the program and the participant.
- 757 (b) The agreement described in Subsection (4)(a) shall detail the requirements of the
- 758 participant, including:
- 759 (i) the total number of hours of service required under the agreement;
- 760 (ii) the exact [~~stipend~~] living allowance amount promised to the participant in
- 761 consideration of service, as described in Subsection (5);
- 762 (iii) the exact tuition award amount promised to the participant upon successful
- 763 completion of a fellowship, as described in Subsection [~~(6)~~] (7);
- 764 (iv) qualifications for and acceptable uses of the tuition award, as described in
- 765 Subsection [~~(6)~~] (7); and
- 766 (v) the circumstances under which the agreement may be amended, including for
- 767 participant hardship or compelling personal circumstance.
- 768 (c)(i) Subject to Subsection (4)(c)(ii), before a qualified partner organization accepts
- 769 service from a participant, the commission or third-party administrator shall enter
- 770 into an agreement with the qualified partner organization that outlines the mutual
- 771 expectations of the program and qualified partner organization, including the
- 772 exact amount of matching funds the qualified partner organization shall provide to
- 773 the commission or third-party administrator to contribute to a participant's [~~stipend~~]
- 774 living allowance.
- 775 (ii) A qualified partner organization shall agree to contribute no less than \$5 per hour

776 to a participant's [stipend] living allowance, except as provided in Subsection (4)(d)
777 or (6).

778 (d) The agreement described in Subsection (4)(c) may include a provision that the
779 program is reducing the qualified partner organization's matching fund requirement
780 due to the receipt of private donations or eligible federal funds, as described in [
781 ~~Subsection (5)(e)(ii)(B)] Subsection (5)(c)(ii)~~.

782 (5)(a) The commission may issue, and a participant may receive, a [stipend] living
783 allowance for participating in the program.

784 (b) The commission or third-party administrator shall establish the exact [stipend] living
785 allowance for a participant on a case-by-case basis in an agreement described in
786 Subsection (4)(a) based on:

787 (i) available program funds; and

788 (ii) any matching funds provided by:

789 (A) the qualified partner organization with which the participant is paired;[~~or~~]

790 (B) private donations to the program[-] ; or

791 (C) eligible federal funds.

792 (c)(i) [~~The~~] Except as provided in Subsection (5)(c)(v) or (6), the commission or
793 third-party administrator shall contribute no less than \$5 per hour and no more
794 than \$8,500 of the [~~stipend described in this Subsection (5), up to \$8,500]~~ living
795 allowance for the term of the agreement, from state funds.

796 (ii) The commission or third-party administrator shall supplement the remaining
797 balance of a participant's exact [stipend] living allowance from [~~non-state~~] other
798 funds, including:

799 (A) matching funds provided to the commission or third-party administrator by a
800 qualified partner organization;[~~or~~]

801 (B) private donations to the program[-] ; or

802 (C) eligible federal funds.

803 (iii) The commission or third-party administrator shall prioritize a participant's
804 placement with a qualified partner organization based on the amount of matching
805 funds the qualified partner organization proposes to provide to the commission or
806 third-party administrator under Subsection (5)(c)(ii)(A), with preference going to
807 qualified partner organizations that offer to provide a larger [stipend] living
808 allowance.

809 (iv)(A) The living allowance and matching fund amounts shall be established

- 810 based on the participant's total committed number of hours over the term of the
811 agreement described in Subsection (4).
- 812 (B) The commission or third-party administrator shall disburse the [stipend] living
813 allowance to a participant in equal installments[, no less frequently than every
814 three months] over the term of the agreement, no less than on a monthly basis.
- 815 (v) The commission or third-party administrator may contribute less than \$5 per hour
816 of the living allowance from state funds when another source of eligible funding,
817 including funding from federal programs, covers all or part of the living allowance
818 for the term of the agreement.
- 819 (6)(a) A qualified partner organization that is an institution of higher education, as
820 defined in Section 53B-2-102, may enter into an agreement with a participant for a
821 tuition-only award under the program.
- 822 (b) The agreement in Subsection (6)(a) shall comply with the requirements described in
823 Subsections (4)(a), (4)(b)(i), and (4)(b)(iii) through (v).
- 824 (c)(i) The director shall review the participation data collected under Subsection (6)(a)
825 to determine whether the participation data supports continuing the tuition-only
826 award under the program.
- 827 (ii) If the participation data fails to support a tuition-only award under the program,
828 the director may discontinue the tuition-only award under the program.
- 829 [(6)] (7)(a) The commission or third-party administrator shall provide or approve the
830 issuance of a tuition award to an eligible recipient, according to the terms of the
831 agreement described in Subsection (4), upon the successful completion of a
832 fellowship.
- 833 (b) The commission or third-party administrator shall establish the exact tuition award
834 for an eligible recipient on a case-by-case basis in an agreement described in
835 Subsection (4)(a)[based on:] .
- 836 [(f)] (c) The commission or third-party shall base the tuition award described in
837 Subsection (7)(b) on federal requirements for the AmeriCorps program, including:
838 [(A)] (i) a maximum tuition award for 1,700 hours of service during [a one-year period]
839 the term of service; and
840 [(B)] (ii) a reduced tuition award for a reduced number of hours of service during [a
841 one-year period] the term of service.
- 842 [(e)] (d) An eligible recipient may use a tuition award:
843 (i) for an eligible education expense;

(ii) over a seven-year period beginning the day on which the eligible recipient receives the tuition award; and

(iii) subject to the requirements of Subsection ~~[(6)(d)]~~ (7)(e).

~~[(d)]~~ (e) If the program uses state funds to supplement a tuition award:

(i) the commission or third-party administrator shall detail that information in an agreement described in Subsection (4)(a); and

(ii) an eligible recipient may only use the state funded portion of the tuition award after the eligible recipient has exhausted any scholarship, education grant, or financial aid.

~~[(7)]~~ (8) The department:

(a) shall provide staff support to the commission to implement the program; and

(b) may enter into an agreement with one or more third-party administrators to administer and implement the program under the direction of the commission, including by fulfilling one or more of the responsibilities described in Subsection (3).

Section 16. Section **9-24-102** is amended to read:

9-24-102 . Utah Main Street Program.

(1) The Utah Main Street Program is created within the department to provide resources for the revitalization of downtown or commercial district areas of municipalities in the state.

(2) To implement the program, the department may:

(a) become a member of the National Main Street Center and partner with the center to become the statewide coordinating program for participating municipalities in the state;

(b) establish criteria for the designation of one or more local main street programs[~~administered by a county or municipality in the state~~];

(c) provide training and technical assistance to local governments, businesses, property owners, or other organizations that participate in designated local main street programs;

(d) subject to appropriations from the Legislature or other funding, provide financial assistance to designated local main street programs; and

(e) under the direction of the executive director, appoint full-time staff.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules establishing the eligibility and reporting criteria for a downtown area to receive a local main street program designation, including requirements for:

- 878 (a) local government support of the local main street program; and
879 (b) collecting data to measure economic development impact.
880 (4) The department shall include in the annual written report described in Section 9-1-208,
881 a report of the program's operations and details of which municipalities have received:
882 (a) a local main street program designation; and
883 (b) financial support from the program.

884 Section 17. **Repealer.**

885 This bill repeals:

886 Section **9-7-207, Deposit of state publications and legislative publications.**

887 Section **9-7-208, Digital library for permanent public access.**

888 Section 18. **Effective Date.**

889 This bill takes effect on May 7, 2025.