

## **Chapter 8 History Development**

### **Part 1 General Provisions**

#### **9-8-102 Definitions.**

As used in this chapter:

- (1) "Board" means the Board of State History.
- (2) "Director" means the director of the Utah Historical Society.
- (3) "Documentary materials" means written or documentary information contained in published materials, manuscript collections, archival materials, photographs, sound recordings, motion pictures, and other written, visual, and aural materials, except government records.
- (4) "Historical artifacts" means objects produced or shaped by human efforts, a natural object deliberately selected and used by a human, an object of aesthetic interest, and any human-made objects produced, used, or valued by the historic peoples of Utah.
- (5) "Museum of Utah" means the Museum of Utah created in Section 9-8-209.
- (6) "Society" means the Utah Historical Society created in Section 9-8-201.

Amended by Chapter 160, 2023 General Session

### **Part 2 Utah Historical Society**

#### **9-8-201 Utah Historical Society -- Creation -- Purpose.**

- (1) There is created within the department the Utah Historical Society under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division, with the advisement of the board, shall be the authority of the state for state history and shall perform those duties set forth in statute.

Amended by Chapter 160, 2023 General Session

#### **9-8-202 Appointment of director.**

The executive director, in consultation with the board, shall appoint a director of the society:

- (1) to serve as the chief administrative officer of the society; and
- (2) who is experienced in administration and is qualified by education or training in the field of state history.

Amended by Chapter 160, 2023 General Session

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#### **9-8-203 Society duties.**

- (1) The society shall:
  - (a) stimulate research, study, and activity in the field of Utah history and related history;
  - (b) maintain a specialized history library;
  - (c) collect, preserve, and administer historical records relating to the history of Utah;

- (d) administer, collect, preserve, document, interpret, develop, and exhibit historical artifacts, documentary materials, and other objects relating to the history of Utah for educational and cultural purposes;
  - (e) edit and publish historical records;
  - (f) cooperate with local, state, and federal agencies and schools and museums to provide coordinated and organized activities for the collection, documentation, preservation, interpretation, and exhibition of historical artifacts related to the state;
  - (g) promote, coordinate, and administer:
    - (i) Utah History Day at the Capitol designated under Section 63G-1-401; and
    - (ii) the Utah History Day program affiliated with National History Day, which includes a series of regional, state, and national activities and competitions for students from grades 4 through 12;
  - (h) subject to legislative appropriations, provide grants and technical assistance as necessary and appropriate;
  - (i) administer educational programs in partnership with public and private entities in the state; and
  - (j) comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in adjudicative proceedings.
- (2)
- (a) The society may acquire or produce reproductions of historical artifacts and documentary materials for educational and cultural use.
  - (b) The society may only deaccession an item described in Subsection (2)(a) in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
  - (c) An item that is to be deaccessioned in accordance with society rule is not state surplus property as that term is defined in Section 63A-2-101.5, and the society is not subject to the surplus property program described in Section 63A-2-401 for that item.
- (3) To promote an appreciation of Utah history and to increase heritage tourism in the state, the society shall:
- (a) create and maintain an inventory of all historic markers and monuments that are accessible to the public throughout the state;
  - (b) enter into cooperative agreements with other groups and organizations to collect and maintain the information needed for the inventory described in Subsection (3)(a);
  - (c) encourage the use of volunteers to help collect the information and to maintain the inventory described in Subsection (3)(a);
  - (d) publicize the information in the inventory described in Subsection (3)(a) in a variety of forms and media, especially to encourage Utah citizens and tourists to visit the markers and monuments;
  - (e) work with public and private landowners, heritage organizations, and volunteer groups to help maintain, repair, and landscape around the markers and monuments; and
  - (f) make the inventory described in Subsection (3)(a) available upon request to all other public and private history and heritage organizations, tourism organizations and businesses, and others.
- (4) This chapter may not be construed to authorize the society to acquire by purchase any historical artifacts, documentary materials, or specimens that are restricted from sale by federal law or the laws of any state, territory, or foreign nation.

### **9-8-204 Board of State History.**

- (1) There is created within the department the Board of State History.
- (2) The board shall consist of 11 members appointed or reappointed by the governor with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, who are persons with an interest in the subject matter of the society's responsibilities.
- (3)
  - (a) Except as required by Subsection (3)(b), the members shall be appointed for terms of four years and shall serve until their successors are appointed and qualified.
  - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (4) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
- (5) A simple majority of the board constitutes a quorum for conducting board business.
- (6) The governor shall select a chair and vice chair from the board members.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

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

- (1) The board shall:
  - (a) make policies to direct the director in carrying out the director's duties;
  - (b) approve the society's rules; and
  - (c) make recommendations to the society for the development of programs consistent with this chapter.
- (2) The board may establish subcommittees to assist the board, the office, and the society in carrying out the responsibilities under this chapter.

Amended by Chapter 160, 2023 General Session

### **9-8-206 Historical magazine, books, documents, and microfilms -- Proceeds.**

- (1) The society shall, under the direction of the board:
  - (a) compile and publish an historical magazine to be furnished to supporting members of the society in accordance with membership subscriptions or to be sold independently of membership; and
  - (b) publish and sell other books, documents, and microfilms at reasonable prices to be approved by the director.
- (2) Proceeds from sales under this section shall be deposited into the General Fund as a dedicated credit.

Amended by Chapter 160, 2023 General Session

### **9-8-207 Donations -- Accounting.**

- (1) The society may:
  - (a) solicit memberships from persons interested in the work of the society and charge dues for memberships commensurate with the advantages of membership and the needs of the society; and
  - (b) receive gifts, donations, bequests, devises, and endowments of money or property, which shall then become the property of the state of Utah.
- (2)
  - (a) If the donor directs that money or property donated under Subsection (1)(b) be used in a specified manner, then the society shall use the money or property in accordance with the specified directions.
  - (b) Except as provided in Subsection (2)(a), all donated money and the proceeds from donated property, together with the charges realized from society memberships, shall be deposited in the General Fund as restricted revenue of the society.

Amended by Chapter 33, 2023 General Session

Amended by Chapter 160, 2023 General Session

### **9-8-209 Museum of Utah -- Creation -- Duties.**

- (1) There is created within the society the Museum of Utah under the administration and supervision of the director or the designee of the director.
- (2) The Museum of Utah shall:
  - (a) function as an educational outlet for the society to educate the public on Utah history and culture;
  - (b) support the efforts of museums, historical organizations, and other cultural organizations in the state to promote and preserve Utah history and culture;
  - (c) serve as a repository of historical artifacts acquired by the department;
  - (d) stimulate research, study, and activity in the field of Utah history, museum studies, and related fields of study;
  - (e) exhibit collections to the public on a regular schedule;
  - (f) facilitate strategic partnerships to advance the development of museums, historical organizations, and other cultural organizations in the state; and
  - (g) establish and coordinate best practices among museum professionals and volunteers in the state.

Enacted by Chapter 160, 2023 General Session

## **Part 7**

### **Endowment Funds for History Organizations**

#### **9-8-701 Definitions.**

As used in this part:

- (1) "Endowment fund" means any history endowment fund created under this part by a qualifying organization.
- (2) "Qualifying organization" means any Utah nonprofit history organization or local government that qualifies under this chapter to create an endowment fund, receive state money into the

endowment fund, match state money deposited into the endowment fund, and expend interest earned on the endowment fund.

Amended by Chapter 160, 2023 General Session

**9-8-703 History organization endowment funds.**

- (1)
  - (a) A qualifying organization may create an endowment fund into which there may be deposited money from funds made available for that purpose.
  - (b) The principal of each endowment fund may not be expended by the qualifying organization and shall be held in perpetuity solely by the qualifying organization or by the Division of Finance on behalf of the qualifying organization.
  - (c) Only interest income earned on the amount in each endowment fund may be expended by the qualifying organization.
  - (d) The principal of each endowment fund shall be invested in accordance with Title 51, Chapter 7, State Money Management Act.
- (2)
  - (a) An endowment fund shall be administered in accordance with generally accepted accounting principles by professional endowment management personnel.
  - (b) If no professional endowment management personnel is available to the qualifying organization, the qualifying organization shall place the endowment fund in a state fiduciary fund administered by the Division of Finance.
- (3) If an endowment fund is administered by the Division of Finance:
  - (a) the Division of Finance shall allocate interest income to the qualifying organization annually; and
  - (b) the costs for the administration shall be deducted from the interest income before allocations of interest income may be made to the qualifying organization by the Division of Finance.

Amended by Chapter 451, 2022 General Session

**9-8-704 Society duties.**

The society shall, according to policy established by the board:

- (1) allocate money from funds made available for that purpose to the endowment fund created by a qualifying organization under Section 9-8-703;
- (2) determine the eligibility of each qualifying organization to receive money from funds made available for that purpose into the endowment fund of the qualifying organization;
- (3) determine the matching amount each qualifying organization must raise in order to qualify to receive money from funds made available for that purpose;
- (4) establish a date by which each qualifying organization must provide the qualifying organization's matching funds;
- (5) verify that matching funds have been provided by each qualifying organization by the date determined in Subsection (4); and
- (6) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing criteria for determining the eligibility of qualifying organizations to receive money from funds made available for that purpose.

Amended by Chapter 160, 2023 General Session

**9-8-705 Eligibility requirements of qualifying history organizations -- Allocation limitations -- Matching requirements.**

- (1) A qualifying organization may apply to receive money from funds made available for that purpose to be deposited into an endowment fund created under Section 9-8-703 if the qualifying organization has:
  - (a) received a grant from the society during one of the three years immediately before making application for money under this Subsection (1); or
  - (b) not received a grant from the society within the past three years, the qualifying organization may receive a grant upon approval by the society according to policy of the board.
- (2)
  - (a) The maximum amount that may be allocated to each qualifying organization from funds made available for that purpose shall be determined by the society in a format to be developed in consultation with the board.
  - (b) The minimum amount that may be allocated to each qualifying organization from funds made available for that purpose is \$2,500.
- (3)
  - (a) After the society determines that a qualifying organization is eligible to receive money from funds made available for that purpose and before any money is allocated to the qualifying organization from available funds, the qualifying organization shall match the amount qualified for by money raised and designated exclusively for that purpose.
  - (b) State money and in-kind contributions may not be used to match money from funds made available for that purpose.
- (4) Endowment match money shall be based on a sliding scale as follows:
  - (a) amounts requested up to \$20,000 shall be matched one-to-one;
  - (b) any additional amount requested that makes the aggregate amount requested exceed \$20,000 but not exceed \$50,000 shall be matched two-to-one; and
  - (c) any additional amount requested that makes the aggregate amount requested exceed \$50,000 shall be matched three-to-one.
- (5)
  - (a) Qualifying organizations shall raise the matching amount by a date determined by the board.
  - (b)
    - (i) Money from funds made available for that purpose shall be released to the qualifying organization upon verification by the society that the matching money has been received on or before the date determined under Subsection (5)(a).
    - (ii) Verification of matching funds shall be made by a certified public accountant.
  - (c) Money from funds made available for that purpose shall be released to qualifying organizations with professional endowment management in increments of at least \$2,500 as audited confirmation of matching funds is received by the board.
  - (d) Money from funds made available for that purpose shall be granted to each qualifying organization on the basis of the matching funds the qualifying organization has raised by the date determined under Subsection (5)(a).

Amended by Chapter 160, 2023 General Session

**9-8-707 Spending restrictions -- Return of endowment.**

- (1) A qualifying organization that has received endowment money from funds made available for that purpose:
  - (a) may not expend the money or the required matching money in the endowment fund; and

- (b) may expend the interest income earned on the money in the endowment fund.
- (2) If a qualifying organization expends money in violation of Subsection (1), the qualifying organization shall return the amount of money allocated by the society under this part to the Division of Finance.

Amended by Chapter 160, 2023 General Session

**9-8-708 Federal match.**

Funds allocated by the society under this part to enable qualifying organizations to create their own endowment funds may be construed as a state match for any history funding from the federal government that may be provided.

Amended by Chapter 160, 2023 General Session

## **Part 8**

### **Preserve Our Heritage Act**

**9-8-801 Short title.**

This part is known as the "Preserve Our Heritage Act."

Renumbered and Amended by Chapter 241, 1992 General Session

**9-8-802 Definitions.**

As used in this part:

- (1) "Agency" means any administrative unit of Utah's state government or local government.
- (2) "Collecting institutions" means historical societies, museums, archives, and libraries that:
  - (a) are operated by nonprofit corporations in Utah or by any Utah agency; and
  - (b) preserve our heritage and benefit society by acquiring and preserving repositied materials.
- (3) "Repositied materials" means materials of historical, artistic, literary, or scientific value that are deposited in a collecting institution.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-8-803 Ownership of repositied materials -- Rebuttable presumption.**

- (1) There is established a rebuttable presumption that any repositied materials held by a collecting institution are the property of that collecting institution.
- (2) Any person seeking to claim repositied materials from a collecting institution shall comply with the requirements of this part.

Amended by Chapter 4, 1993 General Session

**9-8-804 Statute of limitations for claiming repositied materials from a collecting institution.**

- (1) Any repositied materials in a collecting institution that are not accompanied by a transfer of title to those materials are considered a gift to the collecting institution when more than 25 years have passed from the date of the last written contact between the depositor or his successors and the collecting institution.

- (2) No depositor or any of his successors may bring an action against the collecting institution to recover the repositied materials from the collecting institution after 25 years have passed from the date of the last written contact between the depositor or his successors and the collecting institution.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-8-805 Collecting institutions -- Perfecting title -- Notice.**

- (1)
  - (a) A collecting institution wishing to perfect title in any repositied materials held by it shall send, by registered mail, a notice containing the information required by Subsection (2) to the last-known address of the last-known owner of the property.
  - (b) In addition to the requirements of Subsection (1)(a), a collecting institution shall publish a notice containing the information required by Subsection (2) if:
    - (i) the owner or the address of the owner of the repositied materials is unknown;
    - (ii) the mailed notice is returned to the collecting institution without a forwarding address; or
    - (iii) the owner does not claim the repositied materials within 90 days after the day on which the notice was mailed.
  - (c) If required to publish a notice under Subsection (1)(b), the collecting institution shall publish the notice for two weeks:
    - (i) for the county where the collecting institution is located, as a class A notice under Section 63G-30-102; and
    - (ii) as required in Section 45-1-101.
- (2) Each notice required by this section shall include:
  - (a) the name, if known, and the last-known address, if any, of the last-known owner of the repositied materials;
  - (b) a description of the repositied materials;
  - (c) the name of the collecting institution that has possession of the repositied materials and a person within that institution whom the owner may contact; and
  - (d) a statement that if the repositied materials are not claimed within 90 days from the day on which the notice is published in accordance with Subsection (1)(b), the repositied materials are considered abandoned and become the property of the collecting institution.
- (3) If no one claims repositied materials within 90 days after the day on which notice is published in accordance with Subsection (1)(b), the repositied materials are considered abandoned and are the property of the collecting institution.

Amended by Chapter 435, 2023 General Session

**9-8-806 Claiming repositied materials held by a collecting institution.**

- (1) Any person claiming title to repositied materials held by a collecting institution shall demonstrate that he owns all right, title, and interest in the repositied materials to the reasonable satisfaction of the collecting institution.
- (2)
  - (a) Any person claiming to represent a person claiming title to repositied materials held by a collecting institution shall demonstrate, to the reasonable satisfaction of the collecting institution, that:
    - (i) he represents every person who owns any right, title, or interest in the repositied materials; and



- (ii) the persons he represents own all right, title, and interest in the repositied materials.
- (b) Any person claiming he represents persons holding all right, title, and interest in the repositied materials may demonstrate that representation by providing the collecting institution with a notarized authorization from every person having any right, title, or interest in the repositied materials.

Renumbered and Amended by Chapter 241, 1992 General Session

## **Part 9**

### **State Historic Preservation Office**